



Orange County Bar Association Antitrust Avoidance Policy

BACKGROUND

The Antitrust laws of the United States and of the fifty states are designed to prevent individuals, groups, companies and associations from engaging in unfair trade practices or anticompetitive conduct. Membership associations and foundations, by their nature, call for individuals to work together on common issues. It is not illegal for competitors to work together, unless in doing so, they restrict competition for services or impact the price of services in the field. The Antitrust laws provide limits on the topics that may be discussed and the actions that may be taken in order to ensure fair competition.

POLICY

It is the Policy of the Orange County Bar Association (OCBA) that all OCBA activities shall be conducted in compliance with state and federal laws regarding antitrust and unfair competition. All persons working on behalf of the OCBA, including members of the Executive Council, Committees, Sections, Task Forces, Work Groups, or any other body sponsored by the OCBA and individuals participating in any OCBA-sponsored event shall comply with the following rules and procedure for compliance.

RULES

1. Matters involving fees, prices, or terms of service

No OCBA activity shall include discussion or agreement among competitors concerning fees, prices, terms or conditions of service, or division of market territories for services.

No person acting on behalf of OCBA shall collect from or disseminate to members, contributors, affiliates or any other persons, information concerning competitive fees, prices, terms or conditions of service, marketing or division of market territories for services without prior written clearance from OCBA's legal counsel. In no event shall any person acting on behalf of OCBA collect or distribute such information concerning future or planned competitive fees, prices, terms or conditions of service, marketing or division of market territories for services.

2. Matters concerning Participation

No OCBA activity shall include discussion of or agreement to boycott or exclude from competition any person, company or other legal entity.

PROCEDURES

1. All OCBA-sponsored meetings (e.g. Board, Committees, etc.) will be conducted in accordance with an agenda provided in advance to the attendees.
2. A copy of this policy shall be provided to all persons who conduct business on OCBA's behalf and available at all OCBA-sponsored meetings.

3. Minutes of all OCBA-sponsored meetings shall be kept and all minutes that reference fees, costs, market shares, or other economic or competitive topics should be reviewed by legal counsel prior to finalization and circulation, if applicable.
4. Persons conducting OCBA business should discuss any questions concerning compliance with this policy with the OCBA President or Executive Director and report any suspected non-compliance with this policy to the OCBA President or Executive Director.
5. If you are in a meeting and are not confident that the discussion is in compliance with this policy, STOP the meeting and consult with the OCBA's legal counsel. No OCBA representative should participate in any discussion which may violate this policy.