

Lawrence M. Prosen

Partner

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Services

Business & Finance

Construction & Infrastructure

Construction Litigation

Government & Regulatory

Government Contracting & Public

Procurement

Litigation

Industries

Energy

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Larry Prosen is a government contracts attorney who holds a degree in architecture and has specialized in construction litigation. Larry focuses his practice on representing and advising contractors (both construction and non-construction) on a broad range of matters related to government contracts, as well as representing clients in public and private/commercial construction litigation. Broadly experienced in all aspects of government contracts, from regulatory compliance, to claims and bid protest litigation, Larry's experience includes representing contractors and subcontractors in litigation matters and contract disputes including delay, impact, loss of productivity, and geotechnical/differing site condition claims. Larry has appeared frequently in proceedings before many U.S. District Courts as well as many state and local courts and agencies. He also counsels contractors on Small Business Administration (SBA) matters ranging from 8(a) formation and status protests to the Mentor-Protégé Program and the Service-Disabled Veteran-Owned (SDVO) and HUBZone small business programs. Larry also sits as an arbitration neutral and mediator on the AAA's Construction Industry Panel of Neutrals and is the ABA Section on Litigation's representative to the AAA's National Construction Dispute Resolution Council. He is also a founding Editor-in-Chief of the American Journal of Construction Arbitration and ADR published by Juris Publications. Larry has represented clients in many arbitrations, mediations and ADRs in both domestic and international fora.

Larry's national and international experience includes providing advice and representation in connection with construction and infrastructure projects on six continents and in nearly 20 countries for clients in the infrastructure, environmental, office, commercial, process and manufacturing, energy production/transmission, and real estate sectors. He has also represented clients across over 30 states of the United States in Federal,



local and commercial construction, and government contracts matters. He represents clients before virtually all federal agencies including the Department of Defense, Department of Homeland Security, Department of State, Department of the Interior, Department of Veteran Affairs, U.S. Navy, U.S. Army Corps of Engineers, Naval Facilities Engineering Command, General Services Administration, U.S. Agency for International Development, Architect of the Capitol, and Smithsonian Institution.

Larry assists contractors, subcontractors, owners, and architects on a wide variety of commercial/private construction projects in negotiating prime and subcontracts, tenant fit-out agreements, and project workouts with financial institutions and sureties. He also represents clients in all aspects of litigation and claims resolution in connection with nonpublic contracts/projects. In addition, Larry advises clients outside the construction industry on all aspects of government contracts matters including protests, claims, disputes, contract reviews and due diligence for mergers and acquisitions, internal and federal investigations, and debarment and suspension proceedings.

In addition to construction, Larry has significant real estate experience representing developers, purchasers, and sellers on real estate transactions and development deals, providing “cradle to grave” service including the front-end transactional work as well as the construction/renovation portion of such projects and transactions. For example, Larry was involved in a transaction and multi-year litigation in the District of Columbia in which he represented the owners/sellers of a multi-family, multi-building low income housing development. Larry’s involvement began with representing the nonprofit owner of the property in negotiating and entering into a sale & purchase agreement with a developer. This included developing the corporate documents in which the seller would become a minority owner in the interest of the developer. Following entry into the purchase agreement, the tenants organized and sought to exercise their rights under the D.C. Tenant Opportunity to Purchase Act, which gives tenants a right of first refusal to purchase residential multi-family housing if a contract is offered. As a result, the tenants tried to scuttle the purchase agreement and litigation ensued over multiple years in the D.C. Superior Court. Working closely with the developer and its legal counsel, the case successfully was resolved after three-plus years of litigation, resulting in the redevelopment of the facility into a combined low income and luxury apartment building with retail, extensive amenities, and a redevelopment of the surrounding area.

Currently, Larry is representing the developer/owner of a 44-story luxury high-rise apartment with extensive amenities package. That litigation includes multiple mechanics lien cases, as well as breach of contract disputes relating to protracted delays in the completion of the project. Those cases, which have recently been consolidated, are pending in the Circuit Court for Baltimore City, Maryland. This complex litigation involves multiple millions of dollars in value, and has counter claims, cross claims, direct claims and other elements.

Larry has also negotiated and represented parties in new development and redevelopment projects throughout



the greater Washington, D.C. area, including projects valued in the multiple hundreds of millions of dollars, and including defective construction disputes and acting as a mediator an arbitrator in various development disputes as well. Larry has acted as project counsel to owners/developers on a number of high profile projects, including a \$27 million renovation and expansion of a major, platinum-level country club in suburban Maryland, the \$40+ million expansion and addition of a private school consisting of a new facility containing theater, performing arts, music, and cafeteria facilities; expansion and renovation of the historic D.C. Jewish Community Center, and the renovation of The University Club's hotel facilities.

