Antitrust Criminal Enforcement

HIGHLIGHTS

- Practitioners Skilled in Cartel-Related Matters
  Wilson Sonsini's antitrust team has been involved in some of the largest cartel investigations.

OVERVIEW

The competition authorities around the globe aggressively investigate and prosecute collusion among competing companies. The U.S. Department of Justice (DOJ), in particular, prosecutes such conduct criminally.

Indeed, DOJ has recently imposed substantial fines and prison sentences against alleged conspirators, including those located abroad. In the 2019 fiscal year, the DOJ’s Antitrust Division obtained judgments of more than $257 million in criminal fines and charged over 30 individuals, including many foreign nationals.

The DOJ’s enforcement efforts are often coordinated with other competition authorities, as many investigations are global in scope. DOJ has also recently initiated the Procurement Collusion Strike Force, which has been active in trying to identify and prosecute criminal antitrust conduct in the government procurement sector.

With these increased enforcement efforts, companies and their employees need experienced, motivated, and pragmatic criminal antitrust counsel—counsel who can steer them clear of potential criminal sanctions and help them avoid the burdens and potential consequences of a criminal antitrust investigation.

Our antitrust team has successfully counseled clients on criminal antitrust issues and represented numerous companies and individuals in investigations and grand jury proceedings across a range of industries. Our team has extensive experience dealing with international investigations and has routinely represented foreign companies and executives before the DOJ as well as other competition authorities.

Our antitrust team members have served as U.S. Attorneys and Department of Justice Antitrust Division prosecutors and senior managers, and have participated on the Antitrust Modernization Commission, which was responsible for overseeing and recommending changes to the criminal antitrust laws and procedures.

Notably, our attorneys have played key roles in some of the most prominent criminal antitrust investigations in recent years, namely the multi-jurisdictional investigations in the financial services, ocean and air transportation, auto parts, and electronics (e.g., DRAM, capacitors) industries.

In total, Wilson Sonsini has served as lead counsel in over 30 different matters over the last five years. Currently, we are representing a number of companies and individuals in connection with several different ongoing DOJ criminal investigations and counseling clients so that they may avoid potential criminal exposure.

Our team handling these matters comprises a deep bench of former antitrust prosecutors and defense counsel. Combined, this team has over 100 years of experience prosecuting or defending criminal antitrust matters. The antitrust cartel team is
led by a former antitrust prosecutor, Mark Rosman, who has 20 years of experience leading some of the largest cartel investigations (marine hose, air transportation) as a lead counsel, trial attorney and prosecutor in the Antitrust Division of the U.S. Justice Department, including as Assistant Chief of the National Criminal Enforcement Section at the DOJ. Global Competition Review referred to Mark as “the real deal,” while Chambers USA described him as a “top-tier-criminal cartel and investigations specialist” and noted that he is “widely regarded as one of the leading criminal litigators in the antitrust space.” He is described by sources as “a very experienced trial attorney.”

This team at Wilson Sonsini is also fortunate to have Brent Snyder, Wendy Waszmer, Karen Sharp, and Jeff VanHooreweghe, all of whom had significant roles at the U.S. Department of Justice. Before joining Wilson Sonsini, Brent served as Deputy Assistant Attorney General for Criminal Enforcement at the DOJ’s Antitrust Division. He also has more than 10 years’ experience investigating and prosecuting criminal antitrust cases as a trial attorney for the Antitrust Division. Most recently, Brent served as CEO of the Hong Kong Competition Commission, Hong Kong’s competition enforcement agency. In Europe, the team is led by Gorka Navea, former Deputy Head of Cartels Directorate of DG Competition of the European Commission, who manages our global cartel practice in Brussels. Additionally, the team recently added Beau Buffier, former Antitrust Bureau Chief of the New York State Office of the Attorney General, who is experienced in coordinating global antitrust investigations before the UK Competition Authority and the European Commission.

Of course, the best offense is a good defense, and we partner with our clients to ensure that they take steps to avoid the prospect of a damaging criminal investigation. The Antitrust Division recently announced a new policy to incentivize corporate antitrust compliance programs. Going forward, the DOJ will formally consider corporate compliance programs at both the charging and sentencing stages in criminal antitrust prosecutions. We work with our clients to set up compliance programs tailored to their business needs and objectives that will benefit the company under the DOJ’s new policy.

**REPRESENTATIVE MATTERS**

Representative Government Criminal Enforcement Matters

Examples of our representations include the following:

- Represents companies and a high-level executive in DOJ “no poach” investigations of illegal hiring practices
- Represents a Korean company and its president in an investigation by the DOJ’s Procurement Collusion Strike Force of bid-rigging in the fuel supply industry
- Represents an individual in a multi-jurisdictional investigation by the DOJ’s Procurement Collusion Strike Force of bid-rigging in the security industry
- Represents a leading pharmaceutical company in an industry-wide federal grand jury investigation, as well as state investigation
- Represents an international supplier of electrical components in a multi-jurisdictional cartel investigation involving price-fixing and market allocation allegations
- Represents a financial services company before the DOJ in a cartel (bid-rigging) investigation
- Represents an individual in the DOJ’s criminal investigation of a conspiracy to fix prices and rig bids for broiler chicken products
- Represented several companies and individuals in the auto parts investigation conducted by multiple antitrust bodies, including the Antitrust Division of the Department of Justice, European Commission, and Japan Fair Trade Commission, among others
- Represented a company in a multi-jurisdictional investigation involving electronic components, as well as in follow-on class action suits
- Represented several individuals in separate multi-jurisdictional and multi-agency investigations involving the financial services industry
- Represented a high-level executive in an investigation involving the collegiate multimedia rights business
- Represented a high-level executive in federal and state criminal investigations in the energy industry, as well as follow-on civil litigation
- Represented a high-level executive of an international ocean carrier in an investigation involving the ocean shipping industry
- Represented an international air carrier in a multi-year, international price-fixing investigation, as well as in civil follow-on class action suits
- Represented a leading supplier in the DOJ’s DRAM investigation
- Represented a consumer goods supplier inclosing a criminal investigation conducted by DOJ
- Represented an individual in a case involving the transfer of money in Latin America
- Represented a shipping company seeking immunity from the DOJ under the Shipping Act
- Represented a company involved in a criminal investigation relating to construction contracts in Egypt
- Represented a SRAM supplier in connection with litigation derived from the DOJ’s investigation into SRAM price-fixing allegations
- Represented a client in connection with the DOJ’s E-Rate investigation relating to bid rigging in the provision of computer supplies to government-funded education programs
- Represented an angel investor in a DOJ investigation into a potential bid-rigging scheme in the venture capital market
- Represented a private equity firm in a bid-rigging investigation by the DOJ
• Assisted an energy company and one of its employees in a bid-rigging investigation