SpencerFane®

Michelle Berger

Partner

Contact

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Overview

Michelle Berger combines her legal and engineering experience to provide clients with effective solutions to help keep complex construction and development projects on schedule and on budget.

Involved in the construction industry for more than 25 years, Michelle focuses her practice on all aspects of engineering and construction law, working closely with clients to facilitate timely resolutions of legal matters with maximum results. She has an extensive track record of success representing engineering firms and construction companies of all sizes as outside general counsel and bridging the gap between concept and project completion, handling contract drafting and negotiation, navigating mechanic's liens, leading traditional and alternative dispute resolution processes, resolving employment and contract disputes, and establishing and monitoring risk management and insurance protocols.

Michelle is also a civil engineer and previously served as general counsel for a midsize construction contractor, giving her unique insight into the issues facing her clients. In that role, she was responsible for all legal, insurance and compliance issues, including owner- and project-specific prequalification submissions; contract review, drafting, and negotiation; disputes and claim management; employment and hiring issue resolution; establishment and monitoring of risk management and insurance protocols, including general liability, auto and worker's compensation claims; and management of litigation using outside counsel and engineering experts.

As land use counsel, Michelle helps property owners and developers navigate land use and building codes to create the projects of their dreams. Whether researching and providing an analysis of existing property zoning and entitlements or representing clients before various boards and commissions regarding land use applications for new entitlements, Michelle always brings to bear her detail-oriented, analytic approach to achieve maximum results for her clients.

Education

- University of Denver Sturm College of Law, 2002 (LLM)
- University of Denver Sturm College of Law, 1991 (J.D.)
- South Dakota School of Mines & Technology, 1984 (B.S.), *High honors*

Bar Admissions

- Colorado

Community Involvement

- University of Denver Sturm College of Law, Professional Mentoring Program, Mentor
- CCA / CDOT Alternative Dispute Resolution Task Force, Industry Representative
- CCA / CDOT Industry Relations Task Force, Industry Representative

Distinctions

- AGC / CCA Women in Construction Waymaker, 2021
- American Jurisprudence Awards; Administrative Law, Corporations
- *Best Lawyers in America*
  - Real Estate Law, 2023-2027
  - Construction Law, 2024-2027
- *ColoradoBiz*, Icon and Achievers Honoree, 2026
- Order of St. Ives
- Tau Beta Pi Association

Memberships

- Colorado Bar Association, Construction Law Section; Real Estate Section
- Denver Bar Association
- Colorado Contractors Association (CCA)
  - CCA Associate Council, Member, 2015-2016

Presentations and Publications

- "Delay vs. Disruption: Identification, Mitigation & Risk Management Across the Project Lifecycle," Construction Management Association of America Conference, October 2026
- "Title 32 Special Districts and Construction Project Delivery Methods: Legal and Engineering Perspectives of the Pros and Cons of Common Project Delivery Methods as They Work for Your District," Special District Association of Colorado Annual Conference, September 2026
- "Land Use Entitlements and Zoning: What You Don't Know Can Kill Your Real Estate Development Deal," Spencer Fane Webinar, October 2025
- "Continuing Contractor Concerns Amid Relaxing COVID-19 Restrictions," April 2020
- "Protecting The Owner and The Project: Insurance and Bonding Issues in Construction," June 2016
- "Construction Contract Essentials," June 2015

Related Experience

- Represented an underground utility notification company as Outside General Counsel, contributing to its important role in the construction industry of ensuring safety in excavating projects.

- Represented a construction contractor in an administrative proceeding against a municipality, Michelle negotiated a settlement of multiple contract claims in excess of $1.2 million and a waiver of all liquidated damages.
- Represented a major construction materials supplier in successfully obtaining a highly contested land use entitlement for a gravel mining operation in an urban-rural buffer corridor.