

# Pam Shearing

Managing Partner | Qualified: 2007



*Pam Shearing is a solicitor whose practice focuses on white-collar defence, global investigations, and corporate governance and compliance.*

She has extensive experience of leading teams advising global companies and individuals on the full spectrum of corporate governance and financial regulation, including working with international corporations on multi-jurisdictional complex investigations; and advising on the implications of international anti-corruption legislation.

She has significant experience of reviewing, designing and implementing corporate governance and compliance programs, and providing workshops and training to senior compliance professionals, drawing upon both her experience of working in-house in the Legal and Compliance team of the Head Office of a FTSE 30 company, but also her years working in private practice. Pam also advises companies on the implications of the Modern Slavery Act and human rights legislation.

Pam has a unique combined background of both private practice and in-house experience. Prior to joining Fulcrum in 2017, she spent over ten years working in both private practice (both at a Magic Circle firm in their London and Brussels offices, and at a leading US law firm) and also in-house at the Head Office of a FTSE 30 leading company.

She has also been engaged throughout her legal career in related graduate academic studies, research, and teaching in international law. In 2016, she completed her PhD during which she spent a year as a Fulbright Scholar and Visiting Fellow at Harvard University. She has taught for several years at leading London universities and currently teaches undergraduates at King's College London.

## Experience

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## White Collar Defence & Advisory

Pam advises and acts for multi-national clients and senior individuals across a wide range of white-collar crime and regulatory matters. She regularly leads teams providing advice relating to the implications of the UK Bribery Act 2010, the Criminal Finances Act 2017, money laundering, sanctions, and proceeds of crime.

She has also led teams acting as defence counsel for clients under investigation by government agencies or regulators.

### Recent highlights include:

- ENRC in relation to the SFO's long-running investigation of alleged bribery and corruption in Africa.
- A senior executive witness in the context of the SFO's Rio Tinto investigation.
- An internal investigation for a multinational client as part of the DoJ's on-going investigation into Huawei and breaches of sanctions in Iran; and advice (along with US co-counsel) in relation to client's interaction with the DoJ.
- A multinational company relating to concerns that there had been failures to prevent the facilitation of tax evasion under the Criminal Finance Act 2017.
- Acting for an international businessman and his associated trusts in claims against third parties arising out of the SFO's investigation into the businessman.

## Bribery & Corruption

Since its implementation Pam has been advising and acting for multinational clients as well as senior individuals in respect of their obligations under the Bribery Act 2010.

She has extensive experience of providing advice on issues arising under the Bribery Act, the Foreign Corrupt Practices Act, the Proceeds of Crime Act; and the Criminal Finances Act, as well as assisting with the design, review and implementation of bespoke anti-bribery compliance and training programs.

### Significant experience includes:

- Numerous clients on compliance issues arising from the implementation of the UK Bribery Act 2010, including reviewing and devising compliance manuals and programmes.
- Delivering training to clients in relation to the introduction of the Act and its impact upon their business.
- ENRC in relation to the SFO's long-running investigation of alleged bribery and corruption in Africa.
- A senior executive witness in the context of the SFO's Rio Tinto investigation.
- Advising an international businessman operating in the mining and oil extraction industry in respect of public allegations raised by a third party.
- Acting for the Government of Barbados in relation to an investigation into alleged corruption affecting various departments, associated with the former Government (which held office between 2008 and 2018).

- An internal investigation for a multinational client relating to concerns relating to failures to prevent the facilitation of tax evasion under the Criminal Finance Act 2017.
- Representing a senior executive witness in the context of the SFO's Rio Tinto investigation.
- Several internal investigations for a Fortune 500 client in relation to various allegations of bribery and corruption.

## Contentious Regulatory

Pam advises across a broad range of investigations and contentious regulatory issues including compliance and risk management.

Significant recent experience includes advising an international company in relation to its obligations under the Criminal Finances Act.

## Extradition & Interpol

Pam advises clients on extradition (including under the European Arrest Warrant) requests and INTERPOL Red Notices.

### Significant experience includes:

- Acted for a client challenging Interpol's attempts to extradite a client in violation of the client's human rights.

## Fraud

Pam advises and represents companies and individuals across a spectrum of matters involving allegations of criminal fraud, including complex fraud, false accounting, and offences under the Fraud Act. She recently conducted an internal investigation for a client as part of the DoJ's investigation into Huawei, which involved a number of allegations of serious fraud.

## Money Laundering

Pam advises regulated and non-regulated clients on all aspects of anti-money laundering legislation.

