

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: James M. Brailsford, III  
Firm or Office Name: James M. Brailsford, III, Attorney at Law  
Office Address: 7805 Russell Creek Road  
Edisto Island, South Carolina 29438  
Office Phone: 843-869-9024 Office Fax: 843-869-9077  
email address: jbrailsford@mindspring.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1988 I.D. No.: 1448  
Date admitted to the South Carolina Bar: 1988 Bar No.: 651  
Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): Fourth Circuit Court of Appeals 1974; DC Court of Appeals 1990; U.S. Claims Court 1991; U.S. Supreme Court 1994  
Memberships and positions held in bar, ADR and professional associations: See resume attached to original application

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 1988 Law School University of South Carolina  
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:  
See original application of 7/21/1987 and first supplement of 2/16/2000. My litigation experience during the last five years has been primarily representing Plaintiffs in tort litigation and municipalities in utilities litigation. For the 28 previous years it was approximately 70% complex corporate and business litigation representing both Plaintiffs and Defendants and approximately 30% personal injury litigation divided roughly 35% Plaintiffs and 65% Defendants.

Percentage of practice in last 5 years representing plaintiff \_\_\_\_\_% or defense \_\_\_\_\_%

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

Number of years engaged in active litigation: 33

SEE PREVIOUS SECTION

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

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

**MEDIATION EXPERIENCE**

Mediation experience (particularly in the subject matter categories above): \_\_\_\_\_  
See supplement of 2/16/2000

Other courts or organizations for whom you serve as a mediator (please note any certifications):  
Certified Mediator South Carolina Supreme Court

Number of mediations conducted: 80 Number of other ADR sessions conducted: \_\_\_\_\_

**MEDIATION AND OTHER ADR TRAINING**

Course Provider	Course Content	Date	Place	No. of Hours
Harvard Law School	Mediation Training	June 1997	Cambridge, Mass.	40.00
S.C. Bar	Mediation Training	1994	Columbia, S.C.	8.00

**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:  
See original and first supplemental applications.

Cities in which you are available to conduct mediation:

Columbia  Charleston  Greenville  Florence  
Beaufort  
Other \_\_\_\_\_

Fees charged:

Hourly Rate: \$ 180 Minimum charge each mediation: \$ none

How do you bill for travel? (explain): fifty percent (50%) of hourly rate plus mileage

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: James M. Brailford Date: 2-27-03  
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: Initially approved by  
Judge Traxler 9/97 Date: \_\_\_\_\_

James M. Brailsford, III  
Attorney at Law  
240 Brown's River Road  
Lexington, South Carolina 29072

February 16, 2000

Mr. Danny H. Mullis  
ADR Program Director  
United States District Court  
District of South Carolina  
PO Box 835  
Charleston, SC 29402

Re: Mediator information update

Dear Mr. Mullis:

Thank you for your letter of December 27, 1999, furnishing information about the new tracking form and reminding us of the need to update the information furnished to the Court in the original application. **Indeed**, my original information is very much out of date.

My address and telephone numbers have changed to that shown above and below on this correspondence. I will update other information on my original application by reference to the headings on the form. If it would be more convenient for me to submit this update in another way, just let me know.

**Admissions and Affiliations.** Other courts or jurisdictions to which admitted (with dates of admission): United States Court of Appeals for the Fourth Circuit, July 15, 1974; United States Court of Appeals for the District of Columbia Circuit, October 31, 1990; United States Claims Court, June 28, 1991; United States Supreme Court, August 26, 1994.

**Legal Experience.** I served four years of active duty in the Judge Advocate General's Corps of the United States Army, completing my service in the position of Chief of Military Justice for the Fifth United States Army. I commenced private practice with the firm of Robinson McFadden & Moore in Columbia in 1970, where I conducted an active trial practice including business litigation, complex corporate litigation, and tort litigation, in state and federal courts. In the past five years, my practice has primarily involved complex corporate litigation, products liability litigation, municipal utility

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E-mail: jbrailsford@mindspring.com

litigation, appeals, and mediation. I retired from Robinson McFadden & Moore effective September 30, 1999. I now primarily focus my solo practice on mediation and municipal utility law.

Percentage of practice in last 5 years representing plaintiff or defense: Over the past 5 years, my tort practice was approximately equally divided between plaintiff and defense. My most recent major cases involved representation of a defendant bank in a securities case and representation of a plaintiff in a products liability case. Other recent reported cases involved employment law and municipal utility law. Number of years engaged in active litigation: 30.

**Expertise.** In addition to the areas originally indicated, I have expertise in the areas of Labor, Security or Shareholders suits, and Wrongful Termination.

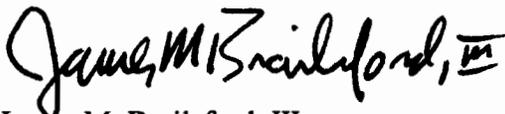
**Mediation Experience.** Since the experience listed on my original application, I have continued to mediate cases as a mediator and as an attorney. Other courts: I am certified as a mediator by the South Carolina Supreme Court, and I am actively involved in state court mediations. U.S Department of Justice: On three occasions I have been selected by the U.S. Department of Justice to act as a mediator in the Alternative Dispute Resolution Training Program at the National Advocacy Center in Columbia. This consisted of mediating cases as mediation training for Assistant United States Attorneys from throughout the United States. In addition, I recently served as a special referee in an employment case by appointment of the United States District Court for the District of South Carolina, Columbia Division, and as a hearing officer by appointment of the South Carolina Department of Transportation. Number of mediations conducted: Approximately 30.

