

MELVIN C. COHEN



Mel Cohen's practice focuses on construction and commercial litigation, mediation and arbitration. Listed in the *Best Lawyers of America* and included on the Southwest Super Lawyers List, he was named the 2016 and 2020 Lawyer of the Year for construction by *Best Lawyers of America*. Teaching "Construction Law for Architects," he was an Adjunct Professor at the University of Arizona College of Architecture, Planning and Landscape Architecture.

Representing private and public owners, general contractors, subcontractors, suppliers and design professionals, as well as pursuing surety claims, fosters a realistic approach to construction claims. Proper preparation and creative ADR are hallmarks of Mel's practice, often reducing potentially expensive litigation costs and fees.

Recent cases include termination and replacement of defaulting contractors with prompt resolution of surety bond claims on large highway and water transmission projects as well as Federal Court claims of defective design and construction resulting in water infiltration. Significant construction mediation, arbitration and litigation includes medical facilities, telescopes, roads and highways, airports, schools, shopping malls, auditoriums, mines, federal facilities, large pipelines (steel, concrete and HDPE), water and wastewater plants, subdivisions and federal canal construction including bid protests, design, delay, change order, termination and surety bond disputes. Drawing upon a cadre of foremost construction experts, Mel has successfully resolved delay, payment, constructability, change order and termination issues.

Significant trial and appellate cases include leading Arizona cases of construction delay, arbitration, surety and the liability of public owners for nuisance and trespass.

Commercial negotiations, mediation and litigation experience includes commercial loan agreements, real property ownership, easements, partnership, fraud and breach of fiduciary disputes.

After receiving his B.A. from University of Cincinnati and J.D. from the University of Pittsburgh, Mel and his wife Molly moved to Arizona, ultimately joining the Pima County



Attorney's Office, Civil Division in 1973, working on a wide range of projects, including construction of wastewater treatment plants, hospital, highways and parks while litigating zoning, election, employment, civil rights and other governmental issues.

Mel participates in the Associated General Contractor's Contract Document Forum, Arizona Bar Construction Law Seminars and regularly presents programs for owners, contractors and design professionals. He served as a Judge Pro Tem for Pima County Superior Court, is an American Arbitration Association arbitrator and trained at Harvard Law School mediation program for lawyers. He is a member of the American Bar Association Forum on the Construction Industry, the Fidelity and Surety Law Committee and the Arizona Bar Construction Committee.

He just completed serving on The City of Tucson Roads Bond Oversight Commission and continues to serve on Pima County Regional Transportation Authority Citizens Advisory Committee. Mel is a Board Member of the Southern Arizona Leadership Council and formerly on the board of Literacy Connects. Mel served as Chair of Handmaker Jewish Services for the Aging and Hillel Foundation at the University of Arizona. He regularly leads worship services at Handmaker. Mel's recreational activities include Tai Chi, various exercises, reading a range of books, meditation and studying ancient Jewish texts.

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Practice Areas

- Construction & Surety
- Real Estate
- Commercial Litigation
- Arbitration & Mediation

Representative Experience

Representation in Litigation, Arbitration and Mediation Claims have included design and construction defects in a \$70,000,000.00 water treatment plant, water infiltration claims for a large secure facility, defective construction of large HDPE pipeline project, removal and replacement of contractor and surety performance for municipal road construction, defective construction for telescope project, change order and delay claims involving high schools, elementary schools, water and sewer projects, mining projects, auditoriums, convention centers, engineering, design, defects for city streets, delay and in change order claims for underground boring projects, soil settlement issues, wrongful termination of contractors and surety claims.

Admissions

- State Bar of Arizona, 1974
- U.S. District Court in Arizona, 1974
- United States Court of Appeals, Ninth Circuit, 1974

Professional

- Mesch Clark Rothschild 1989 to Present, currently Managing Shareholder
- Shareholder and Chair of the Real Estate/Construction Section
- Watt & Cohen, 1978 - 1989
- Pima County Attorney, Civil Division, 1973 - 1977
- Clerk and Deputy County Attorney

Organizations

- Arizona Builder's Alliance, Legal Council, Southern Arizona Legal Committee
- American Arbitration Association, Arbitrator, Construction Industry
- American Bar Association, Forum on the Construction Industry, Construction Forum
- Associated General Contractors of America, Contract Documents Committee, Surety Bonding Committee
- LEGUS, formerly Network of Leading Law Firms, Former Member, Board of Advisors
- Pima County Superior Court, Mediator, Judge Pro Tempore
- Southern Arizona Leadership Council
- State Bar of Arizona, Construction Law Section, Fee Arbitration Committee, Alternative Dispute Resolution Committee
- Pima County Regional Transportation Authority Citizens Advisory Committee
- Literacy Connects, Past Board Member
- Handmaker Jewish Services for the Aging, Past Chair
- Hillel University of Arizona, Past Chair

Education

- University of Cincinnati, Cincinnati, Ohio - Bachelor of Arts with honors, 1970
- University of Pittsburgh, Pittsburgh, Pennsylvania - Juris Doctor, 1973

Presentations

- Contributing Author: Arizona Construction Law: What To Do When...
- Liens and Bonds on Arizona Construction Projects
- A Survival Course Arizona Mechanics' and Materialmen's Liens and Bond Claims