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: Frank H. Gibbes, III

Firm or Office Name: Gibbes Burton, LLC

Office Address: 200 Whitsett Street, Suite A, Post Office Box 10228, Greenville, SC 29603

Office Phone: (864) 250-9530 Office Fax: (864) 250-9531

email address: fgibbes@gibbesburton.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1971 I.D. No.: 2084

Date admitted to the South Carolina Bar: 1971 Bar No.: 2416

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): None

Membership and positions held in bar, ADR and professional associations: Past President, South Carolina Defense Trial Attorney's Association; Past President, Greenville County Bar Association; Member, South Carolina Supreme Court Circuit Court Rules Committee.

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 1971 Law School U.S.C. Law School

Other professional degrees received (including year and school) Davidson College, BA, 1966

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:
I have practiced law for the past twenty-nine (29) years. My practice has primarily been a trial practice focused on handling and trying complex cases. Most of the cases I have tried have fallen in the following practice areas: design and construction; commercial; healthcare and ERISA; employment; and products liability. I have tried more than 125 cases including jury trials, non-jury trials, and arbitration hearings.

Percentage of practice in last 5 years representing plaintiff 5 % or defense 95 %

Percentage of Federal or State court practice in last 5 years: Federal 65 % State 35 %

Number of years engaged in active litigation: 29 years

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
2	Contracts	1	ERISA
	Environment	2	Wrongful Termination
	Fraud or Civil RICO	2	Civil Rights in Employment
	Insurance		Other Civil Rights
	Miller Act		Copyrights
	Personal Injury		Patent
2	Product Liability		Trademark
1	Other (specify) : Design and Construction		

Publications:

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I received my certification as a mediator from the South Carolina Circuit Court on October 6, 2000. Since that time I have conducted one mediation - a commercial dispute involving claims in excess of $500,000 which we resolved through the mediation process. Over the past 5-10 years, I have served as counsel for parties involved in mediation of complex disputes on 15 or 20 separate occasions. These have included multi-million dollar disputes in the following areas: design and construction, commercial, and products liability.

Other courts or organizations for whom you serve as a mediator (please note any certifications): I am certified as a mediator by the South Carolina Circuit Court

Number of mediations conducted: 1 Number of other ADR sessions conducted: 0

MEDIATION AND OTHER ADR TRAINING

Course Provider	Content	Course Date	Place	No. of Hours
South Carolina Council for Conflict Resolution	Mediation Training	July 10-14, 2001	Columbia, SC	40

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 attached resume

Cities in which you are available to conduct mediation:

✓ Columbia ✓ Charleston ✓ Greenville ✓ Florence

Other All cities in South Carolina

Fees charged:

Hourly Rate: $____ Minimum charge each mediation: $ See attached

How do you bill for travel? (explain): See attached

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: [signature] Date: 1.25.01
Applicant

Return Completed application:
Danny H. Mullis, Director
Alternative Dispute Resolution Program
Unites States District Court
Post Office Box 835
Charleston, South Carolina 29402-0835

Reviewed: [signature] Date: 1/29/01
ADR Program

Approved: [signature] Date: 1/29/01
U.S. District Judge

3/2/00

MEDIATOR'S RESUME

FRANK H. GIBBES, III
Gibbes Burton, LLC
Post Office Box 10228
Greenville, South Carolina 29603
(864) 250-9530
(864) 250-9531 (facsimile)
Email: Fgibbes@gibbesburton.com

College: Davidson College (AB 1966)

Military: United States Army - Infantry (1st Lieutenant - 1966-1968; Captain - USAR 1968-1974)

Law School: University of South Carolina (JD *cum laude* 1971)

Editor-in-Chief, South Carolina Law Review (1970)
Member, Phi Delta Phi
Member, Order of the Wig and Robe

Associations: Greenville County Bar Association, President 1999
South Carolina Bar Association
American Bar Association
Member, Forum on the Construction Industry

Professional: South Carolina Defense Trial Attorneys' Association, President, 1988-89
Federation of Insurance and Corporate Counsel
Member, Construction Law Section
Member, Products Liability Section
Defense Research Institute
National Association of Railroad Trial Counsel

Court: Member, South Carolina Supreme Court Circuit Court Rules Committee (1983-present)

Honors: Listed in The Best Lawyers in America since 1991

SCHEDULE OF MEDIATOR'S FEES AND EXPENSES

FRANK H. GIBBES, III

Matter:

Attorneys:

1. Mediator's Fees.

a. Applicable Hourly Rate:

Number of Parties	Hourly Rate
2	$100 each
3	$70 each
4	$55 each
5 or more	$50 each

b. Billable Time. Includes time spent in preparation (review of submittals by parties), pre-mediation planning sessions, conference calls, mediation sessions, travel, post-mediation reports, and other activities required by court or agreement of the parties.

c. Minimum Charge –Mediation Session: Four hours for conduct of actual mediation session.

d. Cancellation Charge.

Cancellation Date	Cancellation Charge
More than 7 days before scheduled date	$-0-
7 or less days before scheduled date	$250

2. Expenses

a. Mileage. $.325 a mile.

b. Out of Pocket. Actual cost.

c. Administrative Charge. $20 per party.