

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

CERTIFIED MEDIATOR INFORMATION UPDATE FORM

Name: David M^c Cormack
Firm or Office Name: David M^c Cormack ADR, LLC
Office Address: 125a Wappoo Creek Drive, Suite 101c
Office Phone: (843) 789-9153 Office Fax: N/A
E-mail Address: davidmccormackadr@bellsouth.net

Cities in which you are available to conduct mediation:

Columbia: Charleston: Greenville: Florence:

Other: _____

Fees charged: Hourly rate + mileage and out of pocket expenses

Hourly Rate: \$ 400 Minimum charge each mediation: \$ N/A

How do you bill for travel? (explain): Mileage + out of pocket.
For Greenville charge 1/2 time for travel also

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 David B. McCormack Date: 3/20/20
Certified Mediator

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: David B. McCormack

Firm or Office Name: Buist, Moore, Smythe & McGee, P.A.

Office Address: 5 Exchange Street, P.O. Box 999, Charleston, SC 29402

Office Phone: (803) 722-3400 Office Fax: (803) 723-7398

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1980 I.D. No.: 2774

Date admitted to the South Carolina Bar: 1979 Bar No.: 003747

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.):
Fourth Circuit Court of Appeals, 1982; U.S. Supreme Court, 1985

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

Certified Specialist in Employment and Labor Law; Member, American Arbitration Association Panel of Neutrals; Member, Labor and Employment Sections of ABA and SC Bars;
Are you a member in good standing in each jurisdiction where admitted to practice law? yes no
Member, American Employment Law Council

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 1979 Law School University of Virginia

Other professional degrees received (including year and school) M.A. History, 1976, Clare College, Cambridge University, Cambridge, England

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 joined Buist, Moore, Smythe & McGee, P.A. in 1979 and have been a principal since 1985. Initially, I did generally litigation including personal injury, products liability and commercial litigation. Since the mid 1980's I have concentrated more and more in the area of employment law. In 1992 I was certified by the S.C. Supreme Court as a Certified Specialist in Labor and Employment Law. My current practice includes all aspects of state and federal employment law, including employment discrimination, wrongful termination and ERISA litigation. I also provide advisory and counseling services in such areas as employment contracts, employee handbooks, restrictive covenants, family and medical leave, disability law requirements and sexual harassment. I frequently lecture to bar and business groups *

*on employment law.

Percentage of practice in last 5 years representing plaintiff 5 % or defense 95 %

Percentage of Federal or State court practice in last 5 years: Federal 65 % State 35 %

Number of years engaged in active litigation: 16

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 |
| <input type="checkbox"/> Contracts | <input checked="" type="checkbox"/> 2 ERISA |
| <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> 1 Wrongful Termination |
| <input type="checkbox"/> Fraud or Civil RICO | <input checked="" type="checkbox"/> 1 Civil Rights in Employment |
| <input checked="" type="checkbox"/> 2 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 type="checkbox"/> Other (specify) _____ | |

Publications: See attached.

MEDIATION EXPERIENCE

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

I have participated as a litigant in approximately a half dozen mediations. I have not yet conducted a mediation -- an employment mediation was scheduled but was settled before the mediation was held. I have recently been named to the AAA Panel of Neutrals and will be arbitrating an employment case on 10/27/95 in Rock Hill.

Other courts or organizations for whom you serve as a mediator: _____

South Carolina State Courts

Number of mediations conducted: None.

MEDIATION TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
<u>Dispute Management Inc.,</u>	<u>S.C. Mediation Training</u>	<u>5/19-22-94</u>	<u>Charleston SC</u>	<u>40</u>
<u>American Arbitration Assn.,</u>	<u>Introductory Arbitration Training</u>	<u>9/29/94</u>	<u>Charleston, SC</u>	<u>7</u>

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing mediation conferences 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:
See attached.

Cities in which you are available to conduct mediation:

Columbia Charleston Greenville Florence
Other: Anywhere "south"/"east" of Columbia

Fees charged:

Hourly Rate: \$ 150.00 Minimum charge each mediation: \$ n/a

How do you bill for travel? (explain): _____
Reimbursement for out of pocket expenses. Time negotiable depending on venue.

I agree to: (1) Be subject to the Rules of Professional Conduct, Rule 407, South Carolina Appellate Court Rules; to the Rules on Disciplinary Procedure, 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 Clerk of Court 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 David B. McCormick Date Oct. 18, 1995
Applicant

Return completed application to:
U.S. District Court
Mediation
1845 Assembly Street
Columbia, SC 29201-2431

Approved: [Signature] Date 11/3/95
U.S. District Judge

SUPPLEMENT

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. McCormack

Firm or Office Name: Buist, Moore, Smythe & McGee, P.A.

