

# Daily Journal

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## CLEAN TECH

Very often, the noisy debate that goes on in this country about how to meet our increasing energy demands centers on whether the nascent clean energy industry will ever be a true power player. Doubters should take a look at the work energy lawyers in California are doing. That's what we decided to do this month in the Daily Journal's first-ever list of top clean tech lawyers. What we found were massive wind and

solar projects under construction that could power cities and other truly innovative ideas that have similar promise. In selecting a list of just 25, we decided to mostly focus on project finance and regulatory lawyers who are shepherding through the largest and most innovative projects. We encourage you to read about these people. Their work will inspire you.

—The Editors

## Ensuring Buildings Are as Green as They Claim



S. TODD ROGERS / DAILY JOURNAL

When Terry Avchen first began working in environmental law, the value of green technology wasn't obvious.

"I would see projects come across my desk 10 to 20 years ago that were dead on arrival because of a lack of funding," said Avchen, partner in charge of the environmental and energy group at Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP.

That's quite a contrast from the work he's doing now to create an insurance product that guarantees clients receive the green technology they're paying a premium for.

LEED-certified buildings, for instance, save money on energy in the long run and command a higher price in the real estate market. All the parties involved in a transaction — renters, lenders, buyers, sellers

— have a stake in ensuring a building is in fact green, but until now no one had created anything to back up that guarantee. Avchen took the helm of such a project with Fidelity National Title Group to develop a new insurance product guaranteeing LEED certification that has the blessing of the U.S. Green Building Council.

"I know that our projects are very novel and to our knowledge, no one else is considering them," said Jeffrey Howell, the director of the sustainable products division at Fidelity. "We're creating new paths in business and law, and the industry itself is really evolving before our eyes."

Avchen was an entertainment litigator until he took on a case in 1984 over a toxic clean-up dispute that involved Bank of America. The bank was eventually exonerated, and the property at issue became one of the first designated superfund sites in the state. That case spurred Avchen to create an environmental practice at his firm. After more than 25 years in the industry, he says he wishes the importance of environmental technology had been a priority sooner.

"I think that if we funded those projects back then we would be in a different place now," Avchen said. "I feel like the cavalry is just beginning to arrive."

He's worked with large clients like the MGM Mirage to earn six LEED gold rating certifications for its construction projects. He has another insurance project in the works with Fidelity that will ensure the value of cap-and-trade credits, which he said will be key to the credit market that will be created by California's climate change law in 2012.

Recently, he's begun setting up a non-profit grant foundation called Environment Research Advocates with his wife to sponsor the scientific research behind two cutting-edge alternative technologies each year. He has recruited heavy hitters for his board: the head of the Earth Institute at Columbia University, the head of Conservation International and the director of the United Nations Foundation. His firm has lent support to his new venture with some of the profits from its environmental and energy practice.

### Terry Avchen

Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP  
Los Angeles

"It gives me access to what I love, which is the cutting edge science on a global level, and it gives a voice to scientists and academicians all over the world that might not have a voice," Avchen said.

Other recent matters Avchen has been involved in:

- Represented Steadfast Insurance Co. to recover \$40 million to fund the clean-up of a contaminated site in Southern California
- Represented DCO Energy in contracting to build one of California's largest landfill gas projects
- Helped National Container Group work out the regulatory details and tax consequences of dealing with hazardous waste for a recycling facility in California

— Emma Gallegos