



Lessons  
in Leadership:

**An Interview  
with  
Eric Mandel**

**#BakersDozen  
on  
High  
Performance  
Counsel**



**HIGH PERFORMANCE COUNSEL**

*#BakersDozen is a series of interviews with leading professionals in the fields of law, consulting, finance, tech, and more.*



HIGH  
PERFORMANCE  
COUNSEL

#BakersDozen

Eric Mandel

**RICOH**  
imagine. change.

[highperformancecounsel.com](http://highperformancecounsel.com)

- **TELL US A BIT ABOUT YOURSELF AND HOW YOU CAME TO BE IN (OR A CUSTOMER OF) THE LEGAL BUSINESS?**

I was a computer geek that went to law school, long before the term “electronic discovery” existed. People kept asking me if I was going to do Computer Law – which had no meaning. I practiced law for a few years before moving into the business side and then stumbled into an opportunity to join a start-up eDiscovery service provider in the beginning of 2006. The rest is history.

- **WHAT DO YOU DO FOR A LIVING RIGHT NOW?**

I joined RICOH in March 2017 as the Director of Solutions Architecture and member of the eDiscovery leadership team. I was promoted at the end of October into a broader, and frankly very cool, corporate role. Now I get paid to strategize about innovative ways to deliver services related to information governance, cyber security, eDiscovery and data privacy, and to work with a really great team of professionals to figure out how to best develop and harness the resources of a large international company to turn a vision into reality.

- ***WHAT WERE YOUR GREATEST TRIUMPHS IN EDISCOVERY AND WHAT DID YOU LEARN FROM THEM?***

I've been fortunate to have many wins, big and small, while working as eDiscovery counsel. Two cases stand out for me, one on the plaintiff side and one the defense side. In both cases, we were getting stories from opposing counsel that painted perfect pictures of innocent, good-faith behavior.

In the first case, involving the plaintiff's side, I helped to set up a system that allowed us to get through many millions of documents and find the evidence to prove how a cartel attempted to fix a market for a major consumer product. The result of that work was one of the largest antitrust settlements in history.

The second case, involving the defense side, our client was facing a 9-figure loss if a court was to accept the plaintiff's story. Using Nuix and PureDiscovery (the precursor to Brainspace), I analyzed massive volumes of ESI to uncover what really was going on behind the scenes. What I discovered was, shall we say, inconsistent with the limited evidence that Plaintiff's side were presenting. Lead merits counsel then brought me to second chair a couple of key depositions where I got the satisfaction of watching plaintiff's witnesses (not to mention their counsel) as one exhibit after another was introduced dismantling their case.

I'm a bit of an idealist. I believe that justice is about the search for truth and restoring order and balance. I also believe in the premise of FRCP 1: we have an obligation to ensure the just, speedy, and inexpensive determination of each matter before the courts. eDiscovery, when done well, provides a means by which we reach those ends. If you have the right technology, combined with good process and highly capable analysts, the data will speak for itself.

- ***DO YOU THINK THE LEGAL INDUSTRY IS HEADED IN THE RIGHT DIRECTION, THE WRONG DIRECTION – OR WHICH DIRECTION?***

I think the legal industry is heading the same direction of most of industries: automation driven by AI and robotics. It's not right or wrong, but it is massive fundamental shift to humanity as the move from sustenance farming to industrialism and the development of the wage-based economy. At some point soon the so-called developed world is going to have to face the question of what happens when machines can do our work better and for less capital expense than a human?

- **WHO – OR WHAT – INSPIRES YOU – AND WHY?**

I believe strongly in the application of science and scientific theory to the real world in which we live. But I also fancy myself a futurist. I like to think about the universe without boundaries, but based upon reasonable, science-based prediction. Scientists, like Neil deGrasse Tyson, inspire me greatly. I also love the work of theorists and science fictionists who ask fundamental questions like “what if” and “how would that work”.