Office Address: Box 999, Charleston, SC 29402
Five Exchange Street, Charleston, SC 29401

Office Phone: 843/720-4612 Office Fax: 843/723-7398

email address: dmccormack@bmsmlaw.com

ADMISSIONS AND AFFILIATIONS

Date admitted to the Bar of the District of South Carolina: 1980 I.D. No.: 2774

Date admitted to the South Carolina Bar: 1979 Bar No.: 003747

Other courts or jurisdictions to which admitted (with dates of admission and bar nos.): 4th Circuit Court of Appeals (1982); United States Supreme Court (1985)

Membership and positions held in bar, ADR and professional associations: Employment & Labor Section of S.C. Bar; Labor and Employment Section of ABA (Employee Rights and Responsibilities Subcommittee); American Employment Law Council Society for Human Resource Management; American Arbitration Association (Southeast Employment Mediation & Arbitration Panels) (Commercial Panel); S.C. Council for Conflict Resolution

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 1979 Law School University of Virginia

Other professional degrees received (including year and school) M.A. History Clare College, Cambridge University (England) 1976

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 law with Buist, Moore, Smythe & McGee since 1979. I became a principal in the firm in 1985. I have practiced in a number of areas including products liability and commercial litigation. Since the mid-1980's, however, I have focused my practice in the area of employment law. I was certified as a Specialist in Employment and Labor Law by the S.C. Supreme Court in 1992 and recertified in 1997.

SUPPLEMENT

Percentage of practice in last 5 years representing plaintiff 5 % or defense 95 %

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

Number of years engaged in active litigation: 21

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	<u>2</u> <input type="checkbox"/> ERISA
<input type="checkbox"/> Environment	<u>1</u> <input type="checkbox"/> Wrongful Termination
<input type="checkbox"/> Fraud or Civil RICO	<u>1</u> <input type="checkbox"/> Civil Rights in Employment
<u>2</u> <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 type="checkbox"/> Other (specify) _____	

Publications: See attached resume.

MEDIATION EXPERIENCE

Mediation experience (particularly in the subject matter categories above): I have mediated a wide range of employment related cases, including breach of contract, wrongful termination, sexual harassment, Title VII, ADEA, FMLA and public policy claims.

Other courts or organizations for whom you serve as a mediator (please note any certifications): South Carolina State Court (certified mediator); American Arbitration Association (member of AAA Southeast Employment Mediation and Arbitration Panels).

Number of mediations conducted: 12 Number of other ADR sessions conducted: 4 (arbitrations)

MEDIATION AND OTHER ADR TRAINING

<u>Course Provider</u>	<u>Course Content</u>	<u>Date</u>	<u>Place</u>	<u>No. of Hours</u>
<u>DMI</u>	<u>Mediation Training</u>	<u>5/19-5/22/94</u>	<u>Charleston, SC</u>	<u>40</u>
<u>AAA</u>	<u>Introductory Arbitration Training</u>	<u>9/29/95</u>	<u>Charleston, SC</u>	<u>7</u>
<u>AAA</u>	<u>Employment Arbitrator Training</u>	<u>4/17/98</u>	<u>Philadelphia, PA</u>	<u>7</u>
<u>AAA</u>	<u>Commercial Arbitrators Training</u>	<u>4/7/00</u>	<u>Charlotte, NC</u>	<u>7</u>

SUPPLEMENT

OTHER INFORMATION

Are you familiar with the statutes, rules and practice governing alternative dispute resolution in the District of South Carolina? X 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:

X Columbia X Charleston X Greenville X Florence
Other Any where in the state.

Fees charged:

Hourly Rate: \$200 Minimum charge each mediation: \$ N/A

How do you bill for travel? (explain): Reimbursement for out of pocket expenses. Time negotiable depending on venue.

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: *Daniel R. McCaul* Date: 8/21/00
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: _____
ADR Program

Approved: Initially approved by
Judge Norton 11/3/95 _____ Date: _____
t Judge

SUPPLEMENT

DAVID BRIAN MCCORMACK

BUIST, MOORE, SMYTHE & McGEE, P.A.
5 Exchange Street Charleston, SC 29401
P.O. Box 999 Charleston, SC 29402
Phone: (843) 722-3400 Fax: (843) 723-7398
E-mail: dmccormack@bmsmlaw.com

Educational Background:

High School: Phillips Exeter Academy
Exeter, NH

College: Yale University
New Haven, CT
B.A. History 1974
(Magna Cum Laude, Phi Beta Kappa,
Distinction in History)

Graduate: Clare College
Cambridge University
Cambridge, England
M.A. History 1976

University of Virginia Law School
Charlottesville, VA
JD 1979

Professional Background:

Admitted to South Carolina Bar in 1979

Admitted to practice before all South Carolina Courts; the United States District Court for the District of South Carolina; the Fourth Circuit Court of Appeals; and the United States Supreme Court

Certified by the South Carolina Supreme Court as a Specialist in Employment and Labor Law

Member, American Arbitration Association. Currently serve on the AAA Southeast Employment Mediation Panel and AAA Southeast Employment Arbitration Panel.

