

Insights



Benjamin Sirota on DOJ Antitrust's Evolving Treatment of Corporate Compliance Programs with New York Law Journal

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Kobre & Kim attorney and former Department of Justice (DOJ) Antitrust Division prosecutor Benjamin Sirota discusses the past, present and future of the U.S. Department of Justice Antitrust Division's policy regarding whether to credit corporate compliance programs in charging decisions and at sentencing, and on what terms.

Mr. Sirota details the Antitrust Division's historical "zero credit" enforcement policy, and recent changes that have recognized, in rare cases, substantial improvements to compliance made after the antitrust conduct occurred. Further shifts to the policy, to provide recognition of strong pre-existing compliance programs, may be on the horizon after the Division's announcement of an internal review. "If the Division moves to embrace a more open-ended consideration of corporate compliance programs," explains Sirota, "this policy shift could provide companies with another potentially powerful advocacy tool when seeking to convince the Division to forego criminal charges, bring lesser charges, or recommend the imposition of a lower fine."

[Read the full article here.](#)