

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Application for Mediators

Please complete the entire application, using additional paper if necessary. You may also attach a resume.

Name: T. S. Stern, Jr.

Firm or Office Name: T. S. Stern, Jr., Attorney at Law

Office Address: P.O. Box 2343, Greenville, SC 29602

211 Pettigru St., Greenville, SC 29601

Office Phone: (864) 242-9000 Office Fax: (864) 233-9777

**ADMISSIONS AND AFFILIATIONS**

Date admitted to the Bar of the District of South Carolina: 1977 I.D. No.: 4304

Date admitted to the South Carolina Bar: 1977 Bar No.: 5337

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): U.S. Supreme Court, 1993; U.S. Court of Appeals for Fed. Cir., 1983, 5th Cir., 1980, 4th Cir., 1978; SC Supreme Court, 1977.

Membership and positions held in bar, ADR and professional associations: See attached Resume

Are you a member in good standing in each jurisdiction where admitted to practice law?  yes  no

Are you currently the subject of any pending disciplinary proceeding in any jurisdiction?  yes  no

Have you, within the last 5 years, been denied admission to a bar for character or ethical reasons or disciplined for professional misconduct?  yes  no

**EDUCATION**

Year law degree received 1977 Law School University of South Carolina School of Law

Other professional degrees received (including year and school) n/a

**LEGAL EXPERIENCE (A minimum of 5 years of law practice required)**

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:

See attached Resume

Percentage of practice in last 5 years representing plaintiff 50 % or defense 50 %

Percentage of Federal or State court practice in last 5 years: Federal 40 % State 60 %

Number of years engaged in active litigation: 20

**EXPERTISE**

Indicate all substantive areas in which you have expertise. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have expertise. (Do not rank beyond "1" and "2.") After any category you have marked, please identify any sub-areas of expertise you have (e.g. "medical malpractice" after Personal Injury).

- |   |  |
|---|--|
| <input type="checkbox"/> Admiralty                                      | <input checked="" type="checkbox"/> Security or Shareholders suits |
| <input type="checkbox"/> Antitrust                                      | <input type="checkbox"/> Labor                                     |
| <input checked="" type="checkbox"/> Contracts                           | <input type="checkbox"/> ERISA                                     |
| <input type="checkbox"/> Environment                                    | <input type="checkbox"/> Wrongful Termination                      |
| <input checked="" type="checkbox"/> Fraud or Civil RICO                 | <input type="checkbox"/> Civil Rights in Employment                |
| <input checked="" type="checkbox"/> Insurance                           | <input type="checkbox"/> Other Civil Rights                        |
| <input checked="" type="checkbox"/> Miller Act                          | <input type="checkbox"/> Copyrights                                |
| <input type="checkbox"/> Personal Injury                                | <input type="checkbox"/> Patent                                    |
| <input type="checkbox"/> Product Liability                              | <input type="checkbox"/> Trademark                                 |
| <input checked="" type="checkbox"/> Other (specify) <u>Construction</u> |  |

Publications: Contributing Author, "Duties and Responsibilities of Construction Owners - Construction Law", Matthew Bender, 1986.

**MEDIATION EXPERIENCE**

Mediation experience (particularly in the subject matter categories above): As a party, I have participated in mediations involving construction disputes, insurance fraud, and contract cases.

Other courts or organizations for whom you serve as a mediator: Court of Common Pleas - Greenville County and Richland County.

Number of mediations conducted: 5 as mediator

**MEDIATION TRAINING**

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
<u>SC Council for</u>	<u>Circuit Court</u>	<u>1995</u>	<u>Hilton Head,</u>	<u>40</u>
<u>Mediation and ADR</u>	<u>mediation process</u>		<u>SC</u>	

**OTHER INFORMATION**

Are you familiar with the statutes, rules and practice governing mediation conferences in the District of South Carolina?  yes  no

Other relevant experience or skills or other information you would like considered in connection with this application:

I believe that I am particularly qualified by my complex case  
experience to serve as a U.S. District Court mediator. I have  
enclosed a Resume which details that experience.

Cities in which you are available to conduct mediation:

Columbia       Charleston       Greenville       Florence

Other \_\_\_\_\_

Fees charged:

Hourly Rate: \$ 150      Minimum charge each mediation: \$ n/a

How do you bill for travel? (explain): \$.29 per mile, plus travel time

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; to the Rules on Disciplinary Procedure, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if ordered by the Court; (3) Notify the Clerk of Court of any change in the above facts or otherwise in my ability to perform duties as a mediator; (4) Disclosure of information contained in this application to litigants and other members of the public.

I certify that the foregoing is true and correct.