- **WHAT ADVICE WOULD YOU GIVE TO THE YOUNGER GENERATION CONTEMPLATING LAW AS A CAREER?**

You won’t know if becoming a lawyer is right for you by watching TV or reading books. Spend at least 6 months working in a law firm, or the legal department of a corporation or government agency. Understand what the job of a lawyer is, and moreover what it is not. Only then will you know if it’s your calling. There’s plenty of work to do that is ancillary to the practice of law, and doesn’t require the significant financial commitment of law school.

- **HOW DEEP DO YOU THINK WILL BE THE INROADS OF TECHNOLOGY IN THE INDUSTRY?**

Given the shift over the last decade, I expect that we will continue to see significant inroads of technology. That said, we will need to see a generational shift before the technology begins to truly unfold and be used to its full potential.

- **ARE CONSULTANTS AND LAWYERS LOOKING INCREASINGLY SIMILAR? SHOULD THE DISTINCTION CONTINUE?**

Your second question gives away your conclusion. Lawyers are consultants – they always have been, and as long as lawyers continue to exist, they will be consultants and advisors. The role of the attorney as advisor is enshrined in the profession (and specifically addressed in the ethics rules), and isn’t going anywhere any time soon – that is, unless it is taken over by AI. In the areas of eDiscovery, Information Governance and CyberRisk, lawyers and non-lawyers serve as consultants and advisors. I am but one of many experienced, licensed attorneys who have worked at law firms and are now on the service provider side. When I was at the law firm in the role of eDiscovery counsel, I was advising merits counsel on the myriad of legal and technical issues related to eDiscovery. I’m doing much of the same thing now. But what I’m not doing is drafting briefs, sitting in depositions, or appearing for oral argument. Moreover, I’m not providing anything close to legal advice to non-attorneys. But I still have the same (if not greater) depth of knowledge and expertise in the subject matter than I did last year.

- ***WHAT ARE YOUR THOUGHTS ON THE INCREASING AVAILABILITY OF DATA TO GUIDE CLIENT-SIDE PROCUREMENT OF LEGAL SERVICES?***

I believe few clients have the internal subject matter expertise to properly handle the complexities of advanced procurement of legal service. To be clear, the vast majority of matters only require limited knowledge to make a reasonable decision on a SaaS-based eDiscovery processing, review and production platform. There isn't a lot of risk when spending only a few thousand dollars. But when you get into six, seven, and eight-figure spends on eDiscovery, you need more than just statistics to help you determine what to buy and from whom. Anyone who purchases legal services solely on face value of a proposal needs to keep in mind the axiom: “you get what you pay for.”

- ***LAWYERS HAVE TYPICALLY REGULATED TO KEEP NON-LAWYER INVESTORS OUT BUT THAT’S A TWO-EDGED SWORD THESE DAYS. WHAT ARE YOUR THOUGHTS?***

There are real, long-standing ethical policy considerations that impact this dynamic that seem to be regularly ignored when this question comes up. The underlying rule is that lawyers cannot share profits from the provision of legal services with non-lawyers. The argument goes that lawyers cannot fulfill their overriding mission to serve their client's interest first and foremost if non-lawyers are controlling the purse strings. In theory, this applies even more so if lawyers are answering to a board of directors, filled with non-lawyers, who answer to public shareholders; this is particularly at issue in the current business world where we are supposed to believe that the ultimate mission of a publicly held corporation is to maximize shareholder value. The counter-argument is that law firms are run by shareholders or partners who have demonstrated a strong willingness to throw out any other partner (and certainly an associate) who puts the client's interest above the bottom line of the firm. In essence, aren't law firms today making decision the exact same way as would non-lawyer shareholders?

My thought is that we should make a separate class of corporation that is permitted to provide legal services to clients through licensed attorneys, or at least make requirements to be set forth in the bylaws of the general purpose corporation providing such services, whereby the shareholders acknowledge and accept that the attorney's first duty is to the needs of the legal client over those of the shareholders. Then it becomes a business decision on whether the value of providing those services is worthy of the shareholder's capital investment.

- **WHAT’S THE ONE MOST SIGNIFICANT FACTOR THAT WILL DRIVE CHANGE IN YOUR VIEW?**

The increasing corporate push for immediate efficiencies to be demonstrated on an annual, if not quarterly basis – without consideration of long term impact.