Prior to joining the firm, Larry was a partner in the Washington, D.C. office of a national law firm where he led its Government Contracts Team and focused his practice on all aspects of construction litigation and government contracts including claims, protests, litigation, breaches of contract, Miller Act, Davis-Bacon Act, and mechanic's lien disputes. Previously, Larry was a partner in the Washington, D.C. office of an international law firm where he focused his practice on government contracts and construction litigation.

Larry has published extensively and was a member of the 2013 *Law360* Government Contracts Editorial Advisory Board. He has lectured and conducted seminars for clients and associations including the Associated General Contractors at several of its national conventions, Associated Builders and Contractors of Metro Washington, American Subcontractors Association, and D.C. Metropolitan Subcontractors Association.

While attending law school, Larry was the Lead Articles Editor of the *CommLaw Conspectus Law Journal*.

Larry is listed in the 2019 and the seven years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* in the area of Construction. He was recognized in *The Best Lawyers in America*[®] for Construction Law in 2019 and the five years immediately preceding and again in 2020 for Arbitration, Construction Law, and Construction Litigation. Larry was recognized in 2019 and the three years immediately preceding as a Washington D.C. "Super Lawyer" in the area of Construction Litigation by *Super Lawyers* magazine. He was recommended in the area of Construction Law by *Legal 500 US* in 2016 and the three years immediately preceding, and most recently in 2018. He was also recognized as a "Leading Lawyer" in 2018 by *Legal 500 US*. Larry has been recognized as a "Top Rated Lawyer" in Washington D.C. for Construction Law by *Legal Leader*. He is AV Preeminent[®] rated by Martindale-Hubbell.*

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Education

Catholic University of America Columbus School of Law, J.D. (1997)

University of Maryland, B.S., Architecture (1994)



University of Maryland, B.A., History (1994)

Admissions

District of Columbia (1998)

Maryland (1997)

Virginia (2017)

New York (2019)

Court Admissions

U.S. Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Federal Claims

U.S. District Court for the District of Columbia

U.S. District Court for the District of Maryland

U.S. District Court for the Southern District of Texas

U.S. District Court for the Northern District of Illinois

U.S. District Court for the District of Colorado

Professional & Community Activities

District of Columbia Bar Association, Member

Maryland State Bar Association, Prior Member

American Arbitration Association, Construction Panel Neutral for both Arbitration & Mediation

American Arbitration Association, National Construction Dispute Resolution Committee, ABA Section on Litigation Representative

American Subcontractors Association, Attorney's Council, Member

American Bar Association, Forum on Construction Industry, Member

Associated Builders and Contractors of Metro Washington, District of Columbia Legislative Committee, Past Chair

District of Columbia Department of Small and Local Business Development, Member; Construction Industry Advisory Council, Past Member

Law360, Government Contracts Editorial Advisory Board, Past Member

The Builder's Ball, General Counsel and Member; Organizing Committee, Member



Insights

Events

Construction Changes: An Industry Expert Imparts His Knowledge to GCs and Subs
October 23, 2019

News Releases

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020
August 15, 2019

News Releases

Twenty-Two Kilpatrick Townsend Attorneys Recognized in 2019 Washington, D.C. Super Lawyers
June 7, 2019

News Releases

Kilpatrick Townsend Achieves Top-Tier Recognition from Chambers USA 2019
May 2, 2019

Publications

P3 and Your Tax Dollars — Federal Government Makes Next Foray Into Public Private Partnerships
March 12, 2019

Perspectives

KT Client Success | Government Contracts Team Wins Another GAO Bid Protest
February 21, 2019

Alerts

P3 and Your Tax Dollars – Federal Government Makes Next Foray into Public Private Partnerships
February 11, 2019

Events

5th Annual EPC Contract Management Conference
January 16, 2019

Perspectives

KT Client Success | Government Contracts Team Prevails in GAO Bid Protest



December 17, 2018

[Perspectives](#)

KT Client Success | Another Pair of Wins for the Government Contracts Team in GAO Bid Protest

December 13, 2018

[Events](#)

2018 Construction SuperConference

December 10, 2018

[In The News](#)

Federal Circuit's Bond Ruling Likely To Affect State-Level Contracts

November 9, 2018

[In The News](#)

