

Uptick In Department of Justice (DOJ) Antitrust Division Criminal Fines

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The **DOJ Antitrust Division** obtained over \$1 billion in criminal fines in fiscal year 2013 (October 1, 2012 – September 30, 2013). This was one of the highest totals ever obtained by the Division. However, the Antitrust Division is currently on track to exceed that level in fiscal year 2014. For the first six months of the new fiscal year, the Antitrust Division has already obtained fines totaling \$709 million, including the fourth-largest criminal antitrust fine ever imposed – a **\$425 million fine against Bridgestone**. A fine of **\$325 million was also levied against Rabobank** in connection with the DOJ's LIBOR interest rate antitrust investigation.

While the Antitrust Division's recent criminal enforcement activities have not focused on the insurance industry, the Division has devoted considerable civil enforcement attention to the use by insurers of "most favored nation" clauses in provider contracts. Consequently, given both the increase in criminal antitrust enforcement generally, and the recent civil antitrust enforcement interest in insurance industry practices, it almost goes without saying that having an effective antitrust compliance program is as important today as it has ever been. Is your antitrust compliance program as current and effective as it could/should be?

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