

The Feasibility of Developing A Central Brief Bank For Attorneys General's Antitrust Staffs



**the National Association of Attorneys General
Committee on the Office of Attorney General**

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THE FEASIBILITY OF DEVELOPING A
CENTRAL BRIEF BANK FOR ATTORNEYS GENERAL'S
ANTITRUST STAFFS

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ACQUISITIONS

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A. INTRODUCTION

In April, 1979, the Committee on the Office of Attorney General (COAG) applied to the Antitrust State Grant Program of the U.S. Department of Justice for a grant to study the feasibility of developing a central computerized brief bank for Attorneys General's antitrust staffs. The grant was subsequently awarded to the North Carolina Department of Justice and subgranted to COAG.

Purpose of Study

The grant application explained the need for such a study:

"Due in part to the availability of federal funding, there has been a dramatic increase in the extent of Attorney Generals' activities in enforcing antitrust laws. This had led to an increased volume of case papers, and a subsequent interest in improving techniques of document storage and retrieval. It has also led to an increased interest in developing methods of exchanging briefs, memoranda, studies and other materials developed by state antitrust staffs.

"Attendees at the training seminars conducted by NAAG for antitrust staffs have expressed an interest in establishing a central brief bank for antitrust materials. All states would be urged to contribute to this central repository, and all would be able to draw on it.

"Because of the scope of projected activities, it is anticipated that automatic data processing and word processing equipment would be used to input, store and retrieve materials.

"A few Attorneys General's offices are making some use of automatic data processing for these purposes. However, a recent COAG study, (Indexing of Briefs in Attorneys General's Offices, 1976), showed that the vast majority had no systematically-developed method of indexing and filing briefs, either manually or with computers. This lack of efficient management of case papers was a major problem in most offices."

The application noted that it was expected that a central brief bank would greatly enhance the effectiveness of state antitrust enforcement and maximize the use of available resources. Each Attorney General's office could have ready access to materials submitted by others, thereby benefiting from legal arguments, case analyses, factual and evidentiary materials, documents, and other research products of the other states' antitrust offices. It was further anticipated that the input formats and index developed for the central repository would be replicated in part by many of the participating offices, resulting in more effective interface in subsequent information exchange.

While such a brief bank appeared to be needed, the complex considerations involved made it imperative that careful study be given to the project's feasibility prior to any actual implementation. It was also considered necessary to ascertain whether adequate support would be forthcoming from Attorney Generals' offices once the project became operational, in order to assure its continuing viability.

Methodology

An advisory committee was appointed to provide guidance to the COAG staff in conducting the study. The following persons agreed to serve on the committee:

Alan H. Maclin, Special Assistant Attorneys General, and Stephan P. Kilgriff, Minnesota; Patrick J. Quinlan, Special Assistant Attorney General, Rhode Island; Thomas L. Boeder, Assistant Attorney General, Washington; and Robert F. Hill, Esq., of Friedman, Hill and Robbins, Denver, formerly Chief of the Colorado Antitrust Division.

The COAG staff drafted an 8-page questionnaire to gather information from state antitrust units concerning their research needs, desire for a brief bank, preferences as to type of brief bank system, etc. The questionnaire also examined the adequacy of the ongoing clearinghouse for antitrust materials operated by COAG. The draft was sent to the members of the advisory committee, who made suggestions on the questionnaire in a conference call with the COAG staff. The questionnaire was sent to each Attorney General's office on July 6. Thirty-eight states and one territory responded to the questionnaire.

A second questionnaire was developed and sent to antitrust units on September 21. This called for statistical information on numbers of staff positions authorized, funding, numbers of investigations initiated and suits filed, and other statistical data. Responses were received from thirty-four Attorneys General's offices.

This report also uses data from a survey instrument developed and circulated under a current LEAA grant to COAG. This survey, which was primarily concerned with the use of data processing equipment in Attorneys General's offices, also provided information about case management and docketing practices. These data were used to supplement the two antitrust questionnaires.

A draft of this report was sent to members of the Advisory Committee in December. They were subsequently contacted by telephone for their comments and suggestions. Many of these have been incorporated into this revised edition of the report.

TABLE 1: RESPONSES TO COAG SURVEYS USED IN THIS REPORT

	1979 Antitrust Questionnaire	Brief Bank Questionnaire	Data Processing Questionnaire
Alabama	x	x	x
Alaska	x	x	x
Arizona	x	x	
Arkansas	x	x	x
California		x	x
Colorado	x	x	x
Connecticut	x	x	x
Delaware	x	x	x
Florida	x	x	x
Georgia		x	x
Guam			x
Hawaii	x		x
Idaho			x
Illinois	x	x	
Indiana			x
Iowa	x	x	x
Kansas		x	
Kentucky		x	x
Louisiana		x	
Maine		x	x
Maryland	x		
Massachusetts	x	x	x
Michigan			
Minnesota	x	x	x
Mississippi		x	x
Missouri	x	x	x
Montana	x	x	x
Nebraska	x	x	x
Nevada	x		
New Hampshire	x	x	x
New Jersey	x	x	x
New Mexico		x	x
New York			x
North Carolina	x	x	x
North Dakota	x		x
Ohio			x
Oklahoma		x	
Oregon			x
Pennsylvania	x		
Puerto Rico	x	x	
Rhode Island	x	x	x
Samoa			
South Carolina	x	x	x
South Dakota	x	x	x
Tennessee	x	x	x
Texas	x	x	x
Utah	x	x	x
Vermont	x	x	x
Virgin Islands			x
Virginia	x	x	x
Washington	x	x	x
West Virginia	x	x	x
Wisconsin		x	x
Wyoming			
Totals	34	39	42

Table 1 lists the jurisdictions responding to each questionnaire. It should be remembered that some jurisdictions (Georgia, Guam, Indiana, Samoa, Virgin Islands and Wyoming) do not have antitrust programs.

Finally, personnel of the U.S. Department of Justice contributed material to the report. In particular, Kevin J. Kearney of the Antitrust Division was interviewed by the COAG staff and contributed both information on the Department's system and suggestions on a brief bank for state antitrust units.

Existing Clearinghouse Activities

Since 1974, COAG has published a monthly Antitrust Bulletin. Attorneys General's antitrust staffs are requested to forward to COAG copies of all pleadings they file, as well as briefs, memoranda, judgments, opinions etc. All such materials which COAG receives are reported in the Bulletin and are then kept on file. Any state which wants a copy of a reported document can request a copy from COAG, and it is furnished without charge.

Extensive use is made of this clearinghouse service. Furthermore, requests for documents or information have shown a pronounced increase in the past 18 months. This increase is reflected in the following tabulation of requests for technical assistance (TA) in the antitrust area which have been directed to COAG by Attorneys General's offices. These TA requests may be for copies of materials described in the Bulletin, for information which requires staff research, or for information from other states.

TABLE 2: GROWTH IN TECHNICAL ASSISTANCE REQUESTS TO COAG - ANTITRUST

	Requests for Technical Assistance	Number of Jurisdictions Making Requests
April-June, 1978	38	19
July-September, 1978	58	28
October-December, 1978	49	23
January-March, 1979	95	43
April-June, 1979	93	38
July-September, 1979	100	39

The Bulletin thus keeps the states informed about what other Attorneys General's offices are doing in antitrust. As research tools, however, the Antitrust Bulletin and present data bank are severely limited, because: the materials have not been indexed; they are not filed by issue, violation, or product, but rather by state; and access to materials reported in past editions of the Bulletin requires a laborious search through back issues.

As shown later in this report, the questionnaires showed clearly that respondents considered the establishment of an index for the Bulletin to be the top priority for improving clearinghouse operations. This activity appeared to be compatible with the objectives of this Grant. Accordingly, authorization was secured from the Project Monitor to include the development of such an index within the scope of the project, and work on the index was initiated. The indexing project is discussed in more detail subsequently.

B. DEFINITION OF NEED

One aspect of the feasibility study was to define the need for a brief bank. This involved three phases: defining the scope of antitrust activity that could benefit from a brief bank; defining the adequacy of existing clearinghouse services; and defining the perceived support for a brief bank on the part of Attorneys General's offices.

Scope of Relevant Activity

One purpose of the study was to obtain a realistic estimate of the scope and volume of input to a brief bank. For this purpose, data were collected on the size of antitrust staffs, the scope of research, and the volume of production as measured by the number of investigations conducted, suits filed, and pages of written material produced.

Table 3 shows the number of antitrust attorneys in 35 reporting jurisdictions. The number ranges from 1 to 13 full-time attorneys, with a total of 146 full-time attorneys and a median of 3. Only 8 of these offices employ more than 5 attorneys. If the other 13 jurisdictions which have antitrust units were assumed to employ the median number of 3 attorneys, the total would be 177 full-time attorneys working in antitrust.

In addition to in-house attorneys, most offices employ special counsel for some of their antitrust work. Of the 35 offices reporting, all but 13 use such counsel. The extent of use varies considerably.

