

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: Penny Hays Cauley

Firm or Office Name: Hays Cauley, P.C.

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Florence, SC 29501

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ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 2008

I.D. No.: 10323

Date admitted to the South Carolina Bar: November 13, 2007

Bar No.: 76881

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

State of Alabama, September 30, 1994, ASP-6309-A63P
Northern District of Alabama District Court, February 17, 1998

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

Member of the Consumer Law section of the SC bar; Member of National Association of Consumer Advocates

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 1994

Law School Cumberland School of Law

Other professional degrees received (including year and school):

None

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:

Since March 2006, I have been the Owner/President of Hays Cauley, P.C. - A law firm dedicated to representing consumers in claims arising under the Fair Credit Reporting Act, Fair Debt Collection Practices Act; Telephone Consumer Protection Act, Electronic Funds Transfer Act, and various claims under the South Carolina Consumer Protection Code. Most of the cases I file are filed in Federal Court. I also have experience handling Social Security Disability claims, including appeals to the District Court when appropriate. Since 2004, I have taught numerous CLE courses on behalf of the South Carolina State Bar, the Alabama State Bar, the National Association of Consumer Advocates and the National Consumer Law Center. While some of these CLEs were just State or County CLEs, all of my speaking experience on behalf of NACA and NCLC has been at national conferences or webinars. Prior to 2006, I practiced solely in Alabama with a firm from 1995-February 2006. There, beginning in 1998, I developed the firm's consumer law practice beginning with claims under the FCRA. Finally, I also clerked for Judge William Robertson, Presiding Judge of the Alabama Court of Appeals, from October 1994-October 1995, reviewing records on appeal and drafting opinions.



Percentage of practice in last 5 years representing plaintiff 90 % or defense 10 %

Percentage of Federal or State court practice in last 5 years: Federal 80 % State 20 %

Number of years engaged in active litigation: 27

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 type="checkbox"/> Antitrust	<input type="checkbox"/> Labor
<input type="checkbox"/> Contracts	<input type="checkbox"/> ERISA
<input type="checkbox"/> Environment	<input checked="" type="checkbox"/> <u>2</u> Wrongful Termination
<input checked="" type="checkbox"/> <u>1</u> Fraud or Civil RICO	<input checked="" type="checkbox"/> <u>2</u> 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
<input checked="" type="checkbox"/> <u>1</u> Other (specify) <u>FCRA, TCPA, FDCA</u>	

Publications: _____
None

MEDIATION EXPERIENCE

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

I have not yet acted as a mediator in any cases. However, I have extensive experience with mediation as a participant. Over the past 23 years, I have filed over 400 cases in Federal Court and at least 80 of those cases were formally mediated, including two class actions. Additionally, I have participated in the mediation of state laws cases in both South Carolina and Alabama. The vast majority of my experience is handling consumer claims under the FCRA, FDCA, and TCPA. I have also handled claims under RESPA, EFTA, FMLA, wrongful termination, and age discrimination.

Other courts or organizations for whom you serve as a mediator (please note any certifications):
On February 9, 2022, I was certified as a South Carolina Circuit Court Mediator.

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>
South Carolina Bar	Civil Court Mediation Certification Training	12/8/2021	Columbia, SC	40

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 was just recently certified as a mediator by the South Carolina Bar. Therefore, I have not yet conducted any mediations as the mediator. However, I have participated in over 80 mediations as an attorney. As a consumer attorney, I have had the pleasure of representing a vast array of individuals with different races, backgrounds, occupations, educations, and cultures. Additionally, as the defendants in my cases are usually the national Credit Reporting Agencies and Banks, I am fully accustomed to dealing with opposing counsel from some of the largest defense firms in the United States and South Carolina. This experience will be helpful in serving as a mediator because it will help me interact and communicate with attorneys and their clients, with confidence, compassion and commitment to help the parties reach an amicable settlement.

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence
Other Myrtle Beach


Fees charged:

Hourly Rate: \$ 350.00 Minimum charge each mediation: \$ \$1,000.00

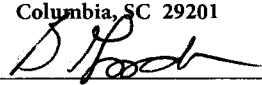
How do you bill for travel? (explain):
Travel is charged at 1/2 the hourly rate

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: 3/22/2022
Applicant

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

Reviewed:  Date: 3/24/22
ADR Program

Approved: s/ David C. Norton Date: 3/25/22
U.S. District Judge

PENNY HAYS CAULEY

*Darlington, South Carolina
(843) 307-3528
phc917@hayscauley.com*

LEGAL EXPERIENCE:

3/2006 - Present **Hays Cauley, P.C. - Owner and Senior Attorney**

- *Established law firm in two states
- *Experienced litigator in drafting complaints and discovery, deposing witnesses, writing and responding to pre-trial motions, conducting voir dire, striking the jury, and all aspects of trial
- *Over 20 years of experience in handling claims arising under the Fair Credit Reporting Act, the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and other state law claims. Also experienced with employment law claims under the FMLA, ADA, and age discrimination.
- *Handled trials in Federal Courts, State Courts, AAA, and JAMS
- *Trained and mentored associate attorney
- *Negotiated settlements on behalf of clients
- *Managed all law practice operations

10/95 - 3/06 **Alabama Injury Lawyers, P.C. - Attorney**

- *Interviewed clients and researched cases
- *Tried all Workers' Compensation and Social Security disability cases
- *Developed the firm's practice under the Americans with Disabilities Act
- *Developed the firm's practice under the Fair Credit Reporting Act and Fair Debt Collection Practices Act, as well as other consumer claims.

10/94-10/95 **Alabama Court of Civil Appeals - Judicial Law Clerk**

- *Reviewed case files on appeal
 - *Researched and narrowed the issues of each particular appeal
 - *Drafted opinions for review by Presiding Judge William E. Robertson
-

EDUCATION: & CREDENTIALS

Juris Doctor - Cumberland School of Law, May 1994

*Dean's List

*Member of the Board of Trial Advocacy

Bachelor of Science - Samford University, May 1990

Bar Admissions: State of Alabama (1994)

State of South Carolina (2007)

MEMBERSHIPS:

National Association of Consumer Advocates
South Carolina Women Lawyers Association