

Margaret M. Zwisler



Contact Information

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Education

JD, George Washington University, 1976
high honors; Order of the Coif; member, National Moot Court team

BA, Saint Mary's College, Notre Dame, Indiana, 1971
cum laude

Bar Qualifications

Ms. Zwisler is qualified to practice before the District of Columbia Bar.

Areas of Expertise

Peggy Zwisler is a senior partner in the Litigation Department of Latham & Watkins and Global Co-chair of the Antitrust and Competition Practice.

Ms. Zwisler is an antitrust litigator with over 30 years of experience. She has successfully represented antitrust defendants in seven trials and achieved significant victories for them through both procedural and substantive dispositive motions. She is nationally recognized as one of the leading class action defense lawyers in the country, and has represented companies in antitrust class actions that involve, among other products, motor vehicles, chemicals, artificial teeth, contact lenses, graphics processing units, residential doors, grain, smokeless tobacco, insulation, pharmaceuticals and plumbing fixtures.

For the past two years, *Legal 500 US* Guide has listed Ms. Zwisler as one of the ten leading antitrust litigation lawyers in the United States, calling her "a very skilled practitioner" and noting that she is "lauded by clients for her skills in the courtroom." Ms. Zwisler is also named a leading attorney in the *Chambers USA* Guide, in *Euromoney's* Benchmark Guide to US Litigators, in *Global Competition Review's* "Who's Who of International Competition Lawyers" and its list of "Leading Women in Antitrust." Ms. Zwisler was named one of the leading lawyers in the United States by *Lawdragon Magazine* and also as one of the country's leading trial lawyers by the same publication. Most recently she has been recognized as a leading antitrust attorney in the *Washingtonian's* 2007 "Top Lawyers" list and the *Legal Times* named her as one of the leading business litigators in the Washington, D.C. area.

Partner and Global Co-Chair, Antitrust and Competition Practice, Litigation Department, Washington, D.C.

From 1989-92, Ms. Zwisler was a Lecturer in Law in Trial Advocacy at the University of Virginia School of Law. Ms. Zwisler is admitted to practice in United States District Courts and Courts of Appeals throughout the country.

Representative Matters

United States v. Dentsply International Inc.: Won a trial verdict for a dominant manufacturer of artificial teeth at a five week trial in which the Antitrust Division sought to invalidate client's exclusive dealing policy.*

In re Disposable Contact Lens Antitrust Litigation: Defended major manufacturer of disposable contact lenses (Johnson & Johnson subsidiary) against claims of 32 state Attorneys General and a national consumer class alleging that client's policy prohibiting mail order and Internet sales of contact lenses was the product of an antitrust conspiracy with professional associations. After six weeks of trial, case settled for coupons to the class and preservation of the policy permitting client to refuse to deal with unlicensed sellers.*

In re New Motor Vehicles Canadian Export Antitrust Litigation: Obtained dismissal of damage claims of putative national class of consumers alleging that automotive manufacturers and dealer associations conspired to prohibit the importation of discount cars from Canada.* Also obtained reversal of certification of 19 state subclasses seeking damages, and then summary judgment.

In re Graphics Processing Units Antitrust Litigation. Defeated motions for class certification of national classes of direct purchasers and indirect purchasers seeking damages for alleged price fixing in the market for GPUs.

Howard Hess Dental Laboratory, et. al. v. Dentsply International, Inc. Defeated damages claims of national class of purchasers of artificial teeth used in dentures on the ground that their claims were barred by the Supreme Court's opinion in *Illinois Brick*.

In re Bath & Kitchen Fixtures Antitrust Litigation. Obtained dismissal of a national class of plumbing fixtures purchasers on the ground that pendency of government criminal investigation insufficient basis on which to state a conspiracy claim.

Viazis, et. al. v. GAC International, Inc.: Obtained directed verdict on behalf of manufacturer of orthodontic appliances against claims that termination of contractual relationship was the result of a conspiracy between client and the American Association of Orthodontists.*

Alvord Polk, Inc. v. F. Schumacher & Co., et al.: At trial, defended wall covering supplier accused by national mail order and Internet dealers of conspiring with its retailers to eliminate sales to mail order wall covering dealers. Case ended in a hung jury after a ten week trial.*

*These matters were handled by Ms. Zwisler while she was employed at another law firm.