### Recent significance experience includes:

- Advising a client as to whether a Suspicious Activity Report ("SAR") should be filed.
- Designing an online anti-money laundering training programme for an AIM listed client.

## Sanctions & Export Controls

Pam advises multinational clients on EU and UK sanctions, including providing advice in relation to specific transactions, designing and implementing compliance programmes, conducting internal investigations, and managing relationships with regulators.

**Significant recent experience includes:**

- An internal investigation for a multinational client as part of the DoJ's on-going investigation into Huawei and breaches of sanctions in Iran.
- Advice for a mining client on compliance steps it could take to mitigate any risk of sanctions violations by business partners.
- In-house experience in the Legal and Compliance department of the Head Office of a global FTSE 30 company.

## Tax Evasion & Fraud

Pam conducts investigations and provides advice in relation to the offence of failing to prevent the facilitation of tax evasion.

**Recent significant experience includes:**

- An internal investigation for an AIM client into concerns that there had been failures to prevent the facilitation of tax evasion under the Criminal Finance Act 2017.
- Designing facilitation of tax evasion training for an AIM client.

## Remote Investigations

Pam has conducted remote investigations (either in whole or in part) throughout her career and has also written and delivered training on the topic.

**Recent significant experience includes:**

- Managing investigations as Counsel in the Legal and Compliance department of the Head Office of a global FTSE 30 company.
- Acting for the Government of Barbados in relation to an investigation into alleged corruption affecting various departments, associated with the former Government (which held office between 2008 and 2018).
- Delivering training and webinars to clients in relation to conducting remote investigations.

## Criminal & Regulatory Investigations

Pam has led teams representing and defending multinational corporate clients as well as senior individuals in relation to investigations undertaken by a number of government agencies and regulators including the SFO, DoJ, and the FCA.

**Significant experience includes:**

- Representation and advice to a multi-national client in relation to the DoJ's on-going investigation into Huawei and breaches of sanctions in Iran.
- ENRC in relation to the SFO's long-running investigation of alleged bribery and corruption in Africa.
- A senior executive witness in the context of the SFO's Rio Tinto investigation.

- Significant in-house experience working at the Head Office of a global FTSE 30 company which involved management of multiple complex investigations including working across multiple jurisdictions (including Europe, Africa and Australia), liaising across various departments and offices of the Company's global operations (both legal and non-legal), and working with numerous external advisers (including government bodies and regulatory authorities, notably the UK MoD, the US DoJ, the US State Department) and providing support to members of the Company's Board and the Company's DoJ appointed Monitor.

## Compliance & ESG

Pam advises multinational clients on the design and implementation of corporate governance and compliance programs, including providing workshops and training to compliance teams, senior professionals, and business leaders, drawing upon both her experience of working in-house in a FTSE 30 global company, but also her years working in private practice.

### Significant recent experience includes:

- Advising multiple clients on the adequacy of their compliance procedures following the introduction of the UK Bribery Act 2010.
- Advising an international mining company in respect of its ongoing compliance processes, practices and policies, including in relation to anti-bribery and corruption, and sanctions.
- Advising an international company in respect of its compliance restructuring and engagement in new business sectors and the consequential implications for the compliance function.
- Advising a multinational company in relation to the implications of the Criminal Finances Act 2017.
- Advising a multinational company in respect of anti-money laundering procedures and training to prevent the facilitation of tax.
- Advising an international beverage distributor in respect of directors' duties.
- Significant in-house experience reviewing, developing, implementing and enforcing leading-edge ethics and compliance projects in accordance with all applicable laws to embed behaviours and standards across a FTSE 30 company in respect of ABC, Ethics, and Risk Management.
- In-house experience at a FTSE 30 company of training multiple teams across the business in ethical and compliant behaviour including ABC, Ethics, sanctions, and compliance.
- Providing direct support to the President of the International Bar Association in respect of the IBA's work on tackling Human Trafficking and developing training courses for Police Officers working across England and Wales.
- Drafted a report for an international body concerning the implementation of international guidance governing Business and Human Rights (including consideration of OECD Guidelines on Multinational Enterprises and UN Guiding Principles on Business and Human Rights).
- Contributed to the IBA report 'Human Trafficking and Public Corruption' examining the relationship between human trafficking and international corruption.
- Led various pro bono projects for non-governmental organisations and charities on human rights issues, including drafting submissions to the UN and proceedings before regional courts and commissions.
- Designing training materials and workshops for clients following the introduction of the UK's Modern Slavery Act.

