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ATTORNEYS AT LAW

20  
YEARS

A Client-Centered Commitment to Excellence

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## Brett D. Divers

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Office Location: Tampa

### Overview

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Brett Divers is the Managing Partner and one of the founding shareholders of the firm. His practice is primarily devoted to complex commercial litigation, including business disputes, construction, fidelity and surety matters, professional liability, and appeals.

Brett's business litigation experience has involved a variety of business-related disputes. These disputes have dealt with complex construction, surety, fidelity, and construction defect matters, business torts, violations of restrictive covenants and non-compete clauses, whistleblower claims, banking issues, and the dissolution of corporations and partnerships.

Brett is certified by the Florida Supreme Court as a Circuit Mediator and brings to the table more than 30 years of handling and resolving a variety of business litigation matters when he serves as the mediator. He also serves as an arbitrator in select business and construction-related litigation cases.

#### My Mediation Calendar

A lifelong resident of Tampa, Brett is active in several civic, charitable, and social organizations.

### Professional Involvement

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## Professional, Trade, and Philanthropic

### Affiliations

American Bar Association  
Tort and Insurance Practice Section  
Fidelity and Surety Law Committee  
Chair (2018 - 2019)  
Secretary (2015 - 2019)  
Vice-Chair (2002 - 2014)  
Litigation Section  
Forum on the Construction Industry  
The Florida Bar



Trial Lawyers Section  
The Fidelity Law Association  
Advisor  
The Hillsborough County Bar Foundation  
Director (2019 - 2022)  
The Hillsborough County Bar Association  
Trial Lawyers Section  
Construction Law Section  
National Bond Claims Association  
Program Chair (2022 to present)  
Gulfcoast Fidelity and Surety Institute  
Dartmouth Lawyers Association

## Selected Honors & Recognitions

Best Lawyers in America: Commercial Litigation, Construction Law, Insurance Law, and Litigation - Construction (since 2016)  
Lawyer of the Year - Construction Litigation (2019)  
Florida Trend's "Florida Legal Elite" (since 2004)  
Selected to the Hall of Fame in 2013  
Law & Politics – SuperLawyers (since 2006)  
American Lawyer Media and Martindale Hubbell 2015 Top Rated Litigator  
Martindale-Hubbell, AV Rated  
"Top Construction Lawyer," Tampa Magazine (2016, 2024)  
Repeatedly named as one of "Tampa's Top Rated Lawyers" by Legal Leaders Magazine  
American Bar Foundation, Fellow  
Berkeley Preparatory School Alumni Achievement Award Recipient (2012)

## Publications & Speaking

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### Selected Publications

Co-Author, Chapter VII, "The Indemnity Agreement and the Handling of Surety Claims," in *The Surety's Indemnity Agreement* (3d Ed. 2023).

The Surety's Rx for COVID-19: Are you Ready? (Webinar, May 2020).

Chapter 6, "The Surety's Recourse Against Its Principal and Indemnitor," in *Managing and Litigation the Complex Surety Case*, (3d Ed. 2018).

Chapter 3, "The Rights to Which the Contract Bond Surety is Subrogated," in *The Contract Bond Surety's Subrogation Rights* (2013).

Co-Author, Chapter 2, "Who is Entitled to Recover," in *The Law of Payment Bonds* (2d Ed. 2011).

Co-Author, Chapter VII, "The Indemnity Agreement and the Handling of Surety Claims," in *The Surety's Indemnity Agreement* (2d Ed. 2008).

### Selected Speaking Engagements

"Investigation/Completion Options: Takeover - How Do You Decide?" ABA/TIPS Mid-Winter Meeting, January, 2022 (Nashville, TN).

"The Fountain of Death? Enforcing the Collateral Security Clause after *Great American Ins. Co. v Fountain Eng'g, Inc*

(Atlanta GA).

“Takeover: From Default through Project Completion,” Fidelity and Surety Law Committee Program Co-Chair, May, 2016 (Palm Springs, CA).

“Changes to Bond Forms, Admissibility and Reformation,” Fidelity and Surety Law Committee’s Mid-Winter Meeting, January, 2015 (New York, NY).

“Commercial Crime in the 21<sup>st</sup> Century: From Inception through Salvage,” Program Co-Chair, Fidelity and Surety Law Committee’s Mid-Winter Meeting, January, 2013 (New York, NY).

Frequent author and/or speaker regarding current topics affecting the construction and surety industries.

## Community

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### Community Involvement

- The Tampa Banking Company, and the Bank of Tampa  
Board of Directors (2017 to present)
- Palma Ceia Golf & Country Club  
Board of Directors (2020-2023)
- Berkeley Preparatory School  
Board of Trustees (1999 to 2013; 2015 to 2018)  
Chairman (2009-2011)  
Alumni Association President (1999-2001)
- The University Club of Tampa  
Board of Directors (2002-2014)  
President (2010-11)
- H.B. Plant Museum Board of Trustees (2014-2020)



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