**Mediation Training.** No change from original application.

**Other Information:** Fees charged: Hourly Rate: \$150. Travel time: 50% of hourly rate plus mileage. Cities in which available: I am available to conduct mediations statewide, primarily Columbia, Charleston, Greenville, Florence, Beaufort, Rock Hill, and Aiken.

If you need additional information, or need me to submit this update in a different format, please let me know.

Yours sincerely,



James M. Brailsford, III

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: James M. Brailsford, III

Firm or Office Name: Robinson, McFadden & Moore, P.C.

Office Address: 1901 Main Street, Suite 1500 NationsBank Plaza, Columbia, SC 29202

Office Phone: (803) 779-8900 Office Fax: (803) 252-0723

**ADMISSION AND AFFILIATIONS**

Date admitted to the Bar of the District of South Carolina: 1966 I.D. No.: 1448

Date admitted to the South Carolina Bar: 1966 Bar No.: 851

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): United States Claims Court,

June 28, 1991 (no number); appellate courts

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?  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 1966 Law School University of South Carolina

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:

Four years service in the Judge Advocate General's Corp of the United States Army as trial counsel; defense counsel; legal assistance officer, Special Court Martial Military Judge; and Chief of Military Justice for the Fifth United States Army. After leaving active duty and commencing private practice in 1970, I have been involved in an active trial practice including a substantial amount of business litigation, complex corporate litigation, tort litigation and appeals. In the past five years my practice has primarily involved complex corporate litigation, products liability trials and appeals, municipal utility litigation, and most aspects of a general legal practice excepting domestic law, criminal law, and workers compensation.

Percentage of practice in last 5 years representing plaintiff 45 % or defense 55 %

Percentage of Federal or State court practice in last 5 years: Federal 70 % State 30 %

Number of years engaged in active litigation: 27

### 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>2</u> Antitrust	<u>  </u> Labor
<u>1</u> Contracts	<u>  </u> ERISA
<u>  </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>  </u> Miller Act	<u>2</u> Copyrights
<u>2</u> Personal Injury	<u>2</u> Patent
<u>1</u> Product Liability	<u>2</u> Trademark
<u>  </u> Other(specify) _____	

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

### MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I have mediated cases in the Richland County Pilot Settlement Week Program. I have also been selected as a mediator by attorneys for parties in State Court on five or six occasions. I have participated in mediation of cases as an attorney for a party on five or six occasions.

Other courts or organization for whom you serve as a mediator: I am applying for certification as a mediator in State Court.

Number of mediations conducted: Five

### MEDIATION TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
<u>SC Bar</u>	<u>Mediation Training</u>	<u>Approximately 1994</u>	<u>SC Bar Headquarters</u>	<u>8</u>
<u>Harvard Law School</u>	<u>Mediation Workshop</u>	<u>6-9-97/6-13-97</u>	<u>Cambridge, Mass</u>	<u>40</u>

**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:~~

~~See attached resume.~~

Cities in which you are available to conduct mediation:

   X Columbia    X Charleston       Greenville       Florence

Other    Beaufort   

Fees charged:

Hourly Rate: \$   180.00   Minimum charge each mediation: \$   None  

How do you bill for travel? (explain):   Fifty percent (50%) of hourly rate for travel time.  

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   James M. Brankford, III   Date   7-21-97    
Applicant

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

Approved:   William B. Crayton, Jr.   Date   9-27-97    
U.S. District Judge

**JAMES M. BRAILSFORD, III**  
**Robinson, McFadden & Moore, P.C.**  
**Post Office Box 944**  
**Columbia, South Carolina 29202**  
**(803) 779-8900**  
**Telecopier: (803) 252-0724**

**BACKGROUND:**

Born Orangeburg, South Carolina, April 18, 1941. Preparatory education, The Citadel (A.B. English, 1963); legal education, University of South Carolina (J.D., 1966). Fraternity: Phi Delta Phi. Member: Richland County and American Bar Associations; South Carolina Bar; Defense Research Institute; South Carolina Defense Trial Attorneys Association. [Capt., JAGC, U.S. Army, 1966-1970].

**PRACTICE:**

Admitted South Carolina Bar 1966; also admitted United States District Court for the District of South Carolina; Fourth Circuit Court of Appeals; United States Claims Court; and United States Supreme Court. Active trial and appellate practice in all state and federal courts with emphasis on corporate and commercial litigation, municipal utility law, and communications law.

**PROFESSIONAL ACCOMPLISHMENTS AND AWARDS:**

Charter Class, National Institute for Trial Advocacy, Boulder, Colorado.  
1994 Recipient of THE COMPLEAT LAWYER AWARD, presented by the Dean of the School of Law of the University of South Carolina and the Chief Justice of the South Carolina Supreme Court  
Listed in The Best Lawyers in America and Who's Who.

**PROFESSIONAL SERVICE:**

South Carolina Bar Foundation, 1988-1992; President, 1992  
South Carolina Commission on Continuing Lawyer Competence, 1980-83; Chairman, 1983

**South Carolina Bar**

President, Young Lawyers Section, 1975-1976  
House of Delegates, 1975-Present  
Board of Governors, 1976-1977  
Chairman, Judicial Modernization Committee, 1985-1988  
Chairman, Trial and Appellate Practice Committee, 1988-1989

American Bar Association

Litigation Section  
Forum on Communications Law

OTHER:

~~Director, South Carolina Philharmonic Orchestra~~  
Director, Trustus Theater  
Director, Workshop Theater of South Carolina  
Clariosophic Literary Society  
River Ratz Dixieland Jazz Band  
Managing Partner, Robinson, McFadden & Moore 1985-Present.