

**American Bar Association
Section of Antitrust Law**

**Trial Practice Committee, Compliance and Ethics Committee, and
Criminal Practice & Procedure Committee**

**Jointly Present:
International Cartels:
Perspectives from the DRAM Criminal Investigations
(the Swanson Trial)
May 27, 2008
1:00 – 2:30 PM EDT**

The Trial Practice Committee, the Compliance and Ethics Committee, and the Criminal Practice & Procedure Committee are pleased to announce a brown bag teleconference to discuss a recent criminal trial in the dynamic random access memory (DRAM) price-fixing investigations brought by the Department of Justice (DOJ) in 2006. The panel of seasoned litigators and a well-known industrial organization and antitrust economist will examine the effectiveness of antitrust compliance programs and their role at trial; parallel pricing and its explanations; the DOJ's amnesty program and how to address guilty pleas by coconspirators; the role of testimony from whistleblowers; the nature of the evidence, including emails and discussions of prices and price-fixing presented in the case; and the role of economist testimony in criminal and civil antitrust litigations.

Over the last three years the U.S. and other governments have launched a number of investigations into price-fixing/cartel allegations in the worldwide market for computer hardware, including dynamic random access memory and static random access memory (SRAM) memory chips, and liquid crystal display (LCD) computer monitors. Recently, Gary Swanson was tried in U.S. District Court in the Northern District of California in connection with the DOJ's investigation into allegations that Hynix Semiconductor, Inc., Samsung, and other DRAM manufacturers collectively attempted to stabilize and raise prices between April 2001 and June 2002.

The panel members are: Niall Lynch, who was lead trial counsel in the 4-week Swanson trial served as the lead attorney in the Division's grand jury investigations into the DRAM and LCD industries and has experience in both civil and criminal matters; Robert Bunzel, who co-chaired the trial defense for Mr. Swanson and cross-examined at trial the government's key witness against Mr. Swanson and has represented both plaintiffs and defendants in civil, criminal, or regulatory matters and has been involved in significant international discovery and foreign court appearances in Europe and Asia; and Professor Robert Pindyck, a leading industrial organization economist and testifying witness with experience in numerous civil, criminal, and regulatory matters.

Moderator: **Rebecca A. Kirk**, Vice President, Analysis Group, Inc.

Speakers: **Niall E. Lynch, Esq.**, Assistant Chief, Antitrust Division, Department of Justice, San Francisco Field Office, lead trial counsel for the DOJ in the Swanson trial

Robert H. Bunzel, Esq., Partner, Bartko, Zankel, Tarrant & Miller, co-chair the trial defense for Mr. Swanson

Robert S. Pindyck, Ph.D., Bank of Tokyo-Mitsubishi Professor of Economics and Finance, MIT Sloan School of Management

If you would like to participate, please indicate so before May 20th by emailing Kursten Jurs at kjurs@analysisgroup.com or call 617-425-8264. A dial-in number will be provided via e-mail in advance of the teleconference.