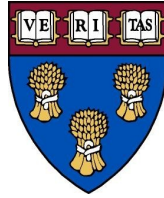




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**REPORT BY HARVARD LAW SCHOOL
POINTS TO POTENTIAL LEGAL PROBLEMS IN GREEN BUILDING
Prepared in Cooperation with
Philadelphia Environmental Law Firm
Manko, Gold, Katcher & Fox, LLP**

Philadelphia, PA (May 18, 2009) – Harvard Law School’s Environmental Law & Policy Clinic has released a report that outlines the potential legal risks and liabilities in green building and provides a blueprint for avoiding such pitfalls. While there are potential environmental and financial benefits associated with green building, the study by Harvard Law School and its sponsor Manko, Gold, Katcher & Fox, LLP, finds that there are significant legal liabilities that can create risks for builders, investors, insurers, architects, and others. Some examples are lawsuits for negligence and fraud, violation of consumer protection laws, and failure to meet certification standards resulting in loss of tax credits.

There are also a number of basic ways to minimize the legal risks associated with green building, according to the recently published White Paper, “The Green Building Revolution: Addressing and Managing Legal Risks and Liabilities.” Some of the recommendations include improving project management; paying attention to contract language so that it reflects expectations for certifications, tax credits and sustainability; and being mindful that any disclosures and marketing materials defining expectations and risks for a green construction project are aligned with reality.

“The legal risks of green building have been completely overlooked until now,” says Robert Fox, managing partner of Manko, Gold, Katcher & Fox, LLP, headquartered near Philadelphia in Bala Cynwyd, Pa. “With rising consumer demand for green buildings and federal, state and municipal governments beginning to require public buildings to meet green standards, now is the time for those involved with project construction and management to become familiar with the liabilities of green building, as well as the strategies to minimize them.”

Green buildings – structures that are environmentally responsible in their siting, design, construction, operation, and maintenance – have the potential to transform the built environment and its impacts on the natural landscape. In the United States alone, buildings consume 39 percent of energy and 72 percent of electricity and account for 35 percent of carbon dioxide emissions. Given this impact on the nation’s energy resources, President Obama has set a goal to ‘green’ 75 percent of federal buildings and to improve energy efficiency in two million houses, a goal embodied in the American Recovery and Reinvestment Act of 2009, which contains tens of billions of dollars in funding initiatives for green building. But for green building to successfully become standard business practice, investors, developers,

insurers, engineers, architects, and others must become familiar with the potential legal risks and liabilities.

“The Green Building Revolution: Addressing and Managing Legal Risks and Liabilities” was authored by Kate Bowers and Leah Cohen of Harvard Law School’s Environmental Law & Policy Clinic with support from attorneys at Manko, Gold, Katcher & Fox, LLP.

Harvard Law School has the largest and most diverse clinical legal education program in the world, with more than 31 in-house clinics in areas ranging from cyber law to environmental law, from Supreme Court practice to international human rights. In clinical programs, students represent clients in real cases under the supervision of experienced clinical faculty while enrolled in related academic courses. More than two-thirds of Harvard students participate in at least one clinical course before they graduate. The clinical program is closely related to the school's strong commitment to public service: Harvard Law students are required to perform at least 40 hours of pro bono public services, but most go far beyond, with last year's class averaging more than 500 hours per student.

MGKF concentrates its practice in environmental, energy, and land use law and litigation. It represents clients ranging from Fortune 100 corporations to small, privately held enterprises, both in the Mid-Atlantic Region and on a national basis. MGKF’s offices are located at 401 City Avenue, Suite 500, Bala Cynwyd, Pennsylvania and 535 Route 38, Suite 145A, Cherry Hill, New Jersey. For additional information, visit www.mgkflaw.com or call 484-430-5700 or 856-317-1299.

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