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: George B. Cauthen

Firm or Office Name: Nelson Mullins Riley & Scarborough, LLP

Office Address: P.O. Box 11070, Columbia, SC 29211

Office Phone: 803-255-9425 Office Fax: 803-256-7500

email address: gbc@nmrs.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1977 I.D. No.: 81

Date admitted to the South Carolina Bar: 1977 Bar No.: 1171

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): 4th CCA; 1982
U.S. Supreme Ct.; 1996; U.S. Court of Appeals, 14th Circuit; 2000; Supreme Ct. of Florida; 2000; Florida Bar; 2000; ID No. 193615; 7th Circuit Court of Appeals

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

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

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

EDUCATION

Year law degree received 1977 Law School University of South Carolina

Other professional degrees received (including year and school) BA; USC, 1970
MPA; USC, 1984

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

Percentage of practice in last 5 years representing plaintiff 70 % or defense 30 %

Percentage of Federal or State court practice in last 5 years: Federal 98 % State ____ %

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).

____ Admiralty	____ Security or Shareholders suits
____ Antitrust	____ Labor
1 Contracts	____ ERISA
____ Environment	____ Wrongful Termination
____ Fraud or Civil RICO	____ Civil Rights in Employment
____ Insurance	____ Other Civil Rights
____ Miller Act	____ Copyrights
____ Personal Injury	____ Patent
____ Product Liability	____ Trademark
1 Other (specify) Bankruptcy	

Publications: See Attached

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above):
Served as a mediator for US Bankruptcy Court in complex bankruptcy cases.

Other courts or organizations for whom you serve as a mediator (please note any certifications):
S.C. Supreme Court, certified as a civil court mediator

Number of mediations conducted: 80+ Number of other ADR sessions conducted: ____

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
ADR Sect of SC Bar	Circuit Court Mediation Training	4/26/99	Cola, SC	40

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution in the District of South Carolina? X yes ____ no

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

Cities in which you are available to conduct mediation:

X Columbia X Charleston ____ Greenville ____ Florence

Other ____

Fees charged:

Hourly Rate: $ 225 Minimum charge each mediation:$ per hour

How do you bill for travel? (explain): No charge

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, 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 Alternative Dispute Resolution Program Director 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: George B. Cauthen Date: 11/28/00
Applicant

Return completed application to:
Danny H. Mullis, Director
Alternative Dispute Resolution Program
United States District Court
Post Office Box 835
Charleston, SC 29402-0835

Reviewed: Danny H. Mullis Date: 11/30/00
ADR Program

Approved: Cameron McGowan Currie Date: 12/4/00
U.S. District Judge

3/2000

Certifications:

U.S. Navy, Surface Warfare Officer, 1971
Bankruptcy Law Specialist, by South Carolina Supreme Court, 1993
Business Bankruptcy Law Specialist, by the American Board of Certification, 1994
Consumer Bankruptcy Law Specialist, by the American Board of Certification, 1994
U.S. Coast Guard Merchant Marine Master license, 100 ton, with sail auxiliary, 1998
Certified Civil Court Mediator, South Carolina Supreme Court, 1999

Admissions to Bars and Courts
South Carolina Bar, admitted 1977, Bar I.D. 1171
Florida Bar, admitted 2000, Bar I.D. 193615
United States District Court, District of South Carolina, Bar I.D. 81
United States District Court, Middle District of Florida
Fourth Circuit Court of Appeals
Seventh Circuit Court of Appeals
Eleventh Circuit Court of Appeals
United States Supreme Court
Other courts on pro hac vice basis

Reported Opinions:

- ***In the Matter of Price***, 284 S.E.2d 356, 277 S.C. 169 (S.C.1981), court held that state's failure to comply with court 40-day rule on adjudicatory hearing was not material. (Represented, pro bono, minor charged with violation).
- ***In re McIver,*** 78 B.R. 439 (D.S.C.1987), court held that debtor's repeated failure to perform court ordered duties constituted willful failure, and precluded debtor from refiling for 180 days.(Served as Movant seeking dismissal).
- ***In re Knoth,*** 168 B.R. 311 (Bkrtcy.D.S.C.1994), court held that creditors were entitled to file involuntary bankruptcy petition; petition granted. (Represented petitioning creditor).
- ***Ex parte Bowers,*** 465 S.E.2d 354, 320 S.C.360 (S.C.1995), court held that inequitable burden of multiple, uncompensated appointments on rural county attorneys was not excessive, and family courts could appoint attorneys outside county to cases. (Represented, pro bono, S.C. Bar on amicus brief).
- ***In re Varat,*** 81 F.3d 1310 (C.A.4 (N.C. 1996), court held that creditor was barred from objecting to claim under doctrine of res judicata, collateral estoppel, equitable estoppel and waiver. (Represented creditor claimant).

- *In re NKI,* 228 B.R. 584 (Bkrtcy.D.S.C.1998), court held that artificial ceiling on fees set by U.S. Trustee would not be applicable, and that counsel for the debtor would be paid on the same basis as comparable work not reviewed by U.S. Trustee. (Represented debtor's counsel).

Professional Experience:
Nelson Mullins Riley & Scarborough, L.L.P.
Columbia, South Carolina
August 1990 to present - Partner

Head of the Bankruptcy Practice Group.

Mr. Cauthen has represented creditors in bankruptcy courts in Alabama, Delaware, Florida, New York, New Jersey, North Carolina, South Carolina, Tennessee, Georgia, Illinois, Indiana, Texas, Virginia and Wisconsin, and has worked extensively with unsecured creditors committees, serving as lead counsel for the creditors committee in the Landmark case. Cauthen has served in an advisory capacity to bankruptcy courts in New York and Puerto Rico. He has been qualified and has testified as an expert witness on the topic of bankruptcy in both state and federal courts.

Nelson Mullins Riley & Scarborough, L.L.P. is well equipped to represent its clients in the United States Bankruptcy Courts, with more than fifteen lawyers practicing in the bankruptcy area. The District of South Carolina has three Bankruptcy Court sites -- in Columbia, Charleston and Spartanburg. Nelson Mullins has offices in Columbia and Charleston, with our Greenville office providing service for nearby Spartanburg. Other Firm offices are in Atlanta, Charlotte, Myrtle Beach, and Munich Germany. With this geographical advantage, we are able to cover bankruptcy cases throughout the Southeast. The Atlanta office, which opened in February 1992, includes an active bankruptcy practice.

Nelson Mullins (which employs over 245 lawyers) is one of the premier large firms in the Southeastern United States with a group dedicated to bankruptcy practice. We have represented secured and unsecured creditors, trustees, buyers and lenders of assets, creditors' committees, equity holders, and debtors and have represented parties in every chapter of the United States Bankruptcy Code, including the first successful Chapter 9 case in South Carolina in over twelve years.

Nelson Mullins was founded in 1895, and the Firm's attorneys have played major roles in virtually every significant bankruptcy case filed within South Carolina over the last fifteen years, including PTL, Sea Pines (Hilton Head), Patriots Point, Braswell Shipyards, Beacon Securities, Columbia Management Corporation, Flagstar, Sam Solomon, American Resort Services, MacAlloy, McTeer and Associates, Belser and the Landmark Land Company case, one of the 10 largest cases filed in the United States in 1991.

Mr. Cauthen is currently head of the Bankruptcy Group managing five attorneys and a total staff of ten. Mr. Cauthen served as Chair of the Firm's Pro Bono Committee in 1996 and is currently

a member of the Pro Bono Committee and Marketing and Planning Committee.

Representative clients have included American Federal Bank, American General Life, American Health & Life, BankAmerica, Carolina Bank and Trust, Carolina First, Graham Engineering, Guardian Fence Suppliers, Landmark Unsecured Creditors Committee, Orix Credit Alliance, Inc., Conseco Finance, Owens-Illinois, Wells Fargo Bank, N.A.

Note: From August 1989 to September 1990, Mr. Cauthen and his wife sailed the Bahamas.

