

## Water

Fresh water is becoming a scarce resource in the United States and across the globe as demand continues to rise due to population and business growth. This emergent scarcity means businesses will face more consequences of the complex regulatory and legal frameworks governing water use and water quality.

Michael Best's Water team has a deep knowledge and expertise on water issues. We guide clients through the heavily regulated, politically sensitive environment surrounding the management of, investment in, and development of water resources.

In addition to advising business and government clients that operate in the water sector, we work with clients whose goods or services depend on water use; others that make water-related technology; and businesses serving the water industry. We've worked on projects highlighting the importance of access to water as a vital asset for companies at all stages of development, from start-ups to multinationals.

As part of the collective effort to minimize humanity's impact on our environment and to protect water resources, Michael Best helps clients anticipate and meet the many challenges and opportunities encountered along the way. Our attorneys make it a priority to understand each client's situation and customize an approach based on your needs.

Our cross-practice team provides a complete range of legal services, including those outlined below.

## Services

### Corporate

We provide strategic counsel covering the business life cycle, from organization, financing, and operation through mergers, acquisitions, and divestitures. We advise on corporate and tax planning to help clients understand how water assets and liabilities may affect their bottom line, now and into the future.

In addition, our Venture Best® group works with startups and venture capital investors to help new, high-growth companies find financial backing and grow their businesses. We provide early-stage business assistance to help entrepreneurs

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seeking to bring products and services designed to solve water-related challenges to market.

Please click [here](#) to learn more.

### **Energy Law**

Water and wastewater costs can be significant in industries where water is either a primary product component or essential to the production process. To help control those costs, our Energy attorneys represent clients in front of regulators—typically public utility commissions—in rate cases and other proceedings. We work to achieve rates that are fair to large industrial users, sustainable over time, and representative of actual costs. We also represent clients in disputes with water and wastewater treatment providers.

Please click [here](#) to learn more.

### **Environmental & Regulatory**

Compliance with federal laws such as the Clean Water Act, Safe Drinking Water Act, and Oil Pollution Act, as well as state, regional, and local laws and regulations that govern water resources, has become increasingly complex. We create solutions for addressing environmental problems regarding the use and treatment of water resources. Our attorneys counsel clients on compliance issues; water appropriation and wastewater discharge; water quality and quantity; regulatory compliance and audits; wetlands and waterways; water infrastructure; sediment cleanup; and permitting issues and post-NPDES challenges, including enforcement defense.

Trends in water technology and innovation are a focus of government regulation. Our team members understand the water sector's dynamic regulatory and legislative environment. In addition to advising clients on compliance matters, we monitor and participate in federal and state rulemaking proceedings that may impact our clients' operations, and we file comments on issues of importance. When new regulations that adversely affect our clients are vulnerable to challenges, we file lawsuits to seek judicial review. We also represent trade associations in challenges to rulemakings by the EPA and other agencies.

Please click [here](#) to learn more.

### **Government Relations & Public Policy**

Our Government Relations attorneys will help you navigate the intersection of business and government, and we have the connections to help you shape public policy. We represent our clients' interests in the development of laws and regulations governing water quality and usage (rights), before legislatures and regulatory agencies.

Our legal team often works side-by-side with Michael Best Strategies LLC (Strategies), our dedicated business consulting, government relations, and public affairs affiliate. By identifying opportunities for engagement with government, industry partners, and communities, Strategies helps clients shape the laws and regulations that impact their organizations. Our alliance with Strategies also gives our clients access to the Wisconsin Water Alliance (WWA), and our attorneys are involved at the regional and national levels, with close contacts in the EPA's Office of Water.

When lobbying is necessary, Strategies delivers results to clients, whether by creating strategies to communicate with key decision- and policy-makers or by helping to advance policy and regulatory reforms that position our clients for greater success.

Please [click here](#) to learn more.

### **Intellectual Property**

Michael Best's IP attorneys have deep experience helping clients develop, manage, protect, and enforce their brands and innovative water technologies worldwide. We provide the full range of legal services related to patent, trademark, trade secret, and copyright law, including portfolio management; technology development and licensing; and enforcement, clearance, and defense.

Examples of our team's technical experience include reverse osmosis water treatment systems; dynamic membrane filtration systems; water heating; and technologies for the treatment and prevention of fouling in industrial water systems, including microbiological contamination and growth, mineral scale, and generation of biofilms.

Please [click here](#) to learn more.