TABLE 3: NUMBER OF ANTITRUST ATTORNEYS - 1979

	Attorneys	Are Special Counsel Employed?
Alabama	3 FT	Yes
Alaska	2 FT	Yes
Arizona	6 FT	Yes
Arkansas	2 FT	Yes
California	13 FT	
Colorado	5 FT	Yes
Connecticut	5 FT	Yes
Delaware	1 FT	Yes
Florida	5 FT	Yes
Georgia	(no antitrust program)	
Guam	(no antitrust program)	
Hawaii	3 FT	Yes
Idaho	(no response)	
Illinois	9 FT	Yes
Indiana	(no antitrust program)	
Iowa	4 FT; 2 PT	Yes
Kansas		
Kentucky		
Louisiana		
Maine		
Maryland	8 FT	No
Massachusetts	5 FT	Yes
Michigan		
Minnesota	4 FT; 1 PT	Yes
Mississippi		
Missouri	6 FT	No
Montana	2 FT	Yes
Nebraska	1 FT; 1 PT	No
Nevada	1 FT	No
New Hampshire	2 FT	No
New Jersey	12 FT	No
New Mexico	(no response)	
New York	(no response)	
North Carolina	7 FT	No
North Dakota	2 FT	Yes
Ohio	(no response)	
Oklahoma	(no response)	
Oregon	(no response)	
Pennsylvania	2 FT	Yes
Puerto Rico	8 FT	No
Rhode Island	2 FT	No
Samoa	(no antitrust program)	
South Carolina	2 FT	No
South Dakota	2 PT	Yes
Tennessee	4 FT	Yes
Texas	4 FT	Yes
Utah	2 FT	No
Vermont	2 FT	Yes
Virgin Islands	(no antitrust program)	
Virginia	3 FT	No
Washington	5 FT; 1 PT	Yes
West Virginia	2 FT	Yes
Wisconsin	(no response)	
Wyoming	(no antitrust program)	

Of 22 offices reporting the number of cases in which special counsel were employed during 1978, 10 used counsel in one case, 4 in two cases, 5 in three cases, and three used special counsel in four cases. These offices employ a variety of personnel in addition to attorneys. Many antitrust units have economists, accountants, investigators and paralegals in addition to customary support staff. The total number of such personnel employed by the 35 reporting jurisdictions is shown below:

Economists:	9 full-time;	7 part-time
Accountants:	6 full-time;	1 part-time
Investigators:	5 full-time;	5 part-time
Paralegals:	25 full-time	
Secretarial-Clerical:	101 full-time;	3 part-time
Law Clerks/Legal Interns:	12 full-time;	13 part-time
Data Processing Personnel:	11 full-time;	1 part-time
Microfilm/fiche Specialists:	15 full-time;	1 part-time
Students:	5 full-time;	44 part-time
Other:		
Analysts:	7 full-time	
Administrative Assistant:	1 full-time	

Table 4 shows the number of suits filed and investigations initiated during the first 6 months of 1979. While statistics were also collected on 1978, activities apparently had increased significantly enough during 1979 as to make the 1979 compilation appear as a more valid measure of activity. It is assumed that, since most units were new, much of 1978 was devoted to "start-up" activities that did not immediately generate cases.

TABLE 4: ACTIVITIES OF STATE ANTITRUST UNITS - January-June, 1979

	Number of Investigations Initiated	Number of Suits Filed		
		Exclusively Under State Law	Exclusively Under Federal Law	Under Both
Alabama		12	16	
Alaska	22	4	0	0
Arizona	10	3	0	1
Arkansas	21	1	0	0
California				
Colorado	18	2	2	
Connecticut	20			2
Delaware	6			
Florida		0	0	0
Georgia		(no antitrust program)		
Guam		(no antitrust program)		
Hawaii	30	1	2	
Idaho				
Illinois	11	11	19	
Indiana		(no antitrust program)		
Iowa	21	3	0	0
Kansas				
Kentucky				
Louisiana				
Maine				
Maryland	40	1		
Massachusetts	34	2	8	1
Michigan				
Minnesota	16	4	1	1
Mississippi				
Missouri	37	8		2
Montana	6	0	0	5
Nebraska	25	3	1	4
Nevada	0	0	0	0
New Hampshire	19			
New Jersey	16	1	0	0
New Mexico				
New York				
North Carolina	13			
North Dakota	6	0	5	0
Ohio				
Oklahoma				
Oregon				
Pennsylvania	8			
Puerto Rico	96	2		
Rhode Island	23			1
Samoa		(no antitrust program)		
South Carolina	4	0	0	0
South Dakota	9	2	0	1
Tennessee	20	2	2	0
Texas	37	2	0	0
Utah	30-40	1		
Vermont				
Virgin Islands		(no antitrust program)		
Virginia		23	8	32
Washington	12	0	0	0
West Virginia	15 approx.	2		1
Wisconsin				
Wyoming		(no antitrust program)		
Totals	625-635	90	64	51

One COAG survey attempted to define the volume of written material produced, as an indicator of the potential volume of input to a brief bank. States were asked how many typewritten pages of pleadings, briefs, memoranda, etc. the division produces per month. (Q. 2a). The results are as follows:

No. of states responding	34
Total pages per month	10,105
Mean pages	297
Median	100
Low	15
High	1,500

If it were assumed that those non-reporting jurisdictions (14) which have antitrust units each produce the median number of pages, the total number of pages produced per month would be 11,505 ($100 \times 4 = 1,400 + 10,105 = 11,505$).

Another question asked what percentage of the materials referred to in question 2a above is of actual or potential research value to other states. The results are as follows:

No. of states responding	35
Mean	25%
Low	5%
High	100%

Grouped by categories, the results are as follows:

	<u>0-5%</u>	<u>6-10%</u>	<u>11-20%</u>	<u>21-30%</u>	<u>31-40%</u>	<u>41-50%</u>	<u>51+%</u>
No. of states	2	5	8	6	1	8	5

If the mean of 25 percent were applied to the 11,505 pages estimated above as the offices' aggregate output, 2,876 pages per month would be submitted to a brief bank.

A related question (2d) asked whether the amount of material produced by the division is expected to decrease, remain fairly constant, increase moderately, or increase substantially. (2d.) The results of 38 responses are as follows:

		Remain	Increase	Increase
	<u>Decrease</u>	<u>Constant</u>	<u>Moderately</u>	<u>Substantially</u>
No. of states	0	9	19	10

Thus, it is to be expected that the amount of material inputted to the brief bank would increase; therefore, operational plans should be based on a larger volume of material than indicated by question 2a.

Another measure of the scope of activity was the amount of time spent on research in the antitrust division. (Q. 1). The results are as follows:

a. Attorney Hours per Month

No. of states responding	35
Total hours	3637
Average per state	104
Median	80
Low	10
High	350 (or 200-400)

b. Non-attorney Hours per Month

No. of states responding	35
Total hours	1612
Average per state	46
Median	40
Low	0
High	300

The figures compiled in response to questions 1b, and 2a speak for themselves: state antitrust divisions, on the mean, devote a median of 80 hours of attorney time and 40 hours of non-attorney time per month to legal research, and produce a median of 100 typewritten pages of pleadings,

briefs, memoranda, etc., per month. If the average were used instead of the median, the figures would be much higher: 104 hours of attorney research time, 46 hours of non-attorney research time, and a total of 297 pages per month. Furthermore, the responses to question 2d indicate that the amount of written material, and, by implication, the amount of research time, are expected to increase in most states.

Adequacy of Existing Clearinghouse

It is apparent that a considerable amount of material is produced by antitrust units that is of potential use to other states. It is also apparent that a large amount of time is spent in research where such materials might be of value to antitrust attorneys. An effort was also made to determine the extent to which the Antitrust Bulletin published by COAG meets this need for information exchange.

Antitrust units were asked what percent of pleadings, briefs, etc., that they produce are submitted to COAG. (Q. 2b). The results are as follows:

No. of states	<u>0-5%</u>	<u>6-10%</u>	<u>11-20%</u>	<u>21-30%</u>	<u>31-40%</u>	<u>41-50%</u>	<u>51+%</u>
	21	9	3	0	0	1	0
No. of states responding	34						
Mean	5%						
Low	0%						
High	50%						

Responses to question 2c indicated that, on the mean, 25 percent of the typewritten pages of pleadings, briefs, memoranda, etc., produced by antitrust divisions are considered by them to be of potential value to other state antitrust divisions. If, however, these divisions submit an average

of only 5 percent of the typewritten pages of pleadings, briefs, memoranda, etc., which they produce to COAG, we can assume that much of the material which would be of value to other states is not forwarded to COAG and, therefore, not made available for dissemination to other states.

For the most part, documents not forwarded to COAG are not readily available to other states. The responses to Question No. 9 indicate that the states quite often contact one another directly to request materials without going through COAG. However, the responses also indicate that the states most often discover that another state may have helpful pleadings, briefs, memoranda, etc., through reading the NAAG-COAG Antitrust Bulletin (which contains a summary of each document submitted), BNA's Antitrust and Trade Regulation Reporter, and CCH's Trade Regulation Reports. Rarely, however, is any state activity reported in the latter two publications which is not also reported in the Antitrust Bulletin. Thus, it is only through personal contact among antitrust division personnel at conferences or multidistrict litigation meetings that one division is likely to learn that another division has worked on the same issue or problem, and may have some helpful material, unless that material has been submitted to COAG.

It seems reasonable to assume that if more of the material of potential research value were submitted to COAG (ideally 100 percent) and were made readily accessible to all of the states, the amount of research time could be reduced and each research hour could be spent more productively. A state researching a particular issue should be able to get copies of all research materials from other states on that same issue and, if more research is needed, start from where those other states left off, not de novo.

To determine the adequacy of the present clearinghouse from a user's perspective, antitrust units were asked whether the present system of access to COAG antitrust materials was adequate for the unit's research needs. (Q.4). Responses were divided, with 17 saying "yes" and 17 saying "no". Comments other than "yes" or "no" in response to this question are as follows: "we have found it to be beneficial," "have not used it for legal research," "most of the time" "yes, qualified," "sometimes," and "[i]t is indeed useful but can be improved upon."

This question also asked what are the shortcomings of the present system, and what recommendations the respondents have for improving the present systems. The following responses were elicited. These have been grouped as much as possible and listed below in order of frequency.

Observation	States Citing
1. Lack of index or problems related to lack of index	12 states
2. Incompleteness of COAG materials	8 states
3. Time delay	4 states
4. Others:	
Did not know COAG was interested in receiving briefs	1 state
Relative infrequency of publication of <u>Bulletin</u>	1 state
Not aware of criteria for publication in <u>Bulletin</u>	1 state

The recommendations mentioned have been grouped to the extent possible and are listed below in order of frequency.

Recommendation	States Citing
1. Establish index	14 states
2. Make COAG materials more complete	8 states
3. Establish brief bank	3 states
4. Others:	
Computerization of COAG data base	3 states
Disclosure of pending investigations to the extent permitted for publication	1 state
Publish criteria for publication in <u>Antitrust</u> <u>Bulletin</u>	1 state

Although approximately half of the states responding to Question No. 4 indicated that the present COAG system is "adequate," there appears to be virtual unanimity that the present system can be improved upon. Twenty-four states listed one or more shortcomings, and 26 states listed one or more recommendations for improvement.

The shortcomings most often mentioned are lack of an index (mentioned specifically by 7 states) or problems associated with the lack of an index (mentioned by 5 states). Examples of shortcomings associated with the lack of an index are: "too burdensome to ascertain if COAG has the needed materials," "the lack of an index for the publication forces one to go through them all to find matters relevant to any particular subject," and "you forget what is available." Not suprisingly, the most-often mentioned recommendation, made by fourteen officers, was to establish an index (14 states).

