

Q&A With Seyfarth Shaw's Shawn Wood

Law360, New York (March 13, 2013, 2:11 PM ET) -- [Shawn Wood](#) is a partner in the Chicago office of [Seyfarth Shaw LLP](#) and chairs the firm's commercial litigation practice group. Wood also remains a member of the products liability defense bar and has served as national coordinating counsel for an affiliated group of commercial kitchen equipment manufacturers.

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

A: Our defense of a commercial oven manufacturer against a large claim arising out of a fire and explosion at a food processing facility presented special challenges in part because it was undisputed that the piping inside of the oven had ruptured. The plaintiff's attorney thus had the "sound bite," whereas we needed to provide a longer and certainly more technical explanation to allow the jury to understand that the rupture only occurred due to a unique series of errors committed by the workers at the facility.

Diving into these details was not as sexy as the cases you'll see on Court TV, but we were aided by an attentive jury and witnesses, whose testimony was both credible and colorful. For me, this case really highlighted that litigators are storytellers first and foremost, and synthesizing complicated points into an understandable and interesting story can be one of most difficult challenges we face as trial lawyers.

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

A: I would have to point to the law of successor liability. In many states, the law follows a rational set of principles designed to avoid fraudulent misconduct and allow for predictability in business transactions. Other jurisdictions, however, apply nonstandard exceptions or ignore choice-of-law provisions as part of a result-oriented effort to impose liabilities on businesses that had nothing to do with the particular product or conduct at issue.

Another area in need of reform is the inconsistent treatment of evidence rulings concerning subsequent remedial measures. Long-standing rules excluding this evidence were based on sound principles of public policy designed to promote innovations in engineering and encourage efforts to improve product design and warnings. Over the past decade, efforts to create or expand exceptions in some states have eroded the rule as well as the sound policies upon which it was based.

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

A: I believe civility remains an essential part of any lawyer's practice. I recently read an article by a lawyer at a large law firm, who insisted that litigators are rewarded for being jerks, and I couldn't disagree more. We are certainly hired to aggressively pursue the interests of our clients, but anyone who thinks that means that lawyers should scream and shout or otherwise adopt a chest-thumping approach to the practice of law are relics whose tactics are seldom tolerated by judges or clients.

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

A: Benjamin Haglund of [Day Pitney LLP](#) in New Jersey [has impressed me]. I've had an opportunity to work with Ben as co-counsel in several product liability matters. Each time we've worked together, I'm more impressed with his combination of strategic thinking and civility in dealing with the court and other counsel, as well as his ability to reach outstanding results.

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

A: There was a time earlier in my career where I started to listen to so-called experts who insisted a lawyer had to address all of his or her time to a single practice area. These folks maintained that working to become a great lawyer is not enough and that the "Field of [Dreams](#)" ("If you build it, they will come") philosophy to building a practice through hard work and winning cases was bound to fail.

I then had the good fortune of working with mentors who bucked that line of thinking and who succeeded based on the reputations and relationships they built as great lawyers. For the past 20 years, I've aimed to follow their example, and I'm happy I did.

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