- **ARE WE SEEING THE DEMISE OF THE “PROFESSION” AND THE REAL EMERGENCE OF THE “BUSINESS” OF LAW?**

Wrong tense. If you want to see the demise of the “profession” and the emergence of the “business” of law, you need to look in the rear-view mirror.

- **WHAT DO YOU CONSIDER IS THE GREATEST CHALLENGE FACING THE INDUSTRY?**

Integration of AI and the impact to millions of professionals, para-professionals, and support personnel who earn a living providing legal services.

- **WHAT DO YOU SEE AS THE GREATEST OPPORTUNITY FOR THE SECTOR LOOKING FORWARD?**

The integration of AI and the ability to deliver the just, speedy, and inexpensive resolution of each matter before the courts.

- **AS A PROFESSIONAL, WHAT DO YOU FEEL MAKES YOU DIFFERENT? WHAT IS THE QUALITY OR ATTRIBUTE THAT YOU FEEL HAS BEEN MOST HELPFUL IN ADVANCING YOUR CLIENTS’ INTERESTS – AND FOR WHICH YOU WOULD LIKE TO BE KNOWN? FEEL FREE TO SHARE AN EXAMPLE!**

I think my extremely diverse professional experience give me a somewhat unique perspective in working to advance our client’s interests. I’m an attorney, a business leader, and a technologist. I’ve been in this business on both the buyer and seller side. I’ve worked on small to super-size litigation on both plaintiff side and defense side. Beyond eDiscovery, I am a certified information privacy professional, and I have experience in information governance and records and information management. In addition to my substantial practical experience, I’ve been part of writing major industry thought leadership works as a leader in The Sedona Conference, EDRM and LTPI.

- *SIMILARLY, HOW WOULD YOU DESCRIBE THE WAY(S) IN WHICH RICOH DIFFERENTIATES ITSELF AND “STANDS OUT FROM THE PACK”?*

Ricoh is itself a large, international publicly-traded company. At its core, Ricoh is an information company. It was founded over 80 ago with a focus on creating, duplicating, and managing images. Ricoh is trusted by tens of thousands of companies in over 190 countries to serve their business needs. As the business world is turning digital, so is Ricoh. Not only are we continuing to provide our paper based services, but Ricoh is rapidly expanding its digital service offerings, including, of course, eDiscovery, as well as Information Governance, Cyber Security, and Data Privacy and Data Protection.

## *FINALLY... A LITTLE FUN. THE WILDCARD QUESTIONS:*

- ***IF YOU WEREN'T DOING THIS, WHAT WOULD YOU BE DOING?***

If money was not an issue, I'd be writing and teaching.

- ***WHAT WOULD YOU LIKE TO BE KNOWN FOR?***

My contributions in thought leadership for the industry, particularly in meeting the stated mission of The Sedona Conference (“to move the law forward in a reasoned and just way”).

- ***WHAT WOULD SURPRISE EVERYONE IF THEY KNEW (THEY MAY NOW).***

I started my career in the mailroom at Columbia Pictures Television, and eventually produced some really not-so-great movies.

- ***WHAT'S YOUR FAVORITE HOBBY OR ACTIVITY OUTSIDE OF LAW?***

There's life outside law? Honestly, watching movies and reading historical documents online (though that's probably related to law).

- ***WHAT'S YOUR FAVORITE SPORTS TEAM?***

The Charleston Chiefs

- ***WHAT'S YOUR FAVORITE CITY?***

Domestic: Sedona, AZ. International: Prague

- ***WHAT'S YOUR FAVORITE FOOD?***

Chinese dim sum.

- ***WHAT'S YOUR NICKNAME – AND WHY?***

I've only had one nickname in my life: Sharkbait – Why? You'd have to find and ask one of my fraternity brothers.





Welcome to

## HIGH PERFORMANCE COUNSEL

High Performance Counsel provides a valuable sounding board for legal sector leadership on the issues and opportunities facing the legal sector in the next decade. We call on a diverse spectrum of thought-leaders to share their perspective on what works, what doesn't and where it's all headed. Join us.