The second most often mentioned shortcoming concerns the incompleteness of the materials furnished to COAG. Typical comments are: "unavailability of supplemental pleadings, memos, etc.," "OK for complaints, but not for legal research materials such as briefs and unpublished opinions," and "the present system gives only final results; missing are procedural memos (e.g., for subpoena enforcement), market surveys, and background memoranda." Suggested solutions to the problem of incompleteness were the second most often mentioned recommendations. Some of these recommendations are as follows: "set up a better structure for informing states you want copies of pleadings and briefs; also, you might send out requests to anti-trust units to have their secretaries automatically mail copies of all briefs, pleadings, indictments, Attorney General opinions filed by the division," and "updating of activities would be helpful; also, progress reports."

Three states recommended computerization of the COAG data base. One state recommended that COAG "request each state unit to disclose, to the extent permitted by its Attorney General, the industries or products or firms that each unit is investigating." In consideration of this comment, however, it should be noted that in response to a January 1979 request for states to forward information to COAG regarding current investigations, many states noted such information could not be disclosed because of: (1) the confidential nature of the investigations; and (2) constraints imposed by state law.

Despite its inadequacies, the states clearly find the present clearinghouse to be useful. States were asked whether they go through back

issues of the Antitrust Bulletin to see if COAG has any materials that would aid in research of a particular issue. Of 39 divisions responding, 12 said they did so often, 18 said occasionally, 7 rarely, and only 2 never. Since, in the absence of an index to the COAG antitrust materials, the only means of access to materials published in past issues of the Antitrust Bulletin is a laborious search through the back issues. The fact that 18 states "occasionally" engage in this laborious process and another 12 states do so "often" is therefore very surprising. It is also an indication of how useful an index would be.

Anticipated Use of Brief Bank

A series of questions were designed to measure anticipated use of a brief bank. These questions and answers were as follows:

11a. This question asked whether, if a nationwide brief bank is established at COAG, the division would submit more material and request more material from COAG than it presently does.

	<u>Yes</u>	<u>No</u>	<u>Other</u>
No. of states	30 (83%)	2 (6%)	4 (11%)

11b. This question asked how many documents the division would submit to the brief bank per month.

	<u>0</u>	<u>1-5</u>	<u>6-10</u>	<u>11-20</u>	<u>21+</u>
No. of states	1	29	6	2	0

11c. This question asked how many documents the division would request from the brief bank per month.

No. of states	$\frac{0}{0}$	$\frac{1-5}{26}$	$\frac{6-10}{10}$	$\frac{11-20}{2}$	$\frac{21+}{0}$
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The response to Question No. 11a raises the expectation that the existence of a brief bank would prompt the antitrust divisions to be more diligent in sending materials to COAG. The response also indicates that the COAG materials would be used much more frequently.

Another indicator of the need for a brief bank is the extent to which antitrust divisions use materials from other states, however, such materials are obtained. Offices were asked for information on the number of times within the preceding 6 months they had directly contacted other state antitrust divisions to request materials. Of the 32 states responding, 12 said they had contacted other states 5 times or less, 11 said 6-10 times, 8 said 11-20 times, and one said more than 20 times. This indicates a widespread use of other states' materials.

The final indicator of the need for a brief bank was obtained by measuring use of COAG's present clearinghouse. Table 5 gives two sets of figures: the number of contributors by each office to the Antitrust Bulletin, and the number of requests by each office for copies of materials on file with COAG, or for other technical assistance in antitrust. The figures were obtained by counting items printed in the Bulletin, and by reviewing records of requests on file with COAG. Information is for the period from October 1, 1978 - September 30, 1979.

TABLE 5: CONTRIBUTIONS TO AND USE OF COAG'S CLEARINGHOUSE SERVICES:
1978-79 FY

	Contributions to Newsletter	Technical Assistance Requests
Alabama	3	6
Alaska	10	6
Arizona	18	9
Arkansas	3	5
California	6	8
Colorado	10	8
Connecticut	3	5
Delaware	3	5
Florida	1	4
Georgia	(no antitrust program)	
Guam	(no antitrust program)	
Hawaii	9	13
Idaho	1	8
Illinois	6	5
Indiana		3
Iowa	5	9
Kansas	1	9
Kentucky		4
Louisiana	2	12
Maine	4	7
Maryland	1	4
Massachusetts	22	1
Michigan	8	9
Minnesota	6	14
Mississippi	1	3
Missouri	13	5
Montana	2	5
Nebraska	8	8
Nevada		6
New Hampshire	1	4
New Jersey	9	25
New Mexico	4	12
New York	25	1
North Carolina	6	32
North Dakota	1	4
Ohio	7	9
Oklahoma		8
Oregon	1	3
Pennsylvania	2	8
Puerto Rico		
Rhode Island	3	5
Samoa	(no antitrust program)	
South Carolina		25
South Dakota	2	5
Tennessee	9	12
Texas	8	15
Utah	6	4
Vermont	7	12
Virgin Islands		
Virginia	4	6
Washington	1	1
West Virginia	8	10
Wisconsin	7	5
Wyoming	(no antitrust program)	
Totals	257	387
Total Juris.	43	48

These figures show that all of the states which have antitrust programs made use of the clearinghouse, and that almost all participated both as contributors and requestors of documents. There were a total of 257 contributions, or an average of 6 per contributing jurisdiction, and 387 requests, or an average of 8 per jurisdiction. This relatively high incidence of use, despite the reported problems with the present clearinghouse, indicate strong support for a brief bank or expanded clearinghouse operation.

Another question that needs to be addressed at some point is that of access to the clearinghouse. For example, the National District Attorneys Association's Economic Crime Project has expressed growing interest in antitrust enforcement. It might be desirable to allow selected district attorneys access to these materials. It might also be desirable to define more explicitly the basis for access by Attorneys General's offices; for example, could any member of an Attorney General's staff request materials, or should all requests be directed through designated persons in each office? The question of who could use the brief bank would be especially important if confidential documents were to be included.

C. OPERATIONAL CONSIDERATIONS

The second aspect of the feasibility study was to examine some operational alternatives. This involves such questions as the kind of material to be included in a brief bank; the indexing of such material; methods of storing and transmitting materials; and equipment needs. This aspect of the study revealed considerable more diversity of opinion than did the needs study. It did make it possible, however, to set some broad parameters for establishing and operating a brief bank.

Definition of Documents

The term "brief bank," while used widely, can be construed to cover various types of documents. Some attorneys view this as including only the actual briefs filed in a case, while others envision that a wide range of case papers and background materials would be included. In order to define the idea of a brief bank more precisely, COAG asked antitrust units to define its potential content. It should be noted that material presently submitted for the Antitrust Bulletin consists primarily of complaints, court decisions, and news of state activities.

Respondents were asked to prioritize the different types of materials to be included in the brief bank. (Q. 10). In order to rank the types of materials, a weighted value was assigned to each rank in priority. A value of "12" was assigned for each type of material designated as first priority, "11" was assigned for each number two priority, etc. The result of this ranking process is as follows:

<u>Type of Material</u>	<u>Weighted Ranking</u>
Briefs and memoranda to the court	632
Other briefs (375)	
Class action briefs (257)	
Discovery documents	551
Interrogatories (248)	
Requests for production (176)	
Written depositions (107)	
Complaints	343
Unreported court orders, rulings, memoranda and opinions	263
Judgments, consent decrees, settlement agreements, assurances of voluntary compliance, etc.	236
Studies and other research materials on industries, markets, etc. Attorneys' General Opinions	176
Attorney General Opinions	150
Motion papers	140
Business review letters	86
Materials submitted to state legislatures, state agencies, etc.	83
Evidentiary materials	69
Affidavits	41
Other pleadings (other than complaints)	38
Other	24

Thirteen kinds of materials were listed for prioritizing. Several of these categories allowed the respondents to write in more specific types of materials under a general heading, or to specify the issues they wanted to see addressed in certain types of materials. The final category allowed the respondents to list any other types of materials they felt should be included in the brief bank.

Response to this question was extensive. Every state which responded to the questionnaire responded to this question, and 24 states took advantage of the opportunity to list other types of materials or specific issues to be addressed. The following paragraphs list the types of materials and issues suggested by the respondents under the general headings.

Other briefs and memoranda to the court. Several of the responses here were very general; e.g., "substantive antitrust issues," "procedural matters," "evidentiary issues," and "discovery issues." The more specific responses noted briefs on: "jurisdiction"; "venue"; "power of Attorney General"; "fraudulent concealment"; "jury charges," "Illinois Brick," "preemption"; "undue burden on interstate commerce"; "federal-state conflicts concerning jurisdiction and pre-emption"; "classification of offenses as per se violations"; "resale price maintenance"; "tying," "allocation"; "horizontal restraint"; and "support of motion to enforce Civil Investigative Demand."

Other pleadings. The responses were: "answers"; "answers submitted by defendants"; "CID"; and "pretrial orders setting forth issues and contentions of parties, stipulations and names of witnesses."

Other discovery documents. The only response listed under this category was "document subpoenas."

Evidentiary materials. The responses listed under this category were: "economist affidavits"; "summaries of evidence justifying filing of federal complaints"; and "listing of summary of materials (with follow up of items

of interest)." One respondent stated that this category of materials should not be included in a brief bank.

Motion papers. Here the respondents' primary concern was with discovery, as evidenced by the following responses: "compel discovery"; "motions to produce"; "discovery issues"; "motions to compel or quash"; and "Rule 37 motions." Other responses were: "preliminary injunctions"; "summary judgment," "motions for class certification," "injunctions," "to compel briefs," "state compulsory motions," "motion to dismiss," and "motions re fraudulent concealment."

Other. The responses were: "internal office memoranda," "table showing fines and penalties for various types of conduct," and "jury instructions/charges."

The results of this survey suggest that standards for input to the "brief bank" should be quite broad. The potential users clearly want a broad range of case papers to be available. Although respondents give briefs a higher priority than any other type of document, there is also a strong interest in discovery documents, complaints and court orders.

To provide further insight into the needs of potential users, an analysis was conducted of documents requested through COAG's present anti-trust clearinghouse. To simplify the analysis, it was limited to specific requests for documents mentioned in four issues of the Antitrust Bulletin (September, October, November and December, 1979). Requests for information or assistance that did not specifically mention a document described

in the Bulletin were excluded, even though such a document might have been sent in response to the request.

