

# Margaret M. Zwisler



## Contact Information

**Tel:** +1.202.637.1092

**E-mail:** margaret.zwisler@lw.com

## Education

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

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

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

## 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 five trials and achieved significant victories for them through both procedural and substantive dispositive motions. She has particular expertise in the management of antitrust class action litigation in federal and state courts, and has represented companies in antitrust class actions that involve motor vehicles, chemicals, artificial teeth, contact lenses, residential doors, grain, smokeless tobacco, insulation, pharmaceuticals and plumbing fixtures. Most recently, she testified before the Antitrust Modernization Commission on indirect purchaser class action litigation.

Ms. Zwisler is named a leading attorney in the Chambers USA Guide, in the *US Legal 500* Litigation guide, and 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, the *Legal Times* named her as one of the leading business litigators in the Washington DC area.

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. (US District Court, District of Delaware, 2003). Reversed in part by the Court of Appeals.\*

*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 five weeks of trial, case settled for coupons to the class and preservation of the policy permitting client to refuse to deal with unlicensed sellers. (US District Court, Middle District of Florida, 2001).\*

*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. (US District Court, Eastern District of Texas, 2001). Affirmed by the 5<sup>th</sup> Circuit.\*

*Alvord Polk, Inc. v. F. Schumacher & Co., et al.:* At trial, defended wall covering supplier accused 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. (US District Court, Eastern District of Pennsylvania, 1996).\*

*Black & Decker, Inc. v. Hoover Company, et al.:* Represented manufacturer of cordless handheld vacuum cleaners at three week trial of patent and antitrust claims. Won case on grounds that patent holder had engaged in inequitable conduct before the Patent Office. (US District Court, District of Connecticut, 1991).\*

*In re New Motor Vehicles Canadian Export Antitrust Litigation:* Obtained dismissal on a 12(b)(6) motion of damage claims of putative class of consumers alleging that automotive manufacturers and dealer associations conspired to prohibit the importation of discount cars from Canada. (US District Court, District of Maine, 2004).\*

*Masco Contractor Services v. Beales, et al.:* Obtained dismissal on a 12(b)(6) motion of antitrust claims of independent contractors alleging that client monopolized the market for installed insulation in the Tidewater area of Virginia. (US District Court, Eastern District of Virginia, 2003).\*

*Jersey Dental Laboratories v. Dentsply International Inc.:* Obtained summary judgment on *Illinois Brick* grounds on damage claims of indirect purchaser class of dental laboratories alleging that Dentsply monopolized the market for artificial teeth used in dentures. (US District Court, District of Delaware, 2001). Affirmed by the 3<sup>rd</sup> Circuit.\*

*Kaminer et. al v. Dentsply International Inc.:* Obtained summary judgment on indirect purchaser claims of putative consumer class on standing grounds. (US District Court, District of Delaware, 2001).\*

\*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)**

Margaret M. Zwisler, Steering Committee and Member of the trial team, The Antitrust Litigation Course, ABA Section of Antitrust Law Program, Philadelphia, Pennsylvania, October 17-18<sup>th</sup>, 2005.

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

Margaret M. Zwisler, Moderator, "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.

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

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

Margaret M. Zwisler, "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.

Margaret M. Zwisler, "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.

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.