

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: Richard E. Miley

Firm or Office Name: Richard E. Miley, Attorney at Law, PA

Office Address: 206 Jackson Ave., North Augusta, South Carolina 29841

Office Phone: 803-279-9516 Office Fax: 803-279-9529

email address: remiley@juno.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1975 I.D. No.: 3127

Date admitted to the South Carolina Bar: 1974 Bar No.: 003973

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): S-D Georgia (1975), Court of Federal Claims (1998), U.S. Supreme Court (1998), Courts of Appeals for 4th and 11th Circuits

Membership and positions held in bar, ADR and professional associations: S.C. Bar, Georgia Bar, ABA

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 1973 Law School Emory University Law School

Other professional degrees received (including year and school) None

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:

- 1) Litigation practice with Nixon, Yow, Waller & Capers, Augusta, Georgia 1975-1992 (Partner)
- 2) Litigation practice as Richard E. Miley, Attorney at Law, PA 1992-to-date (sole practice)
- 3) Instructor, Augusta Law School 1977-1980

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

Percentage of Federal or State court practice in last 5 years: Federal 50 % State 50 %

Number of years engaged in active litigation: 26

**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
- 1 Contracts
- Environment
- 1 Fraud or Civil RICO
- Insurance
- Miller Act
- Personal Injury
- Product Liability
- 2 Other (specify) construction disputes
- Security or Shareholders suits
- Labor
- ERISA
- Wrongful Termination
- 2 Civil Rights in Employment
- Other Civil Rights
- Copyrights
- Patent
- Trademark

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

**MEDIATION EXPERIENCE**

Mediation experience (particularly in the subject matter categories above): \_\_\_\_\_

I have served as mediator in at least 10 different cases, including contract disputes, personal injury cases, and family court matters.

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

Circuit Court- Charleston County - SC Certified Circuit Court Arbitrator & Mediator  
Family Court - Charleston County - SC Certified Family Court Mediator

Number of mediations conducted: 10 Number of other ADR sessions conducted: 5\*

**MEDIATION AND OTHER ADR TRAINING**

Course Provider	Course Content	Date	Place	No. of Hours
Dispute Management, Inc.	civil case mediation	3/4-7/95	Columbia, SC	40
Dispute Management, Inc.	family mediation	5/18-21/2000	Orlando, FL	40
SC Bar	arbitration seminar	5/3/96	Charlotte, NC	7

\* Arbitrations

**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:

- 1) I have participated in approximately 25 mediations as attorney for a party.
- 2) I have served as a Special Referee for Circuit Court for Aiken County.
- 3) I am certified in S.C. as a Circuit Court Arbitrator.

Cities in which you are available to conduct mediation:

Columbia       Charleston       Greenville       Florence  
Other Aiken, Greenwood

Fees charged:

Hourly Rate: \$ 150.00      Minimum charge each mediation: \$ Non-refundable deposit of \$50.00  
per party  
How do you bill for travel? (explain): No charge for cities listed above.

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: Richard E. Foley      Date: 12-26-01  
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 by: Danny H. Mullis      Date: 1/3/02  
ADRP Program

Approved: [Signature]      Date: 1/3/02  
U.S. District Judge

Email: remiley@juno.com

RÉSUMÉ

**RICHARD EDWIN MILEY**  
206 JACKSON AVENUE  
NORTH AUGUSTA, SOUTH CAROLINA 29841

Office: same as above

Date of Birth: January 28, 1945  
Social Security Number: 247-74-2205

Educational Background:

1963-67: Clemson University - Bachelor of Arts  
1967-71: Captain United States Army  
1968-69: Vietnam Veteran  
1971-73: Emory Law School - Juris Doctor  
1974-75: Law Clerk for United States District Judge, Anthony A. Alaimo in Brunswick, Georgia  
1975-92: Nixon, Yow, Waller & Capers, Augusta, Georgia, partner  
1992-present: Richard E. Miley, Attorney at Law, PA

Bar Admissions:

South Carolina Bar - all courts, 1974 License #003973  
United States Court for District of South Carolina - 1975  
Fourth Circuit Court of Appeals

Georgia Bar - all courts, 1975 License # 505850  
United States District Court for Southern District of Georgia - 1975  
United States Supreme Court - 1998

Other Courts

Supreme Court of the United States - 1998  
United States Court of Federal Claims - 1998  
Eleventh Circuit Court of Appeals  
Federal Circuit Court of Appeals

**Richard E. Miley**  
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**Practice Areas and Experience:**

**1975-92: Nixon, Yow, Waller & Capers**

**Banking law and collections, First Union National Bank of Georgia formerly Georgia Railroad Bank and Trust Company  
Bankers First Savings Bank, FSB now SouthTrust Bank  
Insurance Defense-CNA Insurance**

**1992 - present: Richard E. Miley, Attorney at Law, PA**

**General Practice- some personal injury cases and general collection cases  
Defense of miscellaneous cases, principally business disputes  
Plaintiff's cases under the federal False Claims Act  
Construction contract disputes**

**Computer Skills:**

**Wordperfect 6.1  
Internet  
Quicken (moderate experience)**

**Library access:**

**"In attorney's office": West cd rom: South Carolina code and cases  
Richmond County Law Library, Augusta, Georgia:  
entire West Regional Court Reporter System, including US Supreme Court and all Federal cases  
SC Encyclopedia of Law  
Good selection of Georgia Law Treatises  
Uniform Commercial Code Reporting Service (complete)**

**References:**

**(Attorneys on opposing cases):**

**Clarke W. McCants, III, Esquire, Aiken, SC  
James D. Bailey, Esquire, Aiken, SC  
Timothy F. Mirshak, Esquire, Augusta, GA**