

Rachel Burkhart

Partner

burkhart.rachel@dorsey.com

Denver – 303.352.1168



Rachel counsels clients in the construction and real estate industries through all phases of their projects.

Rachel assists owners, developers, and contractors with risk and dispute management on high-value construction projects throughout the Mountain West. She is an experienced trial lawyer specializing in complex construction, real estate, and financial disputes. She also regularly provides advice on construction contract drafting and negotiations, including AIA form agreements, engineer-procure-construct contracts, and others. Rachel has been involved in a wide range of public and private projects, including conventional and alternative energy generation, electrical transmission and distribution, water and wastewater infrastructure, civil works, mines, deep tunnels, sports facilities, hospitals, hotels and mixed-use resorts, industrial facilities, commercial buildings, and luxury residences. She has worked with private and public owners, developers, designers, contractors, subcontractors, and suppliers, affording her with unique insights into the objectives of all parties involved in a project. Rachel also regularly represents property owners, financial institutions, creditors, borrowers, and tenants in disputes concerning distressed commercial real estate and leases, including foreclosure and eviction proceedings.

Select Experience

- Represented developer in multi-party dispute involving claims of wrongful termination, fraud, delay, and construction defects on hotel project in Montana.
- Obtained settlement of nonpayment claims for mining services subcontractor against counterclaims of overbilling and defective work by mine owner in Montana.
- Represented electrical subcontractor on delay, disruption, lost productivity, overtime, and extra work claims on dairy processing facility in Texas.
- Secured settlement for electrical subcontractor on constructive acceleration and extra work claims on hospital construction project in Minnesota.

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
- Montana
- North Dakota

- Wyoming
- Texas

Court Admissions

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

Clerkships

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

Charitable & Civic Involvement

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

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

Additional Information

- "EPC Contract Forms," Design-Build and EPC Contracting: A Practical Legal Guide, August 20, 2024

Select Presentations

- "Preparing and Defending Witnesses in Depositions," CBA-CLE, Building Success: Contracts, Claims, and Collaboration in Construction Law, October 8, 2025, Denver, CO
- "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, Nov. 2-3, 2023, San Francisco, CA

Insights

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