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: M. Malissa Burnette

Firm or Office Name: Burnette & Rothstein, P.A.

Office Address: 2322 Devine Street, Columbia, SC 29205

Office Phone: 803-251-0202 Office Fax: 803-251-0222

email address: mmburnette@mindspring.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1978 I.D. No.: 1616

Date admitted to the South Carolina Bar: 1977 Bar No.: 1038

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):
United States Court of Appeals, Fourth Circuit, 1978; United States Supreme Court, 1998

Membership and positions held in bar, ADR and professional associations: SC Bar: Chair, Judicial Qualifications Committee; Chair, Quality of Life Committee;Resolution of Fee Disputes Board; President, SC Women Lawyers Assoc., etc.

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 USC

Other professional degrees received (including year and school)
University of South Carolina - BA 1971

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:

I have practiced extensively in state and federal courts, and before administrative bodies, primarily representing plaintiffs in a wide range of employment-related cases. I also have a smaller practice in Family Court. My employment law practice has a broad scope, including but not limited to, cases involving federal and state statutes, torts, contract law, academic tenure and promotion matters, discrimination, wage payment claims, and constitutional issues. I also teach Continuing Legal Education courses for the SC Bar, the SC Association for Justice and other legal organizations each year, usually in the field of employment law.
Certified Specialist in Employment and Labor Law since 1994.

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 85 % State 15 %

Number of years engaged in active litigation: 28

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

Publications:

Co-author and -editor of all three editions of Labor and Employment Law for South Carolina Lawyers, (S.C. Bar, 1999, 2004 and 2007); Fourth edition of the book will be released Fall 2010; I have presented over forty CLE seminars (with written materials) for the SC Bar and other legal organizations, and have authored several articles for the South Carolina Lawyer. (Copies available)

MEDIATION EXPERIENCE

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

I have mediated approximately 40 cases, primarily in the employment law field. I have arbitrated 2 cases, one in the employment law field and one involving marital property rights.

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

Court of Common Pleas; Family Court

Number of mediations conducted: 40 Number of other ADR sessions conducted: 2

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
SC Bar	Mediation Training	4/22-26/99	Columbia, SC	40.00
SC Bar	SC Circuit Court Arbitration	2/15/2002	Columbia, SC	6.00

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:

Although I primarily represent plaintiffs in employment cases, lawyers representing defendants frequently suggest that I mediate cases. I consider this a compliment in that I hope I am seen as an attorney/mediator who can truly see both sides of a case and assist the parties in reaching an amicable resolution.

Cities in which you are available to conduct mediation:

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

Other Anywhere

Fees charged:

Hourly Rate: $ $250-300 Minimum charge each mediation:$ N/A

How do you bill for travel? (explain):
$200 per hour for actual travel time

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: M. Malissa Burnette Date: 6/14/2010
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: Danny H. Mullis Date: 6/16/10
ADR Program

Approved: Date: 6/16/10
U.S. District Judge

3/2000

BTR

BURNETTE & ROTHSTEIN, P.A.

ATTORNEYS AT LAW

Certified Specialists in Employment and Labor Law

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Also licensed in North Carolina

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Columbia, South Carolina 29205

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June 14, 2010

In addition, please note that my contact information will change to the following as of August 1, 2010, when I become a partner in another law firm:

Callison, Tighe & Robinson, LLC, 1812 Lincoln Street (29201), P.O. Box 1390, Columbia, SC 29202-1390.
Telephone number (803) 404-6900; Fax number (803) 404-6901
Email address mmburnette@callisontighe.com.

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