Get to Know

Woody Woodland, Esq.



A Conversation with Woody Woodland on the importance of relationship building in resolution.

By Katy Jones

After more than 34 years as a trial attorney, **William "Woody" Woodland, Esq.** knows that some of the hardest cases to resolve are not necessarily the ones with the most complicated legal issues. Often, they are the cases in which the people involved simply cannot see a way forward.

Throughout his career, Woodland has represented individuals and companies on both sides of the "v" in catastrophic injury and other high-stakes civil matters. His practice has included personal injury, wrongful death, insurance bad faith and UM/UIM matters, as well as trucking, transportation, and rideshare liability. A Fellow of the American Board of Trial Advocates (ABOTA), Woodland brings decades of trial experience to the mediation room; but he says his focus has increasingly been on what happens before a case ever reaches a jury.

As his career progressed, Woodland found himself drawn to disputes that seemed almost impossible to resolve, cases in which the parties desperately wanted to avoid trial but were separated by financial, legal, or deeply personal barriers. His ability to keep everyone in the conversation and identify what was really preventing movement ultimately helped point him toward mediation, and those cases towards successful resolution.

We sat down with Woodland to discuss his path to dispute resolution, the value of optimism in mediation, and why he believes a mediator's work may continue long after the mediation day ends.

"I developed a skill in keeping all sides in the conversation and working the issues toward a resolution that, although painful, everyone could live with."

Q: You spent more than three decades as a trial lawyer before turning your focus to mediation. What did that experience teach you about resolving disputes?

Woodland: I spent 34 years in litigation as a trial attorney representing individuals and companies in catastrophic injury cases. I have experience on both sides of the "v," representing parties who were aggrieved as well as those defending claims.
Over time, my practice began to lean toward cases that were extremely difficult to resolve but desperately needed resolution. These were cases where the clients did not want to wind up in a jury trial, but for one reason or another — sometimes financial, sometimes emotional — the case seemed incapable of settling.

I developed a skill for keeping everyone in the conversation and gradually working through the issues until we could find a resolution that, although it might be painful, everyone could live with.

Areas of Expertise:

- **Catastrophic Injury**
- **Wrongful Death**
- **Insurance**
- **Transportation**
- **Complex Civil Litigation**

Q: How does having represented both plaintiffs and defendants influence the way you approach mediation?

Woodland: It gives me an appreciation for what is happening in both rooms.

One of the worst positions an attorney can be in is feeling that the other side simply does not understand their legal or factual position. Even when I was litigating cases, I would tell opposing counsel that they probably underestimated how much time I spent explaining and advocating their position to the decision-maker on my side.

You cannot get very close to settlement if people believe they have not been heard or understood. That was important to me as a litigator, and it is even more important now as a neutral.

"My core strength is empathy, active listening, and diagnosing what is preventing parties from moving forward."

Q: Your own "origin story" as a mediator actually begins long before your legal career. How so?

Woodland: I grew up in a large Irish Catholic family with seven children — six boys and one girl. And I was surrounded by twins. My next older brothers were identical twins, and my next younger brothers were fraternal twins.

So, I was outnumbered quite a bit.
In a family that size, there was never enough of everything everyone wanted to go around. Compromise and problem-solving became a way of life.

There was one particular childhood dispute involving my younger brother and the identical twins. One of the twins bit my older brother, but because the twins looked alike, he could not identify which one had done it. When I tried to determine what happened, he finally announced in frustration, "They're BOTH lying!"

I suppose that was one of my first lessons in dispute resolution: there may be dramatically different versions of what happened, and simply deciding who is "right" is not always what gets people to resolution.

Ultimately, that particular dispute ended with apologies — and ice cream.

I hold onto those lessons today. People need to be heard before they are ready to move forward.
The mediator also has to remain credible with everybody involved. That means maintaining neutrality while trying to understand what interest each person is protecting. Finding that underlying issue can sometimes be the difference between a dispute continuing and a dispute finally resolving.

Q: What do you do when the parties reach an impasse?

Woodland: Sometimes I stop talking about the case.

When people are stuck, I may take a minute and talk about something else. I try to get closer to them and find some common ground. I want to understand what charges their batteries and what depletes them.

Then we come back to the problem with a little more rapport, a little more information, and hopefully a few more tools for working through it together.

Q: You talk frequently about optimism. Why is that so important in mediation?

Woodland: I am a big believer in inspiring optimism in the process.

People may have been litigating for years by the time they arrive at mediation. The attorneys may have developed antipathy toward one another. The parties may be exhausted. Everyone comes into the room carrying the history of what has happened before.

I like to treat mediation as a new beginning. I sometimes describe it as the first inning of a new ball game. What happened last month or during the last discovery dispute does not have to dictate what happens today.

There should be a sense that “this too shall pass,” and perhaps it will pass today, with our help.

“I like to approach a mediation as a new beginning. All that matters are the decisions made today, together.”

Q: How do you prepare for a mediation?

Woodland: I begin with the plaintiff's materials. The plaintiff has the burden of proof, so I want to understand their case first — including what efforts have already been made to resolve it.

Then I move to the defense materials and look carefully at which issues they consider most important and which may be more peripheral. I am also listening for tone. Are the parties aggressive and frustrated? Are they conciliatory? Are they signaling that they want to solve the problem?

I generally follow that same order when I begin the mediation itself.

And I prefer not to start with numbers. I want the parties to be heard first.

Q: What happens if the case does not resolve that day?

Woodland: To me, the mediation is not over if the case has not resolved.

The parties selected me because they were hopeful that my influence could help bring about a resolution. I take that responsibility seriously.

If we leave the mediation with homework assignments or specific issues that need to be addressed, I'll follow up after everyone has had an opportunity to work on them. If there are no specific assignments, I will generally check back in with counsel after a couple of weeks to see whether anything has changed that could affect the prospects for settlement.

Contact is important. I want the parties and attorneys to know that we are still engaged.

We intend to leave no person behind.

“To me, the mediation is not over if the case hasn’t resolved.”

Q: How do you think attorneys and parties describe you after working with you?

Woodland: Hopefully they say I am capable, outgoing, friendly, optimistic, hardworking, quick to smile and, most importantly, empathetic.

It is important that we can relate to each other. We do not have to agree with each other. But we need to understand each other if we are going to have a meaningful chance at resolution.

That's what I try to bring into every mediation.

“It’s important for the parties to know that ‘this too shall pass’ — and maybe it will pass on this very day with our help.”

For Woodland, mediation is ultimately about helping people move forward. His decades of trial experience give him the perspective to understand the legal and practical pressures on both sides of a dispute, while his empathy, optimism, and persistence shape the way he works with the people behind the case. Whether the obstacle is financial, strategic, or deeply personal, Woodland’s goal is to keep the parties engaged, find a path through the impasse, and continue working toward resolution for as long as there is a meaningful opportunity to get there.

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