

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: Lawrence C. Melton

Firm or Office Name: Nexsen Pruet Adams Kleemeier, LLC

Office Address: 1441 Main Street, Suite 1500 (29201), Post Office Drawer 2426, Columbia, SC 29202

Office Phone: 803-253-8290 Office Fax: 803-540-2103

email address: lmelton@nexsenpruet.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1998 I.D. No.: 7730

Date admitted to the South Carolina Bar: May 1998 Bar No.: 15473

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): Virginia State Bar, 6/7/76,
Virginia Bar No. 15901; District of Columbia, 8/22/77, D.C. Bar No. 932533

Membership and positions held in bar, ADR and professional associations: District of Columbia Bar; Virginia State Bar;
South Carolina Bar; ABA Forum on the Construction Industry; Federal Bar Assoc.; ABA Sections on Public Contracts & Litigation

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 1976 Law School Washington & Lee University School of Law

Other professional degrees received (including year and school) _____

M. Phil., University of London, School of Oriental & African Studies, 1973
B.A., Tulane University, 1970

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:

Adjunct Professional (Construction Litigation), University of South Carolina School of Law, 1998-present.

Nexsen Pruet Adams Kleemeier, LLC, Columbia, South Carolina. 2002 – present.

Bastianelli, Brown & Kelley, Chtd., Washington, D.C., 1983 – 2002.

Watt, Tieder, Killian & Hoffar, Washington, D.C., 1979 – 1983.

Sundlun, Scher & Singer, Washington, D.C., 1977 – 1979.

Law Clerk, Chief Justice Lawrence W. L'Anson, Virginia Supreme Court, Portsmouth, Virginia, 1976 – 1977.

Percentage of practice in last 5 years representing plaintiff 50 % or defense 50 %

Percentage of Federal or State court practice in last 5 years: Federal 60 % State 40 %

Number of years engaged in active litigation: 29

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).

<input type="checkbox"/> Admiralty	<input type="checkbox"/> Security or Shareholders suits
<input type="checkbox"/> Antitrust	<input type="checkbox"/> Labor
<input checked="" type="checkbox"/> Contracts	<input type="checkbox"/> ERISA
<input type="checkbox"/> Environment	<input type="checkbox"/> Wrongful Termination
<input type="checkbox"/> Fraud or Civil RICO	<input type="checkbox"/> Civil Rights in Employment
<input type="checkbox"/> Insurance	<input type="checkbox"/> Other Civil Rights
<input checked="" type="checkbox"/> Miller Act	<input type="checkbox"/> Copyrights
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Patent
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Trademark
<input checked="" type="checkbox"/> Other (specify) <u>Construction</u>	

Publications: _____

See attached resume.

MEDIATION EXPERIENCE

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

I have participated in the mediation of approximately 15 large construction disputes over the last 29 years.

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

Number of mediations conducted: _____ 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>
South Carolina Bar CLE	Civil Court Mediation Training	8/11-15/05	S.C. Bar, Columbia, SC	40.00

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:

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence

Other _____

Fees charged:

Hourly Rate: \$ 300.00 Minimum charge each mediation: \$ None

How do you bill for travel? (explain):

Actual cost or per diem depending on the parties' preference.

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: 8/30/05
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:  _____
U.S. District Judge

LAWRENCE CALDWELL MELTON

ADDRESSES:

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Columbia, South Carolina 29205
(803) 252-5390



PERSONAL:

Born April 8, 1948, Marlinton, West Virginia. Married. Two sons.

EDUCATION:

J.D., Washington & Lee University School of Law, 1976. Note & Comment Editor, *Wash. & Lee Law Review*. Publications: Fourth Circuit Review (Criminal Procedure), 32 *Wash. & Lee L. Rev.* 468 (1975); Note, "The Jurisdictional Requirements of Robinson-Patman Act § 2(a) Clarified: *Gulf Oil Corp. v. Copp Paving Co., Inc.*," 32 *Wash. & Lee L. Rev.* 181 (1976).

M. Phil., University of London, School of Oriental & African Studies, 1973.

B.A., Tulane University, 1970.

BAR MEMBERSHIP:

Admitted to practice: Virginia State Bar, 1976; District of Columbia Bar, 1978, South Carolina Bar, 1998. Member of the ABA Forum on the Construction Industry, Federal Bar Association, ABA sections on Public Contracts and Litigation.

LEGAL EXPERIENCE:

Adjunct Professor (Construction Litigation), University of South Carolina School of Law, 1998 – present.

Nexsen Pruet Adams Kleemeier, LLC, Columbia, South Carolina. 2002 – present. Nexsen Pruet is a 200+ attorney firm with offices in Columbia, Charleston, Greenville, Myrtle Beach, Hilton Head, S.C. and Charlotte and Greensboro, N.C. The firm specializes in all aspects of business law, commercial litigation and has an active and expanding construction practice throughout the Southeast.

Bastianelli, Brown & Kelley, Chtd., Washington, D.C., 1983 – 2002.

Watt, Tieder, Killian & Hoffar, Washington, D.C., 1979 – 1983.

Sundlun, Scher & Singer, Washington, D.C., 1977 – 1979.

Law Clerk, Chief Justice Lawrence W. I'Anson, Virginia Supreme Court, Portsmouth, Virginia, 1976 – 1977.

Since 1983 my practice has focused on construction and government contract litigation. Clients have included aerospace, communications, computer, and environmental restoration companies as well as heavy construction contractors, sureties, architect/engineers and mechanical and electrical subcontractors.

