

# Heather M. Jonczak

SHAREHOLDER

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## Overview

Heather Jonczak's primary area of practice is construction law. She provides legal counsel and representation to public and private owners, developers, contractors, sureties, and other construction professionals on all types of construction matters. She regularly counsels owners and contractors during each phase of a construction project, from contract drafting and negotiation through dispute avoidance and resolution.

Heather represents clients in complex construction disputes and litigation involving all manners of contract claims, design and construction defects and deficiencies, project delay and impact claims, surety bond claims, construction liens, and insurance coverage matters. Heather is also highly experienced in contract drafting and regularly assists clients with the preparation, negotiation, review, and administration of all manners of construction contracts, including owner-contractor agreements, design-build agreements, and subcontracts, as well as commercial lease agreements. Her combined transaction and litigation experience gives Heather a unique perspective to better assist clients with early identification and resolution of conflicts and disputes during construction.

Some of her representative matters involve stadiums, ballparks, convention centers, hospitals and healthcare facilities, high-rise condominiums and mixed-use projects, hotels, commercial office and retail space, and museums, among other complex construction projects.

Heather also has experience with insurance claim investigation and fidelity coverage analysis. In addition, her experience includes representing fiduciaries, beneficiaries, creditors, and other interested parties in probate, trust, and guardianship litigation and administration.

# Experience

- Defended construction company in complex pollution case involving leak of hazardous materials.
- Prosecuted owner's claim for defective work against general contractor.
- Prosecuted nonpayment claims by design professionals, material suppliers, and subcontractors.
- Prosecuted indemnity claims and claims for reimbursement on behalf of sureties.
- Defended contractors and subcontractors on claims of nonpayment.
- Defended sureties on performance and payment bond claims.
- Defended design professionals on claims of professional negligence.
- Defended owners on claims of lien.
- Coverage analysis and defended fidelity and other claims under bonds and crime policies.

# Areas of Focus

## Practices

- Construction
- Real Estate
- Litigation and Trials
- Cannabis Law
- Construction Transactions
- Construction Litigation
- Environmental, Land Use & Development Approvals and Litigation
- Life, Annuity, and Retirement Litigation
- Hospitality
- Estates, Trusts and Probate

## Industries

- Construction
- Real Estate

# Insights

09.19.2023

Building Resiliency Into the Construction Industry

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01.21.2016

Subcontractor Nuts and Bolts: The Essential and Practical Details and Controlling Law for the Surety and Construction Practitioner, Section VII Roofing

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01.01.2016

Coverage Issues Regarding Claims Based on 'Selling Away' Violations

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11.01.2015

Potential Exposure for Homebuilders/Contractors for Installing/Supplying Lumber Liquidators' Laminate Flooring Products

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01.01.2015

Drafting Disasters – Why You Need to Sharpen Your Clause

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09.01.2014

Condominiums: Opportunities & Pitfalls – CGL Coverage and Waivers of Subrogation

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05.01.2014

Unanticipated Exposures on License and Permit Bonds May Give Sureties Cause for Concern

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## News

08.31.2023

Heather Jonczak Quoted in Daily Business Review: "As States See a Wave of Office Conversions to Housing, Florida Relies on Other Tactics to Solve Affordability"

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01.20.2023

Carlton Fields Hosts Greater Miami Chamber of Commerce 2023 Developers Forum

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02.25.2020

5 Carlton Fields Attorneys Elected to Shareholder

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## Recognition

- *The Best Lawyers in America*, Commercial Litigation, Construction Litigation (2023–2025)
- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation (2021–2022)

## Professional & Community Involvement

- American Bar Association
  - Forum on Construction Law
  - Tort Trial and Insurance Practice Section
    - Fidelity and Surety Law Committee
    - Co-Chair, Young Professional Subcommittee
- The Florida Bar
  - Real Property, Probate, and Trust Law Section
  - Trial Lawyers Section
- Florida Association for Women Lawyers
- Dade County Bar Association
- Greater Miami Chamber of Commerce
  - Vice Chair, Real Estate Committee
  - Leadership Miami, Class of 2018–2019
- The Commonwealth Institute
  - Strategies for Success Program (2016)
- Women’s Chamber of Commerce of Miami-Dade County
  - Trustee Member

## Speaking Engagements

- “Surety Considerations and Trends With Prequalifying New to Market Contractors in Florida,” Florida Surety Claims Association, Tampa, FL (March 28, 2024)
- “Sky High 305: The Race to the Top,” 2024 Developers Forum - Miami Evolve: Reshaping Communities for Tomorrow, Greater Miami Chamber of Commerce, Miami, FL (January 25, 2024)

- "The Impact of COVID-19 on the Florida Construction Industry: Lessons Learned and Future Considerations," AACE Greater Miami Section (April 27, 2021)
- Surety Today Podcast (February 10, 2020)
- "Characteristics of a Healthy Contractor – Contract Management and Project Administration," ABA Fidelity and Surety Law 2020 Midwinter Conference, New York, NY (January 30, 2020)
- "Insurance in the Construction Industry – Coverage for Continuing Damage," The Seminar Group, Atlanta, GA (March 2019)
- "Dangers and Pitfalls of Use of Social Media for Investigation of Claims/Litigation," ABA CLE Webinar (December 10, 2018)
- "Additional Insured Coverage," Construction – A Marvelous Mediation of Heroic Proportions: Insurance Coverages in Complex Construction Litigation, ABA Fidelity & Surety Law 2018 Midwinter Conference, Washington, D.C. (January 2018)

## Credentials

### Education

- Florida State University College of Law (J.D., cum laude, 2011)
- University of Florida (B.S., summa cum laude, 2008)

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

### Bar Admissions

- Florida