

Press Coverage | January 6, 2026

DOJ Signals Continued Scrutiny of Real Estate Commission Rules

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[Bradley C. Weber](#)

Bradley Weber, co-leader of Troutman Pepper Locke’s Antitrust Practice Group, was quoted in the January 6, 2026 *Competition Policy International* article, [“DOJ Signals Continued Scrutiny of Real Estate Commission Rules.”](#)

Bradley Weber, co-leader of Troutman Pepper Locke’s antitrust practice, noted some surprise at the timing and tone of the filing but emphasized the broader context of housing affordability. “Under the Biden administration, the DOJ and the Federal Trade Commission (FTC) were very active, filing statements of interest and taking positions in cases both in real estate and outside,” Weber said. “It is a little surprising that even under Gail Slater that the DOJ would take such a hard view on these antitrust issues, but I think the real reason is that housing is something everyone has to pay for so it is a very populist issue.”

According to Weber, concerns about housing costs make real estate practices a natural focus for antitrust enforcement, particularly where commission structures could influence prices paid by buyers and renters.

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Some legal experts view the DOJ’s filing less as a warning and more as guidance. According to McAvoy’s interpretation, the statement serves to clarify how antitrust law may apply to industry-wide rules. Weber similarly noted that the DOJ wanted to formally establish that, under certain circumstances, industry policies could amount to a per se violation of the Sherman Act if plaintiffs adequately allege the facts.

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