

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: David B. Marvel

Firm or Office Name: \_\_\_\_\_

Office Address: 49 Calhoun Street  
Charleston, South Carolina 29401

Office Phone: 843 212 6949 Office Fax: 843 380 3025

E-mail Address: dave@marvel.lawyer

**ADMISSIONS AND AFFILIATIONS**

Date admitted to the Bar of the District of South Carolina: 4/25/2002 I.D. No.: 7957

Date admitted to the South Carolina Bar: 11/13/2000 Bar No.: 68803

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):  
Georgia Bar No. 475105 (2004), Southern District of Georgia (2007), Eastern District of Texas (2007), 4th Cir.(2006), 5th Cir.  
(2006), 11th Cir. (2007)

Membership and positions held in bar, ADR and professional associations:  
I am currently the Treasurer of the Southeastern Admiralty Law Institute, having previously served as the Editor in Chief and the  
Chair of the Long Range Planning Committee. I am a member of the MLA, FBA, Propeller Club, and SC Maritime Association.

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 2000 Law School Tulane Law School

Other professional degrees received (including year and school):

**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:  
I have represented individuals, businesses large and small, insurance companies, and state agencies in litigation involving  
admiralty claims, commercial and contractual disputes, fraud and whistleblower claims, personal injury claims, and construction  
defect claims. I have represented plaintiffs and defendants almost equally in those matters, and have tried cases to  
verdict/judgment in bench and jury trials in federal court, including adversarial proceedings in bankruptcy and administrative law  
claims, bench and jury trials in state civil courts, including masters in equity and special referees, jury trials in state criminal courts,  
and arbitration. I have argued appeals before the Fourth, Fifth, and Eleventh Circuits. I have served as an instructor or CLE  
speaker for a number of professional associations including the FBA, MLA, SEALI, the USC Law School, and the Charleston  
School of Law. A copy of my CV is attached.

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 25 % State 75 %

Number of years engaged in active litigation: 14

---

### 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 checked="" 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 checked="" type="checkbox"/> Insurance	<input type="checkbox"/> Other Civil Rights
<input type="checkbox"/> Miller Act	<input type="checkbox"/> Copyrights
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Patent
<input checked="" type="checkbox"/> Product Liability	<input type="checkbox"/> Trademark
<input checked="" type="checkbox"/> Other (specify) <u>Qui Tam</u>	

Publications: \_\_\_\_\_  
Please see attached list

---

### MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): \_\_\_\_\_  
I have represented parties in mediations since the first week I was in private practice. I have probably participated in between 100 and 150 mediations since then, which have probably spanned more than 300 days. I have only recently obtained certification to serve as a mediator in civil cases, but have served as an informal mediator of various commercial, contractual, and family court disputes in the course of my practice.

Other courts or organizations for whom you serve as a mediator (please note any certifications):  
Certified Civil Mediator for South Carolina State Courts. I am not a certified arbitrator, but I have served as a contractually agreed arbitrator for Demars & Associates, which administers home and auto warranty disputes.

Number of mediations conducted: 0 Number of other ADR sessions conducted: 10

---

### 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	Feb 2015	Columbia, SC	40.00
Tulane Law School	Negotiation and Mediation Advocacy	Spring 2000	New Orleans, LA	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: I am willing and available to serve as a pro bono mediator at the Court's request.

Cities in which you are available to conduct mediation:

Columbia  Charleston  Greenville  Florence  
Other Beaufort/Hilton Head, Grand Strand, Savannah GA

Fees charged:

Hourly Rate: \$ 200 Minimum charge each mediation: \$ 1000

How do you bill for travel? (explain):

IRS rates for mileage, actual cost of accomodations and meals (capped at \$25 per meal) +\$75 per hour for travel time.

