



## Mary Helen Wimberly

Partner | Washington, DC

### Practice Areas

Antitrust

Litigation & Trials

### Contact

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Mary Helen Wimberly is a highly accomplished litigator who specializes in antitrust law, appellate practice, and government process and negotiations. She draws on her extensive experience working for the federal government – including as an Associate Deputy Attorney General at the U.S. Department of Justice (DOJ), as a trial and appellate attorney in DOJ's Antitrust Division, and as a counsel to the U.S. House of Representatives' Committee on the Judiciary – to advise clients and represent them in high-stakes investigations, trials, and appeals. Her strategic insights help clients navigate the most challenging regulatory environments and enforcement actions.

Mary Helen has more than 15 years of experience as a litigator and counselor applying a whole-of-issue perspective to formulate comprehensive solutions to complex legal problems.

As an Associate Deputy Attorney General and Senior Counsel to the Deputy Attorney General at DOJ, Mary Helen served in a senior leadership role in the Office of the Deputy Attorney General, which oversees the operations of the entire Department of Justice. Her portfolio included a significant portion of DOJ's antitrust, civil, and criminal litigation, including its Supreme Court docket, as well as the development and review of regulations. She also

led multiple teams of officials from across the Department to develop DOJ-wide enforcement and operational policies, and she served as the Managing Editor of the Justice Manual, which codifies Department policy and procedure.

As an attorney in DOJ's Antitrust Division, Mary Helen covered the breadth of the Division's work: merger challenges, civil conduct cases, cartel prosecutions, and formation of competition policy. She served as the case lead on major civil and criminal appeals, and she worked closely with the Division's trial and investigatory teams on strategy, case development, and issue preservation from the pre-litigation stages through appeal.

For her leading role developing the legal strategy for major cases involving monopolization claims, cartels and per se unlawful restraints, and judicial review of negotiated settlements, Mary Helen received an Assistant Attorney General Individual Award of Distinction. The award recognized "[h]er clear writing style, meticulous research techniques, and lucid thinking," which made her "a natural lead on some of the thorniest matters our appellate program has taken on." For her work on some of the DOJ Antitrust Division's most critical merger challenges, she received two Assistant Attorney General Team Awards of Distinction. She also received the Appellate Section's inaugural John Sherman Award for "exceptional performance and productivity."

As counsel on detail to the U.S. House of Representatives' Committee on the Judiciary, Mary Helen supported the subcommittee with jurisdiction over matters of antitrust, commercial, and administrative law. She worked closely with Committee Members and House and Senate staff on investigations, hearings, and legislation. She selected and prepared witnesses for Committee hearings, drafted proposed legislation and Committee reports and letters, and participated as part of the staff floor team to help ensure House passage of Committee-sponsored legislation.

In private practice, Mary Helen has built a reputation as a formidable appellate advocate for market-leading companies. She has argued significant appellate cases in state and federal courts – including in the D.C., Second, Sixth, Seventh, Ninth, and Eleventh Circuits – and she has authored more than 100 briefs. She also has second-chaired multiple arguments before the U.S. Supreme Court and authored dozens of Supreme Court briefs for parties and amici, including successful certiorari petitions and merits briefs. She is a member of the Edward Coke Appellate Inn of Court.

A graduate of Vanderbilt University Law School, Mary Helen was an editor of the *Vanderbilt Law Review* and a member of the moot court and mock trial boards. She clerked for the Honorable Patricia C. Fawsett of the U.S. District Court for the Middle District of Florida and the Honorable Ronald Lee Gilman of the U.S. Court of Appeals for the Sixth Circuit. And she began her career as an appellate and commercial litigator at a global law firm.

## **Clerkships**

- Hon. Ronald Lee Gilman, U.S. Court of Appeals for the Sixth Circuit, Law Clerk (2009 – 2010)
- Hon. Patricia C. Fawsett, U.S. District Court for the Middle District of Florida, Law Clerk (2007 – 2009)

# Experience

## Private Practice

- Represented trade associations, companies, and individuals in a wide variety of cases, before state and federal courts, at the trial, appellate, and discretionary-review stages. Cases included bilateral disputes and class actions and covered a range of subjects, such as antitrust law, bankruptcy law, commercial law, constitutional law, the immunities and laws particular to foreign sovereigns, intellectual property law, labor and employment law, and regulations and administrative law.
- Advised Fortune 500 company on appellate strategy in major Sherman Act case.
- Represented Fortune 500 health insurer in multiple class actions and multidistrict litigation raising antitrust and other claims.
- Represented major cruise line in dispute concerning the scope of an antitrust class settlement.
- Briefed and argued appeal in the D.C. Circuit on behalf of a foreign sovereign in case involving the expropriation exception to the Foreign Sovereign Immunities Act. Led petition-stage and merits-stage briefing, and second-chaired argument, before the Supreme Court in the same case.
- Briefed and argued habeas case in Seventh Circuit, successfully securing habeas relief for client.

## Government

- Helped the Deputy Attorney General oversee DOJ's Antitrust Division, Civil Division, Office of Legal Counsel, Office of Legal Policy, Office of the Solicitor General, Tax Division, and U.S. Trustee Program.
- Lead counsel for three Section 1 criminal appeals, successfully defending convictions before the Second and Ninth Circuits.
- Counsel of record on appeal before the D.C. Circuit for the Antitrust Division's first vertical merger challenge in decades.
- Led Division's amicus advocacy in private antitrust cases involving non-compete agreements in labor markets, arguing before the Ninth and Eleventh Circuits.
- Advised DOJ and Division leadership on enforcement strategy for cases involving digital markets as well as cartel prosecutions.
- Counseled House Members, as well as House and Senate staff, on competition legislation and policy concerning digital markets and helped finalize investigation of competitive conditions in digital markets.

*Includes matters handled prior to joining Axinn.*

# Honors

- U.S. Department of Justice, Antitrust Division, Assistant Attorney General Individual Award of Distinction (2020)
- U.S. Department of Justice, Antitrust Division, Assistant Attorney General Team Award of Distinction: AT&T–Time Warner Litigation (2019)
- U.S. Department of Justice, Antitrust Division, Appellate Section, John Sherman Award (2019)
- U.S. Department of Justice, Antitrust Division, Assistant Attorney General Team Award of Distinction: Anthem–Cigna Merger Litigation (2017)

# Education

- JD – Vanderbilt University Law School (2007)
- BA, English – Duke University (2004)

# Admissions

- District of Columbia
- Florida
- Georgia
- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

- U.S. District Court for the Northern District of Georgia

## Quotes

**“Top to bottom, the Axinn team has excellent lawyers.”**

— *The Legal 500 United States*

**“Their knowledge of the industry, law, and implications is deep and thoughtful. The quality of the work...is first-rate.”**

— *Chambers USA*

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