



## Joseph L. Cohen

Administrative Partner of Chicago Litigation Practice

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Joe is an experienced litigator and transactional attorney with a national practice that centers on construction, federal government contracting and procurement. His clients include owners, design professionals, general contractors and suppliers.

In the federal contracting sector, Joe's experience includes construction disputes involving:

- constructive changes
- default terminations
- defective specifications
- defective work
- delays/acceleration
- differing site conditions
- payment and performance bond claims
- prime-sub disputes

Joe also has extensive experience in commercial and real estate-related litigation, particularly construction litigation and disputes involving mechanics liens. He represents a wide range of Chicago-based, national and international companies involved in construction-related businesses, drafting and negotiating agreements for construction projects and advising clients at every stage in the construction process.

He also frequently represents and advises clients on corporate governance, regulatory and business issues.

### Services

- Litigation
- Construction
- Federal Government Contracts & Procurement
- Residential Health Care Facilities
- Retail Industry
- Real Estate Litigation

### Representative Matters

- Construction defect litigation involving design errors and omissions

- Worked on a defect claim relating to a retrofit conversion of a coal-fired steam plant to a green energy biomass plant using a proprietary gasification process.
  - Litigated a major construction defect claim involving a government agency-secured site in Chicago, and drafted the transactional documents that abated the defect.
- Fee disputes involving engineers, architects and trade contractors
  - Tried the two largest mechanic's lien claims in Illinois history, including one involving the well-known Chicago Spire.
  - Represented the prime contractor on a scheduling and delay claim for the Herbert Hoover Dike project around Lake Okeechobee, Fla.
- Project bids and development agreements
  - Drafted a development agreement for Operation Warp Speed that permitted the expansion and build out of manufacturing facilities necessary to accommodate vaccine production.
  - Represented a member of a joint venture to bid on the construction of a \$600 million nuclear facility for the U.S. Department of Energy.
- Antitrust and conspiracy claims
- Unfair competition, deceptive trade practices and trade secret litigation
- Represent employers in disputes arising from employee dishonesty and breaches of fiduciary duties by officers and directors

## Before Fox Rothschild

Joe was a member of Shaw Fishman Glantz & Towbin LLC, which merged with Fox Rothschild in 2018.

During law school, Joe was an extern for U.S. District Judge Elaine Bucklo in the Northern District of Illinois.

## Beyond Fox Rothschild

Joe was appointed by two different governors — Republican Bruce Rauner and Democrat J.B. Pritzker — to serve as a member of the Real Estate Board for Illinois. During his 3-year term, he forged relationships both locally and nationally on both sides of the aisle.

Joe also is the managing editor of *The 50 State Survey on Construction Law*, which is a joint publication by the Associated General Contractors and the American Bar Association's Forum on Construction.

He previously served as a board member on the Illinois Real Estate Administration and Disciplinary Board for the Illinois Department of Financial and Professional Regulation.

## Bar Admissions

- Illinois

## Court Admissions

- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of Ohio
- U.S. Claims Court

## Education

- Washington and Lee University School of Law (J.D., *cum laude*, 2002)
- Bradley University (B.S., *summa cum laude*, 1999)

## Memberships

- American Bar Association

- Steering Committee, Division 9
- Chair, Boots on the Ground Leadership Committee
- Marketing Committee, Forum on Construction Industry
- Co-managing Editor of the AGC's 50 State Law Matrix
- Chicagoland AGC, Diversity & Inclusion Committee
- Chicago Bar Association
- Illinois Road and Transportation Builders Association (IRTBA)
- Furever Home Dog Sanctuary, Construction Board and Committee Member

### **Board of Directors**

- Illinois Real Estate Administration and Disciplinary Board (former board member)

### **Honors & Awards**

- Named "Construction Litigation Attorney of the Year in Illinois" by Corporate International (2014) and Global Law Experts (2015)
- Included as a "Rising Star" by *Super Lawyers*