Part-time Student
University of South Carolina
Columbia, SC
1984-1987, completed all but thesis on MA in East Asian history

United States Bankruptcy Court, District of South Carolina
Chief Administrative Officer of the United States Bankruptcy Court for the District of South Carolina
1982 - 1989

Mr. Cauthen served as Clerk of Court for the United States Bankruptcy Court. This position is the Chief Administrative Officer of the Court. He also drafted and argued three to five motions a week as Clerk of Court, covering topics from motions to appoint a trustee to motions to disbar attorneys for misconduct. Served as in-house mediator for major bankruptcy cases, settling over 80 major cases. Served as the Chief District Court Judge's bankruptcy counsel in the largest bankruptcy case filed in the district, the Sea Pines cases. While serving as Clerk he also served as a consultant to the Administrative Office of the U.S. Courts, working in the U.S. Bankruptcy Court for the Southern District of New York and in the United States Bankruptcy Court for the Territory of Puerto Rico. For the Administrative Office of the U.S. Courts, authored the chapter on "Mega Cases" for the U.S. Bankruptcy Court Clerk's manual.

Part-time Student
University of South Carolina
Columbia, SC
1982-1984, M.P.A. degree

Law Office of Donald E. Rothwell
Columbia, South Carolina
Associate, and before that, law clerk
1975 to 1982

Mr. Cauthen represented creditors, both consumer and commercial, in state and federal court in three states: South Carolina, North Carolina, and Georgia. Many of these creditor cases resulted in state court receiverships. Tried cases in all 46 counties in South Carolina, argued cases from magistrate court to South Carolina Supreme Court.

Law student
University of South Carolina School of Law
Columbia, SC
1974 to 1977, JD degree

Naval Officer
United States Navy
1970 to 1974 Active Duty, last rank Lieutenant
1974 to 1977 Naval Reserves

Served in the Pacific, Atlantic and Caribbean, ending active duty as Lieutenant, USN. Received the designation of Surface Warfare Officer, the equivalent to wings for surface ships in the United States Navy. Stationed in Sasebo, Japan and served on a minesweeper in Vietnam patrols. While in Sasebo served as a shipboard Legal officer. Later served on a destroyer out of Key West, Florida, engaged in naval operations off Cuba. Served as Property and Fiscal Officer for the Fleet Sonar School in Key West. Received the Navy Achievement Medal for accomplishments while on active duty. Various duties included Gunnery Officer, Small Boat Officer, Legal Officer, Administrative Officer and Deck Officer. Served in Naval Reserve from 1974 to 1977, honorably discharged.

Student
University of South Carolina
Columbia, SC
1966 to 1970, BA degree

Attended on a NROTC scholarship, studied East Asian history, earned a BA in history. One of the first students of the USC Honors Program.

Student
Hartsville High School
Hartsville, SC
1962 to 1966

Member of the Golf Team, choir, and active in school plays. Received full scholarships to USC and LSU.

Expert Witness:

Jones v. Pete Walker; NC-89-CVS-00164.

USA v. Vogel;

East Bay v. Fort; Case No. 94-70187, Chapter 11. Engaged as expert witness in bankruptcy malpractice case. Case dismissed, no settlement.

SCLSA v. Pete Walker; Case No. 95-70529

Truluck v. Robinson; Case No. 96-CP-40-2652. Engaged as expert witness on topic of bankruptcy in bankruptcy malpractice case. Case settled.

LCS v. Sturkie; Case No. 96-CP-40-2029.

Citadel Case; Testified at trial, no deposition. Qualified as expert witness on topics of attorneys' fees and pro bono.

Consultant:

1987 Consultant on Court Administration, United States Bankruptcy Court, Southern District of New York.
Consultant on Court Administration, United States Bankruptcy Court, District of Puerto Rico.

1997 Consultant for American Bar Association on Baltimore Bar Pro Bono programs, Baltimore Maryland.
Consultant under contract to USAID, assist on development of Slovakian Bankruptcy law, Bratislava, Slovakia.

1998 Consultant for American Bar Association on Mobile Bar Pro Bono program, Mobile, Alabama.
Consultant under contract to USAID, assist on development of Macedonian Bankruptcy law, Skopje, Macedonia.

2000 Consultant under contract to World Bank, assist on development of Bulgarian Bankruptcy law, Sofia, Bulgaria.
Consultant for American Bar Association on Northern Virginia Pro Bono and Legal Services Programs, Fairfax, Virginia.

