

energy

The energy industry is ever-evolving, especially in the areas of alternatives and renewables. With energy sources ranging from wind to solar to nuclear to hydrogen, the industry is no longer limited to oil field service operators or oil and gas leases. The field has zoomed out to encompass an expanding array of innovative and emerging technologies. Do you have the counsel you need guiding your energy endeavors?

Having grown in and around the nation's energy corridors, ports, and banking centers, McGlinchey's experience in the energy sector runs deep. Our energy practice draws on experienced attorneys in the following service and industry groups:

Bankruptcy
Commercial Finance
Commercial Litigation
Construction
Consumer Finance
Corporate Transactions
Cybersecurity
Environmental
Financial Regulatory Compliance

Government Relations and Investigations
Intellectual Property
Labor and Employment
Maritime
Products Liability
Real Estate
Retail
Tax
Transportation and Logistics

As the energy space has expanded in recent years, firm lawyers provide real estate counsel for solar and wind farms, supply contracts between companies manufacturing battery parts, tax credits, leases for battery charging stations, incorporation for new green energy businesses, and many other issues, some of which have yet to reach the market.

related people

Charles L. Adams
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Tarush Anand
Thomas J. Anastos
Michael R. Blumenthal
Chris A. Bottcher
Jessica A. Bozell
Timothy G. Byrd, Jr.
Susanne Veterans Cooper
José R. Cot
Zelma Murray Frederick
Timothy P. Hurley
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Benjamin P. Lajoie
Elisabeth LeBlanc
Matt D. Manning
Jon-Kaden Guthrie Mullen
Joshua C. Populus
Jason R. Redmond
Kristi W. Richard
Perry Salzhauer

related industries

Chemical and Industrial Services
Construction
Financial Services
Auto Finance
Real Estate
Retail, Restaurants, and Recreation
Technology
Transportation and Logistics

related services

Appellate
Class Action Defense
Commercial Finance and Lending
Commercial Litigation
Consumer Financial Services
Compliance

Despite this rapid expansion towards renewable energy, the industry continues to face endless government and regulatory scrutiny, complications presented by climate change, and, of course, changes in the markets, technologies, and the customer base that present challenges at light speed – sometimes literally.

In a sector as volatile, complex, high-stakes, and visible as energy, clients need many things from their trusted counsel. In addition to being well-versed in their domains, counsel must stand ready to provide strategic thinking, close coordination among attorneys in different disciplines, value, innovative solutions to new challenges, and above all, the ability to see what's coming, equipping clients to be proactive rather than reactive.

Whether your business thrives on oil and gas or other natural resources, or you're innovating the next renewable power source, McGlinchey's attorneys have you covered. Our lawyers serve clients of every size, from promising startups to Fortune 500 stalwarts. We are uniquely positioned to offer an integrated set of legal capabilities that cover the spectrum of the incredibly dynamic energy sector – both now and in the future.

services for alternative, renewable, and traditional energy companies

For businesses engaged in research and development, production, refinery operations, and brokerage, McGlinchey attorneys represent researchers, start-ups, investors, and established entities in:

Corporate governance and transactional advice from project development to operations, including:

- mergers and acquisitions
- developing private-equity-backed projects in connection with corporate and commercial finance matters, securities issuances, investor relations
- advising on corporate and business strategy
- contract negotiation and contractual issues, ranging from architecture to construction to vendor contracts and negotiations with municipalities
- structuring and negotiating multi-year off-take and power purchase agreements
- Louisiana and Texas oil well lien acts

Corporate and M&A
 Creditors' Rights, Financial
 Restructuring, and Bankruptcy
 Cybersecurity and Data Privacy
 Environmental
 Government and Internal
 Investigations
 Government Relations, Contracts,
 and Lobbying
 Intellectual Property
 Labor and Employment
 Maritime
 Products Liability
 Real Estate
 Tax
 Litigation

- identification of incentives and subsidies to make cutting-edge technology projects more profitable
- development of creative strategies in order to help clients save money

Real estate and landowner issues, such as:

- coordination of real estate acquisitions or leases, including leasing for chemical manufacturing and fabrication facilities
- commercial financing in both the “traditional” energy space and with new energy sectors
- financing energy efficiency and renewable energy improvements on private property through the Dept. of Energy’s Property Assessed Clean Energy (PACE) program
- mineral rights and right-of-way access
- zoning, deed restrictions, ownership, servitude, and leasing issues for wind and solar equipment
- royalty issues and issuing title opinions

Workforce and employment guidance pertaining to:

- developing HR policies, procedures, and documentation
- union negotiation and National Labor Relations Board (NLRB) relations
- employment-related matters ranging from lost wages to employee injury under Occupational Safety and Health Administration (OSHA), worker’s compensation, the Outer Continental Shelf Lands Act (OCSLA), and Admiralty law

Litigation and disputes surrounding:

- products liability, toxic exposure, and hearing loss claims
- environmental disputes and personal injury defense arising from onshore and offshore projects
- environmental damages resulting from “legacy” oil and gas suits
- intellectual property disputes

- down-hole litigation related to oil and gas drilling, including claims of failure to act as a prudent operator, improper casing, etc.
- pipeline servitude litigation
- ports in litigation regarding liquefied natural gas plants
- commercial disputes pertaining to the rights of royalty interest holders under the Outer Continental Shelf (OCS) Deep Water Royalty Relief Act (DWRRA)

Extensive experience dealing with **insolvency, financial restructuring, and bankruptcy** in the energy space, including onshore and offshore, on behalf of lenders and lessors

Preserving and protecting **intellectual property** rights related to power generation, green chemistry, information technology, novel oil & gas exploration and production technologies, and others, along with a chemical patent practice that includes experience across a wide variety of chemical arts, including novel chemicals and solid-state materials useful in energy storage systems

Advising on **cybersecurity and data privacy** issues, including current and evolving best practices, ongoing compliance with federal and state regulatory regimes, and responding to and managing data breaches, cyber-attacks, natural disasters, and emergencies

Maritime activities from traditional oil and gas to offshore wind and solar projects, from supply boats and servicing oil rigs to buying, selling, financing, and constructing offshore exploration vessels and equipment

Federal, state, and local tax credits and incentives, including Industrial Enterprise Zone tax credits, the mitigation of solar tax credits, low income, historic, and new markets credits (NMTC)

Interfacing with government agencies, administrators, and elected officials in activities ranging from developing legislation, identifying opportunities for subsidies and tax incentives, administrative rulemaking, representation in internal executive branch investigations and enforcement actions, and other lobbying and government relations services

Compliance with federal and state **environmental regulations**

Pipeline issues, including the acquisition and location of pipeline servitudes and pipeline servitude litigation related to location, existence, prescription for non-use, violations of the servitude, and damages to landowner property

Services for Financial Institutions

McGlinchey attorneys have a particularly deep and broad experience supporting financial institutions. In the energy industry, we advise and represent clients in matters including:

- financing retail and consumer energy-efficiency home and business improvement projects
 - in compliance with HMDA (Home Mortgage Disclosure Act), CRA (Community Reinvestment Act), consumer finance regulatory requirements, state licensing requirements, and other applicable regulations
 - structuring financing programs for equipment such as solar panels
 - home secured, equipment secured, Uniform Commercial Code (UCC) secured, or unsecured projects
- financing alternative energy vehicles
- consumer-facing collection, credit reporting, and communications matters
- developing bank partnership models
- insolvency, financial restructuring, and bankruptcy issues related to off-shore and on-shore projects, including Louisiana and Texas oil well liens