Major construction projects: NBC Tall Tower collapse (Orlando, Fla.), the Washington and Baltimore Metro systems, Miami People Mover, National Airport (D.C.), Horse Creek Wastewater Treatment Plant, Chesapeake-Elizabeth Wastewater Treatment Plant, Russell Dam, Walter F. George Dam (slurry wall enhancement), Rockingham County Sanitary Landfill, Weapons Storage & Security System (WS3), Naval Weapons Research Laboratory, U.S. Army Night Vision Laboratory, Central Artery/Tunnel Project (Boston), Pentagon Renovation, Tripler Army Hospital (Hawaii), Bon Secours St. Francis Xavier Hospital (Charleston S.C.), Conway Hospital (Conway, S.C.), Deephead Swash-Stormwater Ocean Outfall (City of Myrtle Beach, S.C) (horizontal directional drilling).

Major federal procurement claims: Oak Forest v. United States (U.S. Court of Claims/Inverse Condemnation); Appeal of Boeing Military Aircraft Corp. (KC-135/APU ASBCA); Walter Reed Army Hospital (Enlisted Men's Open Mess Renovation); U.S. Marine Corps Base, Quantico, Virginia (OCS Mess Renovation), Ft. Belvoir Officer's Club Renovation (slope stabilization), Appeal of McDonald Douglas Corp. (GAO bid protest/Tomahawk Single-up); Appeal of Unisys Corp. (ASBCA/ Phase 4 follow-on; MATCALs; AEGIS Radar follow-on contract); Contel Federal Systems (AUTODIN-II T/C appeal); Appeal of Bechtel National, Inc./GTE Federal Systems (WS3).

PUBLICATIONS:

Co-author, with Brian A. Autry, "Beyond His Power To Build It: Who's to Blame for the Over-Budget Project?," *The Construction Lawyer*, Winter, 2005.

South Carolina Construction Law, HLK Global Communications, Inc. (publication June 2005).

Co-author, with John Davidson, Chapter 43, "South Carolina," Michael Dodd (ed.), *State-By-State Analysis of Legal Issues Affecting Architects, Engineers, Contractors and Owners (From A Contracting and Claims Perspective)*, 2005 (expected date of publication).

2004 update, Chapter 43, "South Carolina," Stephen G. Walker, Richard A. Holderness, Stephen D. Butler (eds.), *State-By-State Guide to Architect, Engineer, and Contractor Licensing*, 2004.

"Contingent Payment Clauses: Can they protect the architect from default by the Owner?," *AIA SC Newsletter*, December, 2001.

"It's Not Over Until It's Over: Time Limitations on Civil Actions Against Design Professionals," *AIA SC Newsletter*, 2d Quarter, 2001.

Book Review, *Construction Damages and Remedies*, *The Construction Lawyer*, Spring 2004.

"Pass Through Claims and the Severin Doctrine," *4 News & Notes: A periodic report to members of the South Carolina Bar's Construction Law Section*, Summer 2003.

Book Review, *The Public Construction Law Source Book*, *The Construction Lawyer*, Summer 2003.

Book Review, *Sticks & Bricks: A Practical Guide to Construction Systems and Technology*, *The Construction Lawyer*, Winter 2002.

Book Review with Pamela Rogers Melton, *A Practitioner's Guide to Construction Law*, *20 Legal Information Alert* 8 (April 2001).

"Common Sense About Home Office Overhead," *Construction Claims Monthly*, May 1985 (Part I) and June 1985 (Part II).

COURSES, SEMINARS AND LECTURES:

"Construction Litigation," University of South Carolina School of Law (taught annually since 1998).

"Key Issues in Subcontracts," ABA Forum on the Construction Industry, New York, January 2006.

"AIA Contracts In South Carolina," Lorman Education Services, December, 2005.

"Key Issues In Subcontracts," *The Fundamentals of Construction Contracts* (Lorman, Charlotte, N.C. July 26, 2005).

"2005 Revisions to the South Carolina Statute of Repose," In-house NP seminar (SC CLE credit).

“AIA Contracts In South Carolina,” Lorman Education Services, December 17, 2004.

“Getting The Designer Out of the Ivory Tower,” presented with Steven Hedges, Esq., Robert P. Hammell, FAIA (Skidmore, Owings & Merrill, LLP) and Mr. David Pearson (Pearson Management Consultants), 2004 *Construction SuperConference*, December 9 – 10, San Francisco, CA.

“Green Roofs and the Law,” presented as part of “Raise the Green Roof: A Green Roof Seminar,” by the USC School of the Environment, September 23, 2004.

“Construction Safety, Claims And Design-Build In North Carolina,” Lorman Education Services, Charlotte, N.C., May 27, 2004.

“Construction Contracting For Public Entities In South Carolina,” Lorman Education Services, May 11, 2004.

“Fundamentals of Construction Law In South Carolina,” Sterling Educational Seminars (SES), February 24, 2004.

“This Old Palace: Managing Change On Complex Projects,” presented with Henry W. Brown, Esq., Mr. David Pearson (Pearson Management Consultants), Robert P. Hammell, FAIA and Craig Hartman, FAIA, (Skidmore, Owings & Merrill, LLP), *Construction SuperConference*, San Francisco, CA, December, 2003.

“The Architect and Claims,” Watson, Tate, Savory Architects, October, 2002, also presented at the 2002 SC AIA Convention.

“Bonds, Liens & Insurance,” Federal Publications, San Diego, California, September, 1988.

“Recovery Against Design Professionals,” CEMC, Washington, D.C., September, 1988.

“Advanced Construction Claims Seminar,” CEMC, Washington, D.C., September 1988.

“Legal Obstacles to Cheaper Tunnels,” US DOT, June, 1981.