

ABA Section of Antitrust Law, Antitrust and Associations Handbook (2009)

This immensely useful handbook is an updated and expanded version of an earlier 1996 practice guide on the same subject. It covers the key areas of counseling, litigation, and compliance for the United States antitrust issues faced by associations of enterprises, their officials, and members. This includes the traditional trade and professional association, but also includes standard setting organizations which have been at the forefront of recent public and private enforcement actions.

The handbook begins with three introductory chapter summarizing the antitrust laws, enforcement regimes, and penalties faced by associations. Not surprisingly, the focus is on Section One of the Sherman Act, the basic modes of per se, quick look, and rule of reason analysis applied to agreements that affect competition, and the criminal, civil, and private remedies available under federal and state antitrust laws.

The core of the book consists of the chapters which focus on the specific types of risks faced by most trade and professional associations. These include chapters on membership criteria and benefits, information collection and dissemination, immunity for lobbying and government-related activities, ethical codes and advertising restrictions, standard setting activities, and other types of competitor collaborations, including joint purchasing, marketing, and research.

The handbook concludes with particularly insightful chapters on handling investigations and litigation and antitrust compliance programs for associations. Also welcome are three practical appendices setting forth sample document retention, compliance, and association meeting guidelines and policies.

The approach is concise and practical. Almost every chapter includes checklists of key issues for counsel to consider. This is a perfect starting place for research and counseling in this critically important area of U.S. competition law.

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