In this compilation, the following methodology was used in tabulating the given totals:

(1) If a group of materials concerning a specific case was received for publication, each item was entered into the calculation even though the separate items were contained in the same category. For example, if a group consisting of materials containing a brief, a motion, supporting affidavits and defendant's response was received, one document was noted under the heading of "briefs and other memoranda," while three items were noted under the heading of motions, responses and supporting affidavits.

(2) If supporting materials were forwarded with another document, these materials were considered part of the primary document and only the primary document was tabulated. For example, if a complaint with supporting materials was forwarded, only one item under the heading of "complaints and petitions" would be noted.

(3) Notices of judgments were not separately tabulated but were considered as supporting materials to any judgment or order.

The results are shown in Table 6. This, like the survey, shows that antitrust attorneys want a broad range of case papers. The percent of documents mentioned in the Bulletin that were subsequently requested was a high for motions, as for briefs, (50 percent), and approximately 50 percent

TABLE 6: TYPES OF DOCUMENTS SUMMARIZED IN AND REQUESTED FROM THE
ANTITRUST BULLETIN

Type of Document(s)	Number of Documents Summarized in Bulletin	Requests for Documents	
		Number of Documents Requested	Number of Persons Requesting
<u>Case Materials</u>			
Complaints or petitions (judicial or administrative); petitions to intervene; convictions; indictments; supporting materials	42	15	23
Summonses	1	0	0
Interrogatories; discovery documents	1	1	1
Motions; responses and supporting affidavits (including notice of appeal and petition to appeal)	14	7	6
Briefs; other memoranda	17	9	12
Settlement agreements; consent decrees; assurances of discontinuance; and other agreements	23	10	12
Stipulations	5	3	5
Final and/or consent judgments; court opinions; orders	22	8	13
<u>Other Materials</u>			
Attorneys General's opinions	2	2	12
Comments or testimony before regulatory boards; supporting materials	3	1	1
Legislation; legislative materials and proposals	4	3	6
State programs and related materials	4	2	5

of the complaints, settlements and other agreements were later requested. There was somewhat less demand for court opinions and orders, possibly because most of these are available from other sources.

This analysis also indicates that there is substantial interest in materials other than case papers. On a percentage basis, the requests for copies of Attorneys General's opinions exceed those of any other category of materials. There was also a high degree of demand for materials relating to legislation and state programs. While the 4-month period is too limited to be conclusive, it is evident that users of the present clearing-house service have an interest in many different types of documents.

The survey suggests that standards for input to the brief bank should be quite broad, and should include most kinds of case papers. It is also apparent that the Antitrust Bulletin is presently serving as a clearing-house for a variety of legal materials, although few briefs are presently being submitted.

While it is apparent that potential users of a "brief bank" and present users of the clearinghouse actually want a broadly-inclusive document file, some factors suggest more limited operation should be mentioned. The most obvious, of course, is cost. Most costs of operating a "brief bank" would correlate directly with the number of documents processed for inclusion. These would include staff time to index, file and disseminate, and costs of microfilming and storing the input documents.

Another factor that should be considered is users' time in reviewing materials or summaries, or in searching indexes for documents to meet a particular need. The greater the volume of documents, the greater the amount of time required to locate ones that would be useful. Furthermore, a broadly-inclusive system would retain, index and disseminate documents without regard to their quality. Thus, a hastily-drawn document would be accorded the same attention as one that resulted from months of careful research.

It would, of course, be possible to exercise some selectivity in operating a "brief bank," or to identify documents of outstanding quality. This approach is illustrated by the "exemplar file" maintained by the United States Department of Justice's Antitrust Division. Approximately 250 documents per month are forwarded to the Information Systems Section for possible use as research materials. From these, approximately 12 to 15 are selected for the "exemplar file" by the attorney in charge of this activity, Mr. Kevin Keaney. The criteria for selection are: (1) whether the document is well-written; (2) whether it deals with a unique or important issue; and (3) whether the issue is of current interest. Mr. Keaney then submits the document informally to certain attorneys for their comments. Copies of these exemplary documents are sent to each of the Division's sections and to the eight field officers.

Various approaches could be used to exercise some selectivity. One would be to limit the types and/or subjects of documents to be submitted by the states. Another would be to solicit broad input, but screen the documents received, and select only those of potential value for inclusion in

the brief bank. Either approach would require a careful delineation of what documents were desired, so that a reasonable degree of consistency was assured. Still another possibility would be to emphasize a few types of documents initially, then expand later to include additional materials.

Indexing/Coding of Documents

Indexing or coding of documents is essential to a brief bank, unless the system has a computerized word search capability; even then, indexing may be used to ensure that the document to be searched include the key word. The index provides access to the content of the brief bank, and makes retrieval of pertinent material possible.

Despite the acknowledged need for comprehensive indexes, few offices maintain them. The brief bank questionnaire asked whether all, some, or no briefs, pleadings, memoranda, etc., are indexed by the antitrust division; and of 38 offices responding, 5 said all, 11 said some, and 22 said none. This corresponds generally with a 1976 COAG survey in which 23 Attorneys General's offices reported that they index briefs, while 29 said they did not index. (See NAAG/COAG, Indexing of Briefs, May 1976). An antitrust division may, of course, develop an indexing system even if no office-wide system exists.

Several of the states which responded that they do index some or all of their pleadings, briefs, memoranda, etc., indicated that they merely file documents in the appropriate case file; and there is no filing or indexing by subject matter or issue. Of course, in the vast majority of

states which do no indexing, index only some of their materials, or simply file by case, the material is not necessarily inaccessible. As one respondent, whose state files only by case said, there is "no cross-index between files other than the memory of the oldest living attorney." As long as attorneys remember which issues came up in what cases, case files may work remarkably well. But as offices get bigger, cases get more numerous, memories fade, and turnover runs apace, case files become increasingly inadequate and the division may find itself "reinventing the wheel."

Several antitrust units, however, have fairly sophisticated indexing systems. Hawaii, Massachusetts, Minnesota and Texas submitted to COAG extensive keys to their indexing systems. The index key sent by Massachusetts is used for a central brief bank for all of the ESAC states. Iowa stated that its index interfaces with the West reporter system. Illinois stated that all pleadings, briefs, memoranda, etc., are indexed, stored and retrieved on computer.

COAG has received copies of six of the state antitrust indexes. The Alaska, Hawaii, Michigan, Minnesota and Texas indexes are organized by legal issue, product and service. The Massachusetts index is organized basically by type of document; e.g., "Motion to Transfer (1407)," "Class Action Interrogatories," "Securities Class Action Briefs," etc. The type of document is described with sufficient specificity, however, to inform the researcher of the types of issues likely to be involved. The Michigan index is keyed to some 635 cases, which are divided into cases from the U.S. District Court for the Eastern District of Michigan, the U.S. District Court for the Western District of Michigan, the Sixth Circuit Court of

Appeals, and the Michigan Appellate Courts. The other five indexes include materials other than cases, such as Attorney General's opinions, law review articles, briefs, jury instructions, etc.

All six of the indexes appear to have been developed especially for the antitrust divisions, rather than as a part of an office-wide index for the entire Attorney General's office. Some of the issues, such as discovery, civil procedure, and criminal law would be useful to other divisions of the Attorney General's office, and likewise, the antitrust division could benefit from the research of other divisions on these issues.

An effective index is generally considered essential to a clearinghouse. One survey question asked whether there is a need for a continually updated subject index to COAG materials. Of 37 responses, 33 said yes, 3 said it would be helpful, and 1 said no. The response to this question, and the fact that establishing an index was the most frequently-mentioned recommendation for improving the Antitrust Bulletin, demonstrated a strong desire for such an index.

Because of this interest, the COAG staff initiated the development of an index for antitrust materials as part of this feasibility study. This index is included as an Appendix to this report. The index will be used for future issues of the Bulletin, and materials presently on file will be indexed to the extent possible.

The antitrust index will interface with COAG's Standard Subject Index, as do all of the specialized indexes developed by COAG. The Standard

Subject Index was first adopted in 1970 in an effort to achieve some uniformity among state indexes and to facilitate interchange of opinions and other materials among the states. It has been revised several times, most recently in 1979. The antitrust index has also been designed to correspond as closely as possible with existing indexes of state antitrust units.

The antitrust index developed by COAG is intended to index each document according to three categories:

- (1) The type of product or service;
- (2) The type of offense or action taken by the defendant;
- (3) The type of issue involved.

It probably would also be necessary to index according to two additional categories:

- (4) The style of the case (or title of the document or similar identification code in the case of memoranda and other documents which were not related to a specific case);
- (5) The court or regulatory body where the action is brought, or similar identification of the location.

The number and types of indexes used by an antitrust brief bank must depend in part on the uses to which the brief bank will be put. If the purpose of the brief bank is limited to document storage and retrieval, two or three identifiers for each document may be adequate. If, however, it is also intended that it be the basis for any management data or workload analysis, additional indexes will be needed.

The United States Department of Justice has a computerized indexing system for research materials. A coding sheet is prepared for each document, then placed on a word-processing machine (VIDAC). The data are then input into a computer, which is programmed to prepare five different indexes. These are:

- (1) Key word out of context index of issues;
- (2) Key word out of context index of subjects;
- (3) Listing by document type;
- (4) Listing by court;
- (5) Listing by exemplar file numbers (see preceeding discussion).

A monthly file of unpublished court decisions, rulings and orders is indexed as follows:

- (1) Case title;
- (2) Court;
- (3) Judge;
- (4) Movant (defendant or plaintiff);
- (5) Subject of motion on which judge ruled;
- (6) Ruling (motion granted or denied);
- (7) Date.

Dissemination of Documents

The questionnaires attempted to evaluate respondents' preferences as to how a brief bank should operate in terms of dissemination. The results

of this part of the survey are inconclusive, partly because the alternatives offered were not defined. It appears, however, that the respondents are divided between wanting hard copies of materials and wanting microfilm/microfiche. The majority want to receive materials on a "request only" basis, although a substantial number would like the copies of all materials.

At present, COAG sends documents to Attorneys General's offices only on request; that is, an attorney must request a copy of specific document, usually one mentioned in the Bulletin. At the suggestion of the advisory committee, an alternative method of dissemination was suggested: that of sending a copy of all documents to all participating states. Presumably, some discretion would be exercised by COAG in selecting suitable documents for the brief bank, so that all documents received would not necessarily be included in the brief bank. The questionnaire explored both approaches to dissemination.

