

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,) Civil Action No. 95-1211 (CRR)
)
 v.)
)
)
 AMERICAN BAR ASSOCIATION,)
)
)
 Defendant.)
)

UNITED STATES' EXPLANATION OF PROCEDURES

The United States submits this memorandum summarizing the procedures it will follow regarding entry of the proposed Modification Of Final Judgment. Although the United States does not believe that the Modification Of Final Judgment is subject to the Antitrust Procedures and Penalties Act ("Tunney Act"), 15 U.S.C. § 16(b)-(h), it intends to follow procedures similar to those set out in the Act to allow interested parties to submit comments to the United States prior to the Court's determination of whether the entry of the Modified Judgment is in the public interest.

1. Today, the parties have filed a Joint Motion For Modification Of The Final Judgment ("Joint Motion") and a proposed Modification Of Final Judgment. The United States has also filed a Stipulation pursuant to which the parties have consented to entry of the Modification Of Final Judgment, and the United States' Memorandum In Support Of Joint Motion For Modification Of The Final Judgment ("United States' Memorandum In Support") explaining the proposed modifications and the reasons for them.

2. The United States intends to publish the proposed Modification Of Final Judgment, the Joint Motion, and the United States' Memorandum In Support in the Federal Register and to publish a notice of such modification in the Washington Post at least 60 days prior to the time that either party files a motion for the entry of the proposed Modification Of Final Judgment. The notice will inform members of the public that they may submit comments concerning the Modification Of Final Judgment to the United States Department of Justice, Antitrust Division. (The United States had previously published the notification of the Complaint and original proposed Final Judgment in the Washington Post.)

3. During the 60-day period, the United States will consider, and at the close of that period respond to, any comments received.

4. After the expiration of the 60-day period, the United States will file with the Court the comments and the United States' response to any such comments. At that time, either party may file a Motion For Entry Of The Modification Of Final Judgment (unless the United States has decided to withdraw its consent to entry of the Modification Of Final Judgment, as permitted by Paragraph 2 of the Stipulation).

5. After the filing of the Motion For Entry, the Court may enter the Modification Of Final Judgment without a hearing, if it finds that the Modification Of Final Judgment is in the public interest.

Dated:

Respectfully submitted,

D. BRUCE PEARSON

_____/s/_____
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