SUPPLEMENT

Professional Activities:

Member, Charleston County Bar Association; South Carolina Bar Association (Employment and Labor Law Section); American Bar Association (Labor and Employment Law Section, Employee Rights and Responsibilities Committee); South Carolina Defense Trial Lawyers' Association; Defense Research Institute (Employment Law Section); American Law Institute; Commercial Law Affiliates (Labor and Employment Law Section); American Employment Law Council; the Society for Human Resource Management (SHRM); and the Tri-County Human Resource Management Association. I also serve on the Charleston County Public Defender Board of Directors

Lectures and Papers (Since 1990):

July 18, 2000, Lorman Education Services, "Family and Medical Leave Act"

June 20, 2000, Lorman Education Services, "Introduction to Employment and Labor Law in South Carolina"

January 12, 2000, Lorman Education Services, "South Carolina Employment Law Overview"

December 9, 1999, Charleston Metro Chamber of Commerce, 5th Annual Employment and Labor Law Update, "Avoiding Retaliation Claims"

July 21, 1999, Lorman Education Services, "Family and Medical Leave Act"

June 15, 1999, Lorman Education Services, "South Carolina Employment Law Overview"

February 2-3, 1999, Council on Education in Management, Personnel Law Update 1999, "Retaliation Claims and the New EEOC Guidance"

November 19, 1998, Charleston Metro Chamber of Commerce 4th Annual Employment and Labor Law Update, "South Carolina Employment Law Update"

October 28, 1998, Lorman Business Center, "Employment and Labor Law in South Carolina"

July 21, 1998, Lorman Business Center, "Family and Medical Leave Act"

March 5, 1998, National Business Institute, "Employee Handbooks in South Carolina"

November 13, 1997, Charleston Metro Chamber of Commerce 3rd Annual Employment & Labor Law Update, "South Carolina Employment Law Update"

SUPPLEMENT

January 13, 1997, Council on Education in Management, 8th Annual South Carolina Conference: Personal Law Update 1997, "Language that Limits Employer Liability in South Carolina"

November 7, 1996, Charleston Metro Chamber of Commerce 2nd Annual Employment and Labor Law Update, "South Carolina Employment Law Update"

January 27, 1996, S.C. Bar Mid-Year Meeting (Employment & Labor Law Section) "Evidentiary Issues in Employment Litigation - State and Federal Rules"

April 6, 1995, Lorman Business Center "Employee Discharge and Documentation"

September 20, 1994, National Business Institute "Defending Wrongful Discharge Claims Under South Carolina Law"

August 26, 1994, Charleston County Bar Association "Employee Discharge Claims: Current Developments in S.C. Law"

March 2, 1994, National Business Institute "South Carolina Labor and Employment Law"

December 2, 1993, Gamble, Givens & Moody Client Seminar "Family and Medical Leave Act of 1993"

November 11-14, 1993, South Carolina Defense Trial Attorneys Association "Employee Discharge Claims: Current Developments in South Carolina Law"

October 22-23, 1993, S.C./N.C. Bar Employment and Labor Law Section Annual Meeting "Current Developments in Employment and Labor Law"

July 9, 1993, Lorman Business Center "Recent Developments and Trends in Health Care Law" (spoke on sexual harassment in the workplace)

March 16, 1993, National Business Institute "S.C. Labor and Employment Law"

May 29-30, 1992, S.C. Bar Business Torts (spoke on employee discharge claims)

December 11, 1991, National Business Institute "Complying with the Americans With Disabilities Act in South Carolina"

May 24-25, 1991, S.C. Bar Business Torts (spoke on employee discharge claims)

January 15, 1991, National Business Institute "S.C. Labor and Employment Law"

January 31, 1990, National Business Institute "S.C. Labor and Employment Law"

SUPPLEMENT

Reported Employment Law Related Decisions:

Nelson v. Lockheed Missiles & Space Co., Inc., No. 97-1430 (4th Cir. November 24, 1997).

Thomas v. Wal-Mart, 69 F.E.P. 890 (D.S.C. 1995).

Long v. Lockheed Missiles & Space Co., Inc., 783 F.Supp. 249 (D.S.C. 1992).

Glover v. Lockheed Corp., 772 F.Supp. 898 (D.S.C. 1991).

Martino v. Amoco, 7 I.E.R. 331 (Ct. C.P. 1991).

Garvin v. Alumax of South Carolina, Inc., 787 F.2d 910 (4th Cir. 1986).

Satterfield v. Lockheed Missiles & Space Co., 617 F.Supp. 1359 (D.S.C. 1985).