



**ANTITRUST DIVISION
WORKLOAD STATISTICS
FY 1994 - 2003**



INVESTIGATIONS

Total Investigations Initiated, by Primary Type of Conduct¹	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Sherman §1 - Restraint of Trade	189	135	128	95	109	73	85	84	94	133
Sherman §2 - Monopoly	31	25	19	15	11	6	10	10	13	10
Clayton §7 - Mergers	130	130	284	338	285	288	221	179	129	128
Others	12	4	5	6	3	6	11	9	7	11

Business Reviews	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Requested	33	51	29	22	16	13	15	13	5	4
Closed	27	29	37	39	19	9	12	8	6	26
- Granted	24	17	15	32	12	7	9	7	6	12
- Denied	1	-	2	1	-	-	2	-	-	1
- Declined	1	1	2	5	-	-	-	1	-	-
- Withdrawn	1	11	18	1	7	2	1	-	-	13
Pending	23	45	38	20	17	21	24	29	28	6

¹ 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	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Received	2,301	2,816	3,094	3,702	4,728	4,642	4,926	2,376	1,187	1,014
HSR Investigations Initiated	57	88	186	220	170	172	137	106	76	70
Number of Cases Filed	9	8	9	14	14	19	20	7	4	7

Total Preliminary Inquiries: Criminal, Civil Non-Merger, and Merger	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Initiated ²	254	225	332	344	294	277	242	204	176	183
Cases Filed or Investigations Ceased	223	259	303	327	302	290	227	211	181	169
Pending	146	112	141	158	150	137	152	145	140	154

CIDs Issued	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total number ³	1,135	2,029	1,878	1,629	1,488	919	980	822	573	631
Documentary	206	197	365	290	268	78	56	64	73	54
Written	40	165	47	31	29	76	98	169	4	52
Oral	307	707	857	629	605	182	257	301	175	239
Documentary/Written ⁴	582	960	609	679	586	583	569	288	321	286

² 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.

³ 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 civil investigative demands (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	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total Number (HSR and Non-HSR Investigations)	105	134	237	277	230	230	178	147	102	95
HSR Investigations	57	88	186	220	176	175	137	106	76	70
- HSR Investigations: Second Requests	25	56	102	120	102	68	55	43	22	20
Non-HSR Investigations	48	45	49	57	54	55	41	41	26	25
- Non-HSR Investigations: CIDs Issued	13	9	15	13	20	13	7	2	8	10
Merger CIDs Issued ⁵	358	741	762	1,141	876	690	783	658	399	460

Non-Merger Investigations	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total Number	152	93	94	91	94	56	40	30	27	33
- Non-Merger Investigations: CIDs Issued ⁶	54	44	32	24	26	15	9	16	16	20
Non-Merger CIDs Issued	740	1,247	1,108	409	406	180	168	166	174	171

Civil Investigation Results	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Merger Investigations: Total Number of Public Challenges	22	18	30	31	51	46	48	32	10	15
- Actions Filed in District Court ⁷	9	9	9	14	15	20	21	8	4	9
- Transactions Restructured or Abandoned Prior to Filing a Complaint as Result of an Announced Challenge	12	9	21	17	36	25	27	24	6	6

⁵ Some CIDs covered more than one investigation, and some CIDs were issued for previously opened investigations; figures available from FY 1994.

⁶ This statistic only includes the first CID issued in an investigation.

⁷ These statistics are the same as those reported under "District Court Antitrust Cases - Merger Cases Filed" on page 6.

Civil Investigation Results	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Non-Merger Investigations: Actions Filed in District Court ⁸	-	10	15	20	5	7	2	-	3	5

CRIMINAL INVESTIGATIONS AND CASES

Grand Jury Investigations	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Initiated	28	30	27	28	30	19	26	26	26	48
Terminated	62	45	32	20	16	30	35	19	17	19
Pending	99	84	79	87	101	90	81	88	97	126

Criminal Cases Filed	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total Cases Filed	57	60	42	38	62	57	63	44	33	41
Individuals Charged	50	32	22	29	52	46	60	39	32	28
Corporations Charged	55	40	41	24	19	17	40	22	14	16

⁸ Statistics for this section are available only from FY 1995.

DISTRICT COURT ANTITRUST CASES

TOTAL CIVIL CASES	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	21	26	27	21	23	29	23	10	7	14
Terminated	10	25	21	25	27	21	12	23	14	11
- Won	9	23	21	24	25	21	12	23	13	11
- Lost	-	-	-	1	1	-	-	-	1	-
- Dismissed	1	2	-	-	-	-	-	-	-	-
Pending	22	23	29	25	21	29	40	27	20	23

RESTRAINT OF TRADE - CIVIL (SHERMAN §1)	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	8	14	12	4	5	5	1	1	1	3
Terminated	1	13	6	13	8	7	-	-	-	2
- Won	1	12	6	13	7	7	-	-	-	2
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	1	-	-	1	-	-	-	-	-

MONOPOLY - CIVIL (SHERMAN §2)	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	1	1	2	-	2	2	1	-	1	-
Terminated	-	1	2	1	-	1	-	-	-	-
- Won	-	-	2	1	-	1	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	1	-	-	-	-	-	-	-	-