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: [Handwritten Signature] Date: 2/5/2016  
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: [Handwritten Signature] Date: 2/8/16  
ADR Program

Approved: [Handwritten Signature] Date: 2/16/16  
U.S. District Judge

## **DAVID B. MARVEL**

**Attorney at Law – Procter in Admiralty – Certified Civil Court Mediator**

**PO Box 22734, Charleston, South Carolina 29413 ◦ (843) 696-8386 ◦ [dave@marvel.lawyer](mailto:dave@marvel.lawyer)**

---

Sole practitioner with extensive experience representing individuals, companies, agencies, and insurers in commercial, contractual, maritime, administrative, environmental, construction defect, whistleblower, and personal injury matters. Admitted to practice before all South Carolina and Georgia courts, the United States District Courts for the District of South Carolina, Southern District of Georgia, and Eastern District of Texas, and the United States Courts of Appeal for the Fourth, Fifth, and Eleventh Circuits.

### Education

**Tulane University of Louisiana, J.D., *Magna Cum Laude*, May 2000**

Elected to the Order of the Coif; Notes and Comments Editor for the Tulane Maritime Law Journal; Senior Fellow, Legal Research and Writing Program.

**College of Charleston, B.S. Psychology, June 1993**

### Previous Associations

**Prenner Marvel, P.A., Charleston, SC. June 2009-December 2015.**

Founding partner in three-lawyer litigation firm handling a variety of civil and maritime claims, family law matters, and criminal/DUI defense.

**Robertson & Hollingsworth, Charleston, SC. July 2003-June 2009.**

Partner in nine-lawyer, AV rated litigation firm specializing in construction, maritime, commercial, and environmental law.

**Maritime Legal Resources, Charleston, SC Feb. 2002-July 2003.**

Associate in plaintiff's maritime litigation practice.

**South Carolina Supreme Court, Columbia, SC. May 2000-Feb. 2002.**

Staff Attorney. Reviewed and analyzed petitions for certiorari in civil, criminal, and post-conviction relief matters. Drafted administrative and disciplinary orders.

**University of South Carolina School of Law, Columbia, SC. Aug.2001-May 2002.**

Adjunct Legal Writing Instructor.

### Professional Memberships

Southeastern Admiralty Law Institute (Treasurer, 2015-present; Editor-in-Chief, 2012-2015; Editorial Committee, 2011-12; Long Range Planning Committee 2008-09; Port Director 2005); Maritime Law Association of the United States; Propeller Club of the United States; South Carolina Maritime Association; Federal Bar Association; South Carolina and Charleston County Bar Associations; Georgia State Bar.

**David B. Marvel**  
**Publications and Presentations**

*Remedies for the Injured Maritime Worker*, Advanced Worker's Compensation Seminar, Charleston, SC (December 2013).

*Introduction to the Supplemental Rules*, Charleston School of Law, Maritime Law Society (October 2013).

*Civil Practice and Procedure*, Federal Bar Association "Introduction to Federal Practice" Seminar, Charleston, SC (August 2013, 2014, and 2015).

*Daubert Issues and Expert Qualification Requirements*, Southeastern Admiralty Law Institute Annual Seminar, St. Simons Island, GA (June 2011).

*Daubert and the Maritime Expert*, Maritime Law Association of the United States Annual Seminar, Hilton Head Island, SC (November 2009).

*Qui Tam Whistleblower Actions*, South Carolina Association of Justice, Environmental Law Section, Hilton Head Island, SC (August 2009).

*Maritime Whistleblower and Qui Tam Actions*, Southeastern Admiralty Law Institute Annual Seminar, Atlanta, GA (June 2008).

*Handling RFIs and Change Orders*, Lorman AIA Contracts Seminar, Mt. Pleasant, SC (April 2008).

*Construction Professional Liability in South Carolina*, American Society of Heating, Refrigerating and Air-Conditioning Engineers, North Charleston, SC (November 2005).

*Update on the Supreme Court, the Fourth and other Circuits*, Southeastern Admiralty Law Institute Annual Seminar, Atlanta, GA (June 2005).

*Ownership of your Design*, Lorman AIA Contracts Seminar, Charleston, SC (April 2005 and 2006).

*Contracting for Maritime Liens Under United States Law*, WORLD BUNKERING, Vol 9, No. 3 (August 2004).

*Legal Writing for Agency Attorneys*, United States Department of Justice, National Advocacy Center, Columbia, SC (December 2001 and February 2002).