



THE MEDIATORS

Law alumni join The McCammon Group to craft solutions to complex problems

By Joan Tupponce

You name it, Bill Wood, L'66, has probably seen it during his law career. Over time, a plethora of ill tempers and hostile attitudes coupled with the uncertainty factor in litigation have led the University of Richmond School of Law alumnus to become “evangelistic about mediation.”

“There’s the lottery affect about going to court,” he explains. “No matter how much you prepare and feel you are ready, you never know what the judge and jury will do. That’s the beauty of mediation. The parties control their own destiny. That’s why I got into it.”

Wood is one of seven graduates of the Law School who have joined The McCammon Group, a Richmond-based firm that specializes in mediation along with a variety of other dispute resolution services. John McCammon formed the group in 1995 after retiring from Wright, Robinson, McCammon, Ostthimer and Tatum, a law practice he founded after leaving McGuire, Woods & Battle (now McGuireWoods).

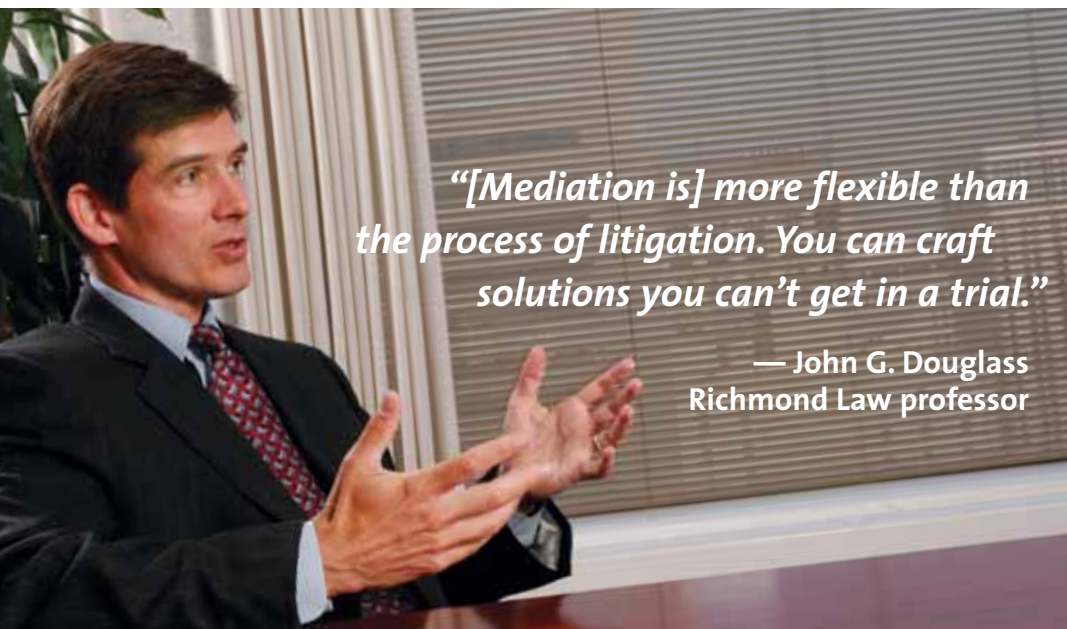
McCammon, who has served as an adjunct faculty member at the Law School, has drawn on experts with connections to the Law School since the beginning, and he is pleased with their dedication and hard work.

“They are a powerful group, very effective,” McCammon says. “Richmond has a great heritage. Its law school alumni are great practitioners at the bar, and the people who have joined this group are terrifically popular and highly skilled.”

McCammon, who has an undergraduate degree in psychology and a graduate degree in public policy along with his JD from the University of Virginia, had been involved in mediation and arbitration throughout his law career. It was during those earlier years of practice that he realized the need for alternative dispute resolution (ADR) services in Virginia. After retiring in 1993, he took a year off and studied the ADR market.

“Conventional wisdom in Virginia was that alternative dispute resolution wasn’t needed,” he says. “It

Above: (from left) E. Preston Grissom, R'57 and L'60, William H. Ledbetter Jr., L'66, Bill Wood, L'66, Joseph E. Spruill Jr., R'55 and L'58, and F. Bruce Bach, L'67.



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was widely recognized that the Virginia court system is No. 1 in efficiency and integrity. I had to ask myself ‘Why does a place like Virginia need ADR?’”

McCammon did not arrive immediately at a clear-cut answer. He concluded that there was not a strong demand for arbitration. Mediation, on the other hand, was sorely needed. “It’s so hard to negotiate in warlike circumstances,” he explains. “People need help and negotiation is where it’s at. I felt that mediation had a future.”

Mediation isn’t a new concept. Think back to the teachings of Confucius, who encouraged a mediatory approach when resolving disputes. Mediation has been used to help resolve labor disputes since at least 1838, when President Martin Van Buren facilitated a labor settlement.

Retired Judge E. Preston Grissom, R’57 and L’60, a member of The McCammon Group, was introduced to mediation when he was working in the juvenile and domestic court system in Chesapeake. “We started some mediation programs involving spouses and families who were having problems,” he explains. “I could see where it had great potential.”

