Leader of the Year

John McCammon – team builder, consensus builder

By Peter Vieth

John B. McCammon soon will celebrate the 20th anniversary of The McCammon Group, Virginia’s largest mediation service.

But he still remembers the joy of putting his team together and the energy that comes with the start of a new operation. He’s been there twice in his career.

McCammon and several colleagues left the Richmond office of McGuireWoods in 1986 to start the firm of Wright, Robinson, McCammon, Osthimer & Tatum.

“Building something from the ground up at Wright, Robinson was a lot of fun,” he said.

Seven years later, however, McCammon was ready for a new challenge. He saw a future in helping lawyers and clients resolve their problems without prolonged, expensive and stressful litigation.

Launched in 1995, his alternative dispute resolution project, now known as The McCammon Group, offers the services of 75 professionals in three states.
who help litigants find peace outside the courthouse.

McCammon was honored as a member of the Class of 2013 of Virginia Lawyers Weekly’s Leaders in the Law. His 29 peers in the class elected him “Leader of the Year.” He received his award at a celebration held Oct. 17 in Richmond.

Quick to see mediation’s benefits

A veteran litigator, with a special interest in complicated cases often involving construction disputes, McCammon came to see the value of ADR in the late 1970s and early 1980s. He understood arbitration because so many commercial contracts had arbitration clauses. He even served as an arbitrator with the American Arbitration Association.

One insurance company client began exploring mediation – then a novel concept – as the movement took hold in California and Texas to relieve overcrowded court dockets.

An early convert, McCammon started importing mediators from Minnesota and Florida to resolve cases. “It all worked. They all settled,” he said.

He was in awe, he said, as a complex multi-million-dollar case with multiple parties – expected to battle for another year – was resolved in a mediation session. “That was astounding,” he said.

Part of his inspiration came from a Virginia State Bar panel he served on in the late 1970s and early 1980s. “The congealing of those founding fathers was fabulous people who were interested in this work,” he said. “The congealing of those founding members was easy, as smooth as silk,” McCammon said. “I had done my homework. I came to them with a plan, I didn’t come to them with an idea.”

McCammon, 64, says he loves many aspects of his job, but the key for him is working with the fellow professionals on his team.

New horizons for ADR

When he founded The McCammon Group in 1995, McCammon told a VLW reporter that alternative dispute resolution was in an “embryonic stage” in Virginia. Today, he says, ADR is “relatively mature” in the state.

As it advances, one variation on ADR could find wider acceptance, he said. The use of private judges will grow, McCammon predicted, because it combines the benefits of arbitration with the security of a potential appeal.

Virginia Code § 17.1-110 allows circuit court litigants to agree on appointment of a “judges pro tempore” – basically, any acceptable lawyer – to resolve their case or any portion of it. “It really allows for a lot of customization and efficiency. It’s tantamount to an arbitration,” McCammon said, “but the difference is you get to appeal.”

Litigants who want the fast and efficient resolution of arbitration often wish they had an “escape hatch” in case something goes wrong. The use of a judge pro tempore fills the bill, McCammon said.

The use of judges pro tempore has taken hold in Northern Virginia in family law cases, McCammon said. He expects the practice to grow around the state.

ADR seen as relief for courts

Some judges and practitioners have lamented the decline in jury trials, but McCammon does not see mediation as undermining the civil justice system. The value of the public judicial system is twofold, he said. It makes law and it serves as a marketplace of jury verdicts that provide benchmarks for case value.

The appellate courts are “full-time busy,” McCammon said, so there is no slowdown in the production of law. Lawyers in mediation point to stacks of results to document their valuation claims, he said, so there does not appear to be a lack of case value data.

McCammon acknowledged concerns about a loss of trial skills among younger lawyers and conceded outcomes of public lawsuits. “It kind of cuts two ways,” he said. The whole point of the system is to find resolution, however, and litigants often choose ADR for the very reason that it provides confidentiality, he said.

Ultimately, McCammon said, mediation and other ADR services reduce the stress of heavy caseeloads on the judicial system. “It frees up the courts to do a better job on the cases that really need to be tried,” he said.

Measuring the cost

McCammon charges $200 to $475 an hour for the services of his neutral professionals, divided among the parties. Since cases average three parties, each client pays roughly $100 an hour, he said. A mediation lasting 10 hours might bring a $1,000 bill for the client.

With the average case value at $300,000, the cost seems a bargain.

Some professionals command a higher fee. Harris, now retired, had a $575 “premium rate.”

“He was iconic,” McCammon said. “Part of it was his perseverance.”

A current member of the McCammon team, retired Virginia Court of Appeals Chief Judge Johanna L. Fitzpatrick, also carries the $575 premium rate, McCammon said.

Bodily injury cases predominate

As his venture approaches the two-decade mark, McCammon said he is not as active as a mediator as he once was. “It’s a full workload – bringing in the right people, working with training, managing the business,” he said.

He still mediates cases that are “up his alley,” he said, meaning complex commercial disputes.

About half of the firm’s caseload is bodily injury cases, including car wrecks and medical malpractice claims.

Another 35 percent is commercial disputes, McCammon said, with securities litigation, construction fights and employment claims.

Family cases make up 15 percent. The business caseload corresponds closely to that of the state and federal trial courts, he said.

McCammon credited his success to three sources of inspiration.

He acknowledged the late Chief Justice Harry L. Carrico of the Supreme Court of Virginia, as an early proponent of mediation. He praised the integrity and professionalism modeled by Spong, who died in 1997.

The “third leg of that stool” is the professionals who have served over time with his business, McCammon said. They have elevated his vision to success.

“That’s my world view,” he said. “The rest is just a lot of hustle.”

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