

# MEDIATOR PROFILE

## Roy S. Kobert

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Florida Supreme Court Certified Mediator: #36341 R



### Experience:

After 30 years of practicing law, Roy has been repeatedly called upon over the last decade to serve as a designated neutral in a myriad of substantive cases. Board certified for over 15 years, he is a recognized expert in all facets of bankruptcy matters (drafting of consensual Chapter 11 plans of reorganization, pre-suit and pending adversary proceedings involving voidable preferences, fraudulent transfer litigation, fraud in the inducement, and claims objections). He has mediated a broad range of civil and commercial disputes (breach of contract; non-compete and restrictive covenants; partnership disputes; banking and U.C.C. Article 9 issues; employment, eminent domain; valuation disputes, business dissolution; landlord/tenant disputes and foreclosure/lien contests).

### Mediation Training:

Roy is the first Florida based graduate of the forty hour advanced mediation course conducted by the St. John's University School of Law (New York City) and the Governor Hugh L. Carey Center for Dispute Resolution. The Florida Supreme Court has certified him as a Circuit Civil Mediator and to serve as an arbitrator in all Florida Courts.

### Mediation-Related Comments from the Bench:

- In discussing the ideal mediator to handle a complex commercial business dispute involving allegations of (i) fraud; (ii) embezzlement; and (iii) willful and malicious injury, the Chief Judge commented that “[Kobert] is a good lawyer and a good mediator.” *In re: Talanga*, Case No. 8:17-bk-09357-MGW (February 28, 2019) (Tampa Division)
- At a hearing held in open court to confirm the Debtor's Plan of Reorganization, the presiding Judge commented on a four-party mediation, “I do want to thank Mr. Kobert for his services. I have had the good fortune of working with Mr. Kobert as almost a co-mediator in another case and he does a very good job and doesn't give up, even when the going gets rough... So thank you to Mr. Kobert for his hard work.” *In re: C&D Fruit and Vegetable Co., Inc.*, Case No. 8:18-bk-00997-CED (September 24, 2018) (Tampa Division)

- *"I thank you Mr. Kobert for resolving this mediation. Mr. Kobert is one of the best lawyers in the Middle District. He appears before all the bankruptcy courts in the Middle District and we look forward to him coming in because he does such a good job."*; *In re: Lou Webber Tire, Inc.*, Case No. 16-bk-03574-PMG (February 6, 2018) (Jacksonville Division).
- Following an 8 party mediation, during consideration of the Mediator's Fee Application the Court commented *"I will approve 100% of the fees and 100% of the costs and Mr. Kobert, I do think you did an excellent job here. You really did."* *In re: Chariots of Palm Beach, Inc.*, Case No. 17-19455-PGH (October 11, 2017) (West Palm Beach Division).
- At a hearing held in open court to discuss potential mediators for a foreclosure action, the presiding judge commented, *"Mr. Kobert would be an outstanding choice to resolve this."* *In re David W Goldman*, Case No. 8:12-17503-KRM (March 2, 2017) (Tampa Division).
- *"The Mediator did an excellent job and successfully mediated [three] controversies."* See December 30, 2013 Order Approving Application for Allowance of Mediation Fees and Reimbursement of Expenses to Mediator, Roy Kobert, Esq. (Docket #366) *In re: Lourdes Zaczac*, Case No. 6:08-12225-CCJ (Orlando Division).
- Mr. Kobert was found to be both *"an experienced mediator"* and *"a talented mediator"* in a reported decision ratifying a mediated result. See *In re: Johnson; Afflis v. Johnson*, 2010 Bankr. LEXIS 3671 (Orlando Division).

**Publications:** Contributing Author, *Bankruptcy Mediation*, Published in 2016

**Mediation Seminars:** Panelist, 37<sup>th</sup> Annual Paskay/American Bankruptcy Institute Seminar, "Effective Use of Mediation in Commercial Bankruptcy Matters"

### Professional Associations:

- National Academy of Distinguished Neutrals
- Federal Model Mediation Rules Committee

### Testimonials From Past Mediation Participants (actual litigants):

- *"Mr. Kobert was engaged to mediate a four party business dispute, in which he was selected by the borrower. As a banker, I appreciated his ability to work efficiently and parse through the substantive issues; achieving not only a global financial resolution but resolving competing non-financial issues as well."* M. M., Vice President, Special Assets Manager, (North Florida Region)
- *"The Court appointed me as its receiver for an ongoing, successful intellectual property enterprise in which the co-founders could not agree on day to day control or ultimate ownership of their business. Mediation sessions spanned nearly four months. As additional facts were developed, Mr. Kobert painstakingly guided us through the process and kept steering us back on track, which resulted in an executed mediation term sheet that morphed into a settlement agreement. Despite this, the Seminole County Circuit*

*Court Judge was ultimately called upon to adopt and ratify the mediated result in her comprehensive order, thus avoiding the risk and costs associated with a three-week special set trial.” L. H., CPA, PA, Receiver (Tampa)*

- *“I had a unique vantage point wherein I worked alongside Mr. Kobert addressing investment banking issues between the parties, while Mr. Kobert mediated all of the legal and business issues. Roy has the required legal acumen, but also comprehends the human psyche along with a large dose of common sense to get the job done.” F.L., CIRA, President and Managing Member (Atlanta)*
- *“Beginning early on Valentine's Day and lasting over two days and nights, Mr. Kobert achieved global peace for me and my family by tackling rehabilitation alimony, revised child support, and a joint recommendation between me and my former spouse to the Department of Children and Families (DCF) regarding supervised visitation and ultimate shared parenting through the age of majority. Based upon my prior mediation experience, most other mediators would have simply declared an impasse at the time that I too thought that a settlement was inconceivable.” Dr. G., M.D. (Polk County, Florida)*

### **Awards and Recognitions:**

- Best Lawyers in America, 2006-2019
- Florida Super Lawyers, 2006-2019  
Top 50 Lawyers in Orlando, 2018
- Chambers USA, Bankruptcy/Restructuring, 2005-2018
- Litigation Counsel of America, Fellow, 2013-2015
- *Orlando Magazine*, Best Lawyers, 2006-2007, 2009-2019  
Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law 2009-2019  
Litigation – Bankruptcy 2009-2019
- *Florida Trend's*, Legal Elite, 2005, 2009, 2012, 2014-2018
- *AV Preeminent™* rated by Martindale-Hubbell, consistently since 2004 (Bankruptcy)  
Additionally rated in category of Alternative Dispute Resolution, 2015
- Leading Florida Attorney, Bankruptcy and Workout Law, consistently since 2007
- Named "Top 10 Businessmen to Watch in 2009," *Orlando Business Journal*

**Travel Rates:** Based upon the circumstances, Roy generally does NOT charge for travel time to and from mediation.

**Venues:** Sometimes a neutral site facilitates the overall mediation process. Mr. Kobert offers, at no charge to participants, use of his conference centers located in (i) Boca Raton, (ii) Fort Lauderdale, (iii) Fort Myers, (iv) Gainesville, (v) Jacksonville, (vi) Key West, (vii) Lakeland, (viii) Melbourne, (ix) Miami, (x) Naples, (xi) Orlando, (xii) Tallahassee, (xiii) Tampa, and (xiv) West Palm Beach.

**Rates:** \$195/hour/party for a two party mediation and \$165/hour/party for a three party mediation. Please call for rates amongst four or more parties.