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## *Antitrust Audits, Compliance and Counseling*

### Antitrust and Competition

Our lawyers are skilled in evaluating clients' antitrust compliance policies and systems to minimize antitrust risks, while still allowing business objectives to be met. It is more important than ever to have an effective antitrust auditing and compliance program. Government fines and civil damages have reached levels that can threaten a company's very existence. Moreover, the real threat of jail time for individuals is no longer constrained by US borders. Non-US executives are regularly imprisoned in the United States, and European jurisdictions are beginning to enact criminal penalties for individual cartel participants.

Since preventing antitrust enforcement incidents is always preferable to managing them after they arise, it is crucial to have a program that explains antitrust risks and effectively guides company personnel to stay within the law. An effective compliance program must involve more than a chapter in a corporate manual and an occasional lecture by in-house or outside counsel. WilmerHale designs and implements compliance programs for companies both in the United States and Europe. We also conduct antitrust audits to identify risk areas before a company is surprised by a raid on its premises, an enforcer's approach to an employee or a grand jury subpoena, and we advise clients on corporate conduct and procedures to minimize the risk of becoming involved in an antitrust enforcement agency investigation or private antitrust litigation.

We evaluate and assist in constructing clients' antitrust compliance policies and systems with the goal of ensuring that these systems efficiently minimize antitrust risks while still allowing business objectives to be met. We assist with antitrust compliance and systems that help facilitate effective and lawful business practices in areas such as collaborations with competitors, mergers and acquisitions, licensing of intellectual property, distribution, document creation, trade association activities, and employee hiring and compensation. We work with clients in a wide range of industries, including financial services, high tech, manufacturing, pharmaceuticals, consumer products and insurance. We understand the intricacies involved in various business and sales structures.

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## *Experience*

Conducting antitrust compliance training sessions for multiple high-tech clients in both the United States and Europe, focusing in particular on the interface between intellectual property and antitrust.

Conducting extensive antitrust audits for clients in both the United States and Europe, some of which uncovered evidence of cartel activity that enabled our clients to obtain grants of amnesty.

Serving as regular outside antitrust counsel to leading global industrial companies to respond quickly and efficiently to antitrust compliance issues that arise during day-to-day business activities.

Conducting antitrust compliance programs for many of our clients in the financial services sector, in the wake of growing antitrust scrutiny of the activities of financial services firms.

Designing practical, solution-oriented antitrust standards for insurance providers operating throughout the world.

Drafting a full antitrust compliance manual and training program for a US-based energy company.

Analyzing existing contracts and suggested modifications to standard agreements to minimize the antitrust risks accounting for the client's market position.

Working with industry organizations in the high-tech and life sciences sectors to minimize the antitrust risk of competitor collaboration.