

Q&A With Seyfarth Shaw's Jay Connolly

Law360, New York (March 20, 2013, 2:45 PM ET) -- [Jay Connolly](#) is a partner in [Seyfarth Shaw LLP's San Francisco](#) office and is the chairman of the firm's product liability/complex tort practice group. His practice focuses on product liability/complex tort litigation, consumer fraud/unfair competition claims and complex business litigation. He handles individual and multiplaintiff lawsuits, with a focus on class actions.

Q: What is the most challenging case or deal you have worked on and what made it challenging?

A: One of the most challenging and frustrating aspects of having a national litigation practice — especially if you try cases — is the total lack of control you sometimes experience as to where you go and for how long you are there. In most professions, you control where you work with the notable exception of sales (of course, I went to law school under the mistaken belief I was avoiding sales).

I can recall one year making 1,000-frequent flier status flying primarily between San Francisco and various points in the Midwest and recall taking a Friday night red-eye home from trial to attend my daughter's fifth birthday party only to take the return red-eye with witness outlines on my lap. And I try not to recall being stuck for weeks in a southern town known as a litigation magnet where the courthouse and plaintiffs lawyers' offices were the main attraction, trying a case to a jury that I firmly believed was groomed to be there and not a fond supporter of corporate-kind or defense lawyers.

My most recent, most challenging case in this regard was a nine-plus week jury trial in a town that had just been named by Forbes Magazine as "America's Most Miserable City" — for the second straight year. I'll leave it at that, but do note that people are people wherever you go, and, as usual, our trial team made friends and the best of the situation as we slogged through a drawn-out trial that was scheduled to go two weeks, but that, too, was out of our control.

Q: What aspects of your practice area are in need of reform and why?

A: Tort reform seems to have taken a backseat the last few years for obvious reasons and has lost the momentum it was gathering, which is unfortunate. In addition, I believe we need continued restrictions on the amount of punitive damages that can be awarded, including requirements that they be rationally tied to the merits or to compensatory damages awards rather than to the whim and caprice of jurors.

Q: What is an important issue relevant to your practice area and why?

A: There has been an explosion of litigation focused on food, beverage and other products labeled with various derivations of the term "natural," as having nothing "artificial" and with related statements. Unfortunately, there has been a lack of official regulatory action and exercise of authority in the arena — especially with regard to the definition of "natural" in food products — and the informal, nonbinding guidance being promulgated is leading to confusion for consumers, the industry and the courts. Without official regulatory action, the litigation is likely to keep spinning in a variety of directions with different conclusions and definitions.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: Although many years ago, I can still recall hearing Bernard Taylor ([Alston & Bird](#), Atlanta) give his opening and closing statements during a mock jury trial in the latex glove litigation and being impressed by his presence, ability to reach different members of the jury and calming influence in the face of the plaintiff's inflammatory case.

Among other things, it taught me that you don't always need to meet fire with fire to be persuasive. I last heard Bernard's voice emanating from a television set in the Red Carpet Club in D.C. as he was on [CNN](#) commenting on President Obama's initial term in office.

Q: What is a mistake you made early in your career and what did you learn from it?

A: Trying to be all things to all clients and all partners, all at the same time. I think I came close to overload but realized that I needed to refocus (and in some places, reduce) my practice, promotional efforts and administrative roles to maximize my effectiveness and, importantly, increase balance with my life at home. A focused approach to most anything generally gets one further than swinging at every pitch you see.

The opinions expressed are those of the author and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.