

Robert A. Mandel

Partner – Phoenix

A highly accomplished federal and state trial and appellate court advocate, Robert Mandel has more than three decades of experience vigilantly, zealously, and effectively representing clients in business and regulatory disputes both domestically and internationally. Recognized in The Best Lawyers in America[®] and other peer review journals, Mr. Mandel litigates cases in trial and appellate courts throughout Arizona and beyond. He has worked on some of the largest, most complex cases to hit the docket in Arizona, New York, and other states, many of which have been high-profile. He is often called upon to collaborate with trial teams at other law firms as well when they are in need of additional firepower.

Mr. Mandel is a veteran business litigator. Over the past 31 years, he has represented an array of public and private companies and individuals in disputes involving claims of statutory, common law, and constructive fraud, negligence and negligent misrepresentation, breach of fiduciary duty, business interference, unfair competition, false advertising, trademark infringement, trade secret misappropriation, shareholder and corporate claims, conversion, breach of private and public contracts, unjust enrichment, fraudulent transfer, construction design defect, together with a variety of real property claims. Mr. Mandel's clients represent a wide variety of traditional and emergent industries and business sectors, including Arizona's regulated adult-use and medical marijuana industry.

Like his trial court cases, Mr. Mandel's appellate engagements frequently involve a panoply of business, constitutional, or public law issues, conflicting legal doctrines and public policies, novel legal questions, and robust trial court records. He spearheads appeals from final judgments, preliminary injunctions, and other interlocutory decrees, petitions for writs of certiorari or mandamus, appellate motion practice, and amicus curiae briefs. Astute clients avail themselves of Mr. Mandel's appellate experience well before their trial court proceedings have ended.

Professional Accomplishments

- Represented the former Chair of the Arizona Corporation Commission in post-judgment proceedings before the U.S. District Court for the District of Arizona and appellate proceedings before the U.S. Court of Appeals for the Ninth Circuit to vacate natural gas distributor's



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Education

University of Michigan Law School

J.D., *cum laude*

Honors: Dean's List

University of Wisconsin, Madison

BA, Honors

Honors; Phi Beta Kappa, College of Letters & Science Honors Program, Award of Distinction in Political Science, Trewartha Senior Honors Thesis Grant

Bar Admission

Arizona
New York

Court Admission

Supreme Court of the United States
U.S. Circuit Court of Appeal, 2nd Circuit
U.S. Circuit Court of Appeal, 5th Circuit
U.S. Circuit Court of Appeal, 9th Circuit
U.S. District Court, District of Arizona
U.S. District Court, S. District of New York

- \$60 million punitive damages award and compensatory damages award for alleged tortious interference in proposed merger; subsequently persuaded Ninth Circuit to vacate \$4 million punitive damages remittitur, resulting in another published decision reducing award to \$1.2 million; convinced federal district court to stay enforcement of \$60 million final judgment without supersedeas bond.
- Represented one of the world's largest supply chain software development companies in former customer's lawsuit for commercial fraud, breach of contract, and breach of the implied covenant of good faith and fair dealing in the U.S. District Court for the District of Arizona; obtained contempt order from U.S. District Court for the Northern District of Texas against non-party design consultant for discovery transgressions. Amount at issue: \$5M+
- Mr. Mandel briefed and argued *State v. Jones* to the Arizona Supreme Court, resulting in a landmark decision that Arizona law immunizes patients who use medical marijuana in the form of extracts and concentrates from criminal prosecution. In that case, the Court reversed an intermediate appellate court decision that would have sounded the death knell for the industry and vacated the convictions of a medical marijuana cardholder who was prosecuted for acquiring extract from a state-licensed dispensary.
- Represented the lender, loan servicer, and mortgage-backed securitization trustee in a certified question proceeding before the Arizona Supreme Court to resolve disputed questions pertaining to non-judicial foreclosures of distressed residential and commercial properties, with more than \$1 trillion at stake for banking industry; crafted principal brief, coordinated with amici curiae counsel, engaged in extensive motion practice, and presented oral argument, all within seven weeks of engagement.
- Represented an electronic bingo gaming manufacturer and supplier in remanded case before the U.S. District Court for the District of Arizona wherein plaintiff asserted breach of contract and tortious interference claims; previously persuaded Ninth Circuit to reverse seven-figure judgment in favor of former distributor based on trial court's commission of several errors, including exclusion of probative evidence; victory after two-week jury trial marked culmination of eight years of litigation, including successful representation of client in three other Ninth Circuit appeals.
- Represented one of the world's largest electronic photo radar companies in litigation and two-week jury trial in Arizona federal district court on behalf of multinational photo radar enforcement industry leader after persuading district court to dismiss two-thirds of rival's false advertising (federal Lanham Act) claims seeking tens of millions of dollars in purported damages.
- Representation of insurance companies in federal lawsuit in U.S. District Court for the Southern District of New York charging prominent financial institution with assisting members of Enron's management team to induce insurers to issue surety bonds worth approximately \$1 billion by disguising loans as natural gas and crude oil transactions. \$1B+

Honors and Recognition

- **Recognized**, The Best Lawyers in America®, Appellate Practice, 2019-present
- **Recognized**, Southwest Super Lawyers® Appellate Practice, 2014-present
- **Member**, Law360 "Appellate Practice Group of the Year", 2010
- **Listed**, Martindale-Hubbell AV® Preeminent™ (5.0 out of 5.0) 2007–present

Affiliations & Activities

- **Member**, Council of Appellate Lawyers (CAL), American Bar Association.
- **Member**, Appellate Practice Section, State Bar of Arizona.

Publications & Presentations

- **Panelist**, The Ethics of Building and Growing an Appellate Practice, Appellate Judges Education Institute 2021 Summit, Austin, Texas.
- **Faculty**, Cannabis Law 2020, State Bar of Arizona (SBA) Annual Convention, Phoenix, AZ (December 2, 2020).

- **Faculty**, Cannabis Law 2019, State Bar of Arizona (SBA) Annual Convention, Phoenix, AZ (June 26, 2019).
- **Faculty**, Breaking Down the Case for Extracts, Sandra Day O'Connor College of Law, Phoenix, AZ (May 17, 2019).
- **Faculty**, Cannabis Law Updates 2018, State Bar of Arizona (SBA) Annual Convention, Phoenix, AZ (June 27, 2018).
- **Faculty**, Enhancing Punitive Damages and Judgments to Their Constitutional Limits, State Bar of Arizona (SBA), Phoenix, AZ (Dec. 6, 2017).
- **Faculty**, Appellate Process and Legal Developments, 2017 Arizona City Attorneys Association Annual (ACCA) Summer Conference, Flagstaff, AZ (June 2, 2017).