## Litigation & Arbitration

Pam is experienced in a broad range of commercial litigation advising corporates and banks on a broad range of contentious matters. She has led teams representing private clients and states across multiple jurisdictions in arbitrations governed by various substantive laws and conducted under the rules of the ICC, LCIA, ICSID, and UNCITRAL. Many of these disputes have contained allegations of fraud, money laundering, tax evasion, or other criminality. She has also advised on a broad range of international law issues.

### Significant experience includes:

- The Russian Federation in respect of a number of claims (alleging expropriation and other breaches) commenced by various former subsidiaries of Yukos Oil under the Energy Charter Treaty and the UNCITRAL Rules.
- Long-running concurrent oil and gas arbitrations (ICC and UNCITRAL rules) against a State entity involving complex expert engineering evidence and the interpretation of GSAs.
- Advised an international minerals company in an arbitration under the ICSID Rules in particular in respect of its duties of disclosure in accordance with rules of privilege.
- Advised an international security and defence company in respect of multiple contractual disputes and arbitrations in various jurisdictions including across Africa, Asia and Europe.
- Advising an international company in a dispute concerning the application and scope of legal privilege in respect of an ongoing SFO investigation.
- Advising individual businessman in respect of a dispute concerning contractual breaches concerning acquisition of an aircraft.

## Sector Experience

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### Mining

Pam has represented and acted for a number of large, global mining companies, as well as senior mining executives on a wide variety of matters ranging from SFO investigations into bribery and corruption, internal investigations, sanctions advice, and arbitration.

### Significant experience includes:

- ENRC in relation to the SFO's long-running investigation into alleged bribery and corruption in Africa.
- A senior executive of Rio Tinto in relation to the SFO's investigation of that company.
- Advice for a mining client on its compliance function, policies and procedures.
- Advice for a mining client on compliance steps it could take to mitigate any risk of sanctions violations by business partners.
- Advising an international businessman operating in the mining and oil extraction industry in respect of public allegations raised by a third party.

## Oil & Gas

Pam has acted for some of the world's largest oil companies as well as States in relation to various matters in the oil and gas sector including anti-corruption due diligence and investor-state arbitration.

### Significant experience includes:

- The Russian Federation in respect of a number of claims (alleging expropriation and other breaches) commenced by various former subsidiaries of Yukos Oil under the Energy Charter Treaty and the UNCITRAL Rules (experience gained from previous firm).
- Long-running concurrent Oil & Gas arbitrations (ICC and UNCITRAL rules) against a State entity involving complex expert engineering evidence and the interpretation of GSAs.
- Advising an international businessman operating in the mining and oil extraction industry in respect of public allegations raised by a third party.

### Highlights/Significant cases:

- Alongside David Williams QC and Quinton Newcomb, Pam has recently updated the bribery and corruption chapter of Fraud (Criminal Law and Procedure) (OUP, 2013).

## Defence & Aerospace

Pam has significant experience in the defence and aviation sector having spent time working in-house within the Legal and Compliance team of an international defence and aviation company. She has also advised aviation companies in relation to commercial disputes during her time in private practice.

### Significant experience includes:

- Working at the Head Office of a global FTSE 30 company which involved management of multiple complex investigations including working across multiple jurisdictions (including Europe, Africa and Australia), liaising across various departments and offices of the Company's global operations (both legal and non-legal), and working with numerous external advisers (including government bodies and regulatory authorities, notably the UK MoD, the US DoJ, the US State Department) and providing support to members of the Company's Board and the Company's DoJ appointed Monitor.

## Extractives

Pam has significant experience in the extractives sector, having represented mining and oil and gas companies, as well as senior executives, in relation to some of the largest SFO investigations in that sector, including ENRC and Rio Tinto.

She also regularly advises clients on compliance issues, including in relation to money laundering, bribery and corruption, and sanctions.

Pam also has experience in representing extractives companies in arbitration.

**Significant recent experience in the sector includes:**

- ENRC in relation to the SFO's long-running investigation into alleged bribery and corruption in Africa.
- A senior executive of Rio Tinto in relation to the SFO's investigation of that company.
- Advice for a mining client on its compliance function, policies and procedures.
- The Russian Federation in respect of a number of claims (alleging expropriation and other breaches) commenced by various former subsidiaries of Yukos.
- Oil under the Energy Charter Treaty and the UNCITRAL Rules (experience gained from previous firm).