

Mark J. Bennett

SERVICE AREAS

Business

- Climate Law
- Real Estate
- Economic Development Incentives
- Energy, Environmental + Regulatory

Governments + Nonprofits

- Climate Law
- Real Estate
- Energy, Environmental + Regulatory
- Economic Development

EDUCATION

- Wayne State University Law School, J.D.
- Michigan State University, B.A.

BAR ADMISSIONS

- Michigan



Senior Counsel

Troy

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Mark J. Bennett has combined his dual training in real estate and environmental law into his position as leader of the firm's interdisciplinary Climate Law Team, managing a broad array of issues in this emerging area of law including carbon finance, green building and sustainable development, and renewable energy. His practice also includes a focus on advising clients in the acquisition and development of commercial real estate, as well as guiding companies in conducting environmental due diligence in real estate transactions.

"Clients rely on me as a resource to simplify complicated and inter-connected challenges which involve both legal and business related matters. I focus on providing pragmatic solutions to maximize my clients' investment in our firm's resources"

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Mark also counsels clients on strategies to obtain environmental-related economic development incentives, including Brownfield designations. He has extensive experience in negotiating contractual agreements related to LEED ® certification for building owners, investors, architects and construction professionals. In addition, he routinely works with clients to secure venture capital financing and has also assisted several companies with merger and acquisitions transactions and corporate formation.

REPRESENTATIVE MATTERS

- Cellulosic Ethanol Technology Developer
Representation of a Cellulosic Ethanol Technology Developer in securing a \$40 million federal and state grant package to design, build and operate a scale manufacturing facility.
- European-based Auto Parts Manufacturer Brownfield Investment Approval

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Representation of a European-based auto parts manufacturer in securing Brownfield eligible investment approval of \$55 million and resulting state level tax credits.

- **European-based Carbon Equity Fund**
Identifying carbon offset projects and structuring transactions to incorporate carbon equity as well as energy-savings related funding strategies.
 - **National Financial Institution Sustainability Policy Training Program**
Work with national financial institution to develop a sustainability policy training program and related loan origination strategy to position the institution for proactive marketplace entry.
 - **Public Private Bio-Mass Energy Company Financial Restructuring**
Representation of a municipal-owned waste water treatment bio-gas generation system in restructuring negotiations with a European joint venture partner.
 - **Renewable Energy Company Sale of Wind Farm**
Representation of a European-based, multi-national renewable energy company in connection with the sale of a U.S. wind farm.
 - **Solar Energy Company Project Finance and Management**
Representation of an industrial facility owner in negotiating a 2 megawatt roof top solar installation including Power Purchase Agreements (PPAs) and Renewable Energy Credit (REC) monetization.
 - **Start-ups Including Founding of Four Technology-based Companies**
Extensive start-up company experience including founding of four technology-based companies and serving in executive management capacity as chairman and CEO from inception to exit, including focus on national venture capital and angel fundraising activities.
 - **Sustainable Concrete Manufacturer Regulatory Environments**
Representation of a sustainable concrete manufacturer in determining regulatory environments conducive to creation and monetization of carbon credits associated with developing concrete manufacturing facilities as well as local regulatory and building code impacts on the manufacturing and sale of sustainable concrete products.
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- Utility Company Land Acquisition and Title Analysis
Representation of major Midwest utility in \$250 wind farm development project.
- Wind Farm Landlord/Tenant Lease/Option and Sale Negotiations
Representation of an agricultural land owner in lease negotiations with a wind farm developer seeking long-term lease, option agreement and multi-parcel power purchase agreement pooling arrangement.