Signature  Date 9-12-97  
Applicant

Return completed application to:  
U.S. District Court  
Mediation  
1845 Assembly Street  
Columbia, SC 29201-2431

Approved:  Date 10-9-97  
U.S. District Judge

**T. S. STERN, JR.**

**Office:**

Covington, Patrick, Hagins & Lewis, P.A.  
211 Pettigru Street  
Post Office Box 2343  
Greenville, South Carolina 29602  
Telephone: (864) 242-9000  
Facsimile: (864) 233-9777  
Toll-Free (800) 849-2988  
Cellular: (864) 430-0116

**Residence:**

159 Willow Walk  
Sunset, South Carolina 29685  
(864) 868-7267

**EDUCATION:**

**Legal:**

University of South Carolina School of Law, Juris Doctor, 1977

**HONORS AND ACTIVITIES:**

Winner, Law School Intramural Moot Court Competition  
National Moot Court Team  
Winner, American Bar Association Appellate Advocacy Competition for Fourth  
Judicial Circuit  
American Jurisprudence Award, Federal Practice and Procedure  
Moot Court Board

**Undergraduate:**

Furman University, Greenville, South Carolina, Bachelor of Arts, 1973

**BAR ADMISSIONS:**

Certified Circuit Court Mediator, 1995  
U.S. Supreme Court, 1993  
U.S. Court of Appeals for the Federal Circuit, 1983  
U.S. Court of Appeals for the Fifth Circuit, 1980  
U.S. Court of Appeals for the Fourth Circuit, 1978  
U.S. District Court, South Carolina, 1977  
Supreme Court of South Carolina, 1977

**PROFESSIONAL ORGANIZATIONS:**

American Bar Association  
Forum on the Construction Industry  
Section of Litigation  
South Carolina Bar Association  
Chairman, Construction Law Section of South Carolina Bar, 1993-1995  
Member, House of Delegates  
Greenville County Bar Association  
Chairman, Grievance Committee, 1988-1993  
Carolinas Associated General Contractors  
Legislative Committee

**PROFESSIONAL EXPERIENCE:**

**Covington, Patrick, Hagins & Lewis**  
**Special Counsel** for construction litigation, business litigation and class actions  
August 1996 to present

My construction litigation practice primarily focuses on the representation of general contractors in disputes with public and private owners. While the disposition of these disputes most often involves litigation and/or arbitration, I am increasingly participating in efforts to resolve construction law disputes through mediation, where my background as a court-certified mediator has proven quite valuable.

The concentration of my business litigation practice includes disputes among shareholders in closely held corporations; shareholder derivative actions involving publicly held corporations; partnership disputes; dealer/distributor terminations; unfair and deceptive trade practice actions; RICO; and antitrust matters.

Results obtained in recent cases include:

- reached the largest pre-litigation settlement ever made with the State of South Carolina in a construction case on behalf of a bridge contractor on the James Island Expressway in Charleston.
- after a two-day mediation, successfully settled fraud claims by a highway contractor and its principal against a major insurance company.
- successfully settled a subsurface claim on behalf of a general contractor in the United States District Court for the Middle District of North Carolina after obtaining summary judgment on the Defendant's lost profits counterclaim.

In addition to my other practice areas, I am also presently serving as counsel in several state and one national class actions. I am on the Plaintiffs' Steering Committee in the action styled Jimmy B. Atchison, et al. v. Woodmen of the World Insurance Society, et al. presently pending in the United States District Court for the Southern District of Alabama.

**Grant, Leatherwood & Stern, P.A.**

**Partner**

January 1993 - July 1996

As a partner at Grant, Leatherwood & Stern, my practice was essentially the same as my current practice. However, in order to seek association with a firm that was more strongly committed to concentrating exclusively in civil litigation and to providing outstanding, cost-effective legal services in a small firm environment, I, along with an associate, legal assistant and paralegal, chose to leave the practice to associate with the firm of Covington, Patrick, Hagins & Lewis.

**Haynsworth, Marion, McKay & Guerard**

**Partner**

August 1977 - December 1992

Upon graduation from law school, I was fortunate to join Haynsworth, Marion, McKay & Guerard, South Carolina's oldest law firm, where I was able to learn the craft of the courtroom from the firm's many fine attorneys. Throughout my fifteen-year association, I practiced in the fields of construction and business litigation. In addition, I served for three years as a member of the firm's Management Committee.

**PUBLICATIONS, SEMINARS AND PRESENTATIONS:**

Scheduled Moderator, Summit on Public Construction in South Carolina, October 1997

Guest Lecturer on Construction Law Symposium, College of Architecture, Clemson University, 1996

Speaker, Use of Computer Simulations in Trial, South Carolina Defense Trial Attorneys Association, 1992

Speaker, Construction Claims and the South Carolina Department of Transportation, Highway-Heavy Division and Bridge Section Meeting, Carolinas AGC, June 18-21, 1992

Speaker on Construction Law, Construction Specifications Institute, 1991

Guest Lecturer on Construction Law, College of Building & Sciences, Clemson University, 1990

Speaker, Mechanic's Liens, Real Estate Seminar, South Carolina Bar Association, 1989

Speaker, Bid Protests and Related Remedies, Construction Law Seminar, South Carolina Bar Association, March 31, 1989

Lecturer, South Carolina Law Review Symposium on Construction Law, 1988

Contributing author, *Duties and Responsibilities of Construction Owners - Construction Law*, Matthew Bender, 1986.