MERGER CASES (CLAYTON §7)	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	9	9	9	14	15	20	21	8	4	9
Terminated	7	7	8	10	17	9	12	23	14	8
- Won	6	7	8	9	16	9	12	23	13	8
- Lost	-	-	-	1	1	-	-	-	1	0
- Dismissed	1	-	-	-	-	-	-	-	-	-

DAMAGE ACTIONS - CIVIL	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	1	-	-	-	-	-	-	-	-	-
Terminated	1	-	-	-	-	-	-	-	-	-
- Won	1	-	-	-	-	-	-	-	-	-
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

OTHER CIVIL	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	2	2	4	2	1	2	-	1	1	2
Terminated	1	4	5	1	2	3	-	-	-	1
- Won	1	4	5	1	2	3	-	-	-	1
- Lost	-	-	-	-	-	-	-	-	-	-
- Dismissed	-	-	-	-	-	-	-	-	-	-

TOTAL CRIMINAL CASES	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	57	60	42	38	62	57	63	44	33	41
Won	51	65	38	40	64	48	52	38	37	32
Lost	4	2	5	1	1	2	-	2	1	1
Pending ⁹	-	-	-	-	17	24	35	39	34	42
Appeal Decisions	9	7	6	4	6	-	-	5	1	2

RESTRAINT OF TRADE - CRIMINAL (SHERMAN §1)	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	52	49	39	32	57	53	52	37	23	23
Won	46	58	31	35	59	45	44	29	28	19
Lost	4	2	4	1	1	2	-	1	1	1
Pending ¹⁰	-	-	-	-	16	22	30	37	31	34

⁹ This is a new statistic as of the FY 1999 Workload Statistics Report.

¹⁰ This is a new statistic as of the FY 1999 Workload Statistics Report.

OTHER CRIMINAL CASES Charging Primarily Other Federal Crimes such as Perjury, Mail Fraud, Contempt, Obstruction of Justice, or False Statements	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	5	11	3	6	5	4	11	8	10	18
Won	5	7	7	5	5	3	8	10	9	13
Lost	-	-	1	-	-	-	-	1	-	-
Pending ¹¹	-	-	-	-	1	2	5	2	3	8

¹¹ This is a new statistic as of the FY 1999 Workload Statistics Report.

APPELLATE CASES

ANTITRUST DIVISION CASES COURT OF APPEALS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	10	20	17	14	23	10	10	3	6	7
Terminated	13	11	13	12	12	6	3	6	2	5
- Won	11	8	8	9	9	4	3	4	2	3
- Lost	2	3	-	-	3	2	-	1	-	1
- Dismissed	-	-	5	3	-	-	-	1	-	1

ANTITRUST DIVISION CASES SUPREME COURT	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	4	1	-	2	2	1	1	1	-	-
Terminated	-	3	4	1	-	1	-	1	1	-
- Won	-	2	-	1	-	1	-	1	1	-
- Lost	-	1	-	-	-	-	-	-	-	-
- Dismissed	-	-	4	-	-	-	-	-	-	-

AMICUS CASES COURT OF APPEALS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	2	4	6	3	3	-	5	2	3	6
Terminated	-	4	4	7	2	1	2	2	3	4
- Won	-	1	2	6	1	1	2	1	2	1
- Lost	-	3	2	-	1	-	-	1	-	3
- Dismissed	-	-	-	1	-	-	-	-	1	-

AMICUS CASES SUPREME COURT	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	1	1	3	2	4	1	1	1	1	-
Terminated	1	1	3	1	4	-	1	1	1	-
- Won	-	1	1	1	3	-	1	1	1	-
- Lost	-	-	2	-	1	-	-	-	-	-
- Dismissed	1	-	-	-	-	-	-	-	-	-

OTHER AGENCIES' CASES (ADMINISTRATIVE LAW CASES) COURT OF APPEALS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
- Filed	159	130	111	211	428	113	69	35	49	76
- Terminated	38	121	99	63	52	110	85	34	53	36
Won	15	68	30	23	20	47	21	17	14	17
Lost	5	11	10	7	7	8	1	15	5	2
Dismissed	18	42	59	33	25	55	63	2	34	17

OTHER AGENCIES' CASES SUPREME COURT	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Filed	-	-	5	1	10	7	4	3	-	1
Terminated	1	-	4	-	-	4	2	1	1	-
- Won	1	-	2	-	-	3	1	1	-	-
- Lost	-	-	2	-	-	1	-	-	-	-
- Dismissed	-	-	-	-	-	-	1	-	1	-

JUDGMENT ENFORCEMENT

JUDGMENT ENFORCEMENT¹²	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Divestitures	1	4	6	13	9	20	17	9	1	4
Compliance Reports ¹³	79	71	65	60	NA	NA	-	-	-	11
Decrees Modified/Terminated	9	5	6	1	4	3	4	6	6	7
Contempt Cases	-	1	1	-	1	3	-	-	1	-

JUDGMENT ENFORCEMENT: Modification/Termination Investigations¹⁴	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Initiated	1	-	5	5	6	11	-	-	2	3
Terminated	9	4	4	3	4	3	6	-	-	2
Pending	10	6	7	9	11	19	17	15	17	18

¹² This category of statistics does not include activity concerning the enforcement of the modified final judgement in the AT&T case.