PROFESSIONAL ACTIVITIES

- American Bar Association, Environment, Energy and Resources Section; Carbon Trading and Energy Finance Committee vice-chair; Real Property, Probate, and Trust Law Section; State and Local Government Law Section
- Environmental Bankers Association (EBA), Co-Chairman, Global Issues Committee, Sub-Committee on Carbon Risk in Loan Portfolios
- State Bar of Michigan, Real Property Law Section; Environmental Law Section
- ASTM Committee ASTM WK24707, Guide for Building Energy Performance, Co-Chair Legal Subcommittee
- Michigan Israel Business Bridge

HONORS + AWARDS

- Michigan State University, Economics, Phi Beta Kappa with honors
- Information Industry Association, Chairman's Award; Product Achievement Award
- Michigan Lawyers Weekly, 2009 21st Century Innovators Award
- Burton Awards for Legal Achievement, 2012 Distinguished Legal Writing Award

PUBLICATIONS

"Miller Canfield Lawyer To Be Serenaded By Bernadette Peters," SBMBLOG, April 30, 2012

"New ASTM Standard Could Change the Face of Transactional Due Diligence," (Co-Author), Energy and Environmental Markets and Finance Committee Newsletter, Section of Environment, Energy and Resources, American Bar Association, August 2011

"The ASTM Building Energy Performance Assessment (BEPA) Standard: Recent Trends, Current Uses, Legal Issues & New Business Opportunities," (Co-Author), Lexis-Nexus Emerging Issues Research Solutions, June 2011

"Energy and Environmental Markets and Finance," (Co-Author), Section of Environment, Energy, and Resources, American Bar Association, 2010 Annual Report

"New ASTM Standard May Serve as Safe Harbor for Emerging Building Energy Labeling, Transactional Disclosure, and Benchmarking Regulations," (Co-author), BNA's Environmental Due Diligence Guide, No. 229, March 2011 Reprinted with Permission

"PDA Q&A," (Interview), DBusiness, November/December 2010

"Evidence, energy builds for climate actions," (Interview), MiBiz, September 14, 2010

"PACE programs, growth of green building due diligence take spotlight," (Co-authors Michael P. McGee and Eric M. Jamison), Michigan Lawyers Weekly, April 19, 2010

"Energy Efficiency Benchmarking, Due Diligence Moving into the Mainstream," (Interview), Environmental Due Diligence Guide, BNA, Inc., Vol. 19, No. 7, July 15, 2010

"States Take the Climate Change Lead With Renewable Portfolio Standards," (Interview), InsideCounsel, April 1, 2010

"Energy use in Commercial Buildings," (Interview), Standardization News, March/April 2010

"SEC Opens the Door for Climate Change-Related Shareholder Proposals and Disclosure Requirements, With Potential New Liabilities for Public Companies," (Co-author), Securities Regulation & Law Report BNA, 42 SRLR, March 1, 2010

"Green Leasing Goes Mainstream," Real Property Law Section, State Bar of Michigan, February 2010

"Retrofitting Buildings to Be Green and Energy-Efficient: Optimizing Building Performance, Tenant Satisfaction, and Financial Return," (Contributing Author), Urban Land Institute (ULI), January 2010

"Looking ahead," (Interview), Michigan Lawyers Weekly, January 4, 2010

Mark J. Bennett

"The Advent of Carbon Credit Trading in Michigan," (Co-Author Anna M. Maiuri), Michigan Bar Journal, October 2009 (posted with permission)

"Green Building Due Diligence," (Co-author Douglas J. Feichtner), BNA's World Climate Change Report, October 6, 2009

"Incorporating Building Energy Performance and Sustainability Into Traditional Environmental Due Diligence: The Advent of Green Building Due Diligence and All Appropriate Disclosure," BNA's Environmental Due Diligence Guide, September 2009

"Welcome to the United States of Michigan," Michigan Business Review, July 23, 2009

"Re-energizing Michigan as the pendulum swings back," Business Review, June 11, 2009

"An Insider's Perspective, Green Building Criteria and Benchmarking Evolving Rapidly in Marketplace," (Interview), Environmental Due Diligence Guide, The Bureau of National Affairs (BNA), May 21, 2009

