

ANTITRUST DIVISION WORKLOAD STATISTICS FY 1990 - 1999



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct ¹	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Sherman §1 - Restraint of Trade	71	77	84	110	136	98	128	95	109	73
Sherman §2 - Monopoly	4	5	3	7	22	16	19	15	11	6
Clayton §7 - Mergers	93	92	84	102	102	134	284	338	285	288
Others	10	4	5	5	9	1	5	6	3	6

Business Reviews	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Requested	7	14	9	20	32	49	29	22	16	13
Closed	9	7	10	21	27	29	37	39	19	9
- Granted	2	1	6	14	24	17	15	32	12	7
- Denied	-	-	_	-	1	-	2	1	-	-
- Declined	4	1	1	2	1	1	2	5	-	-
- Withdrawn	3	5	3	5	1	11	18	1	7	2
Pending	12	19	18	17	22	42	38	20	17	21

Reflects the primary type of conduct under investigation at the outset. See "District Court Antitrust Cases" for numbers of cases by offense. Does not include business reviews or premerger notifications, but includes investigations initiated as a result of premerger notifications. We have adjusted FY 1981 through FY 1990 records which previously counted investigations each time they went into a different phase. Matters are now counted only once, even if they go through several stages of investigation.

Hart-Scott-Rodino (HSR) Premerger Notifications	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Received	2,262	1,529	1,589	1,846	2,301	2,816	3,094	3,702	4,728	4,642
HSR Investigations Initiated	59	67	52	72	57	88	186	220	170	172
Number of Cases Filed	6	2	2	2	9	8	9	14	14	19

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Initiated ²	147	149	147	185	254	227	332	344	294	277
Cases Filed or Investigations Closed	135	146	144	200	224	258	303	327	303	290
Pending	123	126	129	114	144	113	141	158	149	136

CIDs Issued ³	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total Number	563	402		470	1,135	2,029	1,878	1,629	1,488	919
Documentary	61	482 21	463 26	45	206	197	365	290	268	78
Written	18	55	94	21	40	165	47	31	29	76
Oral	107	92	143	113	307	707	857	629	605	182
Documentary/Written ⁴	377	314	200	291	582	960	609	679	586	583

Investigations opened with the purpose of exploring judgment modification or termination are not included here in the total number of preliminary inquiries initiated. Such judgment modification/termination investigations are addressed separately under the Judgment Enforcement indicators.

A very limited number of investigations with peculiar factual circumstances (e.g., large number of local markets at issue, large number of potentially competitive products, and the large volume of commerce involved) account for the large increase in the numbers of CIDs issued since 1994. For the vast majority of investigations, there was little or no increase in the use of CIDs.

⁴ Combined documentary and written CIDs served to one person, corporation, partnership, or legal entity.

CIVIL INVESTIGATIONS

Merger Investigations	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total Number	97	96	87	109	105	134	237	277	230	230
HSR Investigations	59	67	52	72	57	88	186	220	176	175
- Merger Investigations (Second Requests)	32	34	22	32	25	56	102	120	102	68
Non-HSR Investigations	38	29	35	37	48	45	49	57	54	55
- Merger Investigations (CIDs Issued Non-HSR)	23	8	9	8	13	9	15	13	20	13
Merger CIDs Issued ⁵	-	-	-	-	358	741	762	1,141	876	690

Non-Merger Investigations	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total Number	54	58	63	83	152	93	94	91	94	56
Non-Merger Investigations (CIDs Issued) ⁶	16	11	4	17	54	44	32	24	26	15
Non-Merger CIDs Issued	-	-	-	-	740	1,247	1,108	409	406	180

Some CIDs covered more than one investigation, and some CIDs were issued for previously opened investigations; figures available beginning in FY 1994.

first CID issued in an investigation.

