

The Supreme Court of South Carolina

ORDER

The South Carolina Bar has furnished the attached list of lawyers who were administratively suspended from the practice of law on June 1, 2005, as required by order of the Supreme Court dated February 22, 2005. Pursuant to the February 22, 2005, order, these lawyers are hereby suspended from the practice of law by this Court. They shall, within twenty (20) days of the date of this order, surrender their certificates to practice law in this State to the Clerk of this Court.

Any petition for reinstatement must be made in the manner specified by Rule 419(f), SCACR. If a lawyer suspended by this order does not seek reinstatement within three (3) years of the date of this order, the

lawyer's membership in the South Carolina Bar shall be terminated and the lawyer's name will be removed from the roll of attorneys in this State. Rule 419(g), SCACR.

<u>s/Jean H. Toal</u>	C.J.
<u>s/James E. Moore</u>	J.
<u>s/John H. Waller, Jr.</u>	J.
<u>s/E. C. Burnett, III</u>	J.
<u>s/Costa M. Pleicones</u>	J.

Columbia, South Carolina

August 12, 2005

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C. Mitchell Brown and Kevin A. Hall, both of Nelson, Mullins, Riley & Scarborough, of Columbia; Gray T. Culbreath and Eric Fosmire, both of Collins & Lacy, of Columbia; J. Edward Bradley, of Moore, Taylor & Thomas, of West Columbia; Michael L. McCluggage, R. John Street, and Michael A. Kaeding, all of Wildman, Harrold, Allen & Dixon, of Chicago, for Respondents.

ACTING CHIEF JUSTICE MOORE: This case involves a dispute over how the American Arbitration Association (AAA) administered the selection of an arbitrator.

FACTUAL/PROCEDURAL BACKGROUND

BCS Life Insurance Company and BCS Insurance Company (Appellants) brought a lawsuit in an Illinois state court against Strategic Resources, Gerald D. Peterson, Continental Assurance Company, Continental Casualty Company, and CNA Group Life Insurance Company (Respondents) after a business deal went awry. The Illinois court compelled the parties to arbitrate pursuant to the parties' prior written agreement.

The agreement provided that any dispute would be submitted to a panel of three arbitrators, two to be selected by the parties (party arbitrators) and a third (neutral arbitrator) to be selected by the party arbitrators. The party arbitrators were selected but were unable to agree on who would serve as the neutral arbitrator. Appellants then declared that the party arbitrators had reached an impasse and sought assistance from the AAA to make the selection.¹

¹ The trial court found that Appellants unilaterally made this request in an attempt to obtain an unfair advantage by having the neutral arbitrator selected from a favorable list of arbitrators.

