

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: Franklin J. Smith, Jr.

Firm or Office Name: Richardson, Plowden, Carpenter & Robinson

Office Address: Post Office Box 7788  
Columbia, SC 29202

Office Phone: (803) 771-4400 Office Fax: (803) 779-0016

**ADMISSIONS AND AFFILIATIONS**

Date admitted to the Bar of the District of South Carolina: 1984 I.D. No.: 3898

Date admitted to the South Carolina Bar: 1984 Bar No.: 5166

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

Membership and positions held in bar, ADR and professional associations: Member ABA Forum on  
the Construction Industry, American Society of Civil Engineers  
and Systems Builders Association

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 1984 Law School University of South Carolina

Other professional degrees received (including year and school) 1979 BS Civil Engineering  
Clemson University

**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:

My practice is 100% in construction litigation. I represent owners,  
architects/engineers, contractors, subcontractors and suppliers. In  
the last five (5) yeras a large portion of my work has involved extra  
work and delay claims on large bridge projects and defective  
condominum construction.

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

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

Number of years engaged in active litigation: 12

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

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

**MEDIATION EXPERIENCE**

Mediation experience (particularly in the subject matter categories above): I have participated  
as a mediator in approximately ten (10) cases most of these  
were construction related, some were slip-and-fall cases.

Other courts or organizations for whom you serve as a mediator: Resolute Systems of South Carolina  
Inc., Richland County

Number of mediations conducted: approx. 10

**MEDIATION TRAINING**

<u>Course</u> <u>Provider</u>	<u>Course</u> <u>Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of</u> <u>Hours</u>
<u>Dispute Management, Inc.</u>	<u>- Mediation Training -</u>	<u>9/94</u>	<u>- Columbia</u>	<u>- 40hrs.</u>



# SUPPLEMENT

## 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: Franklin J. Smith, Jr.

Firm or Office Name: Richardson, Plowden, Carpenter & Robinson, P.A.

Office Address: Post Office Drawer 7788, Columbia, South Carolina 29202

Office Phone: 803-771-4400 Office Fax: 803-799-7555

email address: FSmith@rperlaw.com

#### ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1984 I.D. No.: 3898

Date admitted to the South Carolina Bar: 1984 Bar No.: 5166

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

Membership and positions held in bar, ADR and professional associations: Chairperson elect for Construction Law Section of South Carolina Bar; Arbitration Panel Member for American Arbitration Association

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 1984 Law School U.S.C.

Other professional degrees received (including year and school) 1979 B.S. Civil Engineering  
Clemson University

#### 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:

My practice is 100% in construction litigation. I represent owners, architects/  
engineers, contractors, subcontractors, and suppliers. In the last five (5)  
years a large portion of my work has involved extra work and delay claims  
on large bridge projects and defective condominium construction.

# SUPPLEMENT

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

Percentage of Federal or State court practice in last 5 years: Federal 5 % State 95 %

Number of years engaged in active litigation: 16

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

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

## MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I have served as a mediator in approximately fifty (50) cases most of these were construction related; a few were slip and fall cases.

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

American Arbitration Association, Richland County

Number of mediations conducted: 50 Number of other ADR sessions conducted: \_\_\_\_\_

## MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
DMI	Mediation Training	9/94	Columbia, SC	40

SUPPLEMENT

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:

Columbia       Charleston       Greenville       Florence

Other \_\_\_\_\_

Fees charged:

Hourly Rate: \$ 165.00      Minimum charge each mediation: \$ 500.00

How do you bill for travel? (explain): Normal hourly rate - \$165.00

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: 6/19/00  
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: \_\_\_\_\_  
ADR Program

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Initially approved by Judge  
J. Anderson 7/11/96