CIVIL INVESTIGATION RESULTS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Merger Investigations: Total Number of Public Challenges	17	13	8	11	22	18	30	31	51	46
- Actions Filed in District Court ⁷	11	4	4	5	10	9	9	14	15	20
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	6	9	4	6	12	9	21	17	36	25
Non-Merger Investigations: Actions Filed in District Court	-	-	-	-	-	10	15	20	5	7

CRIMINAL INVESTIGATIONS AND CASES

Criminal Investigations: Grand Jury Investigations	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
- Initiated	42	45	51	51	28	30	27	28	30	19
- Terminated ⁸	62	34	57	62	62	45	32	20	16	30
- Pending	139	150	144	133	99	84	79	87	101	90

Criminal Cases Filed	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total Number	75	81	78	84	57	60	42	38	62	57
- Individuals Charged	72	58	65	50	50	32	22	29	52	46
- Corporations Charged	88	70	64	62	55	40	41	24	19	17

These statistics are the same as those reported under the "District Court Antitrust Cases - "Merger Cases Filed" category.

Frequently, indictments are filed as a result of grand juries investigating bid-rigging or price-fixing, but the grand juries themselves are still on-going and are not terminated.

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	14	17	12	9	21	24	27	21	23	29
Terminated	9	21	13	14	10	22	21	25	27	21
- Won	4	15	12	11	7	21	21	24	25	21
- Lost	1	4	-	1	1	-	-	1	1	-
- Dismissed	4	2	1	2	3	1	-	-	-	_
Pending	15	11	10	5	16	18	29	25	21	29

RESTRAINT OF TRADE: CIVIL (SHERMAN §1)	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	2	2	3	2	8	12	12	4	5	5
Terminated	-	5	1	3	1	11	6	13	8	7
- Won	1	4	1	3	1	11	6	13	7	7
- Lost	_	1	1	1	1	-	-	-	-	_
- Dismissed	-	-	1	-	ı	1	-	1	1	_

MONOPOLY: CIVIL (SHERMAN §2)	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	ı	I	1	I	1	1	2	ı	2	2
Terminated	-	1	1	-	1	1	2	1	-	1
- Won	_	-	1	-	-	-	2	1	-	1
- Lost	-	1	-	1	-	-	_	_	-	-
- Dismissed	-	1	-	-	-	1	-	-	-	-

MERGER CASES (CLAYTON §7)	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	11	4	4	5	9	9	9	14	15	20
Terminated	7	10	5	8	7	7	8	10	17	9
- Won	3	5	4	6	4	7	8	9	16	9
- Lost	-	3	1	1	-	-	-	1	1	-
- Dismissed	4	2	1	1	3	-	_	_	-	-

DAMAGE ACTIONS: CIVIL	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	1	1	19	I	1	ı	-	-	ı	-
Terminated	-	1	1	1	1	-	-	-	-	-
- Won	_	1	1	-	1	-	_	_	-	_
- Lost	_	-	-	-	1	-	_	_	-	_
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER CIVIL	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	1	10	4	2	2	2	4	2	1	2
Terminated	2	5	6	3	1	3	5	1	2	3
- Won	1	5	6	2	1	3	5	1	2	3
- Lost	1	1	_	1	1	-	_	_	-	_
- Dismissed	-	-	-	-	-	-	-	-	-	-

This is the same case counted under "Monopoly -- Civil" above. The case was a violation of Section 2, but the settlement also included damages which the defendants paid.

TOTAL CRIMINAL CASES	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	75	81	78	84	57	60	42	38	62	57
Won	73	66	101	73	51	65	38	40	64	48
Lost	5	4	5	3	4	2	5	1	1	2
Pending ¹⁰	-	-	1	-	-	-	-	-	17	24
Appeal Decisions	9	8	15	7	9	7	6	4	6	1

RESTRAINT OF TRADE: CRIMINAL (SHERMAN §1)	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	66	75	70	78	52	49	39	32	57	53
Won	67	61	92	68	46	58	31	35	59	45
Lost	5	4	4	2	4	2	4	1	1	2
Pending ¹¹	-	-	-	-	-	-	-	-	16	22

This is a new statistic as of the FY 1999 Workload Statistics Report.