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

[News Releases](#)

Kilpatrick Townsend Receives Top Rankings from 2018 Legal 500 US

June 11, 2018

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2018

May 11, 2018

[Perspectives](#)

3 Takeaways: Arbitration of Disputes Regarding U.S. Federal, State, and Local Entities

May 8, 2018

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2018 Washington, D.C. Super Lawyers

May 7, 2018

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NIST Revises Intellectual Property Rights Offered to Federally Funded Inventions and Licensing of Government Owned Inventions

May 7, 2018

[In The News](#)

Kilpatrick Townsend's Larry Prosen Quoted by the Federal Contracts Report re: "If Agencies Can Waive Conflicts of Interest, Why Don't They?"

January 29, 2018

[Alerts](#)

5 Key Takeaways: Protecting Your IP When Government Contracts Are Involved

August 18, 2017

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Infrastructure Acceleration Effort Takes First Step in Right Direction – President Signs Executive Order to Streamline Environmental Review Process

August 16, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018

August 15, 2017

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Small Business Payment for Performance Act Unanimously Leaves Committee – Will SBC Construction Contractors be able to reduce their financial exposure?

June 22, 2017

[In The News](#)

Larry Prosen Quoted in Construction Dive re: "How Trump's 2018 Budget Could Help - and Harm - the Construction Industry"

June 1, 2017

[News Releases](#)

Kilpatrick Townsend Achieves Recognition From Chambers USA 2017

May 30, 2017

[News Releases](#)



Kilpatrick Townsend Attorneys Named 2017 Washington, D.C. Super Lawyers
May 22, 2017

[News Releases](#)

KT Client Success: A Win Nine Years in the Making
May 19, 2017

[In The News](#)

Kilpatrick Townsend's Larry Prosen Interviewed in The Wall Street Journal re: "In 'Buy American' Push, Trump Is Starting in a Hole"
April 21, 2017

[News Releases](#)

Kilpatrick Townsend Launches Government Contracts Blog
February 28, 2017

[In The News](#)

Kilpatrick Townsend's Larry Prosen Quoted by Bloomberg Law's Federal Contracts Report re: "Conflicts of Interest Haven't Swamped Contractors' Prospects"
January 24, 2017

[Events](#)

Lessons from the Construction Battlefield
December 5, 2016

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Department of Defense (DoD) Issues Final Rule on Safeguarding Covered Defense Information and Related Information Security Compliance Requirements
October 26, 2016

[Publications](#)

Supreme Court Finds The Department of Veterans Affairs Violated Procurement Law — Are There Broader Implications for Government Contractors?
September 15, 2016

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Changes to the SBA Regulations Change the Face of Small Business Government Contracting and Create New



Opportunities for Both Small and Big Businesses
August 10, 2016

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Kilpatrick Townsend's Media Report July 22-28, 2016
July 29, 2016

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Lessons Learned From the Government Contracts Battlefield
July 24, 2016

[In The News](#)

Kilpatrick Townsend's Media Report July 15-21, 2016
July 22, 2016

[In The News](#)

Kilpatrick Townsend's Media Report July 1-14, 2016
July 15, 2016

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Kilpatrick Townsend Scoops Up Gov't Contracts Team
July 11, 2016

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Kilpatrick Townsend Adds Construction & Government Contracts Team in Washington, DC
July 11, 2016

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The Supreme Court's Escobar Decision on Implied Certification Liability: The Good, The Bad, & The Ugly for Government Contractors, Health Care Providers, Financial Institutions & Everyone Else Submitting "Claims" to the Government
June 24, 2016

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Supreme Court Finds The Department of Veterans Affairs Violated Procurement Law – Are There Broader Implications for Government Contractors?



June 23, 2016

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Kilpatrick Townsend's Media Report June 10-16, 2016

June 17, 2016

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Construction Contract Claims – Lessons Learned from the Construction Battlefield

March 10, 2016

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Government Contractors Forum: Scenes from the Battlefield – Top Ten Lessons from Large Contracts Gone Bad – Takeaways for Every Government Contractor

January 29, 2016

[Publications](#)

Inside DOD's Interim Rule on Cloud Cybersecurity

August 26, 2015

[Publications](#)

Don't Get Shortchanged on Change Orders

July 31, 2015

[Publications](#)

It's About Time; SBA Proposes Expansion of Mentor-Protégé Program to SDVO, WOSB, HUBZone and Small Business Programs

March 31, 2015