

TRAILBLAZERS

MERGERS & ACQUISITIONS and ANTITRUST

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PIONEER SPIRIT Peggy Zwisler worked as a legal secretary and paralegal before attending law school, and she didn't intend to work in antitrust. "I wanted to be a courtroom lawyer, but in those days they doubted a woman could do it in the courtroom." So she went to Howrey, then an antitrust boutique. "It was all men, and in those days it was all trial work. So I ended up doing almost nothing but antitrust litigation."

TRAILS BLAZED Zwisler served as first chair in an antitrust trial for the first time in 1990 in *Hoover v. Black and Decker*. "I had been a lawyer for 14 years, and it was a big step. That win, and having the credentials of having first-chaired a trial, led me to many other interesting cases." In 1996, she represented wall-coverings company F. Schumacher in a 12-week trial in Pennsylvania. "We got a hung jury, which is effectively a defense verdict. It was the beginning of brick-and-mortar retailer cases versus 'free riders,' which were then mail order but are now typically internet companies." Zwisler also obtained a favorable verdict for the London Metal Exchange, a for-profit company, which was sued in the United States for conspiring to raise prices. "I convinced the judge to grant judgment for LME on the basis that it's an instrument of the UK government and therefore was not subject to U.S. antitrust laws."

FUTURE EXPLORATIONS There will be an increase in using courts to referee antitrust disputes. "I see increased government enforcement, and since companies have so much at stake, they are choosing to litigate. Also, the globalization of business both threatens and provides opportunities for U.S. companies."

