

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: Fred A. Walters

Firm or Office Name: Lewis, Babcock & Hawkins, L.L.P.

Office Address: 1513 Hampton Street, Columbia, SC 29201

Office Phone: 803-771-8000 Office Fax: 803-733-3541

email address: FAW@LBHlaw.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 11/2/82 I.D. No.: 4514

Date admitted to the South Carolina Bar: 11/8/79 Bar No.: 5816

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): Please see attached CV

Membership and positions held in bar, ADR and professional associations: South Carolina Bar; State Bar of Georgia

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 1979 Law School University of South Carolina

Other professional degrees received (including year and school) Senior Executive Program, M.I.T., 1988 Graduate

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 CV

Percentage of practice in last 5 years representing plaintiff 90 % or defense 10 %

Percentage of Federal or State court practice in last 5 years: Federal 10 % State 90 %

Number of years engaged in active litigation: 22 yrs

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 type="checkbox"/> Security or Shareholders suits
<input type="checkbox"/> Antitrust	<input type="checkbox"/> Labor
<input checked="" type="checkbox"/> 1 Contracts - commercial	<input type="checkbox"/> ERISA
<input type="checkbox"/> Environment disputes	<input type="checkbox"/> Wrongful Termination
<input type="checkbox"/> Fraud or Civil RICO	<input type="checkbox"/> Civil Rights in Employment
<input type="checkbox"/> Insurance	<input type="checkbox"/> Other Civil Rights
<input type="checkbox"/> Miller Act	<input type="checkbox"/> Copyrights
<input checked="" type="checkbox"/> 2 Personal Injury	<input type="checkbox"/> Patent
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Trademark
<input checked="" type="checkbox"/> 2 Other (specify) class actions - commercial/consumer	

Publications: _____

"A Constitutional and Statutory History of the Telephone Business in South Carolina" 51 SCLR 290 (2000); co-author William J. Quirk

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): _____

I have participated in the mediation of approximately 15 matters in 5 different states but I have not served as a neutral.

Other courts or organizations for whom you serve as a mediator (please note any certifications):

I have applied for approval to conduct mediations in Circuit Court in South Carolina, having completed the required 40 hours training.

Number of mediations conducted: 0 Number of other ADR sessions conducted: 0

MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
SC Bar - CLE	Civil Court Mediation	2/19/2004	Columbia, SC	40.00

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution 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 have been involved in hundreds of lawsuits over my career, representing Plaintiffs and Defendants, principally in commercial disputes and, most recently, in consumer class actions. I was the primary negotiator and had final settlement authority for hundreds of cases involving BellSouth across the Southeast. I am told that I possess excellent evaluation, negotiation, and communication skills which I would like to utilize as a mediator of disputes filed in this Court.

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence
Other Beaufort

Fees charged:

Hourly Rate: \$ 250.00 Minimum charge each mediation: \$ 500.00

How do you bill for travel? (explain): 50% of hourly fee for travel in excess of 30 miles; maximum intrastate travel charge of \$500.00 (subject to any Court ordered restraints)

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: [Signature] Date: Feb. 24, 2004
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 by: [Signature] Date: 2/26/04
ADR Program

Approved: [Signature] Date: 3/1/04
U.S. District Judge

FRED ASHMORE WALTERS

CURRICULUM VITAE

Personal Data:

- Born April 1, 1951 in Greenville, South Carolina
- Married to Connie Allen Brownlee of Kingstree, South Carolina
- One daughter, Carey Townes
- Communicant - Trinity Episcopal Cathedral - Columbia
- Home address: 151 Crown Lake Drive
Hopkins, SC 29061

Educational Background:

- University of South Carolina (1969 - 1975), B.S.
- University of South Carolina School of Law (1976 - 1978), J.D.
- Massachusetts Institute of Technology (1988), Fellow and Graduate, Program for Senior Executives

Bar Memberships:

- South Carolina Bar - 1979; Georgia Bar - 1979; United States District Court for the District of South Carolina - 1982; United States District Court for the Northern District of Georgia - 1981; United States Courts of Appeal for the Fourth Circuit (1980), Fifth Circuit (1997), Sixth Circuit (1996), and Eleventh Circuit (1994); *Pro Hac Vice* Admissions: Alabama, Tennessee, Florida, Louisiana state courts; Northern District of Florida, Southern District of Florida, Middle District of Florida, Northern District of Alabama, Middle District of Tennessee, Eastern District of Tennessee, Middle District of Louisiana federal district and/or bankruptcy courts.

