

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: John E Schmidt III

Firm or Office Name: Schmidt & Copeland, LLC

Office Address: 1201 Main Street, Suite 1100 PO Box 11457, Columbia SC 29201

Office Phone: 803-348-2984

Office Fax: 803-748-1210

email address: john.schmidt@thesclawfirm.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1986

I.D. No.: 3750

Date admitted to the South Carolina Bar: 1985

Bar No.: 4973

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

Va. 1986 26523 ; DC 1985

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

ABA State Chair of ABA Public Contract Law

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 JD 1985

Law School University of Pennsylvania

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: I have practiced a wide variety of litigation across the United States for 23 years. I have participated in and observed mediations and mediation styles for over ten years in many states including South Carolina and I have been a participant as a mediator, a defense lawyer, a plaintiff's lawyer and as a party. I am well versed in different approaches to mediation and feel with that experience I can help parties reach agreements that are mutually acceptable and not forced. My areas of practice have included ERISA, torts and product liability, commercial contracts, intellectual property including copyright and trademark, Unfair Trade Practices, business torts, franchise claims and others.

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 50 % State 50 %

Number of years engaged in active litigation: 23

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

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

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### MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): \_\_\_\_\_  
My experience is from all sides of mediation as a party, attorney for plaintiff, for defense and as mediator. I have participated in a number of mediations in most of the above areas.

Other courts or organizations for whom you serve as a mediator (please note any certifications): \_\_\_\_\_  
South Carolina State Courts, all counties

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

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### MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
SC Bar Civil Court Mediation Training	All aspects of mediation	Aug 19-23, 200	Columbia SC	43

**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: \$ 200.00      Minimum charge each mediation: \$ 500.00

How do you bill for travel? (explain):

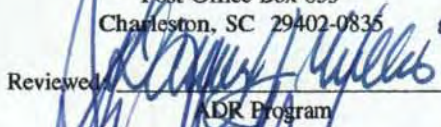
Actual out of pocket charges for expense. Time is no charge.

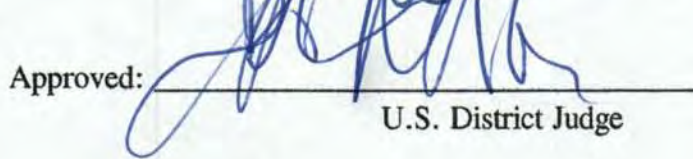
I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if 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: 2/16/09  
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: 3/3/09  
ADR Program

Approved:       Date: 2/4/09  
U.S. District Judge

## **SUMMARY OF QUALIFICATIONS**

More than 24 years legal experience handling a wide array of civil litigation and administrative hearings in hundreds of cases in over 16 states coast to coast.

Experience in representing claimants, defendants, large corporations and individuals.

Certified Civil Mediator

Special Attorney General for Prosecution of Criminal Domestic Violence Cases

Published Author and Speaker at CLE and Client Seminars on a variety of topics for over 20 Years

## **PROFESSIONAL EXPERIENCE**

Partner at Schmidt & Copeland, LLC

Partner, Williams Mullen, Richmond Va, Washington DC and Raleigh NC.

Twenty years at Nelson Mullins Riley & Scarborough – Partner, Team leader

Responsible for all aspects of client service and practice management including training attorneys and paralegals, management of delivery of legal services, management of business aspects of practice, personnel management

Experience includes commercial litigation, personal injury litigation, computer software, and government contracts. Frequent lecturer on government contracts, computer and Internet issues

Lead counsel in numerous state and federal cases and administrative law cases in over 16 states, including complex civil litigation that covered a broad range of legal issues, such as:

ERISA

Government Contracts and Procurement

Intellectual property

Professional errors and omissions – medical, attorney and accountancy

Unfair business practices

Products liability

Construction claims / delay claims

Securities litigation

Computer software and systems development

Antitrust

Negligence Claims, Property Disputes, Will Disputes

Developed and implemented litigation, discovery, settlement and trial strategies.

Represented clients in mediations, arbitrations and multi-party settlement negotiations. Lead counsel in numerous jury trials, court trials and appeals, as well in administrative hearings.

Trained and supervised associates, providing mentorship and guidance on litigation, settlement and trial strategies.

Acted as coordinating counsel to ensure consistency in legal positions for cases that span multiple jurisdictions.

## **EDUCATION & TRAINING**

### **J.D., University of Pennsylvania, 1985 (Philadelphia, PA)**

Awarded Distinguished Student Recognition, Comparative Law

### **B.A., Furman University, Political Science, 1982 (Greenville SC)**

### **South Carolina Certified Civil Mediator training**

## **PUBLICATIONS AND SPEECHES**

"Knowing the Code for Doing Business with State Government," South Carolina Business Journal, June 1994; Co-author of "Appeal and Error S.C. Jurisprudence," 1992; "Conflicts of Interest Among Existing Clients: The Civil Litigator's Obligations and Options," 42 S.C. L. REV. 879, Summer 1991, and "State Capital Law Firm Group 50 State Product Liability Guide," Supplement. Contributor to Product Liability Desk Reference since 1991.

## **PROFESSIONAL & COMMUNITY AFFILIATIONS**

US SUPREME COURT

SC SUPREME COURT AND COURT OF APPEALS

VA SUPREME COURT

DISTRICT OF COLUMBIA COURTS

VARIOUS UNITED STATES DISTRICT COURTS