

→ Cartel Investigations and Litigation

Major international price fixing prosecutions, an unprecedented level of cooperation among prosecutors globally, resulting multi-hundred million dollar fines and jail sentences have signaled a sharp increase in criminal antitrust enforcement and resulting civil cases. The effective defense of criminal antitrust matters—and parallel private civil litigation—is a particular Sheppard Mullin strength. We have one of the most respected and successful antitrust and competition cartel practices globally, with more than 40 years of experience in defending companies and executives in international cartel investigations and litigation in the U.S., Europe and Asia. Our cartel practice is noted by clients as “prominent . . . in antitrust circles” (*Chambers USA*) and “highly recommended” (*Global Competition Review*).

Our expertise includes representing companies and senior executives in U.S. criminal investigations and prosecutions, defending companies in U.S. direct and indirect purchaser class action lawsuits, and serving as international coordinating counsel for multi-jurisdictional investigations in the EC and its Member States, Japan, Korea, China, Canada, Brazil, Australia, and elsewhere. We have sought and obtained amnesty for several clients, saving the company from criminal prosecution for cartel misconduct in the relevant product markets. In a number of cases, we succeeded in achieving outright dismissal of the investigation.

Our team includes the past Chair of the ABA Section of Antitrust Law and Co-Chair of its International Cartel Task Force, former senior prosecutors from the Antitrust Division, the European Commission’s DG Comp Division and U.S. Attorneys’ offices—all of whom have significant criminal trial experience. The team operates principally from our offices in San Francisco, Los Angeles, Washington D.C., Brussels and London.

EU Cartel Practice

Cartel enforcement continues to be a top priority for competition authorities worldwide and even more so in the EU. The risk of running into heavy financial penalties, criminal sanctions, reputational damage and costly damages actions is becoming a reality for many market participants. In times of crisis, companies must rely on a team that is experienced in handling cartel cases, from advising on leniency applications through to launch of an investigation, as well as any EU challenge and follow-on damages actions before national courts. We train and prepare our clients to deal with crisis situation and investigations.

Cartel investigations can be initiated in one or multiple national jurisdictions of the EU Member States and the European Commission reserves the prerogative of taking on or referring and investigation to national (Member States) competition authorities. We see an insurgence of cartels being investigated simultaneously by a number of competition authorities. It is crucial that clients rely on lawyers with the required expertise and ability to timely advice across several jurisdictions.

Our lawyers in Brussels and London regularly assist clients in coordinating and leading multi-jurisdictional cartel investigations, providing them with seamless international service. Some of our team members have been involved in high-profile, complex and innovative cartel investigations on the side of the investigating authorities as well as for clients and are therefore in an adept position to reach the best results. We have experience in launching appeals across multiple jurisdictions or to initiate damages claims resulting from cartel

behavior.