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THE Construct

Your Guide to Law in the Construction Industry



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Green Law Corner - You Decide: Green Globes vs. LEED

The U.S. General Services Administration recently added Green Globes as an additional third-party green building certification system for federal government construction projects. With this addition, many are now asking about the difference between Green Globes and LEED.

Green Globes has emerged, in some parts of the U.S., as a rival building option to the more well-known Leadership in Energy and Environmental Design ("LEED") system. According to Green Building Initiative ("GBI"), which runs Green Globes, the "GBI was originally conceived as a way to bring green building to the mainstream." Green Globes was developed in the U.K. in the 1980s and, near the end of 2004, the GBI brought the Green Globes environmental assessment and rating tool to the U.S. market.

How Does Green Globes Compare to LEED?

Popularity: By sheer number of projects, Green Globes is far behind the curve created by LEED, although it is a newer system. Green Globes has been used in a small number of buildings in Portland and approximately 850 buildings across the U.S. By comparison, LEED has been used in more than 750 projects in Oregon alone and more than 55,000 around the world. However, Green Globes is beginning to make headway primarily in the West and Northwest where LEED has been the primary guidance for green building.

Environmental Benefits: Both Green Globes and LEED

No Lawsuit for You! When Subcontractors Cannot Sue the General Contractor
By [Kevin M. Eddy](#), Senior Attorney

Can a subcontractor sue a general contractor over a work site accident? A recent decision by the Pennsylvania Supreme Court loudly and clearly said, "NO." Why not? The court ruled in *Patton v. Worthington Associations, Inc.* that Pennsylvania's long-standing "statutory employer" provided immunity to the general contractor in a lawsuit brought by an injured worker and overturned a \$1.5 million jury verdict.

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Indemnification Agreements and Insured Contracts: Why Your Business or Insurer Might Owe a Defense and Indemnity
By [Glen A. Murphy](#), Counsel

Many potential issues and concerns may arise between General Contractors, Subcontractors and their insurers when claims are made by outside parties for bodily injury or property damage.

Until you understand and address the pitfalls and nuances of indemnification agreements and insured contracts, you may be exposing your business or your insurer to additional risk or liability.

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certification provide environmental benefits such as reduced energy usage, decreased water usage and lower carbon emissions. One main difference is LEED certification focuses on the source of the products and materials used in buildings and projects. For example, LEED v4 awards points for using nontoxic building materials and disclosing ingredients of building materials. It also awards points for using wood harvested under the Forest Stewardship Council green rating system endorsed by the Sierra Club, World Wildlife Fund and Greenpeace. Green Globes, on the other hand, has less rigorous material requirements. For example, it gives credit to lumber harvested under the Sustainable Forest Initiative created by the timber industry, which permits much larger clear cuts and routine use of herbicides. In addition, while Green Globes has so far been focused on buildings only, LEED covers buildings, data centers, warehouse and distribution centers, schools, retail and mid-rise residential projects, and entire neighborhoods, among many others.

Oversight and Membership: Green Globes is run by the nonprofit GBI based in Portland, Oregon. GBI recently appointed Jerry Yudelson, a prominent green building advocate and LEED Fellow, as its president. According to GBI's press release following the appointment, Mr. Yudelson "will oversee the growth of the non-profit, including ongoing development, expansion and marketing of the Green Globes green building rating system." In addition to Mr. Yudelson, GBI is overseen by just over 50 member businesses. It does not have individual chapters across the country. LEED is run by the nonprofit U.S. Green Building Council ("USGBC") based in Washington, D.C., and has more than 75 chapters and hundreds of branches across the country. USGBC has more than 13,000 member businesses and organizations including product manufacturers, contractors, engineers, architects and developers, and more than 185,000 LEED certified professionals. By comparison, GBI has approximately 10,000 "Friends of GBI" and 1,100 active Green Globes Professionals.

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Construction Ahead: How Our Construction Industry is Fueled by the Energy Environment

By [Stephanie U. Roberts](#), *Member*

In 2007, Global Business Network released the report, "Energy Strategy for the Road Ahead." The goal of the report was to "understand the factors that are likely to influence the U.S. energy environment in the future, and create strategies for its management." The forward-looking report focused on what the U.S. would look like in 2020 based on changes to the energy environment, recognizing that "energy-related risks and opportunities will have profound impacts on U.S. business and society during the next decade and a half."

So what did they find? And how are those findings affecting the construction sector today?

Read [more](#).

Say What??!! When is There an Enforceable Agreement in the Subcontractor Bidding Process?

By [Gerald E. "Gee" Lofstead III](#), *Counsel*

When in the subcontractor bid process does a binding agreement form? At what stage do the multitudes of proposals and counter-proposals morph into something the general contractor can rely on when responding to the bid request?

Getting this right could mean a smoother bidding process. Missing it could mean a lawsuit.

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Featured Construction Team Member

[Clifford F. Kinney, Jr.](#), *Member*

Mr. Kinney's primary areas of practice are construction litigation, class actions, mass torts, toxic tort, general litigation and alternative dispute resolution. He has experience in pursuing and defending construction claims. He is a member of the American Bar Association Forum on the Construction Industry. He is an American Arbitration Association (AAA) Neutral and has adjudicated numerous construction and other disputes for the AAA. In addition, he has written several articles regarding construction issues and the law. Mr. Kinney is admitted to the United States Supreme Court, U.S. Court of Appeals for the Fourth Circuit, Virginia State Bar, West Virginia State Bar, and the U.S. District Courts for the Northern and Southern Districts of West Virginia. He graduated from American University and



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