### **Labor & Employment Relations**

Good employer-employee relations are essential to the success of any organization. Our nationally recognized Labor & Employment Relations practice group helps clients in the water industry make employment-related decisions and plan for the future. We offer a comprehensive range of services in areas such as:

- Affirmative action compliance
- Employee benefits and executive compensation
- Employment agreements and restrictive covenants
- Employment litigation
- Employment policies, practices, and audits
- Immigration
- Labor-management relations
- Unfair competition and trade secrets
- Wage and hour compliance and defense
- Workplace safety and health

Please [click here](#) to learn more.

## **Real Estate**

Successful real estate projects and transactions demand close attention to numerous business, financial, and legal elements. We have experience in every aspect of this field, assisting water sector clients with issues such as project development and financing; real estate acquisitions and sales; entitlements, permits, and approvals; environmental regulation and permitting; public-private partnerships and government relations; and construction contracting and litigation.

We help clients ensure that access to water resources is secured and protected in the acquisition and development of properties, and manage risks associated with issues such as soil and groundwater contamination, plant emissions, water rights, historic environmental liabilities, and environmental indemnification agreements. We have experience with water infrastructure, such as water treatment and reclamation facilities. Our team includes attorneys who have held government roles and are familiar with the complexities of government real estate projects involving water components and considerations.

Please click [here](#) to learn more.

## **Experience**

### **The Water Council**

Michael Best serves as general counsel to The Water Council, a nonprofit organization that drives economic, technology, and talent development to support the global water industry. Headquartered in Milwaukee, Wisconsin, The Water Council is the leading U.S. cluster and one of the most powerful water technology hubs in the world. Michael Best is also a partner of The Water Council's BREW (Business, Research, Entrepreneurship – in Wisconsin) accelerator program, which funds water technology start-ups with commercialization potential.

### **PRO-Equipment Inc.**

We represent PRO-Equipment Inc., a manufacturer of wastewater treatment and waste disposal process equipment, in immigration and intellectual property matters. Our intellectual property representation has included brand management for membrane (filtration) technology, including trademark clearance and prosecution, as well as patent application drafting, prosecution, and related advice. In the area of immigration, our attorneys have assisted the company with issues including temporary work visa processing, green card filings, and international travel assistance.

### **Water Filter Manufacturer Acquisition IP Counseling**

We advised an international manufacturer of residential and commercial water heaters and boilers in the purchase of a Texas-based water filter manufacturer for \$87 million in cash on a debt/cash-free basis. We conducted intellectual property due diligence and drafted agreements. The acquisition was a significant step in our client's strategy to expand its core product offerings to new geographic areas.

### **Historic Lakefront Hotel Redevelopment**

We represented a developer in the \$100 million acquisition, entitlement, financing, commercial condominium structuring, and development of a 205-room luxury full-service waterfront hotel and multi-

use project in downtown Madison, Wisconsin. The property includes a public plaza on the site of an existing hotel.

### **Environmental Counseling for Lakefront Cultural Institution**

We represented a cultural institution in planning and developing the renovation of and addition to a Milwaukee landmark, located on the historic lakefront of Lake Michigan. This included assisting the client with environmental issues associated with lakefront landfill. Through our innovative approach, our client successfully resolved issues in a cost-effective and environmentally sound manner.

### **Creation of Island and Conversion to State Park**

Members of our team assisted a client with the construction of a man-made island adjacent to a 75-acre festival park in Milwaukee, Wisconsin, and with its conversion to a state park. Our representation included navigation of public trust doctrine issues to ensure public access to the property's waterfront areas. The island is now a 22-acre state park that offers jogging paths, fishing, and a marina.

### **Riverfront Walkway System Development**

Our attorneys represented a Wisconsin city in the development of an award-winning 3.1-mile riverfront walkway system. The project was a public-private partnership between riverfront property owners and the city, with the goal of revitalizing the city's downtown area and connecting neighborhoods along the river. In exchange for permanent public access, the city provided financial assistance for the construction of the private riverfront walkway improvements.

### **Construction of Lakefront Breakwater**

Members of our team provided counsel in the construction of the breakwater (a protective barrier built in a body of water) that protects a Milwaukee lakefront cultural institution.

### **Water Rate Case**

We represented a large industrial water user in a rate case that could have had a disproportionate impact on the water rates paid by our client. After fully litigating the case against multiple parties, including the utility seeking the rate increase, we were able to achieve a decision from the regulator that greatly reduced the impact to our client.

### **Technology Transfer Matters for Global Water-Focused Entity**

We represented a global entity that distributes, manufactures, and installs water-related products, as well as provides water-related services, in intellectual property matters. We advised our client on matters related to technology transfer and license agreement negotiations that enable the client to enhance its own water filtration capabilities and provide better services to its clients.