

From the Desk of the Chairperson

By Diane L. Akers



Business Lawyers Must “Go Green”

Climate change and associated greenhouse gas regulation will create tremendous challenges and opportunities for businesses. In Michigan and elsewhere, the admonition to “go green” has taken on a whole new meaning,

and the Michigan business and legal communities may not appreciate the magnitude and imminence of these looming impacts. In September 2008, the Section created an Ad Hoc Committee on Climate Change and Sustainability (“Committee”), and charged it with the responsibility for investigating the status of Michigan businesses’ understanding of and readiness for climate change/sustainability challenges and opportunities.

In its first few months of its work, the Committee quickly concluded that there is a large gap between the amount of activity and information being generated in the governmental and technical communities and what is making its way through to the business community. The Committee also concluded that the need to close this gap is immediate and so has decided to go beyond its initial goals of assessment and reporting. The Committee sought and received the enthusiastic and invaluable support and cooperation of the Environmental Law Section, as well as contributions from other sections of the State Bar.

The Committee’s first significant project has been an April 22, 2009 conference aimed at businesses and business lawyers, focused on what they need to know *now* about the challenges and opportunities associated with climate change regulations and impacts. For example, Governor Granholm has already recognized that greenhouse gas regulation will create tremendous business opportunities in Michigan. Last fall, the Governor reorganized state government so that all activities related to renewable energy, energy efficiency, and job growth would be consolidated in one department, renamed the Department of Energy, Labor and Economic Growth (“DELEG”). The Governor appointed Stanley F. “Skip” Pruss to serve as CEO and Director of DELEG, and Director Pruss agreed to speak at the Section’s program. In part, the Committee hoped that Director Pruss would be able to address the recommendations being made to the Governor by the Michigan Climate Action Council, slated for sometime in the spring of 2009. The Committee also immediately sought the involvement of representatives from Washington, D.C. to ensure that federal initiatives on climate change and sustainability are also included.

Although there certainly are highly technical aspects to climate change and energy use issues, *all* businesses and business lawyers need to know something about

these topics from regulatory, financial, and legal standpoints because, directly or indirectly, *all* businesses will be affected. These are not just issues for scientists and environmental lawyers. One of the Committee’s important objectives is to provide business lawyers with a broad overview of the field.

Many members of the Business Law Section also belong to other sections of the State Bar, and the Committee is also involved in providing more detailed resources focused on other substantive areas of law that affect businesses. For example, the April 22, 2009 conference includes technical, breakout sessions addressing climate change issues in the areas of business law, real property law, tax law, and environmental law. The related sections of the Bar have been making very significant contributions to the Committee’s work.

Many Michigan businesses are already in a situation in which they’re having to play “catch up,” responding to regulatory and economic changes as they come along at a time when businesses have little flexibility and other pressures to manage. Helping clients gain even a small edge in these competitive times is what all business lawyers strive for. The Committee and the Section hope to continue to be a resource that Section members can use to achieve that goal.