

Initial Insights into New Antitrust Division One Week After Gail Slater's Confirmation as DOJ's Antitrust Lead

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On Tuesday, March 11, 2025, the [Senate confirmed Gail Slater](#) as the Assistant Attorney General for the U.S. Department of Justice (DOJ) Antitrust Division (Division). While Slater has been circumspect in her public comments regarding past and anticipated Division priorities, her prior experience and recent statements offer early insights into her expected approach.

ANTICIPATED TEAM: BRINGING DEEP ANTITRUST EXPERTISE TO THE DIVISION

Slater brings an extensive antitrust background to the role—a distinction that sets her apart from many of President Trump's other recent regulatory appointees. After earning [graduate and post-graduate degrees in law from University College Dublin and University of Oxford](#), Slater began her career in private practice with a focus on antitrust matters. Among other cases, Slater was one of the Federal Trade Commission's trial attorneys in the FTC's challenge to the merger between the organic grocery chains Whole Foods and Wild Oats, which resulted in a significant D.C. Circuit opinion on the scope of merger law under Section 7 of the Clayton Act.

In private practice, Slater has deep experience in the tech and media sectors. [Slater served as General Counsel for the Internet Association](#), which was an industry trade group for large tech companies including Google, Amazon, Apple, eBay, and Facebook. [Slater also served in senior in-house roles](#) at Fox Corporation (SVP for policy and strategy) and Roku (VP and deputy general counsel).

Slater also has longstanding ties to the Trump Administration. During President Trump's first term, Slater was a member of the [White House National Economic Council](#), where she focused on tech policy. And before her appointment by President Trump to lead the DOJ's Antitrust Division, Slater was the [economic policy advisor to Vice President JD Vance](#) (then a U.S. Senator). Slater's role as economic advisor to then-Senator Vance is especially notable given he has been a [vocal critic of big tech](#). As Vice President Vance said shortly after President Trump took office: "We believe fundamentally that big tech does have too much power" and that the large tech companies are "very much on notice" that they will face regulatory scrutiny from the Trump Administration.

Slater has already begun [selecting her leadership team](#) for the Antitrust Division, drawing, in part, on experienced officials from prior administrations:

- Slater has selected **Roger Alford**, a Notre Dame University professor of law, to serve as Principal Deputy Assistant General (“DAAG”), the #2 official at the Antitrust Division. During President Trump’s first term, Mr. Alford was the DAAG for international affairs. While the Trump administration’s “America First” posture could complicate international cooperation in antitrust enforcement, Alford’s background may offer a degree of continued engagement in cross-border antitrust matters.
- In addition, Slater has tapped **Mark Hamer** (a partner at the Baker McKenzie law firm) and **William Rinner** (senior counsel at the private equity firm Apollo Global Management) as the DAAGs to co-lead civil antitrust enforcement. Notably, Slater is adjusting the Division’s leadership structure: Hamer will oversee the Division’s non-merger conduct matters (including its many ongoing monopolization prosecutions), while Rinner—who also was part of the Antitrust Division leadership during President Trump’s first term, when the Division took a more permissive approach toward mergers—will lead the Division’s merger enforcement.
- **Omeed Assefi**, the DOJ’s current acting antitrust chief, will oversee criminal enforcement. **Chetan Sanghvi**, the Senior Managing Director at NERA, the economics consulting firm, will lead the Division’s Economic Analysis Group, which is the Division’s team of in-house expert economists.

These selections suggest that Slater values defense-side experience and depth of knowledge in complex antitrust issues. The Division may also be open to substantial merger and acquisition activity, as reflected in the selection of a senior in-house counsel from Apollo Global Management, a major player in the private equity and deal-making space, to lead the Division’s merger enforcement efforts.

