

“A New Era in Antitrust,” *Harvard Law School Forum on Corporate Governance*

Publications

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Ashley Callen, Co-Chair of the Congressional Investigations Practice, co-authored an article for the *Harvard Law School Forum on Corporate Governance* examining the evolving M&A antitrust enforcement landscape and regulatory challenges facing dealmakers.

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While there have been "shorter timelines to closing, a return of remedies to the government's approval toolkit and a more permissive environment overall," the authors note that the regulatory landscape has not been universally relaxed.

"Most dealmakers and corporate leaders did not anticipate that agency review of deals would be hung up by social or workplace culture issues," they write, or that the federal government would "reassert an active industrial policy through tariffs and by undertaking a concerted effort to become a large investor in US public companies through golden shares and other mechanisms."

The authors provide recommendations for companies navigating the current M&A landscape, including Congress' scrutiny of this area. Their recommendations include planning ahead for likely issues by self-auditing workplace and culture programs, testing acquisition targets for antitrust risks in advance, adapting communications strategies for today's media landscape of podcasts and social media, engaging proactively with Congress, and understanding how sensitive issues travel online.

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