DOJ Files Statement with Court in Support of Antitrust Suit against Academic Accreditor continued from February 2026 CAAHEP Communique

Relevance.for.Regulators

Of relevance for regulators is the substance of the Department of Justice (DOJ) Statement of Interest. The following excerpt from the DOJ Statement encapsulates its antitrust philosophy about professional accreditation and credentialing—including licensing:

> Antitrust law has long recognized that trade associations and professional societies often have incentives and opportunities to restrain competition. See, e.g., N. Carolina State Bd. of Dental Exam'rs v. FTC, 574 U.S. 494, 505 (2015); Goldfarb v. Virginia State Bar, 421 U.S. 773, 781–83 (1975); United States v. Nat'l Ass'n of Real Est. Bds., 339 U.S. 485, 488–89 (1950). When trade associations act as accreditors. and.occupational.and.professional.licensors, they become gatekeepers with the power to exclude others from entering their profession. Indeed, "in any accreditation program where market participants wield the power to exclude, there is an inherent conflict of interest and a risk of anticompetitive abuse." Marina Lao, Discrediting Accreditation?: Antitrust and Legal Education, 79 Wash. U. L.Q. 1035, 1036–37 (2001) (footnote omitted). By imposing exclusionary restrictions, accreditors.and. occupational.and.professional.licensors can artificially limit the supply of service providers, thus reducing output, competition, and incentives for innovation. See Aaron Edlin & Rebecca Haw, Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?, 162 U. Pa. L. Rev. 1093, 1112 (2014). This ultimately harms consumers, who face higher costs and fewer choices in service providers. [Emphasis added.]

> The United States has an interest in safeguarding free-market competition, especially in markets that directly affect the pocketbooks of American families. Rising costs for pet care burden household budgets, and many pet owners struggle to afford the care their pets need. The United States also has an interest in the correct application of the antitrust laws and has brought enforcement actions against anticompetitive practices by accreditors and private trade associations regulating educational and vocational advancement. See United States v. Am. Bar

Ass'n, Complaint, No. 95-1211 (D.D.C. 1995) (accreditation); see also United States v. Nat'l Ass'n for Coll. Admission Counseling, Complaint, No. 19-cv-03706 (D.D.C. Dec. 19, 2019) (admissions).

(Questions.may.be.directed.to.the.author.at.dbalasa@aama-ntl.org¡)