



THE FRAUD
LAWYERS ASSOCIATION

John Sheehan,
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By email

Dear John,

I am writing on behalf of the Fraud Lawyers Association (FLA) concerning the SFO Operational Guidance relating to s2 interviews published on 6 June. We thank you for drawing our attention to this on the morning of the publication.

We are disappointed, however, that following the closing of the consultation period we received no further information on the development of these guidelines or proposals for reform, in particular because many of the concerns raised by the FLA and the Law Society last year still remain.

We expressed our concerns at the time that there appears to be a negative view developing within the SFO about the role that a legal advisor plays which was portrayed as an obstructive presence. The new Guidelines appear to perpetuate this view.

The FLA strongly believes that the presence of a legal adviser is beneficial to all parties, although their function and professional duty is primarily to act in the best interests of their client. We are particularly concerned that the restrictions in the guidelines as drafted could conflict with the professional obligations of a legal adviser, particularly as regards undertakings, confidentiality and legal professional privilege.

We will continue to canvass our members as to the impact of these new guidelines. We will provide a more detailed response in due course but in the meantime we request a follow up meeting with the SFO to discuss the implications of the updated guidance.

I look forward to hearing from you.

Yours sincerely,

Louise Hodges, Chair, Fraud Lawyers Association