SERVICE TO THE PROFESSION:

Mr. Cauthen is a founding member of the South Carolina Bankruptcy Law Association, and is a member of the American Bankruptcy Institute, the ABA Business Bankruptcy Section; Board of Directors, American Bankruptcy Board of Certification, and a Member of the Fourth Circuit Court of Appeals Bankruptcy Judge Merit Selection Panel, 1993. He was appointed to serve as a member of the Board of Directors of the Carolina Chapters Turnaround Management Association beginning in 1996.

On the public service side, the Firm received the ABA Pro Bono Award in August 1992, and the South Carolina Bar Pro Bono Law Firm of the Year in 1993. One of the Firm's Bankruptcy

partners was named South Carolina Pro Bono Lawyer of the year for 1993. These awards were based in part on the Firm's Pro Bono bankruptcy efforts.

He was one of the first attorneys in the state to be certified as a Bankruptcy Law Specialist by South Carolina Supreme Court Commission on Specialization in 1993. He is also certified as a business and consumer bankruptcy law specialist by the American Bankruptcy Board of Certification. He is a Fellow of the American College of Bankruptcy, part of the class of 1995, and the only South Carolinian so recognized.

Mentor:

1996	Brazilian intern
1999	Russian intern

PERSONAL FACTS:

Born in New Orleans, Louisiana on January 17, 1949. Son of Cmdr. C.F. and DeEtte Cauthen, he spent the first 12 years of life as a military dependent, living in different port cities. The oldest of five children, he moved with his family every two to three years. A tenth generation South Carolinian, the Cauthen branch of his family goes back to Heath Springs, South Carolina in 1755.

Active in the Boy Scouts, he achieved the position of Eagle Scout, and Order of the Arrow.

HONORS AND AWARDS:

1966:	University of South Carolina Honors Program
	USC NROTC Compass and Chart Honor Society
1975:	US Navy Achievement Medal
1989:	Arthur von Briesen award, by National Legal Aid and Defender Association
	United States Trustee Certificate of Appreciation
1993:	South Carolina Bar Pro Bono Lawyer of the Year
	Wm. E.S. Robinson Public Service Award
1994:	South Carolina Bar Distinguished Service Award
1995:	First South Carolinian admitted to the American College of Bankruptcy
1997:	South Carolina Bar Oasis Award for pro bono and public service.
1998:	Richland County Bar Civic Star award for public service
1999:	USC School of Law Compleat Lawyer award
	South Carolina Department of Social Services *Friend of Child Support* award
2000:	Named in publication *The Best Lawyers in America*

ARTICLES AND PUBLICATIONS:

Mr. Cauthen has been published on various topics, served as an editor, and has contributed to other publications. This is a partial listing.

1998 Wiley Bankruptcy Law Update, Keith Shapiro and Nancy A. Peterman, editors. Aspen Law & Business, publisher, 1998. Cauthen served as a contributor.

Bankruptcy After Divorce: I thought We had an Agreement, article, *South Carolina Lawyer*, Vol. 3, No. 6, May/June 1992. Co-authored with Jane Harris.

Bankruptcy Exemption Manual: West's Bankruptcy Series. All editions. Cauthen wrote the South Carolina portion of this manual. West Group. 1996 to 2000.

The Bankruptcy Handbook, John B Butler, III, author; Knowles Publishing, 1997. Cauthen served as one of two editors.

Consumer Law and Practice in South Carolina, Vol.II, Truth in Lending and Credit Disclosures. Served as one of three editors. Continuing Legal Education Division of South Carolina Bar, publisher, 1986.

How to Begin a Pro Bono Program in Your Bankruptcy Court: a Starter Kit for Lawyers and Judges. Co-author. American Bar Association, publisher,1994.

Representing the Overseas Service Member Debtor, article, *South Carolina Lawyer,* Vol.1, No. 1, Jan/Feb. 1991.

South Carolina Post-Judgment Collection Law, co-author with Lawrence W. Johnson, Jr. Professional Educational Systems, Inc., publisher. 1985.

Mr. Cauthen has participated on advisory committees and has given lectures to bar associations, financial institutions and professional associations. This is a partial listing of presentations and lectures.