ANTICIPATED TARGET INDUSTRIES: AGRICULTURE, HEALTHCARE AND TECH

Slater has flagged agriculture, healthcare, and technology as priority industries for the Division, citing their significant impact on the daily lives of Americans.^[1] In a March 17, 2025, memo to the Division’s staff, Slater signaled the Division will focus on consumer markets: “In an era of rising prices, pocketbook issues are front of mind, and we will prioritize these markets.” Slater also has singled out agriculture as a particular focus, noting the harmful effects that anticompetitive conduct in that sector can have on small businesses and farmers.^[2]

Given Slater’s deep ties to the tech sector, her approach to ongoing Big Tech litigation will be closely watched. While Slater inherits a high volume of tech-related cases from the Biden administration, including active litigation against Google and Apple, it remains to be seen how Slater will navigate the tension between her earlier advocacy and the current call for robust enforcement. In her March 17 letter to Division staff, Slater identified artificial intelligence, 5G, and quantum computing as important technological sectors, where the United States is “relying on competitive markets to win these global technological races,” suggesting the Trump Administration will closely monitor competition in nascent and emerging technology markets.

ANTICIPATED CHANGES IN MERGER ENFORCEMENT: A NEW APPROACH TO SETTLEMENTS

Slater has signaled a commitment to continuity in merger enforcement, affirming that the Division will continue to apply the 2023 Merger Guidelines.^[3] However, one area where practitioners may see a shift is in the Division’s approach to merger remedies and settlements. Slater has suggested that the Division is reassessing its settlement policy, potentially favoring a more settlement-friendly approach than her predecessor.^[4]

During the Biden Administration (under former DOJ antitrust chief Jonathan Kanter), the Division prioritized litigation over settlement, opting to challenge in court anticompetitive mergers rather than accepting negotiated remedies. In contrast, Slater has indicated that the Division may be more receptive to settlements – provided that they offer “effective and robust” structural remedies and can be executed without straining the Division’s resources.^[5] This shift could open the door to selective, strategic settlements in merger cases, particularly where full litigation may not be feasible given internal staffing constraints.

CONCLUSION: RESOURCE CONSTRAINTS AND STRATEGIC SHIFTS AHEAD

While Slater has not signaled any intention to scale back the Division’s current initiatives or aggressive enforcement posture, recent federal staffing changes raise questions about how the Division will manage its existing caseload – and whether resource limitations and administrative priorities will influence enforcement strategy. In January, the

Trump administration revoked DOJ Honors Program offers, a historically critical pipeline for junior antitrust attorneys entering the Division. In addition, several prominent Antitrust Division attorneys have left the Division, either to return to private practice or following the “fork-in-the-road” buyout offer from Elon Musk. When Antitrust Division attorneys leave, a federal hiring freeze limits the Division’s ability to replace them. In addition, Slater’s March 17 memo to Division staff said that, as part of the belt-tightening underway across the federal government, the new leadership team will review the Division’s use of outside economic experts who testify on the DOJ’s behalf in federal court. Those experts (who typically use large support teams at economic consulting firms) can cost as much \$30 million for a single lawsuit. Slater noted the Division has “world-class economists in-house” – through the Division’s Economic Analysis Group – and will look to rely on them instead of hiring outside testifying experts.

With staffing challenges mounting, and a busy caseload inherited from the Biden administration (including big cases against Google, Apple, Visa, Live Nation/Ticketmaster, and RealPage, among others), the Division may face practical constraints in pursuing resource-intensive litigation. These developments raise important considerations for antitrust practitioners and in-house counsel alike: Will limited resources push the Division toward settling current cases? And does the Division have the capacity to initiate and sustain new, high-profile challenges in markets that matter most to American consumers?

As Slater charts her course, both the strategic direction of enforcement and the Division’s operational capacity will be critical in shaping antitrust risk and regulatory exposure in the months ahead.

[1] Written Questions for Abigail Slater, Hearing on “Nominations,” pg. 1.

[2] Written Questions for Abigail Slater, Hearing on “Nominations,” pg. 2.

[3] Written Questions for Abigail Slater, Hearing on “Nominations,” pg. 25.

[4] Written Questions for Abigail Slater, Hearing on “Nominations,” pg. 19.

[5] Written Questions for Abigail Slater, Hearing on “Nominations,” pg. 1.
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Authors

Eva Cole

Joshua Hafenbrack

Jordan Berry

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Eva Cole



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