

PUBLICATION

Makan Delrahim Nominated to Head DOJ Antitrust Division

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On March 27, President Donald Trump nominated Makan Delrahim to serve as Assistant Attorney General and head of the DOJ Antitrust Division, a position that requires Senate confirmation. The Senate Judiciary Committee scheduled a hearing on the confirmation for April 26, but it was subsequently announced that it would be rescheduled for a later date. The rescheduled date has not yet been announced.

Delrahim currently serves as Deputy Assistant and Deputy Counsel to the President, having assumed that position in late January. Earlier in his career, Delrahim served as Deputy Assistant Attorney General for the Antitrust Division during the Bush Administration and also served on the Antitrust Modernization Commission in 2007. Delrahim also previously served as Chief Counsel for the Senate Judiciary Committee in the early 2000s.

Assuming that Delrahim is confirmed for his new post, which is expected, his first task will likely be to appoint several new deputies to assist him in the work of running the Division. At present, the Antitrust Division is being overseen by a sole individual, Andrew Finch, who arrived at the Division on April 10, and replaced Brent Snyder as Acting Assistant Attorney General. Snyder was the lone holdover in senior leadership from the Obama Administration (the remaining leadership all resigned on inauguration day).

Delrahim is expected to bring a more conservative approach to antitrust enforcement than the leadership in the Obama Administration, and his views on several pending "high profile" antitrust matters commenced during the Obama Administration are likely to be closely watched to determine exactly how much "change" in antitrust policy may occur as a result of the change in administration. Notably, however, Delrahim has pledged that he will recuse himself from the Anthem/Cigna merger matter, because he previously advised Anthem on that matter prior to assuming his role in the Trump Administration. Stay tuned.