

‘Incredibly Complicated’? Antitrust Litigators Identify Pros and Cons of Proposed One Agency Act

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In the article “‘Incredibly Complicated’? Antitrust Litigators Identify Pros and Cons of Proposed One Agency Act,” the *National Law Journal* examines the controversial legislative proposal aiming to consolidate federal antitrust enforcement by merging the Federal Trade Commission’s (FTC) Bureau of Competition with the Department of Justice’s Antitrust Division. Initially introduced by U.S. Senator Mike Lee in November 2020, the bill was reintroduced by U.S. Representative Ben Cline on January 14 and has sparked debate, particularly about the FTC’s role and independence.

Sheppard Mullin Antitrust partner John Carroll, who previously served in the FTC’s Bureau of Competition, noted that it could be “incredibly complicated from a logistical perspective” to transfer the FTC’s antitrust actions, assets and staff to the Justice Department. “I haven’t seen anything to suggest from new FTC Chair that they wish to give up their antitrust enforcement to the Department of Justice,” he said. “I don’t know how smooth it would be. The idea [FTC] would just cease to exist with respect to its antitrust enforcement mission—it would be a profound change. They have long legacies of expertise that I think would potentially be lost in the transition of combining the two. In my mind, it would be risky to try to consolidate antitrust enforcement over to one house. We’ll see what happens,” Carroll added.

Read the full article here. (A subscription is required)

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