Professional Experience:

- Attorney, Southern Bell Telephone & Telegraph Company (Atlanta, GA) 1979 - 1982 (regulatory trial practice)
- General Counsel, Southern Bell Telephone & Telegraph Company - South Carolina (Columbia, SC) 1982 - 1992 (corporate governance, trial and appellate practice)
- Managing Director, BellSouth Asia/Pacific Pty., Ltd. (resident in Sydney, Australia) 1992 - 1993; Corporate Secretary: BellSouth New Zealand (Auckland, N.Z.), BellSouth Shanghai Center Pty., Ltd. (Shanghai, P.R.C.), BellSouth Australia Pty., Ltd. (Melbourne, Australia) 1992 - 1993; Member, Boards of Directors, BellSouth Australia Pty., Ltd. BellSouth New Zealand, BellSouth Shanghai Center Pty., Ltd., Optus Communications (Sydney, Australia) 1992 - 1994
- Chief Trial Counsel, BellSouth Corporation (Atlanta, Georgia) 1993 - 2000 (retired, September 2000) (civil trial and appellate practice)
- Partner, Lewis, Babcock & Hawkins (Columbia, South Carolina) 2000 - 2004. Trial and appellate practice: principally in areas of consumer class actions, commercial disputes, and serious personal injury. Commercial practice: advising clients on various commercial issues ranging from corporate governance to acquisitions, sales, municipal zoning and tax issues.

Reported Cases:

1. United States ex. rel. McKenzie v. BellSouth Telecomm. Inc., 123 F.3d 935 (6th Cir. 1997), cert. denied, 118 S. Ct. 855 (1998).
2. BellSouth Telecomm. Inc. v. W.R. Grace & Co. -Conn., 77 F.3d 603 (2d Cir. 1995), aff'g, 918 F. Supp. 533 (D. Conn. 1994).
3. Garrick v. Southern Bell Tel. & Tel. Co., 892 F.2d 74 (4th Cir. 1989).
4. City of Chattanooga v. BellSouth Telecomm. Inc., 1998 U.S. Dist. Lexis 4305 (E.D. Tenn. Jan. 26, 1998).
5. Millender v. Southern Bell Tel. & Tel. Co., 1984 U.S. Dist. Lexis 16094 (D.S.C. June 7, 1984).
6. City of Cayce v. AT & T Comm. of Southern States, Inc., 486 S.E.2d 92 (S.C. 1997).
7. South Carolina Cable Television Assoc. v. Southern Bell Tel. & Tel. Co., 417 S.E.2d 586 (S.C. 1992).
8. Southern Bell Tel. & Tel. Co. v. Hamm, 409 S.E.2d 775 (S.C. 1991).
9. Gamble v. Stevenson, 406 S.E.2d 350 (S.C. 1991).
10. Hamm v. Southern Bell Tel. & Tel. Co., 406 S.E.2d 157 (S.C. 1991).
11. Hamm v. Southern Bell Tel. & Tel. Co., 394 S.E.2d 311 (S.C. 1990).
12. Southern Bell Tel. & Tel. Co. v. Herlong Pontiac -Chevrolet Buick, 379 S.E.2d 902 (S.C. 1989).
13. GTE Sprint Comm. Corp. v. P.S.C., 341 S.E.2d 126 (S.C. 1986).
14. Southern Bell Tel. & Tel. Co. v. City of Spartanburg, 331 S.E.2d 333 (S.C. 1985).
15. City of Spartanburg v. P.S.C., 314 S.E.2d 599 (S.C. 1984).
16. Parker v. P.S.C., 314 S.E.2d 148 (S.C. 1984).
17. United Tel. Co. v. Mann, 403 So.2d 962 (Fla. 1981).
18. Whittle v. Southern Bell Tel. & Tel. Co., 410 S.E.2d 575 (SC App. 1991).
19. Southern Bell Tel. & Tel. Co. v. S.C. Tax Comm'n., 377 S.E.2d 358 (S.C. App. 1989).
20. Araujo v. Southern Bell Tel. & Tel., 351 S.E.2d 908 (S.C. App. 1986).
21. Karl Albert Overcash, III v. South Carolina Electric & Gas Company, 356 S.C. 165, 588 S.E.2d 116 (S.C. App. 2003).