In response to a question as to whether the division would prefer to receive only those materials which it requests from the brief bank, or whether it would prefer to receive a copy of all materials in the brief bank. Thirty-two states indicated that they would prefer to receive only those materials which they request. (Q. 12) Of these states, 9 noted that they want an index to the materials. Only six states indicated that they would prefer to receive a copy of all materials in the brief bank.

Another question asked the division to prioritize the following ways in which they could receive materials from the brief bank on a request only basis. (Q. 13a.) These are listed below, in descending priority.

	<u>Priority</u>				
	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
Computer word search	6	3	3	8	6
Electronic mail	0	5	4	6	9
Hardcopy	24	4	5	3	0
Microfiche	4	6	9	4	5
Microfilm	3	10	8	4	4

Assigning a value of 5 for each first priority "vote", 4 for a second priority "vote," etc., the ranking is as follows:

<u>Method</u>	<u>Weighted Ranking</u>
Hardcopy	- 157
Microfilm	- 86
Microfiche	- 84
Computer word search	- 73
Electronic Mail	- 53

The next question asked the division to prioritize the following ways in which they could receive all materials from the brief bank. (13b.)

	<u>Priority</u>			
	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>
Electronic mail	2	5	3	13
Hardcopy	11	3	14	3
Microfiche	17	7	5	4
Microfilm	7	13	4	3

Assigning values as in 13a above, the ranking is as follows:

<u>Method</u>	<u>Weighted Ranking</u>
Microfiche	- 103
Hardcopy	- 84
Microfilm	- 78
Electronic mail	- 42

To ascertain the ability of Attorney General's offices to use microform, the questionnaire asked for a listing of any microfilm/microfiche equipment which was located in the antitrust division. This equipment may be owned or leased. As shown in table 7, 20 antitrust units reported that they owned or leased such equipment, or that it was available in the law

TABLE 7: MICROFILM/MICROFICHE EQUIPMENT OR SERVICE

	Does the Office use a Commercial Service?				Does the Office own Equipment?
	Never	Occasionally	Often	Continuing	
Alabama	x				Microfilm reader & printer.
Alaska	x				Microfilm and microfiche readers
Arizona				x	Microfiche reader-printer
California					Microfilm and fiche readers - printers
Colorado			x		Microfiche reader printer
Connecticut				x	Film-reader-printer Fiche-reader
Georgia	x				
Illinois	x				Film/fiche- reader-printers
Iowa	x				Fiche-readers/printers
Kansas					Readers; Reader/printer (Film-fiche?)
Kentucky	x				
Louisiana		x			Kodak - type unknown
Missouri		x			Film/fiche readers, film-readers/printers
Montana		x			Available in law lib.
Nebraska	x				
New Hampshire					Film/fiche- reader printer
New Mexico	x				Borrow from state library
New Jersey	x				
North Carolina	x				Film-reader/printer
Oklahoma					Film-reader/printer
Rhode Island				x	Film-reader/printer
Texas	x				
Utah		x			
Washington				x	Film-reader/printer
Wisconsin	x				Film-fiche (reader printer?)

library. One additional state reported that it used a commercial service bureau. Costs of acquiring equipment would, of course, be a factor in determining the feasibility of this approach in states that did not already have such equipment.

Another consideration in determining the format for a brief bank is the time required for accessing data. Divisions were asked whether they perceived a need for transmitting materials by electronic mail (Q. 14). Of the 39 respondents, 17 said yes. Here, again, "electronic mail" was not defined, nor was it related to cost factors.

Another approach to this issue was to obtain data on turnaround time under the present clearinghouse. States were asked to report the date on which they received a questionnaire that was mailed (via first class mail) on July 6. (Q. 7). Responses were as follows:

No. of states	$\frac{7/7}{1}$	$\frac{7/9}{16}$	$\frac{7/10}{5}$	$\frac{7/11}{2}$	$\frac{7/12}{1}$	$\frac{7/16}{1}$	$\frac{7/30}{1}$
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Of the 27 states which responded, 21 states (78%) had received the questionnaires by the following Tuesday, July 10, just 2 working days later. All but 2 (98%) of the responding states received their questionnaires within 4 working days. However, one state did not receive the questionnaire until 10 days after mailing, and another did not receive it until 24 days later.

To further evaluate the present approach, divisions were asked whether the present turnaround time on requests for materials from COAG is sufficiently fast to meet the division's research needs. Of 34 responses, 23

said yes, 4 said no, and 7 said "usually," "sometimes," or had similar responses. Obviously, the turnaround time would normally be twice as long as the mailing days indicated in the preceding question.

One solution to the problem of dissemination would be use of telecommunications devices. Such devices can be used in conjunction with many types of word processing or data processing equipment, and allow rapid communication between distant terminals. They operate over regular telephone lines, at the regular rates for long distance calls. One system (IBM), for example, transmits 2,400 "bits" per second. This means that a 10-page brief, double spaced, could be transmitted in 1-1/2 minutes.

To explore the feasibility of electronic communication, COAG asked antitrust staffs to describe their computer equipment or electronic transmission facilities. Data from this questionnaire were merged with information from a COAG questionnaire on data processing applications to Attorneys General's offices. The results are shown in Table 8. This indicates that a majority of Attorneys General's offices have, or have access to, equipment that could be used for telecommunications. In most cases, some modification of the existing equipment would be required for this purpose. COAG presently has an IBM 6/450 that could be adopted for this purpose.

TABLE 8: AUTOMATIC WORD AND DATA PROCESSING EQUIPMENT

State	Word and Data Processing Equipment	Telecommunication Device
Alabama	University Computer *State Computer - IBM 370-158 IBM Memory (2)	
Alaska	State Computer - IBM 3031 IBM Mag A, IBM Mag II	
Arizona	WANG 30 State Computer - Honeywell 66-DPS-3	
Arkansas	IBM - OS6/450	
California	WANG 25 (2) State Computer, brand unspecified Minicomputer, brand unspecified	Telephone Couplers
Colorado	State Computer - IBM 3033 Judicial Dept. Computer - IBM 3031	Modems and phone Telecopier 3M-2346
Connecticut	State Computer - IBM 370-168 WANG, IBM Mag II, IBM Memory, IBM Mag A	(Telecom. capability with WANG)
Delaware	Data Speed 40 CRT and 132 Col. printer interfacing with U. of Delaware B 7700; Courier CRT with 80 col. CRT communica- ing with Superior Court's Burroughs 1855 after 1/1/80; IBM 370. Xerox 800	
Florida	Have appropriation for officewide word processing equipment, Use IBM 6/450 in state of Washington for bid-monitoring in Antitrust, IBM Memory (2), IBM Mag I (3),	Adaptor 3700 EIA Interface Attach- ment 3701
Georgia	IBM Mag II, IBM Memory	
Guam	IBM 6/450, IBM Memory, IBM Mag II, IBM Mag A, IBM Computer in 12 months	
Hawaii	State computer, brand unspecified, IBM Mag I, IBM Mag A	
Idaho	IBM Mag II (4), IBM Memory	
Illinois	IBM Mag, Diablo Hyterm Communications terminal - Xerox 1620; Hewlett Packard 3000 Series II.	

TABLE 8: AUTOMATIC WORD AND DATA PROCESSING EQUIPMENT (cont'd)

State	Word and Data Processing Equipment	Telecommunication Device
Indiana	IBM - OS6, IBM Mag II, State Computers (2) - IBM 370-168	
Iowa	IBM Mag II, IBM Mag A (2)	
Kentucky	WANG 30; WANG 25 (will interface with State Computer - IBM 370/168)	
Maine	Trying to obtain legislative appropri- ation in 1980 for word-processing equip- ment to interface with data-processing equipment	
Maryland	IBM OS6, IBM Mag A, Vydec 1400, Redractor In process of replacing some word-processing equipment; state computer, brand unspecified	
Massachusetts	WANG, IBM 370-158 in Dept. of Public Works Boston Univ. - IBM 370	
Minnesota	Data General Nova 3	
Missouri	Univ. of Missouri IBM 360	
Montana	IBM 6/450 and 6/420, IBM Mag II (2) IBM 370/158	
Nebraska	IBM Mag II	
New Hampshire	Have appropriation, are in process of selecting word-processing equipment for 6 divisions; Micom 2000-7410	
New Jersey	Minicomputer to be acquired, ITTEL AS 5-3 with remote telex terminals - TC-277; IBM Mag II WANG 140 to replace Wang 30	
New Mexico	Jacquard 2100 with 5 word-processing stations, IBM 3270 - CRT	
New York	State computers - Honeywell DPS AND IBM 370-158; time share with General Electric Corp.	
North Carolina	Lanier LTE-I; Lanier LTE-III, IBM Mag I, State Computer - Univac 1100	
North Dakota	IBM Mag II (4)	
Ohio	IBM Memory (7), Xerox 800 (19), IBM Mag I (3), IBM Mag II, Data Media DT 80/1 (3), NCR 796031 terminal - State computer, brand unspecified	

TABLE 8: AUTOMATIC WORD AND DATA PROCESSING EQUIPMENT (cont'd)

State	Word and Data Processing Equipment	Telecommunication Device
Oklahoma	IBM OS6	
Oregon	3277 text keyboard (2); Vydec; CPT, State computer - IBM 370-3033	
Pennsylvania	WANG; computer terminal linked to state mainframe	
Rhode Island	IBM Mag A (2), IBM Memory (2), Reviewing word processors with data processing capability; IBM 3278 terminal to be acquired for office to link with state IBM 3032	
South Carolina	IBM 6/450 (2); IBM 452, IBM Mag II, IBM Memory (6), Currently leasing a "Data 100 Keybatch 74" system with RJE and HASP functions, communications with IBM 370/165. Racal Milgo 4800 LSI Modems. System upgrade anticipated in January 1980. Vendor hardware unknown at this time.	
South Dakota	IBM 6/450; IBM Mag I (3), IBM Mag II (2), IBM Mag A; State computer; IBM 370/158 - linked by state radio communications	
Tennessee	Xerox 850; IBM Mag II State computer, brand unspecified	
Texas	IBM OS6; Lanier "no problem" Xerox 800, IBM Mag A (12), IBM Mag. II (8), IBM Mag I (3), DEC 10; State Computers (2) - IBM 370/158	NCR 796-101 and TI Silent 700
Utah	IBM MTST, IBM MTST 2nd part, State Computer, brand unspecified	
Vermont	IBM Mag I	
Virginia	AB Dick Magna SL, AB Dick Magna I State computer, brand unspecified	
Washington	WANG, CPT 4500 (4), IBM Mag I, PRIME 400	Telecom. with WANG
West Virginia	IBM Mag II	
Wisconsin	Studying feasibility of officewide word- processing system, Burroughs 4800 (2) State computer - IBM 3033	

* State computer listed when Attorney General indicated some use of it.