**REPORTED LITIGATION:**

Atlas Food Systems v. Crane National Vendors, Inc., 99 F.3d 587 (4th Cir. 1996).

Kelly-Springfield Tire Co. v. Dowis, 30 F.3d 129 (4th Cir. 1994).

Aiken City v. B.S.P. Div. of Envirotech Corp., 866 F.2d 661 (4th Cir. 1994).

Miller-Sharpe, Inc. v. Wal-Mart Stores, 1996 U.S. Dist. LEXIS 4980 (M.D. N.C. Mar. 26, 1996).

Aiken City v. B.S.P. Div. of Envirotech Corp., 657 F.Supp. 1339 (S.C. 1986).

Umbro U.S.A. v. Goner, 825 F.Supp. 738 (D.S.C. 1993).

Southeastern Roofing Distbs. M.C.N.C v. Rigill Roofing & Siding Co., 276 S.C. 591, 281 S.E.2d 120 (1981).

Ray Bell Constr. Co. v. School Dist. of Greenville Cty., 478 S.E.2d 67 (S.C. Ct. App. 1996).

Citizens & Southern Nat'l. Bank v. Constr. Enter., 309 S.C. 500, 424 S.E.2d 530 (S.C. Ct. App. 1992).

Threatt-Michael Constr. Co. v. C & G Elec., 305 S.C. 147, 406 S.E.2d 374 (S.C. Ct. App. 1991).

F.M.I., Inc. v. RMAX, Inc., 286 S.C. 343, 333 S.E.2d 360 (S.C. Ct. App. 1985).

# SUPPLEMENT

## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

### Application for Mediators

Name: T.S. Stern, Jr.

Firm or Office Name: T.S. Stern, Jr., Attorney at Law COVINGTON, PATRICK, HAGINS, STERN & LEWIS, P.A.

Office Address: P.O. Box 2343, Greenville, SC 29602

Office Phone: (864)242-9000

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#### ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the United States District Court of the District of South Carolina: 1977

Date admitted to the South Carolina Bar: 1977

Other court or jurisdictions to which admitted (with dates of admission): U.S. Supreme Court, 1993; U.S. Court of Appeals for Fed. Cir., 1983, 5th Cir., 1980, 4th Cir., 1978; SC Supreme Court, 1977

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#### EDUCATION

Year law degree received: 1977 Law School: USC Law School

Other professional degrees received (including year and school):

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#### LEGAL EXPERIENCE (A minimum of 5 years of law practice required)

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:  
→ Covington, Patrick, Hagins & Lewis (August 1996 - present); Grant, Leatherwood & Stern, PA (1/93 - 7/96); Haynsworth, Marion, McKay & Guerard (8/97 - 12/92)

Percentage of practice in last 5 years representing plaintiff 50% or defense 50%

Number of years engaged in active litigation: ~~20~~ 23

# SUPPLEMENT

## EXPERTISE

Indicate all substantive areas in which you have expertise. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have expertise. (Do not rank beyond "1" and "2.") After any category you have marked, please identify any sub-areas of expertise you have (e.g. "Medical malpractice" after Personal Injury).

- |                                     |                                     |                                     |                                |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| <input type="checkbox"/>            | Admiralty                           | <input checked="" type="checkbox"/> | Security or Shareholders suits |
| <input type="checkbox"/>            | Antitrust                           | <input type="checkbox"/>            | Labor                          |
| <input checked="" type="checkbox"/> | Contracts                           | <input type="checkbox"/>            | ERISA                          |
| <input type="checkbox"/>            | Environment                         | <input type="checkbox"/>            | Wrongful Termination           |
| <input checked="" type="checkbox"/> | Fraud or Civil RICO                 | <input type="checkbox"/>            | Civil Rights in Employment     |
| <input checked="" type="checkbox"/> | Insurance                           | <input type="checkbox"/>            | Other Civil Rights             |
| <input checked="" type="checkbox"/> | Miller Act                          | <input type="checkbox"/>            | Copyrights                     |
| <input type="checkbox"/>            | Personal Injury                     | <input type="checkbox"/>            | Patent                         |
| <input checked="" type="checkbox"/> | Product Liability                   | <input type="checkbox"/>            | Trademark                      |
| <input checked="" type="checkbox"/> | Other (specify) <u>Construction</u> |                                     |                                |

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Mediation experience (particularly in the subject matter categories above): As a party, I have participated in mediations involving construction disputes, insurance fraud, and contract cases.

Other courts or organizations for whom you serve as a mediator: Court of Common Pleas - Greenville County and Richland County

Number of mediations conducted: 50+

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## MEDIATION TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
SC Council for Mediation	Circuit Court	1995	Hilton Head, SC	40

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## OTHER INFORMATION

Other relevant experience or skills or other information you would like considered:

I believe that I am particularly qualified by my complex case experience to serve as a U.S. District Court mediator.

Cities in which you are available to conduct mediation:

Columbia       Charleston       Greenville       Florence

Other     

Fees charged:   

Hourly Rate: \$ ~~150~~ 200

Minimum charge each mediation: \$ n/a

How do you bill for travel? (explain): .32  
29 per mile, plus travel time