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: Henry B. Smythe, Jr.

Firm or Office Name: Buist, Moore, Smythe & McGee, P.A.

Office Address: Five Exchange Street, P.O. Box 999, Charleston, SC 29402

Office Phone: (803) 722-3400 Office Fax: (803) 723-7398

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: _____ I.D. No.: 4226

Date admitted to the South Carolina Bar: 1976 Bar No.: 5215

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: Board of Directors-Charleston County Public Defenders Corp. (1982-1991): see attached...

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

Are you currently the subject of any pending disciplinary proceeding in any jurisdiction? ____ yes XX 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 XX no

EDUCATION

Year law degree received 1976 Law School University of Virginia

Yale, B.A. 1970

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:

Civil practice, emphasis on litigation since 1976. Specializing in commercial litigation, product liability and other tort litigation.

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 65 % State 35 %

Number of years engaged in active litigation: 19

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
- ____ Antitrust
- x Contracts
- ____ Environment
- ____ Fraud or Civil RICO
- x Insurance
- ____ Miller Act
- x Personal Injury
- x Product Liability
- ____ Other (specify)____
- ____ Security or Shareholders suits
- ____ Labor
- ____ ERISA
- x Wrongful Termination
- ____ Civil Rights in Employment
- ____ Other Civil Rights
- ____ Copyrights
- ____ Patent
- ____ Trademark

Publications:

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): Involved in numerous mediations as litigant and as mediator over the past few years, particularly in areas of product liability, personal injury, contracts, and division of real property.

Other courts or organizations for whom you serve as a mediator: Resolute Systems of South Carolina, LLC

Number of mediations conducted: 6

MEDIATION TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
Academy of Dispute Resolution		July 8-11, 1995	Charleston	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 feel that my extensive involvement in all types of litigation and my mediation training make me an excellent candidate to be a mediator.

Cities in which you are available to conduct mediation:

✓ Columbia ✓ Charleston ___ Greenville ✓ Florence

Other_____

Fees charged:

Hourly Rate: $150 Minimum charge each mediation: $ no minimum

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

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 [signature] Date 08 30, 1995
Applicant

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

Approved: [signature] Date 11/3/95
U.S. District Judge

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: Henry B. Smythe, Jr.

Firm or Office Name: Buist, Moore, Smythe & McGee, P.A.

Office Address: 5 Exchange Street (29401)
P. O. Box 999, Charleston, SC 29402

Office Phone: 843-722-3400 Office Fax: 843-723-7398

email address: hsmythe@bmsmlaw.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1977 I.D. No.: 5215

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

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

Membership and positions held in bar, ADR and professional associations: ____
See attached resume

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

Are you currently the subject of any pending disciplinary proceeding in any jurisdiction? ___ yes X 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 X no

EDUCATION

Year law degree received 1976 Law School University of Virginia

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:
Civil practice, emphasis on litigation since 1976. Specializing in commercial litigation, product liability, and other tort litigation.

SUPPLEMENT

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____ % State____ %

Number of years engaged in active litigation: 24

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

Publications:____

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): Involved in numerous mediations as litigant and as mediator over the past few years, particularly in areas of product liability, personal injury, contracts, and division of real property.

Other courts or organizations for whom you serve as a mediator (please note any certifications): Resolute Systems of SC, LLC

Number of mediations conducted: 16 Number of other ADR sessions conducted: ____

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
ADR		7/8-11/95	Charleston	40

SUPPLEMENT

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution 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 feel that my extensive involvement in all types of litigation and my mediation training make me an excellent candidate to be a mediator.

Cities in which you are available to conduct mediation:

_X_ Columbia _X_ Charleston ___ Greenville _X_ Florence

Other ____

Fees charged:

Hourly Rate: $ 200.00 Minimum charge each mediation: $ No Minimum

How do you bill for travel? (explain): at 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: Henry Hamilton Date: 5/31/00
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: Intially approved by Judge Norton 11/3/95 Date: ____
Judge

3/2000

SUPPLEMENT

Buist, Moore, Smythe & McGee, P.A.
Civil Litigators

HENRY B. SMYTHE, JR.

