

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: Michael M. Beal

Firm or Office Name: McNair Law Firm, P.A.

Office Address: 1221 Main Street (29201)
Post Office Box 11390, Columbia, South Carolina 29211

Office Phone: (803) 753-3209 Office Fax: (803) 753-3278

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ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1986 I.D. No.: 1253

Date admitted to the South Carolina Bar: 1984 Bar No.: 0598

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

1987, U.S. Court of Appeals, Fourth Circuit 1986, U.S. Bankruptcy Court, District of South Carolina
1984, Supreme Court of South Carolina

Membership and positions held in bar, ADR and professional associations:

Turnaround Management Association, Carolinas Chapter; President 2012-2013; Vice-President 2011; Board of Directors
2003-2011 & South Carolina Bankruptcy Law Association, President 2000

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

Have you, within the last five years, been publicly reprimanded or publicly disciplined for professional conduct?
 yes no

Have you, within the last five years, been denied admission to a bar for character or ethical reasons, or been
disbarred/suspended from the practice of law? yes no

EDUCATION

Year law degree received 1984 Law School University of South Carolina

Other professional degrees received (including year and school):

1981, B.S., Business Administration, College of Charleston

LEGAL EXPERIENCE (A minimum of five years of law practice required)

Summarize legal experience (including teaching) since admission to the bar, particularly in the past five years:

Co-counsel to the indenture trustee in the Chapter 9 bankruptcy case and restructuring of a toll road.
Co-counsel to the ad hoc committee of term lenders in the Chapter 11 case of a 215 store grocery chain.
Co-counsel to the major creditor in the Chapter 11 case of a large resort hotel in South Carolina in which many significant reported decisions were issued regarding Chapter 11 confirmation requirements and lease rejection issues.
Debtor's counsel in the Chapter 11 bankruptcy case of a \$200 million national paint sundries distributor.
Debtor's counsel in the Chapter 11 bankruptcy case of a 500 employee, \$225 million steel mill located in Georgetown, SC.
Debtor's counsel in the Georgia Chapter 11 case of a 900 employee, \$150 million paper mill.
Debtor's counsel in the Delaware Chapter 11 case of a regional textile manufacturer which operated plants in five states with approximately 5,000 employees.

Percentage of practice in last 5 years representing plaintiff 60 % or defense 40 %

Percentage of Federal or State court practice in last 5 years: Federal 85 % State 15 %

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).

- | | |
|--|---|
| <input type="checkbox"/> Admiralty | <input type="checkbox"/> Security or Shareholders suits |
| <input type="checkbox"/> Antitrust | <input type="checkbox"/> Labor |
| <u>2</u> <input 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 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 |
| <u>1</u> <input type="checkbox"/> Other (specify) <u>Bankruptcy</u> (Creditor and Debtor Rights/Foreclosure) | |

Publications: _____

MEDIATION EXPERIENCE

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

I served as a mediator in an adversary proceeding in the United States Bankruptcy Court (Hovis v. Roberts, et al., Adversary Proceeding No. 07-80031, 07-80032, 07-80034, 07-80035, 07-80036, 07-80037, 07-80038, 07-80039). This was a complex commercial dispute which was ultimately resolved after mediation. In December 2011, I attended the Inaugural 40 Hour St. John's University School of Law/American Bankruptcy Institute Bankruptcy Mediation Training Program at St. John's University in New York (curriculum attached).

Other courts or organizations for whom you serve as a mediator (please note any certifications):
I served as an arbitrator for the National Arbitration Forum for several years and handled numerous consumer matters.

Number of mediations conducted: 1 Number of other ADR sessions conducted: approximately 15 arbitrations

MEDIATION AND OTHER ADR TRAINING

Course Provider	Course Content	Date	Place	No. of Hours
ABI & St. John's Univ School of Law	Bankruptcy Mediation	12/7-10/2011	St. John's Univ, NY	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:
As a commercial litigation and restructuring professional focused primarily in the bankruptcy and insolvency area, I have over 26 years experience in resolving complex multi-party disputes. I also served as a law clerk to J. Bratton Davis, Chief United States Bankruptcy Judge for two years (1984-1986).

Cities in which you are available to conduct mediation:

Columbia

Charleston

Greenville

Florence

Other _____

Fees charged:

Hourly Rate: \$ 350

Minimum charge each mediation: \$ 1,500.00

How do you bill for travel? (explain): Travel will be billed at \$175 per hour.

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: *Michael M. Beal*
Applicant

Date: November 13, 2012

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: *Danny H. Mullis*
ADR Program

Date: 11/20/12

Approved: *Patricia W. Duffy*
U.S. District Judge

Date: 11/20/12