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## TOM DEBARI

*Supreme Court Certified Circuit Civil Mediator  
Member, Florida Circuit-Civil Mediators Society  
Member, National Academy of Distinguished Neutrals*



THE NATIONAL ACADEMY OF  
DISTINGUISHED NEUTRALS

### **Why I choose to Mediate**

Paraphrasing Voltaire: “I’ve been ruined but twice in my life. Once when I got a lawsuit and once when I won.”

After practicing law for 25 years, the significance of that quote truly hits home. The luster of litigated victory is often dulled by the cost of that triumph...and the cost is measured not only in dollars but equally on aggravation, anxiety and inconvenience. One of the great benefits of a negotiated resolution is that it eliminates both the possibility of a devastating loss as well as the disappointment of a pyrric victory.

Mediation provides a proven framework for the dignified, efficient and complete resolution of problems which might otherwise protract in the court systems or the business world. If nothing else, a mediation conference affords adverse parties the opportunity, maybe the only opportunity to engage in dialogue, not diatribe; to inform rather than interrogate, and to create rather than compete. Mediation’s focus on what I believe to be the more noble aspects of human nature often provides parties a measure of perspective; perspective that is often lost in the fray of litigation. When parties take a moment to step back and examine the broader picture, the opportunity to participate in the resolution of the issues is often embraced as preferable to its relinquishment to a panel of strangers known as a jury.

Although I’ve presided over hundreds of mediations in the past ten years, I embrace each mediation conference as a new and exciting opportunity to inspire the parties, attorney and myself to fashion not only a practical and palatable resolution to a legal or business problem, but to create a positive and empowering experience for all. It is as much the mediation “experience” as it is the result that makes mediation an integral part of what I believe to be the greatest system of civil justice the world has ever known.

## **Biography**

I graduated Brandeis University with a Bachelors Degree in Political Science before achieving my Juris Doctorate from Stetson College of Law in 1992. While in College I served as a research intern at the Office Of The Governor's Legal Counsel in Boston, Massachusetts and while in law school, as a research assistant for noted constitutional law scholar and author, Professor Thomas Marks.

I began my legal career at the Tampa law firm of Trapp, Chastain & Uiterwyk where I practiced personal injury and co-authored seminar materials for the National Business Institute in the areas of automobile negligence and premises liability. I then focused my practice in workers' compensation defense at the Lakeland law firm formerly headed by United States Congressman, Dennis Ross. I then became a partner at the Lakeland law firm Wendel, Chritton, Parks, DeBari & Peddy, Chartered, where my workers' compensation experience allowed me to serve as Florida Workers' Compensation Counsel to the National Football League Players Association, Major League Baseball as well as the National Hockey League. I also lectured and appeared as a radio commentator in the area of sports law while a member of the Sports Lawyers Association and in the rapidly evolving world of sports venue security spawned by the tragedies of September 11<sup>th</sup>.

In 2003, I became a partner in the workers' compensation firm of Harbsmeier, DeZayas, Appel, Harden & DeBari, P.A. During my seven year tenure, I successfully tried cases on behalf of Florida's major workers' compensation carriers in addition to defending the State of Florida in insurance liability and tort matters throughout the state. I also served as lead counsel in litigation which resulted in worldwide recall of defective and dangerous construction equipment. I earned my certification in 2004 and have actively engaged in the mediation process since that time.

In 2008, I became a partner and President of the Tampa-Lakeland law firm, Kimsey & DeBari, P.A., concentrating in the areas of personal injury and ERISA matters. I have continued to cultivate a mediation practice focusing in the areas of workers' compensation, personal injury, foreclosure and general civil litigation.

## **Rates**

2 Party Mediation: \$170.00 per party/per hour

3 Party Mediation: \$140.00 per party/per hour

4 Party (or more) Mediation: \$115.00 per party/per hour

\$95.00 Administrative Fee per party