



# Wm. Cary Wright

SHAREHOLDER

TAMPA

**P** : 813.229.4135

**F** : 813.229.4133

CONNECT

[cwright@carltonfields.com](mailto:cwright@carltonfields.com)

[LinkedIn](#)

## Overview

Cary Wright has extensive experience representing clients in construction disputes, including construction claims, construction liens, insurance coverage matters, risk management, bond claims, and other contract disputes. His engagements have involved bridges, convention centers, stadium projects, high-rise condominiums, highways, hospitals, and hotels.

Cary also has substantial experience in contract drafting and contract review including the preparation of owner-contractor agreements and contractor-subcontractor agreements. He also advised an aviation authority on its insurance program for a multibillion-dollar project. Cary is the recipient of The Florida Bar Construction Law Committee's 2014 Lifetime Achievement Award. He is also one of the few who is a fellow in both the American College of Construction Lawyers and the American College of Real Estate Lawyers. He serves on the Public/Private Partnership Committee in ACREL. He has also been elected as incoming chair-elect of the ABA Forum on Construction Law. Cary serves as chair of the Carlton Fields Construction Practice.

One commenter remarked in *Chambers USA*, a leading guide to the legal profession, that he is "a great lawyer and highly respected by anyone in construction. He's worked very, very hard, having published, written and spoken on it. I can't say enough good things about him. He's a great and highly skilled lawyer."

## Experience

- Lead trial counsel in the defense of a \$110 million claim by a subcontractor against general contractor on a stadium project.
- Lead trial counsel in the defense of an \$85 million defective construction and environmental claim against a subcontractor on a phosphate reservoir project.
- Lead trial counsel for joint venture on multiple lawsuits by trade contractors arising from the construction of an over \$500 million convention center in which total claims exceeded \$70 million.
- Defense and settlement of \$27.8 million claim by mechanical contractor and subcontractor against general contractor, and prosecution against owner and design professional regarding the claim.
- Defense and settlement of \$8.1 million claim by drywall subcontractor against

general contractor.

- Defense and settlement of \$5.7 million claim by control systems trade contractor against general contractor, and prosecution against owner and design professional regarding the claim.
- Defense of general contractor from \$3.2 million claim by fire protection contractor, and prosecution against owner and design professional regarding the claim.
- Defended and settled multimillion-dollar suit by general contractor against developer.
- Represented general contractor in multimillion-dollar claim against owner/developer.
- Represented general contractor in multimillion-dollar claim against subcontractor.
- Represented condominium association in claims against developer and general contractor for defective construction and breach of statutory warranties.
- Obtained approximately \$2 million settlement on behalf of residential homeowner against developer and property insurer.

### **Representative Cases**

- *Harper Mech., LLC v. Hunt Constr. Grp., Inc.*, 23 So. 3d 772 (Fla. 5th DCA 2009).
- *Fed. Ins. Co. v. Sw. Fla. Ret. Ctr., Inc.*, 707 So. 2d 1119 (Fla. 1998).

### **All Insights**

05.29.2020	The Benefit of a Force Majeure Clause During a Pandemic <i>ActionLine Magazine</i>
03.27.2020	CARES Act Provides Payment Protection and Potential Loan Forgiveness to Small Businesses
03.20.2020	Understanding the Key Employer Requirements of the Federal Families First Coronavirus Response Act
03.18.2020	Force Majeure and COVID-19 in the Construction Industry
08.15.2019	Armed Carriage Laws: Are You Covered? <i>The Practical Lawyer</i>
08.01.2013	Not All Additional Insured Endorsements Are Created Equal: Brief History of ISO's Additional Insured Endorsements and 2013 Changes
03.01.2012	Successfully Serving Two Masters: The Ethical Risks of Joint Representation of Bond Sureties and Principals

01.01.2011	Construction Insurance: A Guide for Attorneys and Other Professionals
06.01.2010	Construction Accounting: A Guide for Attorneys and Other Professionals
04.01.2010	Integration of, and Conflicts Between, Insurance Policies, Bonds, and Contract Clauses Provided by Contractors, Subcontractors, and Design Professionals
01.01.2009	The Anatomy of the CGL Policy
03.01.2008	AIA vs. Consensus Docs
03.01.2008	2007 Changes to the AIA A201 General Conditions
03.01.2008	Condominium Construction Issues in Florida – Insurance
03.01.2008	Insurance: Commercial Liability, Builder's Risk and E & O Policies
10.01.2006	Expecting the Unexpected: Anticipating and Managing Key Risks to Successful Projects – Force Majeure Delays
12.01.2005	General Contractors, General Contractors – There is Coverage Under the CGL Policy for Defective Work Performed by a Subcontractor
10.01.2005	CGL Policy Coverage for Defective Work by a Subcontractor
09.01.2005	Lien Documents and the Unlicensed Practice of Law
06.07.2004	Legislative Changes Impacting the Construction Industry: What You Need to Know
03.22.2004	Section 725.06, Florida Statutes – A Must Know Statute
12.30.2003	Force Majeure Clauses and the Insurability of Force Majeure Risks
02.01.2002	Florida's Indemnification Statute
01.01.2002	Florida Construction Law and Practice - Insurance Chapters

