While the positive contributions of professional societies are well recognized and encouraged by government, their activities also are subject to close scrutiny under both federal and state antitrust laws. The single most significant law affecting professional societies is the Sherman Antitrust Act, which makes unlawful every contract, combination or conspiracy in restraint of trade. Because a professional society is, by nature, a group of competitors joined together for a common business purpose, professional societies satisfy what would ordinarily be a difficult element in proving an antitrust violation.

Historically, the most significant area of antitrust concern for professional societies has been price fixing. Price fixing is a very broad term which includes any concerted effort or action that has an effect on prices, terms or conditions of trade, or on competitors. Accordingly, members of The Society of Chartered Property and Casualty Underwriters (CPCU Society) should refrain from any discussion which may provide the basis for an inference that they agreed to take any action relating to prices, services, production, allocation of markets or any other matter having a market effect. These discussions should be avoided both at formal meetings and informal gatherings.

The following are guidelines that CPCU Society members should follow at all CPCU Society meetings and related informal gatherings:

* **DON’T** discuss your own or competitors’ prices or fees, or anything that might affect prices or fees, such as costs, discounts, or profit margins.
* **DON’T** stay at a meeting where any such price talk occurs.
* **DON’T** make public announcements or statements about your own prices or fees, or those of competitors, at any CPCU Society meeting.
* **DON’T** talk about what you (or your employer) or another member (or their employer)plans to do in particular geographic or product markets or with particular customers.
* **DON’T** speak or act on behalf of the CPCU Society unless specifically authorized to do so.
* **DO** alert CPCU Society officers or legal counsel to any sensitive issues in proposed statements to be made on behalf of the CPCU Society.
* **DO** consult with your own legal counsel or the CPCU Society before raising any matter or making any statement that you think may involve competitively sensitiveinformation.
* **DO** be alert to improper activities, and don’t participate if you think something is improper.

Adherence to these guidelines involves not only avoidance of antitrust violations, but avoidance of behavior which might be so construed. Bear in mind that the antitrust laws are stated in general terms, and that these guidelines only provide an overview of prohibited actions. If you have specific questions, seek guidance from your own legal counsel or from the CPCU Society’s President or legal counsel.