"Energizing the stimulus in Michigan," (Co-author Frank L. Andrews), Michigan Lawyers Weekly, May 11, 2009

"Mr. Green goes to Washington," Business Review, May 7, 2009

"Go Green," Asian Pacific American Chamber of Commerce E-Newsletter, May 2009

"Getting up to Speed on GSA's Green Stimulus," (Interview), Greenbiz.com, April 21, 2009

"Michigan's green stimulus begins in earnest," Business Review, April 16, 2009

"Outlook on Michigan's Economic Recovery," (Co-author Anthony J. Mavrinnac), Michigan Lawyers Weekly, February 9, 2009

"Outlook on Michigan's Economic Recovery," (Co-author Anthony J. Mavrinnac), Asian Pacific American Chamber of Commerce E-Newsletter, February 2009

"Pulte to raise home energy efficiency, hopes to be leader," (Interview), Detroit Free Press, January 18, 2009

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"Identifying and Monetizing Carbon Finance Assets in Commercial Real Estate," (Stephen G. Palms co-author), Michigan Real Property Review, Winter 2008

"Miller Canfield's Mark J. Bennett Addresses Climate Change, Sustainable Property Transactions Conference," LexisNexis, December 3, 2008

"Environmental Due Diligence," The Bureau of National Affairs, Inc. (BNA), November 2008

"Climate change law begins to really heat up," Detroit Legal News, November 13, 2008

"Sustainability Due Diligence: LEED® as the Evolving National Standard," The Bureau of National Affairs, Inc. (BNA), August 2008

"Environmental Services -- Green is good," Detroit Free Press, May 2008 (interview)

"Going Green to Save Some Green," Detroit, May 2008

Podcast, "Current Critical Issues in Environmental Law: Green Buildings and Sustainable Development," May 2008

"Current Critical Issues in Environmental Law: Green Buildings and Sustainable Development," LexisNexis, May 2008

"CoStar Study Finds LEED, Energy Star Bldgs. Outperform Peers," (Interview), CoStar Group News, March 26, 2008

"Bush Energy Bill Taps GSA to 'Green' the Building Industry," (Interview), CoStar Group News (with permission), March 20, 2008

"Emerging Field of Climate Change Law Requires Improved Due Diligence," National Real Estate Investor, March 6, 2008

"Commentary: Climate change, energy consumption have impact on buildings - and banks," Michigan Lawyers Weekly, February 25, 2008

"Climate change and the carbon-constrained economy, Midwest In-House, January 2008

"The Evolution of Climate Change Due Diligence Standards," 231 BNA Environmental Due Diligence Guide 1911, October 18, 2007

Mark J. Bennett

"On the Cutting Edge: An Insider's Perspective - Climate Change Due Diligence Developing, Creating New Opportunities," 16 BNA EDDG 7, BNA's Environmental Due Diligence Guide, July 2007

"Electromagnetic Fields Tilt 'Reasonableness' Standard in Property Valuation: Can New Study Affect Outcome of Pending California Litigations?" 6 REEL, BNA 20, December 1995

"Financial Institutions Adopting Policies to Tackle Environmental Risk, Survey Shows," 8 Toxics L. Rep., BNA 201 and 61 Banking Rep., BNA 194, August 1993

"Redefining Environmental Due Diligence," 58 Banking Rep., BNA 692, April 1992

"The Rise of the Environmental Transaction Screen," 6 Toxics L. Rep., BNA 735, November 1991 (co-authored)

"Home Sweet Home - Or Is It? Environmental Due Diligence in a Residential Setting," 5 Toxics L. Rep., BNA 1613, May 1991

"Lenders: Environmental Police Force of the 1990s," 4 Toxics L. Rep., BNA 1131, May 1990

"Technology-Based Standards for Environmental Due Diligence," 4 Toxics L. Rep., BNA 331, August 1989