Word Search Capability

There has been a considerable amount of interest among the states in computer research. A 1976 COAG report, Computer Research in the Law, evaluated the advantages and disadvantages of this approach and discussed some of the considerations involved. A substantial number of Attorneys General's offices now have WESTLAW, LEXIS, or other services in operation; a few have previously had such service, but have discontinued it.

The application of this approach to a brief bank was explained through a question that asked whether the division perceives a need for a computerized brief bank with word search capability. Of the 31 respondents, 13 said they did, while 18 said they did not.

These offices' own experience with computerized legal research apparently has been satisfactory. Nineteen states responded that they have had experience with computerized legal research. Fourteen of these states reported that they had found computerized legal research to be useful to at least some extent. However, many of these answers are qualified, such as: "in limited situations"; "found by some to be useful"; "useful to those (few) who regularly used it and knew what they were doing"; "fairly useful"; etc. However, only four states replied that computerized legal research was cost efficient. Eight states reported that it was not. The respondents were not asked to explain the basis for this evaluation.

Information available to COAG from other sources indicates that most of the states which have computer legal research capability have encountered substantial problems in ensuring its efficient utilization. While

these difficulties do not invalidate the use of this technique, they do indicate that a cautionary approach should be taken to including this capability in a brief bank. Another relevant consideration is that of cost. As indicated in this report, this approach would involve substantial costs, both initially and on an ongoing basis.

Comments to COAG by members of the advisory group and other state antitrust personnel indicate that a computerized brief bank is generally viewed as unnecessarily complex and costly, at least for the near term. Mr. Kevin Keaney of the U.S. Department of Justice concurs, suggesting that putting the full text of pleadings on line in a computerized data bank would be needless duplication, since such material could be quickly retrieved from the respective Attorneys General's offices in hard copy. He notes also that there is some reluctance on the part of attorneys to use a computer system, and that "in any event, logic suggests that simpler systems are to be preferred until need requires the more complex and resources are available."

D. COST FACTORS

The feasibility of any of the options regarding a brief bank/document dissemination system must be weighed in terms of cost factors. There is often a critical difference between what is viewed as the optimum system and what is economically feasible. Complete cost analyses have not been conducted, but the following data show some of the equipment costs that might be incurred if some of the systems suggested herein were followed.

The following data concern only hardware and external service costs. They do not include any staff time on the part of either COAG or the participating states. Staff time could not be estimated until a determination was made as to what functions would be performed at COAG, and by what type of personnel. Specifically, a decision would have to be made on whether indexing would be done by an attorney or by a paralegal. Some guidelines would also have to be established on how detailed the indexing procedure would be, and whether all documents submitted would be indexed.

Computerized Brief Bank

COAG estimated the cost of a nationwide computer brief bank with full text word search capability, based on cost information supplied by Mead Data Central, Inc. Assuming that: (1) there would be one terminal in each office; (2) there would be an initial data base of 5,000 pages; (3) 500 pages would be added to the data base each month; and (4) each state would use the computer brief bank an average of 10 hours per month, the following costs were estimated.

ONE-TIME COSTS INCURRED INITIALLY

\$11,700	\$11,700	conversion, loading and first-year storage of initial 5,000 page data base
	350	terminal installation fee
	x50	states
17,500	17,500	
2,250		maximum instruction fee to train attorneys
	(4,500)	start up fee, completely recoverable in use cost so not included here
<u>\$31,450</u>		Total

MONTHLY COSTS

	325	terminal fee (private library only)
	x50	states
<u>\$16,250</u>	16,250	
1,170		conversion, loading and first year storage
<u>49,750</u>		use and computer time, 500 hours
67,180		Total

YEARLY COSTS

Storage would be \$.0 for the first year, \$2,376 the second year, and increase approximately \$1,300 per year each year thereafter.

TOTAL COSTS

Thus, the first year cost of operating such a system would be: $\$31,450 + (\$67,180 \times 12 \text{ months}) = \$806,160$. This would be an average of \$16,123.20 per state. In the second and subsequent years, the total figures would be reduced by the \$31,450 of one-time costs, but storage costs would begin to accrue. The second year total cost would be approximately \$777,000. This figure would increase approximately \$1,300 each year, due to storage costs.

WESTLAW, operated by West Publishing Company, estimated an annual charge of \$40,000 to maintain and support the NAAG brief bank file, plus \$250,000 hardware and communication charge. The estimate was based on an initial data base of 6 million characters, with 600,000 characters added each month. In addition, a user charge of \$240,000 was estimated, based on 6,000 hours per year at \$40 per hour. This amounted to an annual cost of \$530,000.

These cost data are for a fully-computerized brief bank, in which the text of documents is stored. Another, and much less expensive approach would be to have a computerized index, but to store the actual documents in hard copy or in microform. This would minimize input, storage and access costs, since fewer characters would be involved.

Microform

Various types of microform systems are in current usage. All involve several basic process or stages: preparing the documents, filming the documents, processing the microfilm, inspecting the microfilm, duplicating the film, indexing the film, use and storage. The most useful film media for legal uses is unitized microfilm (microfiche), flat film plats, as opposed to continuous roll film (microfilm). In this area of unitized microfilm there are two basic system options available: traditional microform systems and updatable microfiche systems.

Traditional microform systems utilize one of four basic types of camera to film the document: planetary, rotary, step and repeat, and

computer output. The rotary system has certain shortcomings in resolution and dependability and, therefore, while a "fast" system, it is inadvisable. The computer output system is very costly and would be of limited use since not all offices utilize computers. Step-and-repeat systems are limited to microfiche productions, while the planetary system can produce both roll microfilm and microfiche. The National Center for State Courts recommends the planetary system, and this system will be used here for comparative purposes.

The updatable microfiche approach is relatively new and offers some distinct advantages over traditional systems. This system performs the filming, processing and unitizing operations in one step.

The National Center for State Courts gives the following information on this system:

"Safeguards ensure the integrity of the updatable microfiche by preventing images from being erased. At least one unit will permit a word - such as void or satisfied - to be superimposed over the image of an erroneously filmed or legally superseded document. Since this unit performs the functions of both a camera and a processor, no separate processor is required. The microfiche, thus, can be updated rapidly, inspected, and returned to active use.

"Inspecting the Microfiche -- Inspecting updatable microfiche is less demanding than traditional microfilm. Density, resolution, and visible defects can be checked according to standard procedures. The density must be sufficient to produce duplicate microfiche from which hard-copy prints can be produced. No tests have yet been devised to measure archival quality. Currently, the National Archives and Records Service is testing the updatable microfiche to determine whether to certify it as an archival storage medium.

The Center gives the following cost comparisons:

Traditional Film-Jacket System			Updatable Microfiche System		
(Typical Equipment Costs) 180,000 pages per year			(Typical Equipment Costs) 180,000 pages per year		
Quan.	Equipment	Cost	Quan.	Equipment	Cost
1	Preparation Station	\$ 200	1	Preparation Station	\$ 200
1	Camera (planetary)	2,000	1	Recorder/Processor	27,000
1	Processor	5,500	1	Inspection Equipment	1,000
1	Inspection Equipment	1,300	1	Duplicator (microfiche)	2,400
1	Duplicator (microfiche)	2,000	2	Readers (Microfiche)	1,600
1	Unitizer (jacket-filler)	1,500	1	Reader-Printer (microfiche)	1,500
2	Readers (microfiche)	800	TOTAL \$ 33,700		
1	Reader-Printer (microfiche)	1,500			
	TOTAL	\$ 14,800			

(Microfilm and the Courts, pp. 39-40 - Note: Current costs, according to NCSC, have increased approximately \$3,000 for the traditional system and have remained substantially the same for the updatable system.)

Costs of using a microfiche service bureau were also explored by COAG. The firm contacted was BIECOM, located on Barrett Drive, Raleigh. Turn-around time for filming is normally 7 days, but they can operate on a faster schedule. The charges are as follows:

\$2.70 to produce each fiche or original (@ 80 images per fiche). Estimating 1,600 pages each 3 months, this would be 20 fiche originals, or \$54 each 3 months. Duplicates are \$0.15 each. If 60 duplicates were made of each of the 20 originals, this would be \$180 per 3 months. There is an additional cost of \$10 per round trip to Charlotte, bringing this to \$244 per quarter, or an estimated \$976 per year.

Telecommunications

Startup costs of converting COAG's present IBM System 6 equipment to telecommunications (probably the IBM 430) are as follows:

EIA Interface Attachment	\$ 250
3700 Communicating Feature	<u>2,500</u>
Total	\$2,750

Annual ongoing costs would be as follows:

Maintenance charges on above equipment	\$ 420
Telephone Modem	<u>792</u>
Total	\$1,212

Costs for a nationwide WATS line (outgoing only) would be:

10 hours per month -	\$ 245
180 hours per month -	\$1,675

It is estimated that the 10-hour plan would provide adequate service. The Modem transmits at approximately 2,400 bits per second; this is equivalent

to about 9 seconds per page, so a 10-page brief could be transmitted in 1-1/2 minutes. Total monthly charges would be \$346, or \$4,152 a year.

Alternately, an IBM 6670, which can be used as a communications terminal could be acquired. On a two-year lease, the base monthly rental is \$1,375. This equipment could also be used to print the Bulletin. The Antitrust Bulletin averages 18 pages and 217 copies per month; the printing cost averages .049 per page, including paper and labor. At 4,000 copies, the per-page print cost on the IBM 6670 is .275, not including paper or labor. The equipment could, however, be used for other printing and for convenience copying, which would bring the cost down sharply. At 40,000 copies, for example, the per-print cost is .056. The higher print cost would, of course, also be offset by the fact that the communications feature is included as a standard feature on the 6670.

