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Green Building Liability: Considering the Applicable Standard of Care & Strategies for Establishing a Different Level by Agreement

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Negligence

- Duty of Care
- Breach of Duty
- Causation
- Damages



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Common Law's Duty of Care via Negligence

- General Standard of Care
- An Outcome Standard



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Applying a Level of Care to Those Involved in Green Buildings

- Current Legal Approaches to a Standard of Care
 - “Reasonable Person” Standard
 - Professional Standard
- Possible Applications for a Common Law Standard of Care



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Establishing a Different Standard by Contract

- Raising the Standard
 - Satisfying the Client
 - Warranty of Fitness
 - Performance Standards
 - “Free of Defects”

- Lowering the Standard



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Contract Examples

- Engineering Joint Contracts Documents Committee
- American Institute of Architects Forms



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Strategies for Represented Parties

- Owners
- Design Professionals
- Green Building Professionals
- Contractors



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Green Building Liability

Any Questions?

Thank you!