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: Gary E. Clary

Firm or Office Name:

Office Address: 111 Hammock Court Unit #2 Central, SC 29630

Office Phone: 864-415-0886 Office Fax:

email address: gclaryj@bellsouth.net

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 11/7/1975 I.D. No.: 157

Date admitted to the South Carolina Bar: 5/13/75 Bar No.: 1264

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):
United States Court of Appeals, Fourth Circuit (8/5/1976) United States Supreme Court (8/18/1978)

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

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 1974 Law School University of South Carolina School of Law

Other professional degrees received (including year and school)

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:

From 1975-1992, my practice consisted of civil trial work in the personal injury area primarily representing plaintiffs, and I also did defense work for several corporate clients. Additionally, I was involved in hospital and health care issues as well as public utility law.

In 1992, I was elected by the South Carolina General Assembly as a circuit judge and served for over ten (10) years. Upon my retirement from the bench in 2002, I became the Assistant General Counsel for Extended Stay America, Inc. and was responsible for managing major litigation for a Fortune 500 company with 675 hotels in forty two (42) states. In this capacity, I participated in over seventy five (75) mediations in various state and federal jurisdictions throughout the country.

In 2005, I began teaching advanced litigation, legal ethics and constitutional law to paralegal students at Greenville Technical College where I am an Assistant Professor. I continue to consult with a major hotel investment company, and I am associated in several current cases in federal court.

Percentage of practice in last 5 years representing plaintiff 80 % or defense 20 %

Percentage of Federal or State court practice in last 5 years: Federal 100 % State 0 %

Number of years engaged in active litigation: 33

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
x Contracts	____ ERISA
x Environment	x Wrongful Termination
____ Fraud or Civil RICO	x Civil Rights in Employment
____ Insurance	____ Other Civil Rights
____ Miller Act	____ Copyrights
x Personal Injury	____ Patent
x Product Liability	____ Trademark
x Other (specify) Construction	

Publications:

Clary, Gary E. & Henry F. Floyd, 2002. Criminal Trial Bench Book, Columbia, South Carolina: South Carolina Court Administration
Clary, Gary E. & Walter M. Bailey, Jr. 2001. The South Carolina Capital Trial, Columbia: South Carolina Bar CLE Division
Clary, Gary E., 1999.The Capital Trial Bench Book for Circuit Judges, Columbia, South Carolina: South Carolina Court Administration

MEDIATION EXPERIENCE

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

I have actively participated as a lawyer in mediations involving construction, employment (wrongful termination and discrimination), and personal injury.

I have served as a mediator in personal injury, construction and employment cases.

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

Number of mediations conducted: 5 Number of other ADR sessions conducted: 3

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
South Carolina Bar CLE Division	Circuit Court Mediation Certification	8/19-23/2004	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:

Cities in which you are available to conduct mediation:

[x] Columbia [x] Charleston [x] Greenville [x] Florence

Other _____

Fees charged:

Hourly Rate: $ 250.00 Minimum charge each mediation: $ $750.00

How do you bill for travel? (explain): No charge for travel in Upstate (within 50 miles of Greenville) and for travel outside of general Greenville area, I will charge mileage at the prevailing IRS mileage rate plus $50.00 per hour.

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: _____ Date: May 7, 2008
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: _____ Date: 5/12/08
ADR Program

Approved: _____ Date: 5/12/08
U.S. District Judge

3/2000