



**The American Bar Association**  
**International, Joint Conduct, and Cartel and Criminal Practice**  
**Committees**

Invite you to

**Disclosure of Leniency Documents to Private Litigants:**  
**Implications of the ECJ's *Pfleiderer* Decision**

Hosted live at

**Columbia Law School**

(435 West 116th Street, Jerome Greene Hall, Room 103, New York, NY 10027)

Monday, November 21, 2011

11:30 am (NY) / 4:30 pm (London) / 5:30 pm (Brussels)

**MODERATOR: Professor Anu Bradford, Columbia Law School, Visiting Assistant D'Atri Professor of Law, Business, and Society**

**PANELISTS: Katharina Krauss, Bundeskartellamt, Head of the Special Unit for Combating Cartels**

**Lisa Phelan, U.S. Department of Justice, Antitrust Division, Chief, National Criminal Enforcement Section**

**Dr. Thomas G. Funke, Osborne Clarke, Partner**

**John Taladay, Baker Botts, Partner**

The European Court of Justice recently handed down a judgment regarding the trade-off between cartel leniency programs and the rights of private litigants to claim damages from the cartel activities. In *Pfleiderer v. Bundeskartellamt*, the ECJ determined that E.U. competition law does not generally preclude a cartel victim from gaining access to the files of Member State competition authorities. The ECJ instructed national courts to balance the legitimate concern over the effectiveness of leniency programs against the need to make sure that private parties have the effective opportunity to recover damages for breaches of E.U. competition law.

U.S. plaintiffs have tried to obtain confidential leniency documents from Europe, but the European Commission and other enforcers repeatedly have refused to disclose leniency submissions to civil litigants because it could discourage self reporting of illegal conduct. The ECJ decision introduces uncertainty regarding the ability of leniency applicants to maintain the confidentiality of documents that could have wide-ranging implications with respect to both EC and U.S. private damages actions.

Join a diverse panel of experts who will discuss the impact of this important decision. This is a complimentary teleconference. Law students and practitioners are invited to attend the program live at Columbia Law School. Space is limited, so register early and indicate that you want to attend live.



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