

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: Theodore DuBose Willard, Jr.

Firm or Office Name: Montgomery Willard, LLC

Office Address: 1002 Calhoun Street  
Columbia, S.C. 20201

Office Phone: (803) 779-3500 Office Fax: (803) 799-2755

E-mail Address: tdw@montgomerywillard.com

**ADMISSIONS AND AFFILIATIONS**

Date admitted to the Bar of the District of South Carolina: June 5, 1990 I.D. No.: 5136

Date admitted to the South Carolina Bar: November 15, 1989 Bar No.: 12816

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):  
Fourth Circuit Court of Appeals 8/15/97; United States Supreme Court 5/16/05

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

Member S.C. Bar; Richland County Bar; ABA, Tort and Insurance Practice Section; DRI, Life Health Disability and ERISA Committee

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

Have you, within the last five years, been publicly reprimanded or publicly disciplined for professional conduct?  
 yes  no

Have you, within the last five years, been denied admission to a bar for character or ethical reasons, or been  
disbarred/suspended from the practice of law?  yes  no

**EDUCATION**

Year law degree received 1989 Law School U.S.C. School of Law

Other professional degrees received (including year and school):

N/A

**LEGAL EXPERIENCE (A minimum of five years of law practice required)**

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:

Have been lead counsel in hundreds of cases involving ERISA benefits litigation, insurance bad faith and business litigation, including, but not limited to, class actions and appeals. Have taught CLEs on issues involving ERISA benefits litigation and insurance bad faith.

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

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

Number of years engaged in active litigation: 25

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**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"/> Contracts                             | <input checked="" type="checkbox"/> ERISA               |
| <input type="checkbox"/> Environment                                      | <input type="checkbox"/> Wrongful Termination           |
| <input checked="" type="checkbox"/> Fraud or Civil RICO                   | <input type="checkbox"/> Civil Rights in Employment     |
| <input checked="" type="checkbox"/> Insurance                             | <input type="checkbox"/> Other Civil Rights             |
| <input type="checkbox"/> Miller Act                                       | <input type="checkbox"/> Copyrights                     |
| <input type="checkbox"/> Personal Injury                                  | <input type="checkbox"/> Patent                         |
| <input type="checkbox"/> Product Liability                                | <input type="checkbox"/> Trademark                      |
| <input checked="" type="checkbox"/> Other (specify) <u>business torts</u> |   |

Publications: \_\_\_\_\_

Co-author of The Availability of Discovery in Health or Disability Actions Governed by ERISA: Substantive Law and Strategic Considerations ABA Tort and Insurance Practice Section 1999; Co-author Bad Faith Litigation In South Carolina, National Business Institute (December 17, 2005); and Litigating ERISA Claims, National Business Institute (February 25, 2008)

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**MEDIATION EXPERIENCE**

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

Participated in 50+ mediations as counsel for a party. Have acted as an informal mediator at the request of the parties in 5 cases involving either ERISA or bad faith disability insurance claims.

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

N/A

Number of mediations conducted: 5 Number of other ADR sessions conducted: 0

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**MEDIATION AND OTHER ADR TRAINING**

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
S.C. Bar (See Attached)	Civil Court Mediation Training	11/6/14	Columbia, S.C.	40.00

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**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:  
Rated AV by Martindale Hubbell

Cities in which you are available to conduct mediation:

Columbia  Charleston  Greenville  Florence

Other \_\_\_\_\_

Fees charged:

Hourly Rate: \$ 250 Minimum charge each mediation: \$ No Minimum charge

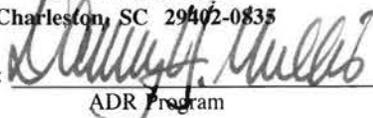
How do you bill for travel? (explain): Half regular hourly rate

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: 11/11/14  
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: 11/14/14  
ADR Program

Approved:  Date: 11/15/14  
U.S. District Judge

# Certificate of Achievement

**Awarded to:**

*Theodore DuBose Willard, Jr.*

*For the successful completion of the approved 40-Hour Civil Court  
Mediation Certification Training Program in Columbia, South Carolina*

*On  
November 6-10, 2014*

*Presented by  
The South Carolina Bar Continuing Legal Education Division*

*Mary L. Bryan*  
\_\_\_\_\_  
Mary L. Bryan  
Trainer

*11/10/14*  
\_\_\_\_\_  
Date

*Harry G. Goodheart III*  
\_\_\_\_\_  
Harry G. Goodheart III  
Trainer

*11-10-14*  
\_\_\_\_\_  
Date

*John T. Burnett*  
\_\_\_\_\_  
John T. Burnett  
S.C. Bar-CLE Director

*11-10-14*  
\_\_\_\_\_  
Date



CONTINUING LEGAL EDUCATION