

THE 2021



CLIMATE SCORES FOR VAULT 100 LAW FIRMS (2021)			
CLIMATE SCORE	FIRMS		
A	Cooley Schulte Roth & Zabel	Wilson Sonsini Goodrich & Rosati	
В	Boies Schiller Flexner Drinker Biddle & Reath Fenwick & West Fish & Richardson Gunderson Dettmer	Irell & Manella Littler Mendelson Mintz, Levin, Cohn, Ferris, Glovsky, & Popeo Seyfarth Shaw	
C	Ballard Spahr Bryan Cave Leighton Paisner Cozen O'Connor Davis Wright Tremaine Debevoise & Plimpton Foley Hoag Fox Rothschild Fried, Frank, Harris, Shriver & Jacobson Goodwin Procter	Jenner & Block Kilpatrick Townsend & Stockton Kramer Levin Naftalis & Frankel McDermott Will & Emery Proskauer Rose Sheppard, Mullin, Richter & Hampton Williams & Connolly Willkie Farr & Gallagher Winston & Strawn	
D	Alston & Bird Arent Fox Blank Rome Cadwalader, Wickersham & Taft Cahill Gordon & Rendell Cleary Gottlieb Steen & Hamilton Covington & Burling Davis Polk & Wardwell Dechert Dentons DLA Piper Duane Morris Foley & Lardner Greenberg Traurig Haynes and Boone Holland & Knight Hughes Hubbard & Reed	Jones Day Katten Muchin Rosenman Locke Lord Morrison & Foerster Nixon Peabody O'Melveny & Myers Paul Hastings Perkins Coie Pillsbury Winthrop Shaw Pittman Quinn Emmanuel Urquhart & Sullivan Reed Smith Ropes & Gray Troutman Pepper Hamilton Sanders Venable Wachtell, Lipton, Rosen, & Katz Weil, Gotshal & Manges WilmerHale	
F	Akin Gump Strauss Hauer & Feld Allen & Overy Arnold & Porter Kaye Scholer Baker & Hostetler Baker Botts Baker McKenzie Clifford Chance Cravath, Swaine, & Moore Crowell & Moring Freshfields Bruckhaus Deringer Gibson, Dunn, & Crutcher Hogan Lovells K & L Gates Kellogg, Hansen, Todd Figel, & Frederick King & Spalding Kirkland & Ellis Latham & Watkins	Mayer Brown McGuire Woods Milbank Morgan, Lewis & Bockius Munger, Tolles & Olson Norton Rose Fulbright Orrick Herrington & Sutcliffe Paul, Weiss, Rifkind, Wharton & Garrison Shearman & Sterling Sidley Austin Simpson Thacher & Bartlett Skadden, Arps, Slate, Meagher, & Flom Squire Patton Boggs Steptoe & Johnson Sullivan & Cromwell Susman Godfrey Vinson & Elkins White & Case	

Latham & Watkins

Linklaters

White & Case

# TABLE OF CONTENTS

CONTRIBUTORS & ACKNOWLEDGEMENTS	3
EXECUTIVE SUMMARY	4
I: THE BUDDING MOVEMENT FOR A JUST, CLIMATE-COMPATIBLE LEGAL INDUSTRY	10
II: ENVIRONMENTAL JUSTICE AND FRONTLINE COMMUNITIES	14
III: METHODOLOGY	16
IV: RESULTS	20
V: LIMITATIONS	25
VI: RECOMMENDATIONS & COMMITMENTS	27
ENDNOTES & APPENDICES	30



The 2021 Law Firm Climate Change Scorecard was developed and supported by:

#### SCORECARD RESEARCH TEAM

Research Lead: Michaela Anang, UC Davis School of Law, LSCA 2021-22 Board Research Chair

#### **Research Volunteers:**

Briana Elizondo, Indiana University Maurer School of Law Taylor Monney, University of Utah S.J. Quinney College of Law Annie Wiesenfeld, UC Hastings School of Law

#### LSCA 2021-2022 BOARD

Marjan Kris Abubo, UC Davis School of Law Kyra Blas, Yale Law School Haley Czarnek, University of Alabama School of Law A.J. Hudson, Yale Law School Amelia Keyes, Harvard Law School

Josh Kirmsse, Stanford Law School Devin Oliver, Berkeley Law School Grecia Nuñez, American University Washington College of Law Aaron Regunberg, Harvard Law School

#### LSCA CO-FOUNDERS

Camila Bustos, Yale Law School Tim Hirschel-Burns, Yale Law School Rachael Stryer, Yale Law School Alisa White, Yale Law School

#### **FURTHER ACKNOWLEDGEMENTS**

LSCA would like to acknowledge the lineage of movement work dedicated to environmental justice which informs and has laid the groundwork for young organizers, budding legal workers, and beyond to engage critically in a just transition. We hope to work alongside communities on the frontline of the climate crisis whose lives and livelihoods have been built around or affected by toxic and destructive industries in order to support sustainability and a livable future. We also extend immense gratitude to Nadira Foster-Williams for her insights, solidarity and work and to Divest Ed for support.