Areas of Practice:

Product Liability
Commercial and Civil Litigation
Class Actions

Educational Background

College: Yale University, B.A., 1970

Graduate: University of Virginia School of Law, 1976

Professional Background

Buist, Moore, Smythe & McGee, P.A.
Principal, 1981 to Present (Managing Director of the Firm)
Associate, 1976 to 1981

Certified Circuit Court Mediator
Approved Mediator U.S. District Court

Professional Activities

South Carolina Bar
President, 1997-1998
President-Elect, 1996-1997
Treasurer, 1995-1996
Secretary, 1994-1995
Chairman, House of Delegates, 1992-1994
Board of Governors, 1988-1999
Chairman, Practice & Procedure Committee, 1989-1992
Past Chairman, Long Range Planning Committee, 1985-1986
South Carolina Bar Foundation
Vice President, 1991-1992
Board of Directors, 1988-1994
American Bar Association
Member, 1977-Present
District of Columbia Bar Association - member

SUPPLEMENT

Defense Research Institute-Member
Product Liability Advisory Council
American Board of Trial Advocates
Charleston County Public Defender Corporation
Board of Directors, 1982-1991

Community Activities:

Councilmember, Charleston City Council, 1992-1996
The Community Foundation
President, 1988-1991
Board of Directors, 1985-1991; 1999-
Spoleto Festival, U.S.A.
Secretary, 1994-Present
Board of Directors, 1993-Present
Friends of Bermuda Aquarium, Ltd.
Board of Directors, 1999-Present
Trident Urban League
College of Charleston Foundation
Board of Directors,1991-1998
Palmetto Project
Advisory Board, 1992-1996
Hospice of Charleston, Inc.
Board of Directors, Past member
Town Attorney, Town of Sullivan's Island, 1977-1978
Leadership South Carolina, Class of 1982

Reported Decisions

Garvin v. Alumax of South Carolina, Inc., 787 F.2d 910 (4th Cir. 1986). BMSM represented Alumax. The Fourth Circuit held that Alumax, as a statutory employer, was immune from the longshoreman's common-law tort claim. BMSM Attorneys: Henry B. Smythe, Jr., David B. McCormack.

International Paper Company v. Century Contractors, Inc., 892 F.2d 74 (Table) (4th Cir. 1989) (Unpublished disposition, full text available 1989 WL 152507). BMSM represented Century Contractors, Inc. on brief. The Fourth Circuit affirmed the district court's ruling that International Paper and Industrial Risk Insurers, Inc. could not recover because they had contractually assumed the risk of fire loss. BMSM Attorneys: Henry B. Smythe, Jr.

SUPPLEMENT

Branning v. Morgan Guaranty Trust Co. of New York, 739 F.Supp. 1056 (D.S.C. 1990). BMSM represented Morgan Guaranty Trust. The district court entered summary judgment for defendants in alleged bank fraud matter on several legal grounds including the preclusive effect of prior adjudications in related cases. BMSM Attorneys: Henry B. Smythe, Jr., David M. Collins

Lindsey v. South Carolina Tax Commission, 395 S.E.2d 184 (S.C. 1990). BMSM represented for Defendant Commonwealth II in a successful effort to change the assessment on an unfinished subdivision. BMSM Attorneys: Henry B. Smythe, Jr.

Mobay Chemical Corp. v. City of Goose Creek, 299 S.E.2d 486 (S.C. 1983). BMSM represented respondents DuPont and General Dynamics in an appeal from an order enjoining the city from annexing the Bushy Park Industrial Park. DuPont and General Dynamics persuaded the South Carolina Supreme Court held that the petition for annexation was improper. BMSM Attorneys: David B. McCormack; Henry B. Smythe, Jr..

In re Asbestosis Cases, 266 S.E.2d 773 (S.C. 1980). BMSM represented defendant Armstrong Cork, a distributor supplier of insulation products appealed from denial of its Motion for Change of Venue. Supreme Court held that venue was proper only in county in which distributor supplier had its only place of business. Adverse ruling for appellant. BMSM Attorneys: Joseph H. McGee, Henry B. Smythe, Jr.

Personal:

Born in Charleston, South Carolina in 1948
Married, three children