the Clayton Act, 15 U.S.C. § 16(a), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against the defendant in this case.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to John F. Greaney, Chief, Computers and Finance Section, U.S. Department of Justice, Antitrust Division, 555 4th Street, N.W., Room 9903, Washington, D.C. 20001, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for modification, interpretation, or enforcement of the Final Judgment.

VI

Determinative Materials/Documents

No materials or documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), were considered in formulating the proposed Final Judgment.

VII

Alternatives to the Proposed Final Judgment

The United States considered other relief in addition to the remedies contained in the proposed Final Judgment. In particular, early in the investigation, the United States proposed injunctive relief eliminating: the ABA's prohibition of credits for a bar review course: the ABA's practice of attributing no value to teachers other than full-time tenure-track faculty in calculating student-faculty ratios; the maximum teaching hour limits; the faculty leave of absence requirements; and the requirement that substantially all first-year courses be taught by full-time faculty. Later the United States proposed other relief, all of which is included in the proposed Final Judgment. The United States made these proposals during the negotiating process as its investigation proceeded and as it learned more about the ABA's practices and their competitive effects.

The United States eventually concluded, on the basis of the evidence it had gathered, that mere amendment of the ABA's Standards and practices would not provide adequate or permanent relief and that reform of the entire accreditation process was needed. While a prohibition of some of the rules was warranted, as is accomplished by the proposed Final Judgment, the larger and more fundamental problem of regulatory capture also had to be addressed.

Moreover, a number of the Standards, Interpretations and practices at issue, although sometimes misapplied to further guild interests in the past, concern matters of legitimate educational concern. The United States concluded that appraisal of whether the provisions and practices listed in Section IV.D of the Complaint are anticompetitive or set a procompetitive minimum educational standard for law school programs should be made in the first instance by the ABA itself, subject to subsequent review. The United States agreed to submit the first four of the practices initially of most concern to it, along with others about which it had developed concern, to review by the ABA's Special Commission. (In the case of first-year teaching requirements, on the basis of evidence it subsequently gathered the United States abandoned its initial opposition). If the Special Commission fails to consider adequately the antitrust implications of continuing the ABA's past practices in these areas, the Final Judgment permits the United States to challenge the Special Commission's proposals and seek further injunctive relief from the Court.

The United States had also earlier proposed that the ABA's Special Commission be separately constituted as an antitrust review committee whose membership would be one-third practitioners, judges, and public members; one-third non-law school university administrators; and one-third law school administrators and faculty. Although the Government recognized that a number of members of the Special Commission had participated in the accreditation process in the past, it also considered that the Special Commission was already constituted and had progressed in its work, that ABA leadership was now familiar with and sensitive to antitrust concerns, and that the Commission report was subject to challenge by the United States and review by the Court.

Another alternative to the proposed Final Judgment is a full trial of the case. A trial would involve substantial cost both to the United States and to the defendant, and is not warranted since the Final Judgment provides all substantial relief the Government would likely obtain following a successful trial.

Dated: July 14, 1995.

Respectfully submitted,

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Jessica N. Cohen
Molly L. DeBusschere
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Certificate of Service

On July 14, 1995, I caused a copy of the United States' Competitive Impact Statement to be served by facsimile and first-class mail upon:

Ronald S. Flagg, Esquire, Sidley & Austin, 1722 Eye Street, N.W., Washington, D.C. 20006, fax: (202) 736–8711

David T. Pritikin, Esquire, Sidley & Austin, One First National Plaza, Chicago, Illinois 60603, fax: 312/853–7036

and

Darryl L. DePriest, 541 N. Fairbanks Court, Chicago, Illinois 60611, fax: 312/988–5217.

James J. Tierney

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Drug Enforcement Administration

Jonathan L. Wilson, D.V.M.; Denial of Application

On June 2, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Jonathan L. Wilson, of Kennett, Missouri (Respondent), proposing to deny his application for a DEA Certificate of Registration as a practitioner. The statutory basis for the Order to Show Cause was that Respondent was not authorized to handle controlled substances in the State of Missouri. 21 U.S.C. 823(f).

The Order to Show Cause was sent to Respondent by certified mail, return receipt requested. DEA received a receipt, signed by ''J.L. Wilson'' and dated June 8, 1995. Respondent did not request a hearing on the matter, nor forward any response to the Order to Show Cause to DEA, within the thirty days provided in 21 CFR 1301.54. Pursuant to 21 CFR 1301.57, the Deputy