# EXECUTIVE SUMMARY

America's most prestigious law firms have expanded their fossil fuel work.

Last year, Law Students for Climate Accountability released a first-of-its-kind Climate Scorecard, which catalogued the climate-related work of the Vault 100 firms - the 100 topranked firms in the US - and gave them grades for their performance. Released in October 2020, the report focused on transactional, litigation, and lobbying work over a five-year span that revealed staggering data: the large majority of firms were exacerbating climate change, facilitating \$1.31 trillion in transactions and fighting in hundreds of cases to continue warming the planet and endangering low-income communities and communities of color. While 2020 saw the COVID-19 pandemic rage and the American West on fire, [1] dying the skies orange and destroying entire communities, the report served to highlight Big Law's role in climate injustice.

But despite the dismal state of affairs in Big Law and in the world, some reason for optimism remained. As driving declined and the economy stalled, many recognized this moment of crisis as a chance to move away from fossil fuels and move towards a just transition to a livable future.

The 2021 Climate Scorecard reveals that instead, top firms fought even harder to accelerate climate change. On the whole, data over a five-year window reveal a startling trend among Vault 100 firms:

- The top firms facilitated a stunning \$1.36 trillion in fossil fuel transactions, increasing the top 100's total by \$50 billion from last year's report;
- These firms also litigated even more cases on behalf of fossil fuel clients, bringing the total from 275 representations to 358; and
- Even more firms earned F grades, which requires a firm to do 8+ cases exacerbating climate change, support over \$20 billion in fossil fuel transactions or receive over \$2 million for fossil fuel lobbying. 10 more firms joined the F class. In all, 36 firms managed to perform the extraordinary amount of fossil fuel work necessary to fail.



Some actors stand out as particularly egregious. For example, Akin Gump did more fossil fuel lobbying than 91 Vault 100 firms combined. Allen & Overy did more fossil fuel transactions than 75 Vault 100 firms combined, and Paul Weiss litigated more fossil fuel cases than 60 Vault 100 firms combined. Firms like these are global leaders in the fight *for* climate change, dedicating top minds to the mission of a warmer planet.

But they are not alone. Only 3 firms received an A and 9 received a B, while 18 received a C, 34 received a D and 36 received an F. On the whole, 88 of the top 100 firms undertook work that worsened climate change.

The report also documents two promising trends. Fossil fuel lobbying decreased, with firms receiving \$34.9 million in compensation for fossil fuel lobbying in this report compared to \$36.5 million in last year's report. Firms also increased renewable energy transactions from \$268 billion to \$347 billion and renewable energy lobbying from \$6.6 million to \$8.3 million. But ultimately, while these figures are moving in the right direction, they remain woefully inadequate and are cold comfort to communities who bear the burden of both dangerous fossil fuel extraction and the worst consequences of climate change.

In early August, the United Nations International Panel on Climate Change (IPCC) released a major new scientific report summed up by a New York Times headline: "A Hotter Future Is Certain, Climate Panel Warns. But How Hot Is Up to Us." Law firms must reckon with the fundamental role they play in this crisis. From litigation to transactional work to lobbying, the fossil fuel interests that have created this emergency are aided by armies of the best trained lawyers in the world. These firms understand their work has ethical implications, taking every opportunity to laud their pro bono hours. It is past time that each firm adopts an ethical standard for its climate work and makes clear which side of history it wishes to be on.

This report is intended not only to document the legal industry's complicity in the climate crisis, but to support those inside and outside the industry trying to realize a better future.

First, this report provides law students and young lawyers with a resource when deciding on their current and future employment. Today's law students are preparing for careers that will be profoundly shaped by the climate crisis, no matter where they work. This scorecard provides a resource to begin understanding and questioning the role that the legal industry plays in that crisis. It's up to this generation of lawyers to transform the legal industry into one that protects, rather than harms, the planet and communities.

## Second, we hope this report will spur change in the Vault 100 firms themselves.

Vault 100 firms undoubtedly provide excellent representation. These firms could use their extraordinary skills to accelerate the transition to a sustainable future, but too many are instead lending their services to the companies driving the climate crisis. Law firms are increasingly recognizing their obligations to fight climate change, and they frequently emphasize their pro bono work, internal sustainability measures, and ESG practices. Although these initiatives are welcome, law firms' work for fossil fuel clients exists on a far greater scale. Law firms cannot maintain reputations as socially responsible actors as long as they continue to support the destructive fossil fuel industry. Firms can take the Law Firm Climate Responsibility Pledge included in this report to agree to stop taking on new fossil fuel industry work, continue to take on renewable energy industry work and litigation to fight climate change, and to completely phase out fossil fuel work by 2025.