Today, many of Grissom’s mediations involve personal injury cases and contractual and domestic disputes.

In those mediations, Grissom shares with the parties his thoughts on how the case is likely to play out in court. “Each side gets the benefit of that,” he says. “During that stage each party can say things to help them feel like they have been heard, things that they think are important.”

Reaching a settlement can take time, he adds. “It’s not unusual to go back and forth with offers 10 times. The mediator helps the parties, and the lawyers produce the results themselves. The reward comes at the end of the day—at times late in the night—when the case can be brought together and the people leave shaking hands.”

McCammon maintains that mediation is not a replacement for a trial. “It’s an adjunct, a shot in the arm to negotiation,” he says.

The McCammon Group, the largest mediation group in the state, has 45 mediators in Virginia and five in Washington, D.C. There are approximately 1,000 Supreme Court certified mediators in Virginia.

Roughly half of McCammon’s mediators are retired judges. All others with the exception of Sen. Walter Stosch, R’59 and GB’84, are lawyers.

McCammon remembers when the initial group of seven began offering mediation services. “It really was uncharted waters,” he says. “People didn’t know what to make of it. Lawyers were uneasy. It was somewhat of a threat to them.”

The group handled four cases during the first month of business in June 1995. Today, it handles about five cases a day and has a settlement rate of better than 85 percent. “We did more cases in 2005 than there were concluded jury trials in the state court systems of Virginia,” McCammon says. “We have mediated and arbitrated about \$2.5 billion worth of disputes.”

Originally called The McCammon Mediation Group, McCammon changed the name when he broadened the scope of the firm’s work. Along with mediation and arbitration services, the group has a Federal Dispute Resolution Division and a Facilitation and Training Division that works with government, businesses, and associations. Services include facilitating negotiations and teaching communication and management skills as well as conflict resolution and negotiation skills.

“It’s all about collaboration, communicating to resolve conflict,” McCammon says. “You can apply those techniques in the workplace and the boardroom.”

Other areas of expertise such as private judging are on the horizon. “I believe that there are more processes emerging,” observes McCammon. “People want prob-

lems solved in more efficient and effective ways.”

John G. Douglass, professor of law at Richmond and a member of The McCammon Group, sees several advantages to mediating a case.

“It relieves the pressure on crowded court systems,” he says. “Also, it’s more flexible than the process of litigation. You can craft solutions you can’t get in a trial. And it’s confidential. You can resolve your dispute and not have it publicized.”

When he first heard about the group, Douglass felt that the venture would turn into something impressive.

“John is very energetic and creative,” he says. “One of the great rewards of being in the group is being associated with folks who are so experienced in the world of litigation. Many have had impressive careers as judges. They can bring that experience to bear as a mediator.”

Retired Judge Joseph E. Spruill Jr., R’55 and L’58, was honored to join The McCammon Group. “My wife says that I flunked retirement,” he says, laughing. “I work with the group whenever that call comes in. I usually work once or twice a month. The cases are across the board, sort of like the cases I heard as a judge.”

Spruill’s experiences with mediation have been rewarding. “It’s great to see people come together and resolve something,” he explains. “It’s a good feeling to know you have had a hand in getting a dispute resolved.”

Joining the group was a natural fit for retired Judge Donald H. Kent, R’60 and L’63. “I had respect and admiration for John as a lawyer and administrator of The McCammon Group,” he says. “One of the attractions was the people John had working for him.”

When he was sitting as a judge in Alexandria, Kent had used a form of mediation to resolve some cases. “I enjoyed that settlement better than a trial,” he says. “You can resolve a matter to the satisfaction of all concerned.”

Mediation allows the parties to be open in discussing the merits of their case and voicing their concerns to the other side.

“In court there are rules of evidence that restrict testimony but in mediation that is not true,” Kent says. “Years ago the Virginia Bar adopted a rule of professional conduct that requires lawyers to discuss with their clients the possibility of mediating or arbitrating rather than going to court. Let them know that it is an available route they can take.”

The process also allows the parties to save money. “If we settle the case, we cut off the pipeline of cost plus the cost of a trial,” McCammon says.

Retired Judge F. Bruce Bach, L’67, remembers one

case he mediated for the group where each side had already spent \$350,000 on attorney fees. “I settled the case in one day,” he recalls. “It was a heck of an economical way to do it. It’s a tremendous cost savings. You can’t take a large trial to court today for less than \$100,000.”

It wasn’t until the end of his career on the bench that retired Judge William H. Ledbetter Jr., L’66, began to see the value in alternative dispute resolution. Since joining The McCammon Group, he has become a “true believer” in the process. “All of us in mediation want to see the deal done,” he says. “We try very hard.”

The collaboration that has taken place between Virginia’s private and public sectors in the past 11 years demonstrates the importance of mediation. “[Both sectors] have worked hard to address the challenges [posed by increasing demands on the judicial system] and have turned things around dramatically,” McCammon says.



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“The number of jury trials that take place each year in Virginia has gone down 60 percent in the last decade, in part due to mediation and arbitration.”

The process of mediation is a powerful tool, he adds. “It’s so rewarding. It’s a work of love, a work of passion.” ■

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