11.29.1999 Economic Loss Rule Does Not Bar Suit Against Professional Engineers for Negligence Even Though Damages Suffered Were Purely Economic In Nature and There Was No Privity of Contract (Practitioner's Note)

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08.31.1998 Practitioner's Note for Federal Ins. Co. v. The Southwest Florida Retirement Center, Inc.

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09.30.1994 Sick Building Syndrome and Building-Related Illness Claims: Defining the Practical and Legal Issues

### **All News**

05.21.2021 Carlton Fields Ranks Among Best in Chambers USA 2021 Guide

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04.01.2021 Carlton Fields Expands National Construction Practice with Addition of Board Certified Attorney Dara L. Lindquist

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04.01.2021 Carlton Fields Adds Construction Attorney in Orlando

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09.22.2020 Carlton Fields Enhances Its Nationally Recognized Construction Services with Launch of Centinel Consulting

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05.19.2020 Carlton Fields' Wm. Cary Wright Appointed Chair-Elect of the American Bar Association Forum on Construction Law

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04.28.2020 Carlton Fields' Wm. Cary Wright Featured in Construction Dive Article on Paycheck Protection Program Payouts to Construction Companies

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04.23.2020 Carlton Fields Ranks Among Best in Chambers USA 2020 Guide

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04.06.2020 Carlton Fields Construction Attorneys Featured in the Tampa Bay Business Journal on Coronavirus in the Construction Industry

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03.24.2020 The Significance of Proper Project Documentation

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02.18.2020 Prominent Hartford Construction Litigator Leslie P. King Joins Carlton Fields

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02.17.2020 Winning Murtha Attorney for Hartford Stadium Development Jumps to Carlton Fields

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10.16.2019 Armed Carriage Laws: Are You Covered?

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08.01.2019	Carlton Fields Expands Renowned Construction Practice
07.30.2019	Carlton Fields Adds 2 Construction Attorneys To Its Practice
07.25.2019	Carlton Fields Continues Meteoric Construction Practice Growth
05.15.2019	Carlton Fields' Nationally Ranked Construction Practice Continues Growth, Adds Two Lawyers in Tampa
05.03.2019	Carlton Fields Ranks Among Best in Chambers USA 2019 Guide
04.02.2019	Robin H. Leavengood Joins Carlton Fields' Nationally Ranked Construction Practice
02.28.2019	Carlton Fields' Wm. Cary Wright Inducted as Fellow of the American College of Construction Lawyers
08.15.2018	Tampa General Hospital's SVP, Compliance, Legal, and Risk Management Jonathan "Tre" Dixon III Joins Carlton Fields
07.09.2018	Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"
06.26.2018	Carlton Fields Construction Attorneys Author Article in The Florida Bar Real Property, Probate & Trust Law Section's ActionLine Magazine on Florida's Construction SOL and SOR Amendments
08.15.2017	78 Carlton Fields Attorneys Named "Best Lawyers in America"
06.23.2017	Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

## Recognition

- AV Rated by Martindale-Hubbell
- *The Best Lawyers in America*
  - Construction Law, Litigation – Construction (2008–2022)
  - Tampa "Lawyer of the Year," Construction Law (2014), Litigation – Construction (2013)
- *Chambers USA* (2007–2021)
- Florida Super Lawyers, *Super Lawyers Magazine* (2006–2021)
- *Who's Who Legal*, Construction (2020)
- *Who's Who Legal: Florida*, Construction (2020)

- *The International Who's Who of Construction Lawyers* (2012–2019)
- *The International Who's Who of Business Lawyers* (2013–2015)
- Florida Legal Elite, *Florida Trend Magazine* (2007, 2011–2015)
- Lifetime Achievement Award, The Florida Bar Construction Law Committee (2014)
- Annual Service Award, The Florida Bar Real Property, Probate, and Trust Law Section (2010)

