

DOJ Expands Opportunities for Cooperation Credit in Criminal Antitrust Investigations

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In a speech on July 11, 2019, Assistant Attorney General Makan Delrahim of the Antitrust Division of the Department of Justice (“DOJ”) announced that, for the first time, DOJ will consider the effectiveness of corporate compliance programs at the charging stage of criminal antitrust investigations. Previously, under the Antitrust Division’s leniency program, only the first participant in the illegal activity to self-report could avoid a guilty plea; other cooperators received credit at sentencing. Companies with effective compliance programs may now receive deferred prosecution agreements, even if they are not the first to self-report.

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