



Ben Sirota on the DOJ Antitrust Division's New Approach to Price-Fixing Cases

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Kobre & Kim's Benjamin Sirota analyzed recent trends in the U.S. Department of Justice Antitrust Division's approach to price-fixing cases for *Law360*'s review of antitrust cases in 2020 so far.

Sirota considers the Antitrust Division's approach to have shown a new level of flexibility more in line with the rest of the department. Previously, "companies tended to have a binary choice, if they weren't the first to self-report and obtain leniency, which is basically play ball and plead guilty or challenge DOJ in court."

Now, companies have "these sort of intermediate choices where they might be able to enter a deferred prosecution agreement or maybe a nonprosecution agreement, which is not the same as pleading guilty," Sirota pointed out. "But it's obviously admitting to the conduct. This way of doing business is closer to department-wide practice than the Antitrust Division has typically been."

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