

CLEANTECH

The global movement toward energy efficiency is fundamentally changing the way the world does business, and it will continue to shape our economic and social climates for years to come. To navigate the unique opportunities and challenges presented by this paradigm shift, businesses and other entities require a legal team that combines experience in all relevant areas of law with a thorough understanding of the complex interplay of green industry technologies, business interests, and legislation.

Hodgson Russ's cleantech attorneys provide comprehensive U.S. legal services to U.S.-based and foreign clients involved in all aspects of renewable energy, green building, and other cleantech industries. No matter how our clients are connected to the cleantech space, and whether they are startups or mature public companies, our multidisciplinary team can help them capitalize on incentives and opportunities, assess and mitigate risk to avoid costly litigation, and protect their interests when disputes arise.

Our team draws from all relevant substantive areas of our full-service law firm — including construction, corporate and securities, energy, environment, finance, insurance coverage, intellectual property, labor and employment, product liability, real estate, and tax — to serve a wide range of businesses, investors, municipalities, and other entities.

Renewable Energy

We guide clients through virtually every aspect of project development, financing, construction, and implementation. Whether advising on a Section 45/48 PTC/ITC tax election or eligibility for Treasury 1603 programs, drafting land option and lease terms along with easement agreements, preparing corporate operating agreements or asset acquisition documentation, advising on insurance coverage and supply chain contracts, guiding environmental review and permitting processes at the state and federal levels, acting as finance counsel, advising on employment matters involving independent contractors and direct employees, or defending projects and permits in judicial and administrative forums, Hodgson Russ provides integrated legal services precisely calibrated to help renewable energy clients maximize opportunities, minimize risk, and comply with all applicable laws and regulations.

Our team represents developers, lenders, land owners, permitting agencies, development agencies, parts and service suppliers, manufacturers, contractors, and investors in the renewable energy generation field. We are experienced in wind, solar, landfill gas-to-energy, and bioenergy projects, and we have worked on some of

Contacts

Daniel Spitzer
716.848.1420
dspitzer@hodgsonruss.com

David Stark
716.848.1369
dstark@hodgsonruss.com

Professionals

Attorneys

Christine Bonaguide

Joseph Goldberg

Michael Hecker

Matthew Liponis

Nathaniel Lucek

Charles Malcomb

Paul Roman Jr. Ph.D.

Daniel Spitzer

David Stark



CLEANTECH

the largest wind farms in the eastern United States.

More on Renewable Energy

Tax Credits and Other Incentives

Our attorneys assist clients on financing and structuring commercial renewable energy development using appropriate tax credit programs. These include the Treasury 1603 program as well as unique credits such as those for cellulosic biofuel added to the Internal Revenue Code by the Heartland, Habitat, Harvest, and Horticulture Act of 2008. We also advise clients on various state incentives and subsidies available to renewable energy projects, including preparation of renewable energy credit purchase and sale agreements.

Hodgson Russ is also well versed in obtaining other public financial incentives available for renewable energy development projects, including public-private partnerships, industrial development agency incentives, Empire Zone (now the Excelsior Program) benefits, and other similar state and local financial incentives. Our attorneys are involved at all levels of these transactions, which often require the creation and utilization of complicated, multi-tiered ownership structures to maximize financial incentive eligibility.

More on Tax Credits

Green Building

Our team guides developers, builders, architects, owners, and tenants involved with designing, building, and using green buildings through all phases of the green building project life cycle, from conceptualization and design through construction, completion, and day-to-day operation.

We have a strong foundation in helping clients identify opportunities and avoid pitfalls in connection with green building issues, and we represent educational institutions, developers, manufacturers, and numerous other businesses in these matters. We help clients analyze the costs and benefits of green building certification, and we advise them through the entire process of obtaining and maintaining certification through Leadership in Energy and Environmental Design (LEED) and other green building rating programs.

Drawing on our extensive municipal law experience, we assist local governments in providing financial incentives for sustainable development as well as drafting ordinances to mandate compliance with green rating systems. We also advise on compliance with federal and state regulations as well as energy efficiency codes.

More on Green Building

Licensing and Intellectual Property

Our lawyers represent numerous firms in the renewable energy field in the evaluation and prosecution of intellectual property rights. We are experienced at drafting and negotiating a wide range of licensing and technology transfer agreements, and our intellectual property team helps clients protect and enforce all forms of their intellectual property rights under patent, trademark, copyright, unfair competition, and trade secret laws. We prepare clearance opinions to help cleantech clients avoid infringing on others' intellectual property, which can be especially important in an industry

CLEANTECH

experiencing an almost constant introduction of new technologies.