¹³ This data was not available for FY 1998 or FY 1999.

¹⁴ These are investigations to determine whether a judgment should be modified or terminated.

CASE RESULTS¹⁵

FINES IMPOSED¹⁶	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Individual: Total Individual Fines (\$000)	1,240	1,211	1,572	1,247	2,499	12,273	5,180	2,019	8,685	470
Number of Individuals Fined	33	25	16	17	20	50	43	20	19	16
Corporate: Total Corporate Fines (\$000)	38,996	40,222	25,245	203,931	241,645	959,866	303,241	270,778	93,826	63,752
Number of Corporations Fined	59	32	31	30	18	25	26	14	17	17
Total Fines Imposed (\$000)	40,236	41,433	26,817	205,178	244,144	972,138	308,421	272,797	102,511	64,222

OTHER CASE RESULTS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Restitution Imposed in Connection with Criminal Cases¹⁷ (\$000)	4,220	1,200	799	275	4,250	2,343	1,713	31,083	7,278	15,545
Number of Defendants	4	7	5	2	3	12	20	17	21	21
HSR Penalties (\$000)	2,600	425	7,650	5,796	500	3,285	-	-	4,000	6,314
Number of Corporations	1	-	4	3	2	4	-	2	2	3
Number of Individuals	-	1	-	1	-	1	-	-	-	-

¹⁵ Dollar figures are amounts imposed during the fiscal year.

¹⁶ Does not include fines “agreed to” by defendants in plea agreements during the fiscal year but not yet imposed by the court.

¹⁷ Frequently restitution is not sought in criminal antitrust cases, as damages are obtained through treble damage actions filed by the victims.

CONFINEMENT

INCARCERATION	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Number of Individuals Sentenced	40	27	19	17	16	54	47	24	36	30
Number of Individuals Sentenced to Incarceration Time	9	16	5	3	5	28	18	11	19	15
Total Number of Actual Days of Incarceration Imposed by the Court	1,497	3,902	2,431	789	1,301	6,662	5,584	4,800	10,501	9,341

OTHER CONFINEMENT¹⁸	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Individuals Sentenced to Other Confinement	22	16	8	9	10	25	20	12	16	6
Number of Other Confinement Days	2,475	2,933	1,148	1,270	1,530	2,850	2,567	1,844	3,607	1,025

¹⁸ Includes house arrest or confinement to a halfway house or community treatment center.

GENERAL ANTITRUST ACTIVITIES

PARTICIPATION IN BANK MERGER PROCEEDINGS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total Screenings	1,927	1,897	1,788	1,850	1,923	1,698	1,373	1,328	1,079	994
Screenings Requiring Competitive Analysis	1,177	1,211	1,231	1,197	1,225	1,109	945	859	628	587

INTERNATIONAL ANTITRUST ACTIVITY	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Notifications to Foreign Governments. and International Organizations	60	76	73	77	96	93	143	126	82	89
Representation at and Negotiations with Foreign Governments. and International Organizations	44	40	42	47	50	55	51	53	25	27
Applications for Export Trade Certificates	6	7	5	4	3	5	6	3	2	5
Certificates Issued	7	6	3	4	3	3	4	3	2	3

FILINGS IN REGULATORY AGENCY PROCEEDINGS¹⁹	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Department of Transportation	-	3	-	-	2	-	-	-	3	2
Federal Energy Regulatory Commission	1	2	-	-	-	1	-	-	-	-
Securities and Exchange Commission	-	2	1	-	1	-	2	-	-	-
Federal Communications Commission	2	1	8	5	6	-	5	7	13	10
Federal Maritime Commission	2	1	-	-	-	-	-	-	-	-
Interstate Commerce Commission	1	4	-	-	-	-	1	-	-	-
Other	4	1	1	3	2	-	6	-	-	-
Total	10	14	10	8	11	1	14	7	16	12

¹⁹ These statistics may include counts of multiple filings for one proceeding.

OTHER ANTITRUST ACTIONS	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
4F (HSR) Information	5	11	21	9	2	2	2	1	3	-
Advice on Surplus Property	-	1	-	-	-	5	-	-	4	1
Meetings of Interagency Task Forces/Committees ²⁰	54	56	13	41	28	35	47	46	41	51
Congressional Appearances	10	7	5	4	10	11	20	4	5	1
Congressional/OMB Requests for Comments	782	514	675	579	779	629	568	424	384	401
White House Referrals	411	450	325	137	722	196	25	625	157	226
Congressional Correspondence	422	586	365	435	581	628	578	597	477	186
Statutory Reports	37	77	-	3	-	5	4	21	13	17
Joint Research & Development Filings	74	109	83	56	38	61	47	24	29	17
FOIA Requests	313	368	335	226	276	247	242	207	154	159
Privacy Act Requests	2	5	8	17	6	3	9	16	11	10

²⁰ 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.