



Heather M. Jonczak

ASSOCIATE

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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.

She has experience handling complex construction disputes involving construction defects, contract disputes, project delay claims, payment and performance bond claims, construction lien law matters, and regulatory investigation. She regularly represents sureties, private and public owners, contractors, developers, homebuilders, homeowners, suppliers, and design professionals on all types of construction matters.

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

Professional & Community Involvement

- American Bar Association
 - Forum on the Construction Industry
 - 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 of Woman Lawyers
- Dade County Bar Association
- Women's Chamber of Commerce of Miami-Dade County
 - Trustee Member
- Leadership Miami, Class of 2018-2019 (Team Lead)
- The Commonwealth Institute
 - Participant, Strategies for Success Program (2016)

Speaking Engagements

- "Insurance in the Construction Industry – Coverage for Continuing Damage," The Seminar Group, Atlanta (March 2019).

- "Dangers and Pitfalls of Use of Social Media for Investigation of Claims/Litigation," ABA CLE Webinar (December 10, 2018).
- "Construction – A Marvelous Mediation of Heroic Proportions: Insurance Coverages in Complex Construction Litigation – Additional Insured Coverage," Fidelity & Surety Law Committee of the ABA Tort Trial and Insurance Practice Section, Midwinter Conference, Washington (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 (2011)

Areas of Focus

PRACTICES

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

INDUSTRIES

- Construction