

Steven D. Mroczkowski

Senior Counsel

Chicago

10 South Wacker Drive
Suite 2300
Chicago, IL 60606



T: 312-627-2547 SMroczkowski@dykema.com

Areas Of Practice

Litigation

Financial Services Litigation – Commercial

Business & Commercial

Bankruptcy, Insolvency & Creditors' Rights

Real Estate Litigation

Alternative Dispute Resolution

Industries

Financial Industry Group

Financial Services Litigation – Commercial

Representation of Financial Institutions in Bankruptcy & Workout Matters

Construction Law

Bar Admissions

Illinois

Wisconsin

Court Admissions

U.S. Bankruptcy Ct., W.D. of Wisconsin

U.S. Bankruptcy Ct., E.D. of Wisconsin

U.S. Court of Appeals for the Seventh Circuit

U.S. District Ct., N.D. of Illinois

U.S. District Ct., E.D. of Wisconsin

U.S. District Ct., W.D. of Wisconsin

Education

Chicago-Kent College of Law,
J.D., 2010

Steven Mroczkowski concentrates his practice on construction law, surety law, complex commercial, real estate, and business litigation, and financial services litigation and is a member of the Firm's Financial Services Litigation Group. Steve represents owners, contractors, developers, lenders, sureties, small and large businesses, and creditors and financial institutions in all manner of disputes, including breach of contract, lien and bond claim litigation, construction defects, defaults, complex commercial foreclosures, complex lease disputes, liquidations, and bankruptcy preference and fraudulent transfer suits. He has appeared before state and federal trial courts, bankruptcy courts, and appellate courts and also represents clients in mediation and arbitration proceedings. Steve provides zealous, yet effective and efficient representation for his clients. He also works with clients to prevent disputes through contract drafting and document review, and provides valuable general counsel advisory services to his industry clients.

Steve regularly writes and speaks about developments in construction law and general commercial law as it pertains to the financial services industry. He is a past chairperson of the Chicago Bar Association's Real Property Law Subcommittee on Construction Law and Mechanics Liens. Steve has been selected to serve on the Illinois State Bar Association's (ISBA) Construction Law Section Council and is currently serving as the Council's vice-chair. He was also appointed to the ISBA Commercial Banking, Collections, and Bankruptcy Section Council. Steve is a member of the State Bar of Wisconsin's Construction and Public Contract Law Section. He was a contributing editor to the Illinois Institute of Continuing Legal Education's (IICLE) 2019 update to its Mechanics Liens Handbook.

Steve was selected as a member of the ISBA's inaugural Leadership Academy class and was recognized by *Illinois Super Lawyers* as a Rising Star in Construction Litigation for 2020-21.

Representative Matters

- Represent material supplier in multiple lien and bond claims post-Great Recession resulting in collection rate for unpaid invoices of over 90%
- Represent general contractors, owners, and subcontractors in litigation of mechanics liens, bond claims, contract claims and general commercial construction disputes
- Co-counsel for financial institution in bankruptcy adversary proceeding trial centered on debtor's fraudulent conduct; obtained judgment of non-dischargeability

Steven D. Mroczkowski (Cont.)

- Dean's List
- Dean's Distinguished Public Service Award

North Central College, B.A.,
magna cum laude, 2007

- Economics and French
- International Economics Honors Society

Language

French

- Trial and appellate counsel for court-appointed receiver in complex commercial foreclosure matter; litigated receiver's ability to raise rent in existing leases for use of property subject to receivership and negotiated rental increase providing sufficient funding for receivership estate
- Represent owners and contractors in contract drafting and negotiations
- Prepare contract forms for contractors and owners in attempts to fairly allocate risk and minimize liability exposure for clients
- Trial and appellate counsel for lender in foreclosure proceeding where borrower challenged standing to pursue foreclosure based on prior bank merger; obtained summary judgment in trial court for client which was affirmed on appeal
- Counsel for subcontractor in alleged preference claim pursued by bankruptcy trustee; preference claim abandoned with client release obtained from trustee

Seminars & Speeches

Whose Lien Is It Anyway? Rights, Remedies, and Priority of Liens on Tenant Furniture, Fixtures, and Equipment, ISBA Commercial Banking, Collections, and Bankruptcy Law Section
October 20, 2020

Construction Bidding Trends, Practices, and Possible Outcomes in the Wake of the COVID-19 Crisis
June 24, 2020

Maintaining Control: Navigating the Challenges and Impacts of the Pandemic on Construction Projects
May 21, 2020

Arbitration v. Litigation: Thoughts on Binding Dispute Resolution Clauses in Construction Contracts, CLE panel presentation for the Illinois State Bar Association's Construction Law Section Council, Chicago, Illinois, Co-presenter
June 25, 2019

When It All Goes South: Disputes at the End of a Construction Project, panel presentation for the State Bar of Wisconsin Construction and Public Contract Law Section, Contractual Indemnity Clauses, Milwaukee, Wisconsin
March 22, 2018

How to Handle a Construction Case Mediation, CLE panel presentation for the Illinois State Bar Association's Construction Law Section Council and ADR Section Council, Panelist and mock-mediation participant, Chicago, Illinois
January 12, 2018

Extra-Contractual Remedies in Illinois, presented to the Society of Illinois Construction Attorneys, lunch and learn, Co-presenter, Chicago, Illinois
September 19, 2017

Effective January 1, 2016: Section 38.1 of the Mechanics Lien Act - "Bonding Over Lien Claims," presented to the DuPage County Bar Association's Civil Law and Practice Section MCLE Meeting, Wheaton, Illinois

Steven D. Mroczkowski (Cont.)

