

File

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

GENEVA COUNTY BAR ASSOCIATION,
Defendant.

Civ. No. 80-113-S

Filed: December 9, 1980

Complaint for
Injunctive Relief

The United States of America, plaintiff, by its attorneys, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable relief against the above-named defendant, and complains and alleges as follows:

I

JURISDICTION AND VENUE

1. This complaint is filed and these proceedings are instituted under Section 4 of the Sherman Act, 15 U.S.C. § 4, to prevent and restrain the violation of Section 1 of the Sherman Act, 15 U.S.C. § 1, as hereinafter alleged.

2. The defendant is found and does business within the Middle District of Alabama.

II

DEFENDANT

3. The Geneva County Bar Association [the "Bar Association"] is made the defendant herein. The Bar Association is an unincorporated association, headquartered in Geneva, Alabama. The Bar Association's members are attorneys admitted to the bar of Alabama who reside or practice in Geneva County, Alabama.

III

CO-CONSPIRATORS

4. Various persons and partnerships not made defendants herein participated as co-conspirators in the violation herein-

after alleged and performed acts and made statements in furtherance thereof.

IV

TRADE AND COMMERCE

5. Attorneys in Geneva County provide various services to the public for a fee. Such services include giving legal advice, drafting legal documents, representing clients in litigation and with respect to other matters, conducting negotiations on behalf of clients, acting as fiduciaries, and closing real estate transactions.

6. Substantial fees for such services are paid to members of the defendant Association each year. Substantial amounts of these fees are generated by litigation and other activities concerning funds and goods moving in interstate commerce.

7. Substantial amounts of the fees paid to members of the defendant Association are paid for real estate closing services. Many of the persons who utilized these closing services are persons who resided in states other than Alabama and who moved into Geneva County, Alabama, or persons who moved from Geneva County to places outside of Alabama.

8. A substantial amount of the funds used in financing residential real estate transactions in Geneva County, Alabama, moved into the State of Alabama in interstate commerce. Substantial funds used in real estate transactions were guaranteed or insured under programs of various agencies of the United States government, headquartered in the District of Columbia.

9. Members of the defendant Association assist purchasers of real estate in obtaining title insurance for their property. A substantial amount of funds used to purchase such title insurance moves in interstate commerce from these purchasers in the State of Alabama to title insurance companies located outside of the State of Alabama.

10. Members of the defendant Association, in the operation of their businesses, purchase and use office supplies and equipment which move in a continuous and uninterrupted flow of interstate commerce from sources located outside the State of Alabama to members of the defendant Association.

11. The activities of, and services provided by, members of the defendant Association were within the flow of interstate commerce or had a substantial effect on interstate commerce.

IV

OFFENSE CHARGED

12. Beginning at least as early as November, 1979, the exact date being unknown to the Grand Jury, and continuing to the present, the defendant Association and its co-conspirators engaged in a combination and conspiracy in unreasonable restraint of the aforesaid trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

13. The aforesaid combination and conspiracy consisted of a continuing agreement, understanding and concert of action among the defendant Association and its co-conspirators, the substantial terms of which were to raise, fix, maintain and stabilize fees for their services offered to purchasers in the Geneva County, Alabama area.

14. For the purpose of formulating and effectuating the aforesaid combination and conspiracy, the defendant Association and its co-conspirators did those things which they combined and conspired to do, including formulating, agreeing upon, distributing, and utilizing a schedule of fees to be charged for their services.

V

EFFECTS

15. The aforesaid combination and conspiracy has had the following effects among others:

- (a) fees charged by members of the defendant Association for their services have been raised, fixed, maintained, and stabilized at artificial and non-competitive levels;
- (b) price competition among members of defendant Association for their services has been restrained;
- (c) persons purchasing such services in the Geneva County, Alabama area have been deprived of the right to purchase such services at competitively determined prices.

VI


PRAYER

Wherefore, Plaintiff prays:

1. That the Court adjudge and decree that the defendant Bar Association and its co-conspirators engaged in an unlawful combination and conspiracy in restraint of the aforesaid interstate trade and commerce in violation of Section 1 of the Sherman Act.
2. That the defendant Bar Association and its co-conspirators be perpetually enjoined and restrained from continuing, maintaining, reviving, or renewing the aforesaid illegal combination and conspiracy and from engaging in any other combination, conspiracy, agreement, practice, understanding, or concert of action having a similar purpose or effect.
3. That the defendant Bar Association and its co-conspirators be perpetually enjoined and restrained from formulating, adopting, recommending, suggesting the use of, publishing, circulating or otherwise transmitting to each other or any other attorney any fee, fee schedule, list, guide, formula or method for determining fees for legal or related services.
4. That the defendant Bar Association and its co-conspirators be ordered to destroy the original and all copies of any jointly formulated fee schedule, list or guide in their possession.
5. That the defendant Bar Association and its co-conspirators be perpetually enjoined from exchanging with each other, or any

other attorney, information relating to fees for legal or related services.

6. That the plaintiff have such other and further relief as the nature of the case may require and the Court deem just and proper.


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