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### Assessing antitrust compliance programs

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By Jeffrey Kaplan

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In July, Assistant Attorney General Makan Delrahim announced major changes in how the Antitrust Division of the U.S. Department of Justice will make charging decisions in criminal antitrust cases. For decades, the Division used an all-or-nothing approach, bestowing corporate leniency on the first company to self-report a violation but giving no compliance program credit to others, even if they had exemplary programs. Under the new policy, companies with strong compliance programs may be eligible for deferred prosecution agreements even where they were not the first to self-report. This policy change creates a significant new incentive for companies to implement strong antitrust compliance programs.

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