Emerging Companies

Hodgson Russ has extensive experience representing emerging businesses in cleantech and other industries during their initial launch and through all stages of growth. In addition to advising on the full spectrum of legal issues critical for start-up and high-growth companies, we help emerging cleantech companies identify appropriate financing sources and then assist them in initiating and supporting these relationships. Our attorneys regularly advise clients on a full range of financing strategies and transactions, including early-stage financing rounds; convertible debentures; mezzanine private placements; initial and follow-on public offerings; PIPEs deals; Rule 144A offerings; and Regulation S placements.

We also represent venture capital funds, strategic investors, and angel investors in connection with their investments in cleantech companies. Because of our in-depth knowledge of this industry — including cutting-edge technologies, legislative and market trends, and the rapidly evolving business climate — we provide investors and lenders with legal guidance fueled by a solid understanding of the various potential risks and opportunities in this dynamic market.

More on Emerging Companies

Hodgson Russ: Your Legal Port of Entry

The cleantech business is an international industry, and Hodgson Russ has the experience and knowledge necessary to counsel foreign entities participating in renewable energy, green building, and other cleantech projects in the United States.

We provide U.S. counsel to our clients on a broad range of international legal issues, including cross-border finance transactions, immigration and other employment issues, cross-border licensing and technology transfer, protection of foreign patents, international taxation and tax treaty compliance, multinational mergers and acquisitions, United State-Mexico-Canada Agreement (USMCA), and other trade issues.

Experience

Our firm serves as key outside counsel to a California-based energy company regarding their solar development projects. The Hodgson Russ team including Elizabeth Holden, Andrea Gervais, Betsy Mills and Jennifer Anthony provide advice, review and guidance on real-estate based development issues in a time-sensitive and consistent manner for the client's development team across four states. Dan Spitzer, Ryan Cummings, Chuck Malcomb, Mila Buckner and Jennifer Schlumberger provide permitting, PILOT Agreement, contract assistance and litigation support, including a successful Public Service Commission petition on their behalf.

In the News

Hodgson Russ Taps Head of New Real Estate, Enviro Practice
Law360, October 20, 2023

CLEANTECH

Opportunities Arising From Decarbonizing and Deregulating the Economy
CleanTechIQ, March 13, 2018

European CleanTech Companies Face IP Hurdles When Expanding in U.S.
CleanTechIQ, February 21, 2018

Why Tesla Is Taking a Big Risk by Opening Up Its Patents
LXBN TV, July 23, 2014

Hodgson Russ Co-Hosts UB's 'Business of Energy: Smart Grid Opportunities'
February 24, 2010

Press Releases

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Publications

Public Service Commission Clarifies Calculation of 5 MW Limitation Rules
Renewable Energy Alert, February 13, 2019

The Importance of March 1 to the New York Solar, Wind, and Energy Storage Industry
Real Property Tax Assessment & Eminent Domain Alert, February 11, 2019

NYSERDA's *Municipal Solar Procurement Toolkit* Promotes The Development Of Solar Projects On Brownfields And Landfills
Renewable Energy Alert, November 20, 2018

Tax Changes Spur Foreign Cleantech Companies to Set Up in US
CleanTechIQ, July 9, 2018

New York Solar Energy Facility Tax Update
Have you Filed your Tax Exemption Applications?
Cleantech Alert, February 23, 2018

New York Solar Energy Facility Tax Update
NYSERDA Adds Property Tax Calculator to Solar Toolkit
Cleantech Alert, February 23, 2018

New York's Green Bank Committing to Diverse Transactions
Cleantech Alert, February 13, 2015

CLEANTECH

FTC Ramps Up Enforcement Actions Under Revised Green Guides to Include Deceptive Biodegradable Plastics Claims
Legal & Tax Newsletter, a publication of the German American Chamber of Commerce, Fall 2013

Moving Forward With The NY-Sun Initiative
Law360, September 5, 2012

New York Solar Initiative Moves Forward
Cleantech Alert, August 22, 2012

Presentations & Events

Energy Storage Summit USA
Austin, TX, March 19 - 20, 2024

Energy storage gets a boost from the Inflation Reduction Act
October 12, 2022

2019 Wall Street Green Summit
Princeton University Club, New York, March 18, 2019

Smart Buildings & Microgrids Forum
The Penn Club of New York City, August 9, 2018

Solar Projects – Decommissioning Bonds and Ag & Mkts Law Compliance, NYSEIA's Solar Policy Summit
Albany, New York, May 14, 2018

European Cleantech Internationalization Initiative Matchmaking Event
Urban Future Lab, New York, NY, May 7, 2018

Sustainable Food & Agriculture Forum
April 11, 2018

Challenges & Success of Solar Adoption Panel, 2018 Advanced Energy Conference
New York, New York, March 27, 2018

US Cleantech Market Intelligence Webinar
March 15, 2018

Top IP Issues Global Companies Face When Pursuing U.S. Clean Energy Projects
January 10, 2018

