

## **City of London Law Society – Corporate Crime and Corruption Committee**

Minutes of a meeting of the 12 March 2019 at Reed Smith, The Broadgate Tower, 20  
Primrose Street, London, EC2A 2RS

### **Present:**

Eoin O'Shea (Chair): *Reed Smith LLP*  
Davina Given: *RPC*  
Jeremy Summers: *Osborne Clarke*  
Judith Seddon: *Ropes & Gray*  
Louise Hodges: *Kingsley Napley*  
Matthew Getz: *Bois Schiller Flexner (UK) LLP*  
Michelle de Kluyver: *Addleshaw Goddard*  
Sam Eastwood: *Mayer Brown*  
Sara Teasdale: *Byrne & Partners LLP*  
Stephen Gentle: *Simmons & Simmons*  
Jonathan Cotton: *Slaughter & May* (by telephone)  
Roger Best: *Clifford Chance* (by telephone)  
Simon Joyston-Bechal: *Turnstone Law* (by telephone)  
Tony Woodcock: *Stephenson Harwood* (by telephone)  
Eve Giles: *Allen & Overy* (by telephone)

### **In attendance:**

Catherine Lewis: *Reed Smith*  
Kevin Hart: *CLLS*

### **Apologies:**

David Corker: *Corker Binning*  
Sacha Harber-Kelly: *Gibson, Dunn & Crutcher UK LLP*  
David Hobart: *CLLS*

#### **1. Apologies for absence**

The Chair mentioned apologies received for non-attendance.

#### **2. Minutes of last meeting**

The Minutes of the last meeting (29 January 2019) were approved. The Chair directed that the Minutes be filed on the CLLS website 24 hours after the meeting, subject to Committee members sending any final comments on the draft.

### **3. Practice / Legal updates**

There was a discussion of the evidential issues in *XYZ Ltd* case ([2018] EWHC 856).

The Committee noted that, in addition to the recent Tesco acquittals, other SFO investigations had recently been terminated including Rolls Royce and GSK. The Committee considered the potential impact on other old cases that were still open.

The use of DPAs and the impact on cases involving individual directors was also discussed.

### **4. Pre-Interview Disclosure & Interview Practices – Consultation**

There was discussion of the recent correspondence between the SFO and the Chair. It was noted that the Committee's campaign over some years to persuade the SFO to permit a note-taker as well as the more senior lawyer at Section 2 interviews had finally had some success.

### **5. Privilege-Waivers and SFO approach to cooperation**

The Committee discussed the consultation with the SFO as to undertakings and pre-investigation disclosure. The Committee discussed the risk of collateral waiver that arose from waiving privilege. The Chair asked members to submit anonymised anecdotal experience so the Committee had a record of the types of problems being seen.

### **6. Upcoming consultations / legislation**

The House of Lords is due to publish its report on the Bribery Act on 14 March 2019.

The Law Commission is reviewing the confiscation regime under the Proceedings of Crime Act 2002 and its report is anticipated September 2019.

### **7. External Guest Speakers**

Commander Karen Baxter (National Coordinator for Economic Crime) will speak at the Committee Meeting scheduled for 23 April 2019.

The following speakers were also proposed to the Committee:

- Sara Lawson, General Counsel, SFO
- Camilla de Silva, Joint Head of Bribery and Corruption, SFO
- Elizabeth Barrett, Executive Counsel, FRC
- Mark Steward, Director of Enforcement and Market Oversight, FCA

### **8. AOB**

Kevin Hart informed them Committee that there is a specialist meeting at the City of London Law Society on the running of CLLS taking place shortly and he would feedback thereafter.

There was no further business and the meeting was adjourned.