

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 9 March 2021, carried out remotely, via video-conference
8:30 – 9:30

Present:

Eoin O'Shea (Chair): *CMS*
Barry Vitou: *Greenberg Turig*
Tony Woodcock: *SH Legal*
David Corker: *Corker Binning*
Andrew Katzen: *Hickman & Rose*
Camilla de Silva: *Simmons & Simmons*
Daren Allen: *Dentons*
Neil Blundell: *Macfarlanes*
Jonathan Cotton: *Slaughter & May*
Pamela Reddy: *Norton Rose Fulbright*
Jeremy Summers: *Osborne Clarke*
Hannah Laming: *Peters & Peters*
Rosanne Kay: *Reed Smith*
Tom Epps: *Cooley*
Rita Mitchell: *Wilkie Farr*
Simon Joyston-Bechal: *Turnstone Law*
Sam Eastwood: *Mayer Brown*
Roger Best: *Clifford Chance*
Susannah Cogman: *Herbert Smith Freehills*
Sarah Wallace: *Constantine Law*
Louise Delahunty: *McCann Fitzgerald*

In attendance:

Kevin Hart: *CLLS*
David Hobart: *CLLS*
Amy Wilkinson (Secretary): *CMS*

1. Minutes and apologies

The Chair noted apologies and reminded members that the minutes of the previous meeting had been circulated and invited comments. Subject to any comments, the minutes would be finalised and filed within 24 hours.

2. Welcome to new members

The Chair welcomed new members, Rita Mitchell of Wilkie Farr and Rosanne Kay of Reed Smith.

3. Pre-interview disclosure and interview practices

Members discussed their recent experiences of interviews with law enforcement agencies, including experiences of interviews conducted remotely by a foreign prosecutor and the FCA.

The Chair provided an update on his discussions with the SFO on pre-interview disclosure and undertakings since the last meeting. He explained that he continued to contact the SFO with a view to setting up a meeting and would report back once this had been scheduled.

4. Practice and legal updates

Barry Vitou provided detailed insight into the recent Supreme Court ruling on *KBR Inc.*, which confirmed certain territorial limits on S. 2 notices issued by the SFO. There was a wider discussion among members.

Members also discussed their recent experiences in relation to cash restraint/account freezing matters, including of trying to persuade magistrates to allow an overseas client to appear as a witness via video-link and the use of remote hearings more generally in cash restraint/account freezing cases.

There was a brief discussion of the conviction of an individual defendant in the Unaoil investigation.

5. Consultations and legislation

The Chair noted that he had yet to hear anything from the Law Commission in respect of their review of the law on corporate criminal liability.

The Chair mentioned that he had been asked to join a working group on privilege by the Law Society, which would be looking at updating relevant guidance to the profession on the issue.

Hannah Laming explained that the Justice Select Committee had recently published a report on private prosecutions, which sought to restrict fee recovery. Hannah agreed to circulate a link to the published report after the meeting.

6. Future guest speakers

The Chair confirmed he had reached out to several contacts following suggestions by committee members made during the last meeting.

Other potential speakers from government and private practice were discussed.

7. AOB

No other business was raised. The Chair confirmed the next meeting would be held on 20 April 2021.

9 March 2021