

Rachel Burkhart

Partner

burkhart.rachel@dorsey.com

Denver – 303.352.1168



Rachel counsels owners, developers, and contractors through all phases of their construction projects on risk and dispute management.

Rachel Burkhart represents clients on all sides of the table — owners, developers, designers, contractors, subcontractors, and suppliers — giving her a ground-level understanding of what each party needs when a project goes sideways. Based in Denver, she focuses her practice on construction litigation and contract counseling for high-value projects throughout the Mountain West, with particular depth in infrastructure, energy generation, mining, hospitality and resort, and other industrial and commercial projects. Her practice also extends to public-private partnerships and government contracts in the energy and infrastructure sectors.

On the litigation side, Rachel has tried and arbitrated construction, real estate, and financial disputes in state and federal courts and before arbitration panels. Her courtroom and hearing-room record includes multi-week arbitrations, bench trials, and appellate proceedings. She has litigated matters involving wrongful termination, delay and disruption, constructive acceleration, lost productivity, design defects, warranty claims, performance failures, and trade secrets — representing clients ranging from EPC contractors and electrical subcontractors to national health systems and utility companies.

Rachel also advises clients well before disputes arise. She regularly counsels owners, contractors, and developers on construction contract drafting and negotiation. She is well-versed in the AIA form agreements and familiar with a wide variety of project deliver models, such as design-build, engineer-procure-construct (EPC), construction manager at risk (CMAR), and progressive-design-build, to name a few. Rachel partners with clients throughout the full project lifecycle, providing counsel on issues and changes that arise during the course of construction. Her work spans conventional and alternative energy generation, electrical transmission and distribution, water and wastewater

Education

- Columbia Law School (J.D., 2014)
 - Harlan Fiske Stone Scholar
 - Parker School Recognition of Achievement in International and Comparative Law
 - *Columbia Human Rights Law Review*, *A Jailhouse Lawyer's Manual*, Articles Editor
- University of Texas at Austin (B.A., History, 2010)
 - *cum laude*
 - Departmental Honors
 - Dean's Honor List
 - Bridging Disciplines Program Certificate in International Studies

Bar Admissions

- Colorado
- Texas

infrastructure, civil works, sports facilities, hospitals, and luxury residences.

- Montana
- Wyoming
- North Dakota

Beyond construction, Rachel represents property owners, financial institutions, creditors, borrowers, and tenants in disputes involving distressed commercial real estate and leases, including foreclosure and eviction proceedings.

Rachel's project experience cuts across both the public and private sectors. She has worked on matters involving 600 MW wind projects, 175 MW natural gas generating stations, battery energy storage systems, deep tunnels, mines, college football stadiums, ski resort communities, and hospital construction — a range that reflects the breadth of industries she serves across the region.

Select Experience

Energy & Power Generation

- Won arbitration award after three-week hearing on behalf of EPC contractor against owner of 136 MW wind project in Washington.
- Obtained settlement on behalf of EPC contractor for black start addition to an existing generating station in California in a dispute with its battery energy storage system (BESS) supplier over design defects and delays.
- Advised utility company in management and resolution of disputes with EPC contractor on 175 MW natural gas generating station in Montana.
- Represented general contractor in warranty claims against Asian supplier of equipment installed on 600 MW wind project in Colorado.

Clerkships

- U.S. District Court for the Northern District of Texas, Honorable David C. Godbey, 2015–2016

Accolades

- *Best Lawyers® Ones to Watch in America*
 - Land Use and Zoning Law, 2022-2026
 - Real Estate Law, 2023, 2025
 - Litigation - Real Estate, 2024-2026
- Consistently providing pro bono legal assistance to those in need through Dorsey's Pro Bono program
- Contributed more than 50 Diversity hours, 2023-2024

Court Admissions

- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Texas

Charitable & Civic Involvement

- American Bar Association, Forum on Construction Law, Division 10 (Energy & Environment), Steering Committee and Diversity Liaison (2022 – 2026)

- Member of Board of Directors of Denver World Affairs Council DBA WorldDenver (2026 – 2029)
- Colorado Women’s Bar Association, Co-Chair of Judicial Committee (2023 – 2025)
- Associated General Contractors of Colorado, Future Leaders Forum (2021 – 2023), Subcontractor Relations Committee (2024 – 2026)
- Colorado Lawyer, Coordinating Editor for Business Law

Select Presentations

- *Preparing and Defending Witnesses in Depositions*, CBA-CLE, Building Success: Contracts, Claims, and Collaboration in Construction Law, Denver, CO (October 8, 2025)
- *It’s Not You, It’s Me: Protecting Subcontractors in the Event of Termination*, ABA Forum on Construction Law, Division 9 Hot Topic Presentation (June 12, 2024,) Virtual
- *Site Work and Foundations* and *HVAC/MEP*, ABA Forum on Construction Law, 2023 Construction Law Foundations, San Francisco, CA (Nov. 2-3, 2023)

Insights

August 25, 2026

Licensing Complaints Against Contractors

June 10, 2025

Navigating Tariff Risks in Construction Contracts

September 25, 2024

Talking the Talk: Building Your Language to Be More Inclusive

March 7, 2024

Preparing Your Construction Project for the Next Federal Government Shutdown