

Insights



Benjamin Sirota Discusses Recent Changes in U.S. Department of Justice's Antitrust Division with National Law Journal

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The U.S. Department of Justice's (DOJ) Antitrust Division has been direct about decreasing the number of meetings between defense counsel, supervisors and front office officials to press against the client's indictment. This change, which is a continuation of a policy instituted during the Trump administration, aligns the antitrust division with the practice of other DOJ divisions, said Kobre & Kim's Benjamin Sirota, a former prosecutor at the DOJ Antitrust Division, for the National Law Journal.

While for Jonathan Kantar, the Assistant Attorney General for the DOJ Antitrust Division, the preferred direction for the division seems to be focused more on and less on settlement, these initial meetings between defense counsel and prosecution are important for both sides, argues Mr. Sirota. "In my view, both defense counsel and prosecutors have something to gain from these meetings," he said. "At times, defense counsel can impact the prosecutors' appropriate exercise of discretion. It doesn't mean it's guaranteed, but at the margins, it can have an impact. On the prosecutors' side, they may learn something about the defense view of the world that persuades them; and if not, they'll get an inkling of what the defense may argue if this were to actually get to trial."

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