

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

CERTIFIED MEDIATOR INFORMATION UPDATE FORM

Name: Benjamin Edward Nicholson V ("Ned")
Firm or Office Name: Burr & Forman, LLP
Office Address: 1221 Main Streetm Suite 1800
Office Phone: 803-799-9800 Office Fax: 803-753-3278
E-mail Address: nnicholson@burr.com

Cities in which you are available to conduct mediation:

Columbia: X Charleston: X Greenville: X Florence: X
Other: Anywhere in South Carolina

Fees charged: \$300/hour or \$2500 per day, whichever is less

Hourly Rate: \$ 300 Minimum charge each mediation: \$ 500

How do you bill for travel? (explain): 1/2 hourly rate; no more than \$300 per trip.

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 Coordinator 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 form to litigants and other members of the public.

I certify that the foregoing is true and correct.

Signature



Certified Mediator

Date: 4-8-2020

Return completed update form to:
Billie Goodman, Coordinator
Alternative Dispute Resolution Program
United States District Court
901 Richland Street
Columbia, SC 29201

Email: Billie_goodman@scd.uscourts.gov
Facsimile: (803) 253-3591

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: Benjamin Edward Nicholson V

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

Office Address: 1221 Main Street, Columbia, South Carolina 20201

Office Phone: 803-799-9800

Office Fax: 803-753-3278

E-mail Address: nnicholson@mcnair.net

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: September 5, 1989

I.D. No.: 4958

Date admitted to the South Carolina Bar: November 23, 1987

Bar No.: 10137

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

Fourth Circuit Court of Appeals. Admitted November 27, 1989.

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

Vice-Chair, Construction Law Section, South Carolina Bar Association; Former Chair, SC Bar Physician/Lawyers Relations Committee; Member of American Bar Association, Construction Law Forum; Member, Richland County Bar 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 1987

Law School University of South Carolina

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:

- Lead litigation counsel for utility defendant in \$300 million dollar claims by subcontractors on unfinished nuclear power plant
- Obtained writ of mandamus court order that compelled the South Carolina Department of Revenue to release \$800 million in tax proceeds to a South Carolina county.
- Defended Fortune 500 company in multimillion dollar site condition claim involving a dispute with a contractor for the costs of the environmental restoration of one of the largest inland dredging projects in South Carolina history.
- Won \$1.7 million negligence and negligent misrepresentation jury verdict for highway contractor against insurance company in federal court in Charlotte, North Carolina. Verdict was the amount requested by contractor to jury. Used litigation presentation technology to organize and present complex case with 800 exhibits.
- Successfully defended county in eight figure bid dispute, twice defeating contractor's motions for injunctive relief before the circuit and appellate court, and ultimately prevailing before procurement review panel.

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: 28

SUBSTANTIVE EXPERIENCE

Indicate all substantive areas in which you have experience. Place a "1" by your strongest area(s) and a "2" by all other areas in which you have experience. (Do not rank beyond "1" and "2.") After any category you have marked, please identify any sub-areas of experience you have (e.g. "medical malpractice" after Personal Injury).

- | | |
|---|---|
| <input type="checkbox"/> Admiralty | <input type="checkbox"/> Security or Shareholders suits |
| <input checked="" 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 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 type="checkbox"/> Copyrights |
| <input type="checkbox"/> Personal Injury | <input type="checkbox"/> Patent |
| <input type="checkbox"/> Product Liability | <input checked="" type="checkbox"/> Trademark |
| <input checked="" type="checkbox"/> Other (specify) <u>Construction</u> | |

Publications: _____

Unanswered Questions: The Economic Loss Rule in South Carolina, SC Lawyer, November/December 1996
Private Tort Reform Through Agreements to Arbitrate, South Carolina Business Journal, August & September 2004

MEDIATION EXPERIENCE

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

Participated in over 200 mediations as counsel for parties.

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

Certified by the South Carolina Supreme Court as a mediator in South Carolina

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

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 Association	Civil Court Mediation Training	11/6-10/14	SC Bar Building	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've not mediated cases as a mediator as I have not marketed myself in that area and I have been too busy with litigation in my practice to pursue being a mediator. However, with 30 years experience and lead counsel experience in very high level litigation, and extensive experience representing clients in hundreds of mediations over the years, I believe I have seen about every mediator technique and application of skills out there. I have settled cases of all types, mostly in the business litigation and construction litigation context, and I am very familiar with the risks associated with litigation in different venues and claims.

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence
Other Anywhere in South Carolina


Fees charged:

Hourly Rate: \$ 375 Minimum charge each mediation: \$ 1000

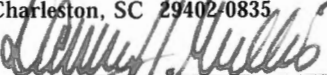
How do you bill for travel? (explain): IRS rate for mileage for car. 1/2 rate for travel.

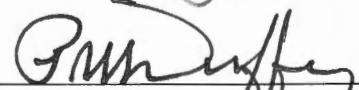
I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; the Rules for Lawyer Disciplinary Enforcement, Rule 413, South Carolina Appellate Court Rules; and the Local Rules of the District Court; (2) Provide mediation to indigents without pay if 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: 11-24-17
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: 12/4/17
ADP Program

Approved:  Date: 12/6/17
U.S. District Judge