



# Heather M. Jonczak

SHAREHOLDER

MIAMI

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CONNECT

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## Overview

Heather Jonczak is a commercial litigator with particular experience in the areas of construction, surety, fidelity, and other complex commercial disputes in state and federal courts. As a member of the firm's Construction Practice, she handles a wide variety of complex construction disputes and litigation involving all manner of contract claims, design and construction defects and deficiencies, project delay claims, payment and performance bonds, and construction liens. She also regularly drafts and negotiates all types of construction contracts as well as commercial lease agreements and addendums. Heather's clientele includes contractors, developers, sureties, and private and public owners on all types of construction matters. Some of her representative matters involve stadiums, ballparks, convention centers, hospitals, hotels, commercial office and retail space, high-rise condominiums, 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.

## All Insights

- 01.21.2016 Subcontractor Nuts and Bolts: The Essential and Practical Details and Controlling Law for the Surety and Construction Practitioner, Section VII Roofing
- 
- 01.01.2016 Coverage Issues Regarding Claims Based on 'Selling Away' Violations
- 
- 11.01.2015 Potential Exposure for Homebuilders/Contractors for Installing/Supplying Lumber Liquidators' Laminate Flooring Products
- 
- 01.01.2015 Drafting Disasters – Why You Need to Sharpen Your Clause
- 
- 09.01.2014 Condominiums: Opportunities & Pitfalls – CGL Coverage and Waivers of Subrogation
- 
- 05.01.2014 Unanticipated Exposures on License and Permit Bonds May Give Sureties Cause for Concern

## All News

- 02.25.2020 5 Carlton Fields Attorneys Elected to Shareholder

## Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation (2021)

## 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
- Dade County Bar Association
- Florida Association for Women Lawyers
- 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 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)

### BAR ADMISSIONS

- Florida

### 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
- Florida State Courts

## Background

- Associate, Welbaum Guernsey LLP, Coral Gables, FL (2011–2013)
- Contract Attorney, Brown Sims, P.C., Miami, FL (2011)

## Areas of Focus

### PRACTICES

- Cannabis Law
- Construction Litigation
- Estates, Trusts and Probate
- Life, Annuity, and Retirement Litigation
- Litigation and Trials

### INDUSTRIES

- Construction

