

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: Cody W. Smith, Jr., Esquire

Firm or Office Name: HOLMES & THOMSON, L.L.P.

Office Address: P. O. Box 858, Charleston, SC 29402-0858

Office Phone: (803) 723-2000 Office Fax: (803) 724-1338

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1972 I.D. No.: 3891

Date admitted to the South Carolina Bar: 1971 Bar No.: 005072

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): U.S. Court of Appeals, Fourth Circuit, 1971; U.S. Supreme Court, 1974

Membership and positions held in bar, ADR and professional associations: Member of Alternative Dispute Resolution Section of the S.C. Bar. American Bar Association Section of Dispute Resolution. (See attached resume for additional organizations and positions).

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 JD-1971 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:
Law clerk to late U.S. District Judge Robert W. Hemphill-1971-72; Adjunct faculty member at the Medical University of South Carolina-1976-1981; Past President of South Carolina Trial Lawyers' Association; Permanent member of the Fourth Circuit Judicial Conference and practiced general civil litigation for the past 23 years with concentration in the areas of personal injury, wrongful death, product liability, medical malpractice, premises liability, contracts and insurance coverage. (See attached resume).

Percentage of practice in last 5 years representing plaintiff 25 % or defense 75 %

Percentage of Federal or State court practice in last 5 years: Federal 20 % State 80 %

Number of years engaged in active litigation: 23

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).

- | | |
|---|--------------------------------------|
| <u>2</u> Admiralty | _____ Security or Shareholders suits |
| _____ Antitrust | _____ Labor |
| <u>1</u> Contracts | _____ ERISA |
| _____ Environment | _____ Wrongful Termination |
| _____ Fraud or Civil RICO | _____ Civil Rights in Employment |
| <u>1</u> Insurance | _____ Other Civil Rights |
| _____ Miller Act | _____ Copyrights |
| <u>1</u> Personal Injury (Med. Malpractice) | _____ Patent |
| <u>1</u> Product Liability | _____ Trademark |
| _____ Other (specify) _____ | |

Publications: Qualification to Act Because of Stock Interest, 22 S.C.L.R. 261 (1970);

The University of South Carolina Law School Corrections Clinic, 23 S.C.L.R. 294 (1971)

Defective Tire, Am. Jur. Proof of Facts, 2d Series (1984).

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I have served as an advocate in mediations involving complex insurance coverage issues and professional negligence issues including alleged attorney malpractice. I have served as a mediator in cases involving property damage allegedly covered by insurance, contractual disputes and and a case involving alleged accounting malpractice.

Other courts or organizations for whom you serve as a mediator: Pro Bono service during

Settlement Week in Beaufort County, South Carolina (1995).

Number of mediations conducted: 3

MEDIATION TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
Dispute Management, Inc.	All aspects of mediation	12/1-12/4/94	Charleston, SC	40

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing mediation conferences in the District of South Carolina? X yes no

Other relevant experience or skills or other information you would like considered in connection with this application:

I practiced law with the firm of Solomon, Kahn, Smith & Baumil for approximately 18 years at which time I primarily represented Plaintiffs (1972-1990). I have practiced law from 1990 to the present with the firm of Holmes & Thomson wherein I primarily represent Defendants. I believe I have excellent representation with both the Plaintiffs' and Defendants' Bars and I believe this experience gives me the additional insight to be an effective mediator.

Cities in which you are available to conduct mediation:

X Columbia X Charleston Greenville X Florence
Other Beaufort, Orangeburg, Myrtle Beach

Fees charged:

Hourly Rate: \$ 150 Minimum charge each mediation: \$ N/A

How do you bill for travel? (explain): Will consider a reduction in hourly rate on a case by case basis.

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; to the Rules on Disciplinary Procedure, 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 Clerk of Court 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 Rody W. Smith, Jr. Date 12/10, 1995
Applicant

Return completed application to:
U.S. District Court
Mediation
1845 Assembly Street
Columbia, SC 29201-2431

Approved: Dennis W. Shedd Date 12/4/95
U.S. District Judge

HOLMES & THOMSON, L.L.P.

CODY W. SMITH, JR.
MEDIATOR

AREAS OF EMPHASIS

Personal Injury, Wrongful Death, Product Liability, Medical Negligence, Premises Liability, Contracts, Insurance Coverage and Mediation

EDUCATION

J.D., University of South Carolina Law School, 1971
B.A., Clemson University, 1967

ADMISSIONS

South Carolina Bar, 1971
U.S. District Court, District of South Carolina, 1972
U.S. Court of Appeals, Fourth Circuit, 1974
U.S. Supreme Court, 1974

ORGANIZATIONS AND POSITIONS

Charleston County, South Carolina and American Bar Associations
Association of Trial Lawyers of America (Board of Governors 1985-1988)
S.C. Trial Lawyers Association (Past President)
S.C. Defense Trial Lawyers Association
Permanent Member of the Fourth Circuit Judicial Conference
American Board of Trial Advocates (Founding Member of Charleston Chapter)
Trial Lawyers for Civil Justice (Founding Sponsor)
Adjunct Faculty Member, Medical University of S.C. (1976-1981)

Liability, Medical Negligence, Premises Liability, Contracts and Insurance Coverage. He has had the unique opportunity during his practice to represent primarily plaintiffs during one time span and primarily defendants during another, which provides additional insight to serve as an effective mediator.

Cody offers mediation services to you and your clients as an alternative means of resolving disputes.

For further information, call (803) 723-2000.

PICTURE

Cody Smith's practice has incorporated mediation services in cases involving civil litigation. Mediation is a process which often resolves disputes in a less costly and less formal atmosphere than trial. Cody is a trained mediator, having completed a rigid forty hour course in mediation skills, and he has served both as an advocate and mediator in alternative dispute settings. He is a member of the Alternative Dispute Resolution Section of the South Carolina Bar, American Bar Association Section of Dispute Resolution and is registered as a mediator with the South Carolina Council for Mediation and Dispute Resolution.

After serving as a law clerk to the late Robert W. Hemphill, United States District Judge, Cody has practiced general civil litigation for the past twenty-three years with concentration in the areas of Personal Injury, Wrongful Death, Products

HOLMES & THOMSON, L.L.P.

200 Meeting Street • P. O. Box 858 • Charleston, SC 29402 • Phone (803) 723-2000 • Fax (803) 724-1338

Cody W. Smith, Jr.

Attorney at Law

P.O. Box 1637

Mt. Pleasant, S.C. 29465

Phone: (843) 216-0600

FAX: (843) 216-0607

1/26/2000

Dear Mr. Probes:

Please note my new address and phone
number as reflected on this letterhead.

Sincerely,
Cody W. Smith, Jr.

cc: Danny H. Mullis