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OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	9	6	8	5	5	11	3	6	5	4
Won	6	5	9	5	5	7	7	5	5	3
Lost	-	-	1	1	-	-	1	-	-	
Pending ¹²	-	-	-	1	-	-	-	-	1	- 2

This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	10	18	18	19	10	20	17	14	23	10
Terminated	19	9	17	13	13	11	13	12	12	6
- Won	15	8	14	8	11	8	8	9	9	4
- Lost	4	1	3	3	2	3	-	_	3	2
- Dismissed	-	-	-	2	-	-	5	3	-	-

ANTITRUST DIVISION CASES SUPREME COURT	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	3	3	2	4	4	1	-	2	2	1
Terminated	1	7	1	4	-	3	4	1	-	1
- Won	-	7	-	3	-	2	_	1	-	1
- Lost	1	-	1	1	-	1	_	-	-	_
- Dismissed	1	-	-	-	-	-	4	-	-	-

AMICUS CASES COURT OF APPEALS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	1	ı	1	ı	2	4	6	3	3	-
Terminated	1	1	ı	1	1	4	4	7	2	1
- Won	1	1	1	1	1	1	2	6	1	1
- Lost	1	1	-	-	-	3	2	-	1	_
- Dismissed	1	1	ı	-	-	1	1	1	-	-

AMICUS CASES SUPREME COURT	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	4	4	5	-	1	1	3	2	4	1
Terminated	4	5	1	4	1	1	3	1	4	_
- Won	3	3	1	4	-	1	1	1	3	_
- Lost	1	2	-	-	-	-	2	_	_	_
- Dismissed	-	-	-	-	1	-	-	-	1	-

OTHER AGENCIES' CASES COURT OF APPEALS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	79	103	113	134	159	130	111	211	428	113
Terminated	103	93	56	106	38	121	99	63	52	110
- Won	66	47	21	55	15	68	30	23	20	47
- Lost	13	14	7	16	5	11	10	7	7	8
- Dismissed	24	32	28	35	18	42	59	33	25	55

OTHER AGENCIES' CASES SUPREME COURT	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Filed	7	7	4	-	-	-	5	1		7
Terminated	4	6	3	3	1	1	4	1	10	4
- Won	3	6	3	2	1	_	2	-	-	3
- Lost	1	-	_	_	1	_	2	_	-	1
- Dismissed	-	-	-	1	-	-	-	-		_

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT ¹³	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Divestitures	4	2	2	3	1	4	6	13	9	20
Compliance Reports ¹⁴	104	82	94	83	79	71	65	-	-	_
Decrees Modified/Terminated	6	4	3	3	9	5	6	1	4	3
Contempt Cases	-	ı	-	-	-	1	1	-	1	3

JUDGMENT ENFORCEMENT: Modification/Termination Investigations ¹⁵	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Initiated	6	6	6	2	1	ı	5	5	6	11
Terminated	8	5	2	5	9	4	4	3	4	3
Pending	16	17	21	18	10	6	7	9	11	19

This category of statistics does not include activity concerning the enforcement of the modified final judgment in the AT&T case.

Data for compliance reports was not available for 1997, 1998, and 1999.

¹⁵ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁶

FINES IMPOSED ¹⁷	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Individual: Total Fines (\$000)	917	2,806	1,275	1,868	1,240	1,211	1,572	1,247	2,499	12,273
Number of Individuals Fined	30	37	27	45	33	25	16	17	20	50
Corporate: Total Fines (\$000)	22,658	17,573	22,430	40,427	38,996	40,222	25,245	203,931	241,645	959,866
Number of Corporations Fined	73	55	45	64	59	32	31	30	18	25
Total Fines Imposed (\$000)	23,575	20,379	23,705	42,295	40,236	41,433	26,817	205,178	244,144	972,138

