

## Robert A. Mandel

*Partner – Phoenix*

An accomplished appellate and trial court advocate, Robert Mandel has nearly 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 leads the firm's appellate practice and litigates in trial and appellate courts throughout Arizona and beyond.

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 *before* the trial court action concludes, however. In those circumstances, he collaborates with the trial team to avoid an unfavorable outcome and to optimize the record for appeal by crafting the jury instructions, composing bench memoranda, formulating post-trial motions, presenting oral argument, and more.

Beyond his notable appellate practice, Mr. Mandel is a veteran business litigator. Over the past 27 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.

He has substantial experience representing clients in emerging cannabis markets and is helping to shape the law applicable to the future psychedelics industry in the United States.

Prior to joining Zuber Lawler, Mr. Mandel was a shareholder at Greenberg Traurig LLP, where he led the firm's Phoenix



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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 Admissions

Arizona  
New York

### Court Admissions

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

appellate team. He later co-founded Mandel Young PLC, an appellate boutique. He began his legal career in New York City, practicing there for a decade.

Mr. Mandel writes and speaks frequently on a wide variety of trial- and appellate-related issues as well as cannabis and psychedelics law.

## Professional Accomplishments

- Secured landmark decision at Arizona Supreme Court holding that the Arizona Medical Marijuana Act (AMMA) immunizes not merely the medical use of the dried flowers of the cannabis plant but also of products manufactured from the plant's extracted resin; the Court consequently reversed the felony convictions and sentences of a young man who served two-and-one-half years behind bars for his possession of a small sample of extract lawfully acquired at a state-licensed medical marijuana dispensary.
- Persuaded U.S. Court of Appeals for the Ninth Circuit to vacate natural gas distributor's \$60 million punitive damages award against former chairman of Arizona Corporation Commission 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 trial court to stay enforcement of final judgment without supersedeas bond.
- Secured crucial victory at Arizona Supreme Court for lender, loan servicer, and mortgage-backed securitization trustee in certified question proceeding to resolve disputed questions pertaining to non-judicial foreclosures of distressed residential and commercial properties; crafted principal brief, coordinated with amici curiae counsel, engaged in extensive motion practice, and presented oral argument, all within seven weeks of engagement.
- Co-chaired and prevailed in three-week, bet-the-company retrial of breach of contract and tortious interference claims in Arizona federal district court on behalf of electronic bingo game device manufacturer after persuading 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 marked culmination of eight years of litigation, including successful representation of client in three other Ninth Circuit appeals.
- Co-chaired and prevailed in two-week, bet-the-company 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 claims seeking tens of millions of dollars in purported damages.
- Secured and successfully defended on appeal a new-trial order pursuant to Rule 59(a) on behalf of defendants in multimillion dollar action for violations of the Uniform Fraudulent Transfers Act after jury trial in five year-long litigation.
- Negotiated favorable settlement on behalf of one of the world's largest supply chain software development companies in former customer's lawsuit for breach of contract and the implied covenant of good faith and fair dealing after three years of litigation 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.

- Repelled Maricopa County Regional School District Superintendent's petition for review and special action petition to Arizona Supreme Court seeking vacatur of superior court order appointing three-member panel of experts to assume control of school district's affairs in wake of her indictment.

## 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
- **Recommended**, PLC Dispute Resolution Handbook, Practical Law Company 2008–2011
- **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
- **Chair**, Task Force on Written Appellate Advocacy, Appellate Practice Section, Lawyers Division, American Bar Association 2008–2010
- **Co-Chair**, Membership Recruitment Subcommittee, Appellate Practice Section, Lawyers Division, American Bar Association 2008–2010
- **Member**, Board of Directors, Crisis Nursery – Phoenix 2005-2012

## Publications

- **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).
- **Author**, Persuasion, Experience & The Context-Driven Brief, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2014).
- **Author**, On Appellate Practice: Deciding Whether to Bring a Petition for Review, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2014).
- **Author**, APPELLATE ENGAGEMENT: Why and When You Should Retain Appellate Counsel, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2013).
- **Author**, Amended ARCAP 7(a)(2) Affords Civil Litigants Greater Access to the Arizona Court of Appeals, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2013).

- **Author**, LEGAL MISCONCEPTIONS: An Appellate Lawyer's Perspective on Conversion Under Rule 12(b), Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2013).
- **Author**, When is a Punitive Damages Award Too Big? A Five-Part Analytical Framework for Appeals and Post- Judgment Motions, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2013).
- **Author**, Beware the Law of the Case, Attorney at Law Magazine (Greater Phoenix Edition), Target Market Media (2012).
- **Columnist**, Ask the Legal Professionals (Appellate), The Phoenix Business Journal (2011).