## Professional & Community Involvement

- American Bar Association
  - Forum on Construction Law
    - Chair-Elect (2020–2021)
    - Chair, Finance Committee (2018–present)
    - Chair, Technology Committee (2015–2017)
    - Governing Committee (2012–2015)
    - Chair, Bonds, Liens, and Insurance Division (2008–2010)
    - Steering Committee of the Bonds, Liens, and Insurance Division (2004–2008)
    - Past Member and Young Lawyer Representative, Owners and Project Finance Division
- American Bar Foundation
  - Fellow (2015–present)
- American College of Construction Lawyers
  - Fellow (2019–present)
- American College of Real Estate Lawyers
  - Fellow (2017–present)
- The Florida Bar
  - Real Property, Probate, and Trust Law Section
    - Executive Committee (2017–present)
      - ▫ Co-Chair, Legislative Committee (2017–2018, 2020–2021)
      - ▫ Treasurer (2018–2019)
    - Construction Law Committee
      - ▫ Chair (2007–2009)
      - ▫ Co-Vice Chair (2005–2007)
    - Insurance and Surety Committee
      - ▫ Co-Chair (2011–2017)

- ▫ Co-Vice Chair (2009–2011)
    - Co-Founder and Chair, The Florida Bar Construction Law Institute (2010–2012)
    - Co-Editor-in-Chief of *ActionLine*, circulation of more than 11,000 (2016–2017)
- Hillsborough County Bar Association
  - Co-Chair, Construction Law Section (2005–2007)
  - Articles Editor, Construction Law Section (2003–2005)
- Museum of Science and Industry
  - Advisory Board (2013–2014)
- Associated General Contractors of Greater Florida Inc.
  - Advisory Committee (2005–2016)
- Construction Financial Management Association
  - Tampa Bay Chapter, Board of Directors (1992–present)
  - National Conference Planning Task Force (2001–2010)
- The Federalist Society, Tampa Bay Lawyers Chapter
  - Vice President (1998–2004)
- Cary has served, or serves, in various capacities at Bell Shoals Baptist Church, as chairman of Deacons, nominating committee member, chairman of the finance committee, treasurer, and trustee.

## Speaking Engagements

- "Two-Day Construction Insurance Program," The Seminar Group (2020, 2019, 2018, 2017)
- "Florida Lien Law," Construction Financial Management Association Regional Conference (November 2019)
- "Lien Law Update," Construction Financial Management Association (May 2019)
- "Premises Liability," American College of Real Estate Lawyers (February 2019)
- "2017 Changes to the AIA Documents," Construction Financial Management Association (January 2018)
- "Construction Issues," 19th Annual Commercial Real Estate Institute, New York, NY (December 2017)
- "J.S.U.B. and Its Progeny: A Review of the Case Law, the Insurance Market's Response, and Steps Practitioners Should Know to Protect Their Clients," The Florida Bar Construction Law Institute (March 2017)
- "Insurance in the Construction Industry," The Florida Bar Construction Law Webinar (January 2017)
- "Key Issues and Provisions in Construction Contracts," 18th Annual Commercial Real Estate Institute, New York, NY (December 2016)
- "Top Six Risk-Shifting Provisions in Construction Contracts," CliftonLarsonAllen

Surety Seminar, Tampa, FL (November 2016)

- "Practical Tips for Understanding Construction Insurance and Gaps in Coverage," The Florida Bar Construction Law Committee, Tampa and Orlando, FL (2016)
- "Florida's Lien Law," Construction Financial Management Association (August 2016)
- "AIA A201 General Conditions," AIA Contracts, Lorman Education Services, Sarasota and Tampa, FL (October 2014)
- "Condominium: Opportunities & Pitfalls – CGL Coverages and Waivers of Subrogation," The Seminar Group (September 2014)
- "Construction Lien Law Update," Construction Financial Management Association (May 2014)
- "Insurance and Coverage Issues - What You Need to Know," Hillsborough County Bar Association Construction Law Section (January 2014)
- "Construction Insurance," The Florida Bar Construction Law Certification Review Course (March 2013)
- "Legislative Update," Annual Legislative and Case Law Update, Real Property, Probate, and Trust Law Section of The Florida Bar (August 2012)
- "Construction Lien Law Update," Construction Financial Management Association (July 2012)
- "Construction Insurance," The Florida Bar Construction Law Certification Review Course (March 2012)
- "Legislative Update," Annual Legislative and Case Law Update, The Florida Bar Real Property, Probate, and Trust Law Section (August 2011)
- "Legislative Update," Tampa Bay Chapter of the Construction Financial Management Association (May 2011)
- "Insurance Coverage Issues Related to Chinese Drywall Claims," The Florida Bar Construction Law Institute (April 2011)
- "Construction Insurance," The Florida Bar Construction Law Certification Review Course (April 2011)
- "What's in a Form? A Closer Look at the More Significant Provisions Within the AIA and ConsensusDocs Standard Construction Contract Forms," Tampa Bay Chapter of the Construction Financial Management Association (September 23, 2010)
- "Construction Accounting," ABA Forum on Construction Law Annual Meeting (2010)
- "Integration of, and Conflicts Between, Insurance Policies, Bonds, and Contract Clauses Provided by Contractors, Subcontractors, and Design Professionals," The Florida Bar Construction Law Institute (April 2010)
- "Construction Insurance," The Florida Bar Construction Law Certification Review Course (April 2010)
- "Construction and Insurance Issues Related to Chinese-Sourced Drywall," Associated General Contractors Meeting (July 2009)
- "A201 General Conditions," AIA Contracts, Lorman Education Services, Tampa, FL (May 13, 2009)
- "Construction and Insurance Issues Related to Chinese-Sourced Drywall," ABA Forum on Construction Law (2009)



