

April 2010

Donovan Hatem LLP is pleased to announce the release of a new white paper.

**Green and Sustainable Design
Part I: Professional Liability Risk and Insurability Issues for
Design Professionals**

By David J. Hatem, PC

This paper identifies and discusses professional liability risk and insurability issues for design professionals associated with green and sustainable ("G/S") design. There are many published articles that address the background and benefits of G/S design and the reasons for its increasing prevalence and popularity. There are other articles that anticipate the legal theories upon which claims may be asserted against design professionals in the G/S design context. This paper, in contrast to those articles, will focus on why potential professional liability risk in G/S design, as well as the associated professional liability insurance concerns, are so significant for design professionals. The intent of this paper is not to discourage the G/S movement, but rather to contribute to the understanding of the associated professional liability risk, and to lay the foundation for Part II of this paper which will set forth risk management and contractual recommendations for design professionals to manage that risk and maximize the availability of professional liability insurance for claims associated with G/S design.

Please contact Nikki Wilbur at nwilbur@donovanhatem.com if you would like to receive an electronic copy of this white paper.