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DENVER (303) 606-6712

# ALVIN M. COHEN

## Of Counsel

### SERVICES

Commercial Litigation
Construction
Dispute Resolution
Neutral Services-Mediation and Arbitration

### EDUCATION

Boston University School of Law, J.D. (cum laude)
Duke University, B.A. (magna cum laude)

### BAR ADMISSIONS

Colorado
U.S. District Court, District of Colorado
U.S. Court of Appeals (Fourth, Fifth, Sixth and Tenth Circuits)

Alvin Cohen is a trial lawyer, representing businesses involved in the construction and real estate industries. Typical clients include prime contractors and subcontractors, material suppliers, homebuilders, land developers, and commercial real estate developers. Al's practice includes both private sector projects and government contracts. His construction cases span the full range of construction disputes, and he has litigated, for example, complex delay and disruption claims and their attendant critical path scheduling analysis, acceleration claims, disputed changes, construction defects, and mechanic's liens. These cases involved industrial, commercial, and residential projects.

His real estate litigation practice is also broad and has included a range of disputes, such as lender disputes, buyer-seller disputes, adverse possession claims, partition claims, disputes among owners of the developer entity, etc. Al began his career as a trial lawyer for the Tennessee Valley Authority, where he handled numerous construction disputes, many of which went to trial in federal court or before the Board of Contract Appeals.

In addition to his trial practice, Al serves as advisory counsel to his construction clients. This includes pre-dispute counseling and drafting and negotiating contracts.

Increasingly, Al has been putting his 46 years of experience to use as a mediator of construction disputes. Since joining the firm in 2019, Al has served as the mediator on well over 60 construction disputes of all sizes and complexity. In 2023, to sharpen his mediator skills, Al completed the semester-long course on Mediation and Conflict Management within the Program on Negotiation at Harvard Law School.

In addition, he has been on the American Arbitration Association panel of arbitrators for 25 years and has served as both sole arbitrator and as a member of three-person arbitration panels. Al is a Fellow of the Construction Lawyers Society of America.

Prior to joining Woods Aitken, he was a name partner of a boutique construction and real estate law firm in Denver, Colorado.

## AFFILIATIONS

Colorado Bar Association
Denver Bar Association, Construction Law, Litigation, and Real Estate Sections
American Arbitration Association, Panel of Arbitrators
Construction Lawyers Society of America, Fellow

## RECOGNITIONS

Chambers USA, Colorado: Real Estate-Construction / Colorado: Construction, 2008-2026
The Best Lawyers in America®, Construction Law, Litigation-Construction, Mediation, Real Estate Law, 2013-2027
Colorado Super Lawyers, Construction Litigation, 2010-2026

“Top Lawyer” for Construction Law by 5280, Denver’s Mile High Magazine
AV Preeminent™ Rated Attorney by Martindale-Hubbell
Recipient of “The Civil Litigation Writing Award” from the Colorado Bar Association

## EXPERIENCE

**Claims involving delays, schedule compression or productivity loss due to schedule disruptions:**

Represented a subcontractor on an acceleration and disruption claim involving the purified process piping for an Intel micro-processing facility in Colorado Springs, where the original claim was for $45 million. The claim was satisfactorily settled after a two-week ADR "mini-trial" with Intel, the general contractor, and the three largest subcontractors, including Al's client.
Represented a blasting subcontractor on a mountain casino project, where the issues centered on whether unforeseen site conditions contributed to blast damage and impacted the project schedule.
Represented a national electrical subcontractor on a disruption claim arising out of the installation of navigational aids at DIA for the FAA. The disruption claim totaled over $1 million, and was eventually settled for approximately 75 cents on the dollar.
While at the Tennessee Valley Authority, almost all of Al's construction cases involved schedule delay or disruption claims. Those included claims involving the construction of an office complex, a flume restoration project for an historic hydroelectric plant, and several nuclear plants. Most prominent was a $20 million claim by a structural steel fabricator, and a counterclaim by the agency for defective work, where the agency was ultimately awarded $1.8 million after trial.

**Claims involving express and constructive changes, including differing site conditions:**

Represented the owner of a large regional mall in connection with unanticipated settlement of the ground and consequent damage to the retail spaces.
Satisfactory resolution of a $2.5 million claim by an electrical subcontractor for undisclosed underground conditions in connection with the Industrial Waste Containment Upgrade Project at DIA. Those claims included a loss caused by undisclosed lignite at the job site.
Defense of a $2 million claim by an excavation contractor who asserted that its work was disrupted by unanticipated rock conditions. After separate week-long liability and damages trials, the contractor was awarded only 15% of its claim.
Defense of a claim by one of the nation's largest general contractors arising out of the design and construction of the control system for a coal gasification plant. After a two-week trial before the Board of Contract Appeals, the claim was rejected in its entirety.
Represents homebuilders (and occasionally homeowners) in a variety of defect claims, such as expansive soils, stucco defects, roof and basement leaks, defects in finish work, etc.
Represents contractors and suppliers in mechanic's lien actions, as well as developers in the defense of such actions.

**Real Estate Litigation**

Al represented a real estate developer in a lender liability claim against Mellon Bank. A five-week jury trial resulted in a $64 million jury verdict in favor of the developer which, at the time, was the largest jury verdict in Colorado history. On appeal, liability was affirmed, and the damages were reduced to approximately $15 million (which was more in line with the damages requested).
Represented a real estate developer against his partner, who misappropriated construction funds disbursed by the lender.
Represented a real estate developer on a $1 million deficiency claim by the lender. Based on the jury's finding of a bad faith foreclosure bid, the lender recovered nothing.
Represented the seller of a commercial lot against a buyer's claim that site development work was improperly performed. After a two-week arbitration, the buyer was awarded only 15% of the claimed damages.
Defended two "spurious lien" cases, both of which resulted in favorable results within weeks of the liens being filed.
Handled numerous disputes between co-owners of development partnerships and limited liability companies.


American Arbitration Association
ICDR
PANEL MEMBER
2026


RANKED IN
USA
2026
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