

## **GREEN BUILDING, LITIGATION & RISK**

Green Building is all the rage. From the latest version of [LEED](#), [LEED 3.0](#), to discussions of "[LEEDigation](#)."

Every level of government wants in on the latest in sustainability. Musings discussed this trend in prior [posts](#) relating to Virginia and "green" building and Virginia Business Magazine [chimed in](#) as well. This trend is laudable, however, like any new technological or social change, [risk follows](#).

We have new technology being used for the first time, and old technology being used in new ways. Insurance companies are dealing with a [new standard of care](#) and a [level of risk](#) created by longer time horizons on expectations relating to energy efficiency. Governments are looking for [ways](#) to legally enforce their mandates of LEED or other green certification. Contractors also have a particular level of [risk](#) that they did not face before.

Of course, this gives [attorneys](#) more work to do, and you the need to give them that work. Recently, [newspapers](#) have picked up on the potential for litigation based upon the new wave of green building and new mandates relating to sustainability. Hopefully, you will see this trend coming and prepare for it through and early consultation with a knowledgeable attorney. Your contracts, actions, and insurance will all need to be reviewed in order to assure that you are properly prepared for the next wave of innovation.