"Environmental Due Diligence: An Evolving National Standard," 3 Toxics L. Rep., BNA 1262, March 1989

"Government Records: An Essential Element of Environmental Due Diligence," 3 Toxics L. Rep., BNA 920, December 1988 (co-authored)

"Environmental Risk: Are Your Loans Marketable?" 3 Toxics L. Rep., BNA 618, October 1988 (co-authored)

"Minimizing Environmental Liability: Due Diligence Techniques for Purchaser/Lender," 51 Banking Rep., BNA 489, September 1988 (co-authored)

"Due Diligence Techniques for the Innocent Purchase/Lender," 3 Toxics L. Rep., BNA 434, August 1988 (co-authored)

SPEECHES

Frequent lecturer on environmental and real estate topics.

Mark J. Bennett

"Seizing Business Opportunities in New Energy Financing,"
NextEnergy, Energy Innovation Business Council, Detroit, March 5,
2012

"ASTM's Building Energy Performance Assessment Standard,"
LexisNexis® Environmental Law and Climate Change Community
Podcast, July 7, 2011

"What Real Estate Lawyers Need to Know About Green Real Estate
Financing and the Unique Legal Issues Facing Their Clients in 2011,"
(ExecSense Webinars), January 25, 2011

"Energy Efficient Lending Pilot," Panel Discussion, Environmental
Bankers Association, Ft. Myers, Florida, January 16, 2011

"Energy is Here to Stay," Roundtable Discussion, Real Property Law
Section, Birmingham, Michigan, January 13, 2011

Michigan Energy Forum - Carbon Markets, Ann Arbor SPARK, July 2,
2010

"Climate Law & Policy Symposium opens door to new green
opportunities," (Interview), Oakland County Legal News, April 23,
2010

"21st Century Innovators," (Interview), Michigan Lawyers Weekly,
October 14, 2009

The LexisNexis® Environmental Law & Climate Change Center
Podcast featuring Mark Bennett on the ASTM development of a
proposed new standard for collecting and disclosing building energy
use information, September 12, 2009

LexisNexis® Environmental Law & Climate Change Center Podcast
on Green Building Transactional Disclosure Regulations, April 7,
2009

"Climate Change Attorney Sees Opportunity in Economic Recovery
Package," (Interview), WWJ Newsradio 950, January 22, 2009

"DOE Pledges \$8B To Guarantee Clean Coal Financing,"(Interview),
Law360, New York, September 24, 2008

"Monetizing Carbon Finance Assets in a Real Estate Transaction,"
LexisNexis Interview, June 2008

"Green Building & Finance (with permission)," Real Estate and
Environmental Law & Climate Change Web Centers, March 2008

SEMINARS + EVENTS

- Building Energy Performance Audits (The Next Step in Property Assessments and Building Sciences)
- U.S.-Canada Clean Energy Dialogue
- Webinar: ASTM's New Building Energy Performance Assessment Standard and its Impact on the Commercial Real Estate Industry
- Second Annual International Climate Law and Policy Symposium
- Corporate Real Estate Review Series: Corporate Site Selection Planning and Incentives
- Webinar: Impact of the New ASTM Building Energy Performance Assessment (BEPA) Standard on the Commercial Real Estate Industry
- ESD Alternative Energy Conference: Creating Solutions, Driving Change
- Cappuccino with Counsel: The Dynamic World of Real Estate and Economic Development Incentives: Past, Present and Future
- Cappuccino with Counsel: Climate Law and Policy Mid-Year Briefing
- National Asian Pacific American Bar Association (NAPABA)
- International Climate Law and Policy Symposium
- Webinar: Climate Change Disclosure Obligations: New Risks, New Opportunities
- Investpreneur Roundtable: Green Technology
- Green Lease Seminar
- Before the Bell Breakfast Forum: Climate Change Investment Implications
- The Green Lease: A Two-Way Street (Greenbuild International Conference and Expo)
- Building Energy Performance Disclosure and Monetizing Carbon Assets in Business and Commercial Real Estate Transactions
- Cappuccino with Counsel: Buried Treasure - Uncovered Opportunities in Commercial Real Estate
- Investpreneur Roundtable: Real Estate Development and Investment
- Keeping Current on Climate Change (Air Waste Management Association/East Michigan Chapter)