E. CONCLUSIONS

Some clear conclusions can be drawn from the data presented in this report. The following specific statements have been developed by the COAG staff; they have not been reviewed by the advisory committee or by members of state antitrust units. As preceding chapters show, however, they represent the consensus of state antitrust attorneys.

1. There is strong support for a central clearinghouse or data bank for state antitrust materials. While the term "brief bank" was used in the proposal for this study, it is apparent that "clearinghouse" more accurately defines the scope of services desired. A large amount of materials produced by state antitrust units is of potential value to other states and should be made available to them through a central clearinghouse. COAG, through the monthly Bulletin and the work of the Antitrust Coordinator, partially fills this function. These services should, however, be expanded.

2. A standard index for state antitrust materials is needed. Development of an index to antitrust materials is viewed as a priority project by questionnaire respondents. A standardized list of index terms has now been developed, and is appended to this report. Continuing review and refinement of this or any other index is necessary to assure that it meets users' needs. Responsibility for such review should be established to assure smooth operation of a brief bank; states should be encouraged to use the standard index to assure that their indexes interface with it.

3. Indexing of materials reported in COAG's Antitrust Bulletin is essential. The need for indexing past materials in the Antitrust Bulletin was stressed, and such a project has been initiated. Decisions concerning procedures for future indexing must be made, such as: who will index documents? Will the master index be updated on a continuing basis, or will supplementary indexes be prepared? How frequently will the updated index be furnished to participating offices?

4. There is a strong interest in the use of microform, particularly on the part of those offices that are familiar with this approach. There is substantial support for the use of microform, because of the low costs of reproduction, storage and dissemination, although a majority of questionnaire responses still show a preference for hard copies of materials from the brief bank. It would be desirable to provide more information on potential use of microform to antitrust units, along with cost data, and to obtain a more detailed response from state units before a decision was made on the use of microform by a brief bank.

5. Computerization of the potential data bank does not seem to be a practical alternative at this time. Costs of a wholly-computerized brief bank appear prohibitive, particularly since there does not seem to be a strong demand for this approach. Consideration could be given, however, to a computerized index for brief bank materials.

6. Some selectivity probably should be exercised in deciding on document input into a brief bank. While the survey of state antitrust

staffs shows that standards for input to the clearinghouse should be defined quite broadly, some selectivity might be desirable in deciding which documents should be indexed and disseminated. Some procedures for screening materials would help assure that costs of operating the brief bank did not become excessive.

7. Detailed cost studies should follow basic decisions about the scope and structure of the brief bank. Numerous factors would influence the cost of operating a clearinghouse. These would range from such basic considerations as the location and scope of materials to be retained, to more specific budget items. Once the basic considerations were settled, cost projections could be developed for items such as: staff salaries and benefits; storage costs; lease or purchase of communications and reproduction facilities; and dissemination costs, such as postage or electronic communication.

8. Procedures for input and dissemination should be standardized. The high rate of turnover among state antitrust staffs and the wide variation in the extent of their contribution to/use of the present clearinghouse suggest a need to standardize procedures. Personal contacts with key individuals in the various offices obviously help facilitate the flow of documents to and from the clearinghouse. However, the rate of staff changes in Attorneys General's offices make reliance on this technique undesirable, and indicate a need to institutionalize contacts to the extent possible.

9. Maintenance of an advisory committee on a continuing basis would be helpful. Many decisions would be involved in implementing and maintaining an expanded clearinghouse. The NAAG Antitrust Committee meets too infrequently to provide continuing guidance, and little time is available at its meetings to discuss such matters. Formation of an advisory committee of antitrust staff members, such as was used for this study, would facilitate continuing oversight of the clearinghouse activity, and afford support to the staff in securing cooperation by the states.

APPENDIX

APPENDIX: ANTITRUST INDEX

The following proposed index for antitrust materials has been developed by the staff of the Committee on the Office of Attorney General under Grant 9-C-22-37-02, which funded the preceding study. It consists of three separate lists of index headings:

- (1) Products and Services;
- (2) Offenses and Actions;
- (3) Issues

It is anticipated that a typical document would be indexed by using one or more headings from each list. For example, a document consisting of a motion for discovery of business records in a case concerning price fixing of bakery products would be indexed under the following headings:

- (1) Bakery products
- (2) Price fixing
- (3) Discovery of business records.

A document would not, of course, be limited to one term from each list; as many terms could be used as were needed for adequate identification.

To the extent possible, this list has been developed to interface with the Standard Subject Index prepared by COAG. The Standard Subject Index contains many additional terms for products and services, and may be used to supplement this list. Copies are available from COAG.

Entries shown in upper-case letters are intended as index terms. Entries shown in capital and lower-case letters are cross references to index terms.

ANTITRUST INDEX: PRODUCTS AND SERVICES

Accommodations: see PUBLIC ACCOMMODATIONS

ACCOUNTANTS AND ACCOUNTANCY

Air Carriers: see AVIATION

AGRICULTURAL PRODUCTS

Air Conditioning: see DWELLINGS

Airlines: see TRAVEL

Alarms: see HOME PROTECTION DEVICES

ALCOHOLIC BEVERAGES

AMBULANCE SERVICE

ANIMALS

Appliances: see HOME FURNISHINGS

APPRAISALS

ARCHITECTS AND ENGINEERS

Armored Car Services: see MOTOR VEHICLES

Asbestos Pipe: see BUILDINGS

ATHLETICS AND SPORTS

Bicycles

Canoeing Equipment

Sporting Goods

ATTORNEYS

Audio-Visual Equipment: see Records and Tapes

Automobiles: see MOTOR VEHICLES

AVIATION

BAKERY PRODUCTS

BANKS AND BANKING

Bar Associations: see ATTORNEYS

ANTITRUST INDEX: PRODUCTS AND SERVICES

BARBERS

BARBER SHOPS

BEAUTICIANS

BEAUTY PRODUCTS AND SERVICES

Beer: see MALT BEVERAGES

Beverages: see ALCOHOLIC BEVERAGES: MALT BEVERAGES: SOFT DRINKS

Bicycles: see ATHLETICS AND SPORTS

BOATS

Bread: see BAKERY PRODUCTS

Broadcasting: see TELEVISION AND RADIO

BUILDINGS

Building Contractors: see CONTRACTORS

Burial Vaults: see INTERMENT

BUS

Cable Television: see TELEVISION AND RADIO

Canoeing Equipment: see ATHLETICS AND SPORTS

Carpet: see HOME FURNISHINGS

Carriers: see TRANSPORTATION, PUBLIC: MOTOR VEHICLES: MOTOR CARRIERS

Cement: see BUILDINGS: HIGHWAYS

CEMETERIES

Certified Public Accountants: ACCOUNTANTS AND ACCOUNTANCY

Chemical Products

Chickens: see POULTRY

Chiropractors and Naturopaths: see MEDICAL PRACTITIONERS, LIMITED

Cigarettes: see TOBACCO PRODUCTS

CLOTHING

Cigarettes: see TOBACCO PRODUCTS

ANTITRUST INDEX: PRODUCTS AND SERVICES

CLOTHING

COMMISSION RATES

COAL

Common Carriers: see TRANSPORTATION, PUBLIC; MOTOR CARRIERS;

RAILROADS

Communications: see TELEVISION AND RADIO; TELEPHONE AND TELEGRAPH

Construction: see BUILDINGS; HIGHWAYS

Contact Lenses: see OPTOMETRY AND OPTOMETRISTS

CONTRACTORS

CONTRACTS

Contribution

Conventions: see MEETINGS

Cookware: see HOME FURNISHINGS

Copper Wire: see BUILDINGS; METAL PRODUCTS

Cosmetics: see BEAUTICIANS; BEAUTY PRODUCTS AND SERVICES

DAIRY PRODUCTS

DENTISTS AND DENTISTRY

Doctors: see PHYSICIANS AND SURGEONS

DRUGS

DWELLINGS

Furnaces

Heating and Air Conditioning

Home Improvements and Repair

Insulation

DWELLINGS, MULTIPLE

Electrical Contracting; see BUILDINGS; CONTRACTORS; ELECTRICITY

Electrical Wiring Devices: see BUILDINGS; ELECTRICITY

ANTITRUST INDEX: PRODUCTS AND SERVICES

ELECTRICITY

Electronic Products: see HOME FURNISHINGS

EMERGENCY

Emergency Lighting Equipment: see EMERGENCY

ENERGY: see also COAL; ELECTRICITY; OIL AND GAS; PUBLIC UTILITIES

Engineers: see ARCHITECTS AND ENGINEERS

ENTERTAINMENT, PLACES OF

Eyeglasses: see OCULISTS; OPTOMETRY AND OPTOMETRISTS

FILM

Film Exhibition Services: see MOTION PICTURES

Fine Paper: see PAPER PRODUCTS

Firearms: see WEAPONS

Floor Cleaning Machines: see HOME FURNISHINGS

FOOD

FUNERAL DIRECTORS AND EMBALMERS

Furnaces: see DWELLINGS

Furniture: see HOME FURNISHINGS

Fuses: see ELECTRICITY

Garbage Collection: see GARBAGE AND TRASH

GARBAGE AND TRASH

Gas Meters: see OIL AND GAS

Gasoline: see OIL AND GAS; SERVICE STATIONS

Glasses: see OCULISTS; OPTOMETRY AND OPTOMETRISTS

Grave Markers: see CEMETERIES; INTERMENT

Guns: see WEAPONS

HEALTH PRODUCTS AND SERVICES

HEALTH MAINTENANCE ORGANIZATIONS

ANTITRUST INDEX: PRODUCTS AND SERVICES

Hearing Aids: see HEALTH PRODUCTS AND SERVICES

Heating and Air Conditioning: see DWELLINGS

HIGHWAYS

HOME FURNISHINGS:

Appliances

Carpet

Cookware

Electronic Products

Furniture

Sewing Machines

Smoke Detectors

Stereo Equipment

Vacuum Cleaners

Home Improvement and Repair: see DWELLINGS

HOME PROTECTION DEVICES

HOSPITALS

INSURANCE

Ice Cream: see DAIRY PRODUCTS

INTERMENT

JEWELRY

Laundry: see CLOTHING

Lawn Care Services: see DWELLINGS

Legal Process Serving: see SERVICE OF PROCESS AND SUMMONS

Liquor: see ALCOHOLIC BEVERAGES

Livestock: see ANIMALS

Loans: see BANKS AND BANKING

Lumber: see TIMBER AND TIMBER PRODUCTS

ANTITRUST INDEX: PRODUCTS AND SERVICES

MALT BEVERAGES

Marina Slip Spaces: see BOATS; SHIPS

Marine Construction Services: see CONTRACTORS; BOAT; SHIPS

MEDICAL PRACTITIONERS, LIMITED

MEDICINE

MEETINGS

METAL PRODUCTS

Microfilm Equipment and Supplies: see PHOTOGRAPHY

Milk and Milk Products: see DAIRY PRODUCTS

MINES AND MINING

Mining Equipment: see MINES AND MINING

Mobile Home Sites: see MOBILE HOMES

MOBILE HOMES

MOTION PICTURES

MOTOR CARRIERS

MOTOR VEHICLES

Armored Car Services

Automobiles

Odometers

Parts and Accessories

Tires

MOTORCYCLES

Multiple Listing Services: see DWELLINGS, MULTIPLE;

REAL ESTATE AGENTS

NEWS AND PUBLICATION SERVICES

Newspapers and Magazines: see PUBLICATIONS

NURSES, PRACTICAL

ANTITRUST INDEX: PRODUCTS AND SERVICES

NURSES, REGISTERED

NURSING AND CONVALESCENT HOMES

OCULISTS

Odometers: see MOTOR VEHICLES

OFFICE SUPPLIES

OIL AND GAS

Ophthalmologists: see OCULISTS; OPTOMETRY AND OPTOMETRISTS

OPTOMETRY AND OPTOMETRISTS

PAPER PRODUCTS

Peanut Seed: see AGRICULTURAL PRODUCTS

Perchloroethylene: see CHEMICAL PRODUCTS

PEST CONTROL

Petroleum Products: see OIL AND GAS

PHARMACY AND PHARMACISTS

PHOTOGRAPHY

PHYSICALLY HANDICAPPED

PHYSICIANS AND SURGEONS

Plywood: see TIMBER AND TIMBER PRODUCTS

POULTRY

Pressure Sensitive Tape Products: see OFFICE SUPPLIES

Prosthetic Devices: see HEALTH PRODUCTS AND SERVICES;

PHYSICALLY HANDICAPPED

PSYCHOLOGISTS

PUBLIC ACCOMMODATIONS

PUBLICATIONS

Public Contracts: see CONTRACTS

PUBLIC UTILITIES

ANTITRUST INDEX: PRODUCTS AND SERVICES

RAILROADS

Rate Bureaus: see MOTOR CARRIERS

Ready-Mix Concrete: see BUILDINGS

REAL ESTATE

REAL ESTATE AGENTS, BROKERS, DEALERS, AND SALESMEN

RECORDS AND TAPES

RECREATIONAL VEHICLES

RESTAURANTS

School Bus Bodies: see MOTOR VEHICLES; TRANSPORTATION, PUBLIC

SERVICE STATIONS

Sewer Connection Services: see SEWERS

SEWERS

Sewing Machines: see HOME FURNISHINGS

SHIPS

Signal Devices and Warning Systems: see HOME PROTECTION DEVICES

Smoke Detectors: see HOME PROTECTION DEVICES

SOFT DRINKS

Sporting Goods: see ATHLETICS AND SPORTS

Steel Rebar: see BUILDINGS; METAL PRODUCTS

Stereo Equipment: see HOME FURNISHINGS

Sugar: see FOOD

SURVEYORS

Taxicabs: see TRANSPORTATION, PUBLIC

TELEPHONE AND TELEGRAPH

TELEVISION AND RADIO

Theatres: see ENTERTAINMENT, PLACES OF

TIMBER AND TIMBER PRODUCTS

ANTITRUST INDEX: PRODUCTS AND SERVICES

Tires: see MOTOR VEHICLES

Title Searches: see DEEDS; TITLE TO PROPERTY

TITLE TO PROPERTY

TOBACCO PRODUCTS

Tour Packages: see TRAVEL

Towing and Wrecker Services: see MOTOR VEHICLES

TRANSPORTATION, PUBLIC

TRAVEL

Travel Agencies: see TRAVEL

TREES

Upholstery Fabrics: see HOME FURNISHINGS

Vacations: see TRAVEL

Vacuum Cleaners: see HOME FURNISHINGS

Vault Liners: see INTERMENT

VETERINARIANS

VETERINARY MEDICINE

Watches: see JEWELRY

Water Heaters: see DWELLINGS

WEAPONS

Wheelchairs: see HEALTH PRODUCTS AND SERVICES:

PHYSICALLY HANDICAPPED

X-Ray Equipment: see X RAYS

X RAYS

ANTITRUST INDEX: OFFENSES AND ACTIONS

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ANCILLARY RESTRAINTS

ACQUISITIONS

ATTEMPTS TO MONOPOLIZE

BASE POINT PRICING

Bid Rigging: see BIDS

BIDS

Boycott: see CONCERTED REFUSAL TO DEAL; SECONDARY BOYCOTT

CUSTOMER ALLOCATION

DATA DISSEMINATION

DEALER TERMINATION

DELIVERED PRICING

DISCRIMINATORY PRICING

EXCLUSIVE DEALING

Fee Schedules: see PRICE FIXING

Fee Surveys: see PRICE FIXING

HORIZONTAL RESTRAINTS

Information Exchanges: see DATA DISSEMINATION

INJURY TO BUSINESS OR PROPERTY

INTERLOCKING DIRECTORATES

JOINT ADVERTISING

JOINT PURCHASING

JOINT RATE APPLICATIONS

JOINT SELLING

JOINT VENTURES

MARKET ALLOCATION:

 Customer Allocation

ANTITRUST INDEX: OFFENSES AND ACTIONS

Exclusive Franchises

Location Clauses

Territorial Allocation

MERGERS:

Conglomerate

Horizontal

Vertical

MONOPOLIZATION

Non-competition Agreements: see AGREEMENTS NOT TO COMPETE

OLIGOPOLY

OUTPUT RESTRICTIONS

PREDATORY PRICING

PRICE FIXING

Pricing Practices: see BASE POINT PRICING; DELIVERED PRICING; DISCRIMINATORY

PRICING; PREDATORY PRICING; PRICE FIXING; RESALE PRICE MAINTENANCE;

SUGGESTED RETAIL PRICE

RECIPROCITY

REFUSAL TO DEAL

REQUIREMENTS CONTRACTS

RESALE PRICE MAINTENANCE

RESTRICTIVE COVENANTS

SECONDARY BOYCOTTS

SUGGESTED RETAIL PRICE: see also PRICE FIXING

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Tying Arrangements: see TIE-INS

VERTICAL RESTRAINTS

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Administrative Regulations: see RULES AND REGULATIONS

ADVERTISING: see also ADVERTISING, PROFESSIONALS; JOINT ADVERTISING

ADVERTISING, PROFESSIONAL

Affidavits: see OATHS AND AFFIRMATIONS

Agricultural and Horticultural Organizations: see EXEMPTIONS

ASSIGNMENT: see also ASSIGNMENT OF CLAIMS

ASSIGNMENT OF CLAIMS

ATTORNEYS' FEES

BILL OF PARTICULARS

Business Records: see DISCOVERY OF BUSINESS RECORDS; PRIVILEGED

DOCUMENTS/INFORMATION

CASE OR CONTROVERSY CLAUSE

Cease and Desist Orders: see COURT ORDERS: INJUNCTIONS

CERTIFICATE OF NEED

Circuit Courts: see COURTS, CIRCUIT

CIVIL INVESTIGATIVE DEMAND: see also DISCOVERY, PRE-COMPLAINT

CIVIL PENALTIES

CIVIL REMEDIES: see also DAMAGES; DISSOLUTION; DIVESTITURE; HOLD SEPA-

RATE ORDER; INJUNCTIONS; PRELIMINARY INJUNCTION; TEMPORARY RE-

STRAINING ORDER; TREBLE DAMAGES

CLASS ACTION: see also CLASS CERTIFICATION; CLASS NOTIFICATION; DIS-

COVERY OF CLASS MEMBERS; DISTRIBUTION OF RECOVERIES

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COLLATERAL ESTOPPEL

COMMERCIAL SPEECH

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CONFLICT OF INTEREST

CONSCIOUS PARALLELISM

CONSENT DECREES

CONSPIRACY: see also CONSCIOUS PARALLELISM; INTERDEPENDENT BEHAVIOUR;

Constitutional Challenges to Antitrust Laws and Enforcement: see CASE

OR CONTROVERSY; COMMERCIAL SPEECH; DUE PROCESS; EQUAL PROTECTION;

FREEDOM OF SPEECH; INTERSTATE COMMERCE; SEARCH AND SEIZURE; SELF-

INCRIMINATION

CONTEMPT

CONTRACTS: see also CONTRACTS NOT TO COMPETE; RESTRICTIVE COVENANTS

CONTRIBUTION

COPYRIGHT

CORPORATIONS

COSTS

COURT ORDERS

CRIMINAL PENALTIES

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DISCOVERY OF CLASS MEMBERS

DISCOVERY OF GRAND JURY DOCUMENTS

DISCOVERY OF STATE ATTORNEYS

DISCOVERY, PRE-COMPLAINT

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REQUESTS FOR PRODUCTION

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DISCOVERY OF BUSINESS RECORDS

DISCOVERY OF CLASS MEMBERS

DISCOVERY OF GRAND JURY DOCUMENTS

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Agricultural and Horticultural Organizations

Air Transportation

Energy

Labor Unions

Learned Professions

McCarran-Ferguson Act

Noerr-Pennington Doctrine

Milk Marketing

Newspaper Preservation

Ocean Transportation

Reed-Bulwinkle Act

State Action Doctrine

Webb-Pomerene Act

Federal Agencies: see PUBLIC AGENCIES

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Federal Jurisdiction: see JURISDICTION, FEDERAL

Federal Jurisdiction Over Claims Under State Antitrust Law: see JURISDICTION,

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IMMUNITY, TESTIMONIAL

INDIRECT PURCHASERS

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Intraenterprise Conspiracy: see CONSPIRACY

Investigatory Powers: see CIVIL INVESTIGATIVE DEMAND; SUBPOENA; SEARCH AND SEIZURE

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