



## [Just When You Thought the Green Building Risk Discussion Was Over. . .](#)



As a reader of Construction Law Musings, you no doubt realize that I am a big proponent of "green" or [sustainable building](#). I have also been known [to sound a bit like Eeyore](#) when discussing the charge into the breach of green building without considering the potential risks. Thankfully, and despite some of the [risk predictions made here](#) (and elsewhere for that matter) there have not been but so many major court cases relating to these risks.

However, as [a recent article in ENR Magazine warns](#), this lack of litigation does not mean that you should let your guard down. Just because the economy, warnings by attorneys and others, and possible lack of financial incentive to sue have kept the litigation numbers down does not mean that the risks have gone away. LEED requirements, time horizons and other risks that have become evident during the process of vetting green building contracts and practices still must be dealt with in contracts and insurance policies. These risks are well laid out in the ENR article and in other places here at Musings so I won't outline them in detail here.

In fact, the risks are still there and are working toward becoming institutionalized. With the [International Green Construction Code](#) along with state and local codes moving toward sustainable construction attorneys, architects, owners and contractors need to be even more careful about the risks. In short, don't get lulled into a false sense of security by the seeming quiet on the litigation front. Always make sure that your construction contracts, for "green" building or otherwise, are reviewed with the assistance of an [experienced construction lawyer](#) before you jump into a project.

Image via [Wikipedia](#)

*Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.*