

The Antitrust Division's New Model Corporate Plea Agreement

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Winston & Strawn litigation attorneys Eva Cole and Erica Smilevski published an article in the American Bar Association's Cartel & Criminal Practice Committee Spring 2014 newsletter. The article, "The Antitrust Division's New Model Corporate Plea Agreement," analyzes the Department of Justice Antitrust Division's recent substantive changes to its corporate model plea agreement (published in December 2013).

Specifically, several modifications to the Division's corporate model plea agreement reflect the Division's desire to clarify arguably ambiguous language from the previous model and to address its growing concern regarding obstructive conduct by corporations entering into plea agreements. The revisions are in the wake of prominent cartel decisions, particularly *United States v. VandeBrake* and *United States v. Florida West* (an *Air Cargo* case), and they signal the Division's interest in protecting its right to prosecute obstructive conduct even after a plea agreement is signed.

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