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: Osborne Eugene Powell, Jr.

Firm or Office Name: Of Counsel, Bluestein, Nichols, Thompson & Delgado, LLC

Office Address: 1614 Taylor Street, PO Box 7965, Columbia, SC 29202

Office Phone: 803-779-8995 Office Fax: 803-779-8995

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ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 09/02/1965 I.D. No.: 3135

Date admitted to the South Carolina Bar: 09/02/1965 Bar No.: 004520

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

Membership and positions held in bar, ADR and professional associations: SC Bar, Richland County Bar, AHLA, NOVA, SCAJ, American Legion, AUSA, Bd Dir SC Youth ChalleNGe Academy, volunteer USO (SC).

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 1965 Law School University of South Carolina School of Law

Other professional degrees received (including year and school)

Diploma, US Army War College, 07/1984; candidate for the Professional Certificate in Dispute Resolution Skills with the National Judicial College; Medicare Set-Aside Consultant-Certified, International Commission on Health Care Certification, 02/2010.

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:

Retired as a Federal Administrative Law Judge, ODAR, SSA (04/1980-11/2009). Heard and decided tens/thousands of social security disability cases. Special judicial assignments included service as member of the National Medicare Cadre hearing cases involving complex Medicare issues to include numerous statistical sampling overpayment audits with amounts in controversy from $25,000 to $6,000,000; assignment to HEW to hear school discrimination Civil Rights cases; and to hear representative sanction cases filed by Officer of General Counsel, SSA. Prior to appointment as an ALJ, served as a prosecutor and military judge with the US Army; a bank trust officer; and in private civil/criminal practice with trials including medical malpractice, personal injury, construction defects, and murder. As Spartanburg Assistant City Attorney, prosecuted in the city court. As Union County Attorney, successfully defended federal civil rights litigation against the county and instrumental in the approval of home rule under the Voting Rights Act (09/1965-04/1980). Lectured for various colleges/schools, the SC Bar, SC Trial Lawyers, Federal Bar Association, the Association of Administrative Law Judges, served on the faculty for new ALJ training, and served as a discussion leader for the NJC (1965-2009).

Percentage of practice in last 5 years representing plaintiff 0 % or defense 0 %

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

Number of years engaged in active litigation: * * 29½ years Federal Administrative Law as Judge

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
____ Contracts	____ ERISA
____ Environment	____ Wrongful Termination
____ Fraud or Civil RICO	3 Civil Rights in Employment
____ Insurance	____ Other Civil Rights
____ Miller Act	____ Copyrights
1 Personal Injury	____ Patent
____ Product Liability	____ Trademark
2 Other (specify) medical/legal	

Publications:

None

MEDIATION EXPERIENCE

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

Since retirement, I have attended one mediation but conducted none. However, I used alternative dispute techniques to narrow the scope of complex Medicare cases in appeals heard throughout the United States.

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

Certified as South Carolina Circuit Court Mediator, 10/2009.

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

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
The National Judicial College	Mediation for Administrative Law Jdgs	03/18-23/07	Charleston,SC	40.17
The National Judicial College	Dispute Resolution Skills	06/14-18/09	Philadelphia, PA	22.17
The National Judicial College	Administrative Law: Fair Hearings	03/09-19/09	Reno, NV	54.08
SC Bar	SC Mediation Law Supplement	10/09	Columbia, SC DVD	3.00

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:

Serves in the rank of Major General as Commander, Joint Services Detachment, South Carolina Military Department. Active and reserve military service (US Navy and US Army) spanned 35-years and included two active duty tours with the US Army during the Vietnam and Desert Shield/Desert Storm eras. Highlighting service were assignments in the grade of Colonel as SJA, HQ 120th ARCOM; Commander, 12th JAG Detachment (MLC); SJA, US Central Command (Rear Element) and as Acting SJA, US Special Operations Command. Colonel (US Army, Retired). Awards include Legion of Merit/1st OLC; Defense Meritorious Service Medal; Meritorious Service Medal/2nd OLC, Army Commendation Medal/2nd OLC, Joint Meritorious Unit Award, Armed Forces Reserve Medal/Gold Hourglass and "M" Device, the SC State Guard Homeland Achievement Medal, and the State of SC Merit, Commendation, Achievement and Senior Service Ribbons. At the 50th anniversary of the 12th Legal Services Organization, named first officer inductee into its Alumni Hall of Fame.

Cities in which you are available to conduct mediation:

[X] Columbia [X] Charleston [X] Greenville [X] Florence

Other _____

Fees charged:

Hourly Rate: $ 300.00 Minimum charge each mediation: $ 300.00

How do you bill for travel? (explain):
Travel, per diem, & lodging reimbursed at Federal mileage rate

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: 3/11/2010
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: 3/12/10
ADR Program

Approved: _____ Date: 3/15/10
U.S. District Judge

3/2000

Osborne Eugene Powell, Jr.
United States District Court
Application for Mediators – March 11, 2010

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

US Court of Military Appeals	**12/14/1965**
US Tax Court	**11/16/1972**
US Fourth Circuit Court of Appeals	**10/15/1974**
US Supreme Court	**06/17/2002**
US Court of Appeals for the Federal Circuit	**12/16/2009**
US Court of Veterans' Appeals	**01/06/2010.**