- "Construction Insurance," The Florida Bar Construction Law Certification Review Course (March 2009)
- "Strategies for Finding Coverage and Generating Payments From Insurance Carriers – Understanding the Anatomy of the Standard CGL Policy and Terms of the Builder's Risk, Professional Liability and OCIP Policies," The Florida Bar Construction Law Institute (March 2009)
- "Florida Lien Law," Tampa Bay Chapter of the Construction Financial Management Association (September 2008)
- "Do You Have as Much CGL Coverage as You Think?," Construction Financial Management Association Annual Conference & Exhibition (2008)
- "Condominium Construction Issues in Florida – Insurance," Lorman Education Services, Tampa, FL (March 2008)
- "Insurance: Commercial Liability, Builder's Risk, and E&O Policies," The Florida Bar Construction Law Certification Review Course (March 2008)
- "2007 Changes to the AIA A201 General Conditions," Tampa Bay Chapter of the Construction Financial Management Association (March 2008)
- "AIA vs. Consensus Docs," Associated General Contractors of Greater Florida Inc. (March 2008)
- "Seminar on Florida Construction Lien Law," Construction Financial Management Association (September 2007)
- "Anatomy of an Insurance Policy and Exclusions," Hillsborough County Bar Association Construction Law Section (September 2007)
- "AIA Contracts," Lorman Education Services, Tampa, Orlando, and Sarasota, FL (2007)
- Advanced Construction Law and Certification Review Course, The Florida Bar Real Property, Probate, and Trust Law Section (March 2007)
- "Florida Lien Law Seminar," Construction Financial Management Association (September 2006)
- "Basic Construction Law - Insurance and Bonds," The Florida Bar Real Property, Probate, and Trust Law Section (August 2006)
- "Force Majeure," ABA Teleconference CLE (June 2006)
- "Expecting the Unexpected: Anticipating and Managing Key Risks to Successful Projects – Force Majeure Delays," ABA Forum on Construction Law Midwinter Meeting, New York, NY (January 2006)
- "Chapter 713 and Other Payment Remedies," WCI Communities Inc. (October 2005)
- "Risk Mitigation and Recent Case Law Related to Changes in CGL Coverage," Construction Financial Management Association and Construction Management Association of America (August 2005)
- "Additional Insured Forms – Are You Covered?," Construction Financial Management Association (March 2005)
- The Florida Bar Construction Law Certification Review Course (March 2005)
- "Design/Build Contracts and Their Associated Risks," Construction Financial Management Association (July 2004)
- "Florida Construction Law: A Comprehensive Survey," The Florida Bar Continuing Legal Education Committee and the Real Property, Probate, and Trust Law Section (March 2004)

- Associated General Contractors of America's Construction Law and Lien Law Symposium (December 2003)
- "Mold in Construction," Southeast Building Conference (July 2003)
- "Force Majeure Clauses – An Evolving Risk Allocation Mechanism in the 21st Century," ABA Forum on Construction Law Annual Meeting, Boston, MA (May 2003)
- "Water Intrusion and Mold Claims in Florida," Sterling Education Services (May 2003)
- "Mold in Construction," Associated General Contractors of Greater Florida Inc. (May 2003)
- "Beating the Odds in the Claims Process," Construction Financial Management Association Annual Conference & Exhibition, Las Vegas, NV (2002), moderated a mock arbitration and presented a seminar on construction issues at the 2002 CFMA National Conference in Las Vegas

## Credentials

### EDUCATION

- Stetson University College of Law (J.D., cum laude, 1990)
- University of Florida (B.S., with honors, 1985)

### BAR ADMISSIONS

- Florida

### COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- Florida Supreme Court
- Florida State Courts

## Background

- Certified public accountant for an international accounting firm (1986–1987)

## Areas of Focus

### PRACTICES

- Construction Litigation
- Coronavirus

### INDUSTRIES

- Construction