May 2016

Recent Changes to the Illinois Mechanics Lien Act: Bonding Over Lien Claims and Section 38.1, presented to the Association for the Advancement of Cost Engineering International, Chicago Midwest Section, Chicago, Illinois
April 2016

Chicago Bar Association Mechanics Liens and Construction Claims Continuing Legal Education Seminar, Moderator and seminar organizer, Chicago, Illinois
December 2015

Construction Extras and Change Orders, presented at the Chicago Bar Association Mechanics Liens and Construction Claims Continuing Legal Education Seminar, Chicago, Illinois
December 2014

Publications

"Second District Confirms that Receiver Certificates May Prime Liens"

October 2020

The Newsletter of the ISBA's Commercial Banking, Bankruptcy and Collections Section, (Vol. 64, No. 4).

"Bidding Mistakes to Avoid, Trends to Watch & More Methods for Mastery"

September 14, 2020

Construction Business Owner

"Maintaining Control on Construction Projects"

July 16, 2020

Industry Today

"Preparing for evictions and lease litigation in the wake of the pandemic"

June 17, 2020

REJournals

"Illinois Courts May Increasingly Embrace Equity Receiverships"

April 16, 2020

Law360

"Sienna Court: Minton Overruled and no Implied Warranty of Habitability against Subcontractors without Contractual Relationships,"

August 2019

Building Knowledge: The Newsletter of the ISBA's Section on Construction Law (Vol. 9, Issue No. 5)

"Chapter 12 - Miscellaneous Remedies" (Author and Editor)

July 2019

Mechanics Liens Handbook, 2019 Edition Illinois Institute of Continuing Legal Education

"No Good Deed ... Court Holds that Financial Contribution to Construction Project does not Confer Standing,"

July 2019

Building Knowledge: The Newsletter of the ISBA's Section on Construction Law (Vol. 10, Issue No. 1)

"State Law Still Matters When Drafting Contractual Limited Remedies Provisions"

May 7, 2019

State Bar of Wisconsin, Business Law Blog

"Court of Appeals: Clear Communication Reduces Risk of Unnecessary Litigation,"

June 13, 2017

State Bar of Wisconsin, Construction and Public Contract Law Section

"Previous Waiver of the Implied Warranty of Habitability Bars Claim by Subsequent Purchaser,"

June 2016

Building Knowledge: The Newsletter of the ISBA's Section on Construction Law (Vol. 7, Issue No. 1)

Steven D. Mroczkowski (Cont.)

"Clarifying 'the amount due from the owner to the Contractor' under Section 30 of the Mechanics Lien Act: GX Chicago, LLC v. Galaxy Environmental, Inc.," Co-Author
November 2015

Building Knowledge: the Newsletter of the ISBA's Section on Construction Law (Vol. 6, Issue No. 3)

"Improving the Seventh Circuit's Approach to Illegal Reentry Prosecutions with a Constructive Discovery Standard and FastTrack Sentencing"

February 2010

5 Seventh Circuit Rev. 532

"Arbitration Preferred in Domain Name Disputes,"

November 2006

In the e Alternative: The Newsletter of the ISBA's Section on Alternative Dispute Resolution

"Arbitration: Why Some General Counsel Have Mixed Feelings,"

September 2006

In the e Alternative: The Newsletter of the ISBA's Section on Alternative Dispute Resolution

News

Steven Mroczkowski Inducted as a Member of the Society of Illinois Construction Attorneys

November 2, 2020

Forbes, Vogt and Mroczkowski Article on Pandemic Evictions and Lease Litigation Referenced in *Connected Real Estate Magazine*

July 16, 2020

Steve Mroczkowski To Present at the Illinois State Bar's Construction Law Primer for Young Attorneys and General Practitioners

March 5, 2020

Memberships & Involvement

- Society of Illinois Construction Attorneys, Member
- Appointed to serve as Member of the ISBA Commercial Banking, Collections & Bankruptcy Law for 2020-2021
- Construction Law Section Council, Member and Vice-Chair
- Illinois State Bar Association, Member
 - Leadership Academy, Member of Inaugural Class
 - Construction Law Section Council, Member and secretary
- Chicago Bar Association, Member
 - Past Chairperson, Real Property Law – Construction Law & Mechanics Liens Subcommittee
- Circuit Court of Cook County, Illinois
 - Panel Arbitrator, Mechanics Liens Section Pilot Arbitration Program

Community/Civic Activities

Special Olympics, Volunteer

Feed My Starving Children, Volunteer

Steven D. Mroczkowski (Cont.)

Awards & Recognition

Recognized as a Rising Star by *Illinois Super Lawyers* for Construction Litigation, 2020-2021