Speeches and Publications

Articles

Margaret M. Zwisler. "Volvo Trucks v. Reeder-Simco: Judicial Activism at the Supreme Court?" *Antitrust*, Vol. 20, no. 3 (Summer 2006) at 40.

Margaret M. Zwisler. "Considerations in Defending the Antitrust Case," *The Practical Litigator*, Vol. 16, no. 3 (May, 2005) at 13.

Margaret M. Zwisler. "The Susceptibility of Vertical Restraints to Summary Adjudication: Procedural Avenues to Substantive Objectives," Vol. 67 *Antitrust Law Journal* 327 (1999).

Speeches (Selected)

"*Twombly*: A Substantive Wolf in Procedural Clothing?" Fall Forum, ABA Section of Antitrust Law Program, Washington DC, November 15, 2007.

Steering Committee and Member of the trial team, The Antitrust Litigation Course, ABA Section of Antitrust Law Program, Philadelphia, Pennsylvania, October 4-5, 2007.

"The Hostages: Mixing Competition Policy and Deregulation in the Airline Industry", (with Mark C. Schechter), ABA Section of Antitrust Law Program, 55th Annual Spring Meeting, Washington DC, April 20, 2007.

Faculty, Antitrust Masters Program, ABA Section of Antitrust Law Program, Kiawah Island, Georgia, September 27-28th, 2006.

Steering Committee and Member of the trial team, The Antitrust Litigation Course, ABA Section of Antitrust Law Program, Philadelphia, Pennsylvania, October 17-18th, 2005.

"Friend and Foe: Antitrust Issues in Dual Distribution", ABA Section of Antitrust Law Program, 53rd Annual Spring Meeting, Washington D.C., March 31, 2005.

"The Front Lines: Prudent Business Decision-Making in Light of the New Realities of Distribution," The 2005 Antitrust Conference, The Conference Board, New York, March 2, 2005.

"Trying and Winning A Civil Antitrust Case," 3rd Annual Advanced ALI-ABA Course of Study, Washington, D.C., June 10, 2004.

"International Product Distribution: It's a Small World After All," ABA Section of Antitrust Law Program, 52nd Annual Spring Meeting, Washington, D.C., March 31, 2004.

"The Front Lines: Prudent Business Decision-Making in Light of the New Realities of Distribution," The 2004 Antitrust Conference, The Conference Board, New York, March 3, 2004.

"In Court Against the Government: Dancing with a Wolf of a Different Color," ABA Section of Antitrust Law program, The Antitrust Litigation Course, Boston, MA, October 18, 2003.

LATHAM & WATKINS LLP

Margaret M. Zwisler and Erik B. Wulff, "Antitrust Counseling for the Transactional Lawyer: Overcoming Antitrust Hurdles," ABA Forum on Franchising program, Gateway to the Future of Franchising, San Francisco, CA, October 10 - 12, 2003.

Margaret M. Zwisler, "Counseling on the Cutting Edge: Should Success Make the Price of Customer Loyalty Too High?," ABA Section of Antitrust Law Program, 51st Annual Spring Meeting, Washington, D.C., April 2 - 4, 2003.

Margaret M. Zwisler, "Damage Control: Winning the Class Action After the Guilty Plea," ABA Section of Antitrust Law program, Hands on in Antitrust Heaven, New York, NY, February 6 - 7, 2003.

Margaret M. Zwisler, "Are Vertical Restraints More Risky in the Current Enforcement Environment?" 47th Annual Spring Meeting, ABA Section of Antitrust Law, Washington, D.C., April 14-16, 1999.

Margaret M. Zwisler, "Designing and Justifying Distribution Practices in a Changing Doctrinal Environment," The Conference Board, 1999 Antitrust Conference: Antitrust Issues in Today's Economy, New York City, NY, March 4, 1999.