

M. Gavin McCarty

Of Counsel

Chicago

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Main Bio

Gavin has a multi-faceted legal practice focusing on highly regulated industries, such as energy, utilities, and communications.

Gavin's past experience includes senior roles as general counsel and deputy general counsel of Fortune 500, S&P 500 component, and private companies.

Gavin works closely with his clients to strategize and provide practical legal advice to strengthen the overall governance, compliance, and risk practices of organizations. He provides strategic thought leadership with a practical and solutions-focused mindset. Gavin has received the Leadership Professional in Ethics & Compliance Certification (LPEC) and has three decades of progressive experience.

**Matter completed prior to joining Benesch.*

Experience**Energy/Regulatory**

- Advised business leaders and managed state and federal regulatory approval processes for merger, purchase and sale of public utility holding companies and assets.*
- Advised owners of hydroelectric facilities and systems on variety of state and federal regulatory matters, including FERC and environmental issues.*
- Counseling energy clients on legislative and policymaking issues, including drafting, commenting and researching legislation and administrative rulemaking matters.*
- Managed, supervised and supported multiple electric and gas public utilities in general and special purpose rate cases, CPCN and general regulatory proceedings in Minnesota, Wisconsin, Illinois and Michigan.*
- Represented natural gas public utilities in general and special purpose rate cases, reconciliation and general regulatory proceedings before the Illinois Commerce Commission.*

Related Practices

Litigation

Commercial Litigation and Other Business Disputes

Public Utility Issues

Related Industries

Energy

Energy/Regulatory

Energy Litigation

Education

- University of Illinois Chicago School of Law, 1996, J.D.
- University of Dayton, 1991, Bachelor of Arts – Political Science and English

Credentials

- Illinois

Memberships

- Member, American Bar Association
- Member, Illinois State Bar Association
- Member, Energy Bar Association
- Member, Chicago Bar Association

Energy

- Advised and negotiated a variety of energy and renewable energy infrastructure projects, including EPC contracts, permitting, PPAs and O&M agreements.*
- Advised energy clients in a variety of investigations and enforcement actions by state and federal agencies.*
- Advised on new and enhanced corporate ethics policies for interactions with public officials, anti-bribery and corruption, corporate procurement, employee selection and enhancements to code of business conduct.*
- Advised on the development and enhancement of corporate compliance programs.*
- Represented energy clients in a variety of internal investigations with regards to compliance with company policies and code of business conduct.*

Litigation

- Represented electric public utility in a non-time critical removal action at a 46 acre commercial site in downtown Milwaukee, WI, with legacy 19th and 20th century industrial activities, including negotiation of related administrative agreements under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).*
- Represented employer in successful mediation of wage and hour class action of 900+ current and former bargaining unit employees with regards to federal and state compensation claims for pre-shift and wash-up time at power plant.*
- Represented natural gas public utility in state action filed by Illinois Attorney General, Environmental Division, and related civil actions filed by private parties, with regards to unintentional release from an underground natural gas storage facility that impacted freshwater aquifer serving over 800,000 residents, including the negotiation of several Interim Orders and Final Settlement Order with administrative environmental remediation consent decree.*
- Represented natural gas utility before the Illinois Supreme Court affirming an Illinois Commerce Commission order allowing a four-year pilot program to become permanent for a volume balancing adjustment rider imposing revenue decoupling on natural gas utility customers.*
- Represented natural gas utility in breach of contract claim made by local government entity arising from the expiration of a 99 year lease and extent of environmental remediation with negotiation of new 50 year lease for natural gas pipeline.*
- Represented public utility in CERCLA contribution claims against generators and legacy property owners resulting in favorable multi-million dollar settlements.*

- Represented public utility in *Qui Tam* claim with regards to allegations of misleading state regulators during rate case proceedings from successful motions to dismiss through Illinois Supreme Court order affirming circuit court dismissal of the matter with prejudice.*
- Represented renewable energy developer in acquisition of 12 renewable energy projects and action for breach of MIPA by seller. Obtained favorable settlement in favor of developer.*
- Represented through successful mediation and settlement agreement a natural gas public utility in claim made by local government entity for damages related to alleged hazardous release of contaminants onto plaintiff's property.*

News

- Benesch Energy Group Continues Growth in Chicago With Of Counsel Matthew Gavin McCarty, January 17, 2025