

Compliance Today – April 2020

Deputy Assistant Attorney General Richard A. Powers remarks on the state of criminal antitrust enforcement

The following are prepared remarks by Deputy Assistant Attorney General Richard A. Powers delivered February 7, 2020.^[1] He discussed recent litigation and enforcement actions; however, the following excerpt focuses on the portion of his remarks related to cooperation.

“The [Antitrust] Division understands that our cases often are built upon the cooperation of companies and individuals who have chosen to do the right thing.”

“The Justice Manual rightly notes that ‘cooperation can be a favorable course for both the government and the corporation.’ Among the potential benefits, the company receives the opportunity to earn credit for its cooperation efforts. Full, truthful, and continuing cooperation allows the Division and its partners to ‘quickly uncover and address’ antitrust conspiracies by using the cooperation of conspirators against their coconspirators. But it’s not a free ride—in order to attain the benefits of cooperation, companies and individuals must meaningfully assist the Division’s investigation through truthful, thorough, and timely cooperation. I’d like to take this opportunity to explain and clarify the Division’s expectations concerning cooperation on a number of fronts.

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