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- Webinar: The Impact of Transactional Energy Disclosure Regulations and Sustainability Due Diligence Requirements on Commercial Real Estate Transactions
- Changes in Green Building Due Diligence: Finding Opportunities While Minimizing Risk
- Monetizing Carbon Assets in Commercial Real Estate Portfolios and Carbon Risk in the Loan Portfolio (Environmental Bankers Association)
- Sustainability Movement's Impact on Real Estate Transactions (Air & Waste Management Association (A&WMA) Annual Conference)
- Cashing in on the Coming Revolution in Energy and Eco-Technology via Creative Collaboration/Panel Discussion (Greening the Heartland Regional Conference)
- Monetizing Greenhouse Gas Emission Reductions for Real Estate Transactions
- Green Retrofits/Return on Investment (Oakland County Green Summit)
- Climate Change Regulatory Trends Impacting Corporate and Real Estate Transactions (2009 Energy Conference)
- Review of State of Michigan Climate Change and Related Greenhouse Gas Legislation (State Bar of Michigan, Environmental and Business Law Sections)
- Carbon Due Diligence (Green Building Finance & Investment Forum West)
- Overview of Key Sustainability Drivers (Homeward Bound 2008-2009)
- Sustainability Due Diligence: A Review of Evolving Industry and Regulatory Trends and Emerging Standards (Environmental Bankers Association)
- Monetizing Carbon Finance Assets in a Real Estate Transaction: Sustainable Property Transactions
- Overview of Renewable Legislation in Michigan (U.S. Green Building Council Detroit Regional Chapter Meeting)
- Green Leases (Green Building Finance & Investment Forum)
- Financial Incentives for Businesses in Michigan and Canada

ARTICLES

- Federal Stimulus Money Continues to Flow

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- SEC Opens the Door for Climate Change-Related Shareholder Proposals and Disclosure Requirements, with Potential New Liabilities for Public Companies
- The Impact of the Copenhagen Accord
- Green Leasing Goes Mainstream
- Go Green: Energy-Saving Technology and Practices Benefit Building Owners and Tenants Too
- Green Building Takes the LEED®
- Climate Change Has Far-Reaching Impact. How Will You Be Affected?

NEWSLETTERS

- Hot Points Special Edition Climate Change
- Hot Points Special Edition Climate Change
- Hot Points Special Edition Real Estate

NEWS

- Miller Canfield Lawyer Named a Best Law Firm Writer by the Burton Awards
- Miller Canfield Presents 2nd Annual International Climate Law & Policy Symposium
- Miller Canfield's Mark J. Bennett Appointed Vice-Chair of ABA Energy & Resources Committee
- Miller Canfield's Recent Climate Law & Policy Symposium Opens Door to New Green Opportunities
- Miller Canfield Lawyers Author Article on New SEC Disclosure and Shareholder Proxy Rules and Regulations
- Miller Canfield at the Forefront of Climate Change Strategies
- Miller Canfield Named Among Michigan Lawyers Weekly's 21st Century Innovators for its Climate Change Practice
- Miller Canfield Climate Change Attorney Sees Opportunity in Expected Economic Recovery Package
- Miller Canfield Attorney Mark J. Bennett Speaks at Climate Change and Sustainable Property Transactions Conference
- Miller Canfield Attorney Mark J. Bennett Authors Publication on Green Buildings and Sustainable Development



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- Miller Canfield Attorney Mark J. Bennett Appointed Chairman of National Green Building Finance & Investment Forum

