

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 80-113-S
)	
GENEVA COUNTY BAR ASSOCIATION,)	Filed: October 16, 1981
)	
Defendant.)	Entered: April 15, 1982
)	

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint on December 9, 1980, and the plaintiff and the defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by either party with respect to any issue;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is

ORDERED, ADJUDGED AND DECREED, as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties. The complaint states a claim upon which relief may be granted against the defendant under Section 1 of the Sherman Act, 15 U.S.C. §1.

II

As used in this Final Judgment:

(A) "Legal fees" means any charge made by an attorney or law firm for services provided to a client.

(B) "Law firm" means a partnership, professional association, or professional corporation formed by two or more attorneys, pursuant to a written or oral agreement, through which the attorneys practice law as a group.

(C) "GCBA" means the defendant, Geneva County Bar Association.

III

The provisions of this Final Judgment shall apply to the GCBA and to each of its officers, directors, members, committees, other organizational units, agents, employees, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

(A) The GCBA is enjoined and restrained from directly or indirectly, individually or in concert with another person or firm:

(1) Entering into, adhering to, participating in, maintaining, reviving, furthering, or enforcing any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with the purpose or effect of fixing, establishing, raising, stabilizing, or maintaining legal fees.

(2) Formulating, adopting, publishing, reviving, or renewing any list, formula, guide, or schedule for legal fees.

(3) Recommending, suggesting the use of, circulating, or otherwise transmitting any list, formula, guide, or schedule for legal fees.

(4) Communicating, requesting, or exchanging any statistics or other information concerning past, current, or future legal fees, or consideration or contemplation of changes in legal fees by any attorney. Any member of the defendant, however, may communicate with another attorney or law firm about legal fees where (a) such fees are to be determined by a court or included in a court order, (b) an attorney-client relationship exists between a member of the GCBA and the attorney or law firm with whom he is communicating, and the communications concern only legal fees incurred as a result of such relationship, (c) the attorneys communicating about legal fees are representing the same client in the same matter, and the communications concern the fees to be charged that client, or (d) legal fees are to constitute all or part of a settlement of any dispute between the client of a member of the GCBA and a client of the attorney or law firm with whom he is communicating about legal fees, and the communications are to determine the amount of legal fees that one client will pay the attorney of the other.

(B) Nothing in paragraph IV(A) shall apply as between any member of the GCBA and any other partner, member, stockholder, associate, or employee of his law firm.

(C) Nothing in paragraph IV(A) shall prevent any member of the GCBA from attending any seminar presented by the Alabama State Bar.

(D) Within thirty (30) days after entry of this Final Judgment, the GCBA shall destroy the original and all copies of any list, formula, guide, or schedule for legal fees that was formulated or distributed by any member and any

other attorney not in his law firm, together with any notes, fee schedules, or other guides used in the preparation of any such list, formula, guide, or schedule for legal fees.

V

The GCBA shall:

(A) send a copy of this Final Judgment to each of its members within thirty (30) days from entry of this Final Judgment, and obtain and retain a receipt in its file from each member receiving such a copy;

(B) provide a copy of this Final Judgment to all of its future members at such time as they become members; and

(C) file with this Court and serve upon the plaintiff within sixty (60) days after the date of entry of this Final Judgment an affidavit describing the fact and manner of compliance with paragraph IV(D) and with subsections (A) and (B) of this paragraph V.

VI

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the GCBA, be permitted:

(1) Access during the office hours of the defendant or the custodian of its documents to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant, which may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of the defendant and without restraint or interference from it, to interview officers, directors, employees, agents, or members of the defendant, who may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, the defendant shall submit such written reports, under oath if required, with respect to any of the matters contained in this Final Judgment as may be requested. No information or documents obtained by the means provided in this section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by the defendant to plaintiff, the defendant represents and identifies in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant marks each pertinent page of such material, "Subject to Claim of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to the defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant is not a party.

VII

Jurisdiction is retained by this Court to enable either party to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this Final Judgment, for the enforcement or modification of any of its provisions, and for the punishment of violations.

VIII

This Final Judgment shall remain in effect until ten (10) years from date of entry.

IX

Entry of this Final Judgment is in the public interest.

Dated: April 15, 1982

/s/ Judge Robert E. Varner
UNITED STATES DISTRICT JUDGE