

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 20 October 2020, carried out remotely, via video-conference
8:30 – 9:10

Present:

Eoin O'Shea (Chair): *CMS*

Barry Vitou: *Greenberg Traurig*

David Corker: *Corker Binning*

Roger Best: *Clifford Chance*

Susannah Cogman: *Herbert Smith Freehills*

Andrew Katzen: *Hickman & Rose*

Michelle de Kluyver: *Addleshaw Goddard*

Simon Joytson-Bechal: *Turnstone Law*

Louise Delahunty: *McCann Fitzgerald*

Hannah Laming: *Peters & Peters*

Rodney Warren: *Warren's Law and Advocacy*

Jeremy Summers: *Osborne Clarke*

Eve Giles: *Allen & Overy*

Camilla de Silva: *Simmons & Simmons*

Pamela Reddy: *Norton Rose Fulbright*

Tom Epps: *Cooley*

Omar Qureshi: *CMS*

Sacha Harber-Kelly: *Gibson Dunn*

Louise Hodges: *Kingsely Napley* (for part)

In attendance:

David Hobart: *CLLS*

Kevin Hart: *CLLS*

Amy Wilkinson (Secretary): *CMS*

1. Introductions and apologies

The Chair mentioned apologies received for non-attendance from several members. The Chair also introduced Amy Wilkinson as the new Secretary of the Committee.

2. Minutes of last meeting

The Chair apologised that the draft minutes from the previous meeting had not yet been circulated but would follow in the next week for comment.

3. Pre-Interview Disclosure & Interview Practices

The issue has been on the backburner for both the SFO and the Committee given the disruption caused by the Covid-19 pandemic. However, the Chair proposed making it an agenda item for the discussions with Lisa Osofsky of the SFO during the December 2020 meeting.

4. Practice/Legal updates

The Chair noted that KBR Inc. had recently appealed to the Supreme Court challenging the extraterritorial power of s.2 notices and the ability of the SFO to compel documents from overseas persons. Barry Vitou explained that a judgment was expected before Christmas.

The Chair also noted that the SFO had recently made comments on the topic of extending corporate criminal liability, which he proposed could be discussed further with representatives of the Law Commission at the next Committee meeting.

5. Optional judge-alone trials for fraud offences

The Chair explained that a working group (led by David Corker) had considered the issue of optional non-jury trials for fraud offences and concluded that it was not going to recommend to the Committee that this course of action would be recommended. The working group's conclusion was not to recommend non-jury trials. There was a proposal that the working group prepare a written summary of the pros and cons discussed, as to which the WG will report.

6. Law Society, Criminal Law Committee Liaison

The Chair noted it was important to continue the dialogue and offer support to criminal defence solicitors, particularly those in the legal aid sector.

7. Consultations

The Chair confirmed that the Economic Crime Levy final response had been circulated to the Committee. The Chair noted that the Law Society's response to the consultation was aligned with the approach of the Committee.

The Independent Review of Administrative Law was also discussed. The Chair proposed that the Committee did not respond to this consultation, given the review covers a range of topics, many of which are not directly within Committee members' areas of expertise. However, the Chair invited any alternative views and reminded members that they could provide an individual response, if necessary.

8. External Guest Speakers

The Chair encouraged members to attend the next meeting on 24 November 2020, which would be attended by Sir Nick Green (Chair) and Professor Penny Lewis (Commissioner for Criminal Law) of the Law Commission.

The Chair also confirmed Lisa Osofsky (Director) and Sarah Lawson QC (GC) of the SFO would attend the 15 December 2020 meeting. The Committee discussed the format for the meeting with the SFO. The Chair noted that at previous meetings, Ms Osofsky had been flexible and allowed a Q&A session rather than a typical prepared statement. The Chair agreed to confirm the position with the SFO and prepare some questions in advance of that meeting.

9. Membership

The Chair confirmed the process for new membership applications.

10. AOB

No other business was raised.

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