OTHER CASE RESULTS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Restitution Imposed in Connection with Criminal Cases ¹⁸ (\$000)	5,670	3,185	3,550	950	4,220	1,200	799	275	4,250	2,343
Number of Defendants	24	16	15	16	4	7	5	2	3	12
HSR Penalties (\$000)	275	6,775	2,000	1,976	2,600	425	7,650	5,796	500	3,285
Number of Corporations	1	9	3	-	1	-	4	3	2	4
Number of Individuals	-	-	-	1	-	1	-	1	-	1

Dollar figures are amounts imposed by the court during the fiscal year.

Does not include fines "agreed to" by defendants in plea agreements during the fiscal year but not yet imposed by the court.

Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT

INCARCERATION	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Number of Individuals Sentenced	42	50	29	56	40	27	19	17	16	54
Number of Individuals Sentenced to Incarceration Time	17	22	11	14	9	16	5	3	5	28
Total Number of Actual Days of Incarceration Imposed by the Court	2,739	6,594	2,488	4,726	1,497	3,902	2,431	789	1,301	6,662

OTHER CONFINEMENT ¹⁹	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Individuals Sentenced to Other Confinement	7	16	15	26	22	16	8	9	10	25
Number of Other Confinement Days	632	1,519	1,734	3,552	2,475	2,933	1,148	1,270	1,530	2,850

¹⁹ Includes house arrest or confinement to a halfway house or community treatment center.

PARTICIPATION IN BANK MERGER PROCEEDINGS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total Screenings	1,626	1,598	1,539	1,873	1,927	1,897	1,788	1,850	1,923	1,698
Screenings Requiring Competitive Analysis	1,138	1,117	1,141	1,201	1,177	1,211	1,231	1,197	1,225	1,109

ADVICE TO FOREIGN GOVERNMENTS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Notifications to Foreign Governments. and International Organizations	74	63	53	53	60	76	73	77	96	93
Representation at and Negotiations with Foreign Governments. and International Organizations	24	26	43	18	44	40	42	47	50	55
Applications for Export Trade Certificates	11	7	10	8	6	7	5	4	3	5
Certificates Issued	11	8	9	6	7	6	3	4	3	3

FILINGS IN REGULATORY AGENCY PROCEEDINGS ²⁰	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Department of Transportation	3	4	6	2	-	3	-	-	2	-
Federal Energy Regulatory Commission	22	3	9	4	1	2	-	-	-	1
Securities and Exchange Commission	-	1	-	-	1	2	1	-	1	-
Federal Communications Commission	7	7	5	2	2	1	8	5	6	-
Federal Maritime Commission	-	8	10	2	2	1	-	-	-	-
Interstate Commerce Commission	14	3	9	4	1	4	ı	ı	ı	-
Other	8	7	9	6	4	1	1	3	2	-
Total	54	33	48	20	10	14	10	8	11	1

These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
4F (Hart-Scott-Rodino) Information	9	7	16	14	5	11	21	9	2	2
Advice on Surplus Property	-	1	5	1	-	1	-	-	-	5
Meetings of Interagency Task Forces/Committees ²¹	22	35	57	99	54	56	13	41	28	35
Congressional Appearances	5	8	7	1	10	7	5	4	10	11
Cong/OMB Requests for Comments	426	757	827	497	782	514	675	579	779	629
White House Referrals	222	154	278	293	411	450	325	137	722	196
Congressional Correspondence	456	305	317	275	422	586	365	435	581	628
Statutory Reports	54	62	52	88	37	77	ı	3	1	5
Joint Research & Development Filings	49	56	58	78	74	109	83	56	38	61
FOIA Requests	273	278	482	357	313	368	335	226	276	247
Privacy Act Requests	15	18	7	4	2	5	8	17	6	3

These figures reflect the number of interagency task forces or committees that held meetings at which Division staff attended. The figures do not reflect the actual number of meetings held.