



ENVIRONMENTAL, SOCIAL AND GOVERNANCE

BROAD REACH

The environmental, social and governance (ESG) expectations of regulators, investors, consumers, employees, communities and other stakeholders are placing new demands on companies – and creating legal risks. Business executives and managers benefit from Barnes & Thornburg's assistance on ESG matters involving reporting, compliance, and risk mitigation across industries.

Clients are facing increased pressure to disclose information, set goals, track metrics and adopt policies related to climate change, environmental justice and diversity practices. ESG disclosures are on the cusp of being mandated for many public companies and financial institutions, and are increasingly an eligibility requirement imposed on suppliers and project bidders. Our cross-disciplinary team helps clients apply the appropriate ESG standards to their operations.

Companies and their legal departments are beginning to realize the risks associated with new – and often ambiguous – government regulations that are being implemented fast and furiously. We assist with:

- Establishing or revising ESG policies and practices
- Managing the risk of making climate-related commitments and claims
- Reviewing ESG reports for accuracy, efficacy, applicability, materiality and compliance
- Counseling on approaches to improved scoring and rating by ESG ratings agencies
- Reviewing labor practices, health and safety issues, human rights, employee well-being and compliance
- Conducting ESG-related due diligence as part of merger and

The BT Environmental Blog is managed by the attorneys in Barnes & Thornburg's Environmental Law Department. It's designed to be your resource for news, insights and commentary on developments in environmental law across the country, including environmental law's frequent overlap with utility and renewable energy areas.

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acquisition activity

- Managing risk mitigation related to data privacy, data access and other cybersecurity issues

Environmental Management

As protecting our planet becomes more of a priority for us all, we work with clients on supporting, sourcing and developing renewable energy projects and on implementing environmental management systems.

Our skilled team of environmental lawyers also guides clients through complex environmental laws, particularly those involving greenhouse gases and climate. We help companies that are expanding their footprint by evaluating environmental justice affects related to facility siting, expansion, permitting and operation, and also counsel them on identifying funding sources.

Documentation and Diligence

Many companies fear they will lose customers over environmental, social and governance issues, mainly because of reputational damage, increased regulatory enforcement actions and consumer or third-party lawsuits. We work closely with management and legal departments on reporting and due diligence to avoid suffering those losses. Our team is skilled at developing and counseling on controls to prevent corruption and unethical business practices.

In this entrepreneurial climate, our corporate attorneys counsel on ESG disclosures made by broker-dealers, financial advisers, fund managers and others in the investment industry. We draft documentation and diligence for sustainable finance agreements, including “green bonds.”

Dispute Resolution

With a deep bench of litigators, our team defends clients in disputes arising from ESG issues, including:

- Mass tort litigation related to climate change
- Shareholder suits related to ESG
- Claims against broker-dealers and advisers made by investors and agencies

As the gap widens between what the public expects and what government regulations deliver, companies can expect more volatility and more economic and regulatory governance.

Practice Leaders



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