

City of London Law Society – Corporate Crime and Corruption Committee

Minutes of a meeting of the 5 June 2018 at Reed Smith, The Broadgate Tower, 20 Primrose Street, London, EC2A 2RS

Present:

Eoin O'Shea: *Reed Smith* (Chair)
Barry Donnelly: *Macfarlanes*
Barry Vitou: *Greenberg Traurig*
Jonathan Pickworth: *White & Case*
Marcus Thompson: *Kirkland & Ellis*
Rodney Warren: *Warren's Law and Advocacy*
Roger Best: *Clifford Chance*
Sam Eastwood: *Norton Rose*
Simon Joyston-Bechal: *Turnstone Law*
Stephen Gentle: *Simmons & Simmons* (for Nick Benwell)
Tony Woodcock: *Stephenson Harwood*

Apologies:

Alistair Graham: *Mayer Brown*
Andrew Keltie: *Baker & McKenzie*
Angela Pearson: *Ashurst*
Arnondo Chakrabarti: *Allen & Overy*
Caroline Wojtylak: *Skadden, Arps, Slate, Meagher & Flom*
Daren Allen: *Dentons UKMEA*
David Corker: *Corker Binning*
Davina Given: *RPC*
David Hobart: *CLLS*
Louise Delahunty: *Cooley*
Jeremy Summers: *Osborne Clarke*
Matthew Getz: *Boies, Schiller & Flexner*
Omar Qureshi: *CMS Cameron McKenna*
Nick Benwell: *Simmons & Simmons*
Ryan Junck: *Skadden, Arps, Slate, Meagher & Flom*
Sarah Wallace: *Irwin Mitchell*
Satinder Dogra: *Linklaters*
Satnam Tumani: *Kirkland & Ellis*
Susannah Cogman: *Herbert Smith Freehills*

1. Apologies

The Chair gave apologies for those who were not able to attend the meeting.

2. Minutes of the last meeting

The Minutes of the last meeting (24 April 2018) were approved. The Chair directed for the Minutes be filed on the CLLS website 24 hours after the meeting, providing Committee members not present with additional time to send any final comments on the draft.

3. UK Bribery Act Review – HOL

There was a discussion of the House of Lords Committee's review of the UK Bribery Act (chaired by Lord Saville). It was noted that the most likely area of focus will be around Sections 7 and 8. The Chair noted that the Law Society wished to coordinate a response with the Committee. It was agreed that the Chair would take action as regards the Terms of Reference and noted that the Committee would be likely to submit a response.

4. Practice / Legal updates

The Chair commented that the ENRC appeal in relation to privilege issues will be heard by the Court of Appeal on 3 July 2018.

5. S.2 interview practices

There was a discussion regarding an attempt by the Department of Justice to depose two individuals through the SFO as part of their extradition proceedings. Ultimately the request was withdrawn as the criminal proceedings were dismissed.

The lack of judicial scrutiny over NCA raids was discussed, as were difficulties obtaining letters of request. The discussion progressed to the new head of bribery at the NCA.

There was a discussion regarding ongoing litigation as to whether a person can be compelled to bring documents into the jurisdiction pursuant to S2 CJA 1987. In this case an individual was served with a Section 2 notice to bring documents located in the US to the UK. Post hearing submissions have been made to the Divisional Court but the judgment has not been given.

6. Guest Speakers:

The Chair confirmed that Simon York of HMRC is scheduled to attend the Committee meeting on 11 September 2018.

The following speakers may be of interest:

- Lisa Osofsky
- Andy Lewis
- Adam Steiglitz

7. AOB

Sam Eastwood mentioned a charity called Beating Time and is run by Heather Philips, a former partner at Olswang. The organisation is looking for funding primarily but there may be other ways in which support could be offered.

There was also a discussion of the group Professionals Against Corruption. The initiative will be housed in the Institute of Business Ethics.

JMLIT meeting: the history of this intelligence-gathering initiative arising from law enforcement was discussed.

There was a discussion of the Proceeds of Crime Act Group, which looks to bring together government, lawyers, compliance professionals and accountants to replicate a JMLIT approach for outside the financial services sector.