**EXECUTIVE SUMMARY** 

Third, this report calls upon clients of Vault 100 law firms, some of whom have their own commitments to mitigate climate change, to ensure their legal representation is as committed to fighting the global climate crisis as they are. We encourage law firm clients to review this report and insist the law firms they hire phase out support for the fossil fuel industry.

The movement to change the legal industry is only growing.

Law students are occupying offices, disrupting recruiting events, speaking to their classmates, and standing in solidarity with the communities that have led the fight for climate action and a just transition. Many within law firms are doing their best to move their firms away from extraction. Law firms have an ethical obligation to heed these calls to change.

If they refuse, we will only grow louder.

#### STUDENT TESTIMONIAL



"WHEN I WAS CHOOSING A LAW FIRM TO SPEND MY SUMMER AT, IT TRULY MEANT A LOT TO ME TO KNOW THAT THE LAW FIRM THAT I WORKED FOR WAS NOT RESPONSIBLE FOR ENVIRONMENTAL HARM AND DEGRADATION. AS SOMEONE WITH AN ENVIRONMENTAL BACKGROUND. I PROMISED MYSELF BEFORE I ACCEPTED AN OFFER THAT I WOULD SERIOUSLY THINK ABOUT THE EFFECTS THAT A LAW FIRM HAS ON THE PLANET. WHEN I SAW THAT MANY OF THE LAW FIRMS I WAS INTERVIEWING FOR HAD RATINGS LOWER THAN A B, IT REALLY FORCED ME TO ASK THOSE LAW FIRMS QUESTIONS ABOUT WHERE THEIR RESOURCES GO AND HOW THEY CHOOSE THEIR CLIENTS ON THE ENVIRONMENTAL SIDE. I ULTIMATELY RELIED ON THE LAW FIRM CLIMATE CHANGE SCORECARD TO MAKE THE BEST AND MOST ENVIRONMENTALLY SOUND DECISION THAT I COULD FOR MYSELF. WITHOUT THE CLIMATE SCORECARD, I'M NOT SURE HOW I WOULD HAVE TRIED TO MAKE MY DECISION."

-VIVIENNE PISMAROV, 3L AT UC DAVIS SCHOOL OF LAW

TABLE 1

# Vault 100 Fossil Fuel Work Over Time

	2015 to 2019	2016 to 2020
Litigation*	275	358
Transactions**	\$1.31 trillion	\$1.36 trillion
Lobbying***	\$36.5 million	\$34.1 million

<sup>\*</sup>Number of representations in cases exacerbating climate change

- **Paul, Weiss** worked on as many cases exacerbating climate change as 60 other Vault 100 firms combined.
- Allen & Overy was the legal advisor on more transactional work for the fossil fuel industry than 75 other Vault 100 firms combined.
- **Akin Gump** lobbied more for fossil fuel companies than 91 other Vault 100 firms combined.

<sup>\*\*</sup>Total value of fossil fuel projects supported

<sup>\*\*\*</sup>Compensation received for lobbying

TABLE 2

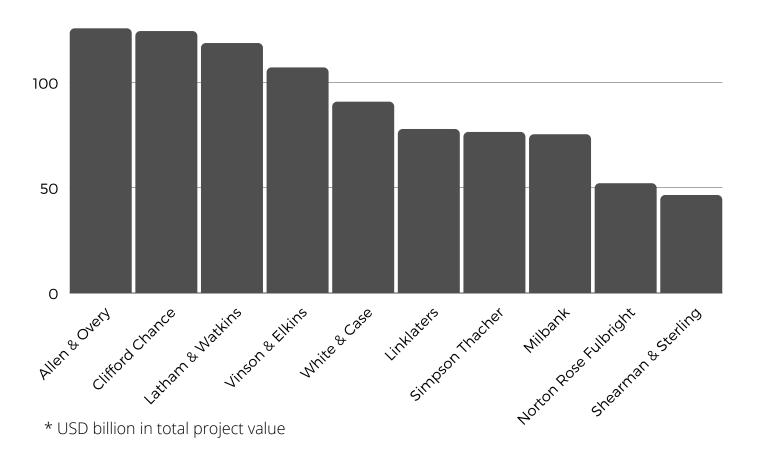
# Vault 100 Work Mitigating Climate Change Over Time

	2015 to 2019	2016 to 2020
Litigation*	26	25
Transactions**	\$268 billion	\$347 billion
Lobbying***	\$6.6 million	\$8.3 million

<sup>\*</sup>Number of representations in cases mitigating climate change

TOP 10 WORST FIRMS: TRANSACTIONAL WORK FOR THE FOSSIL FUEL INDUSTRY, 2016-2020 (USD BILLION\*)

150

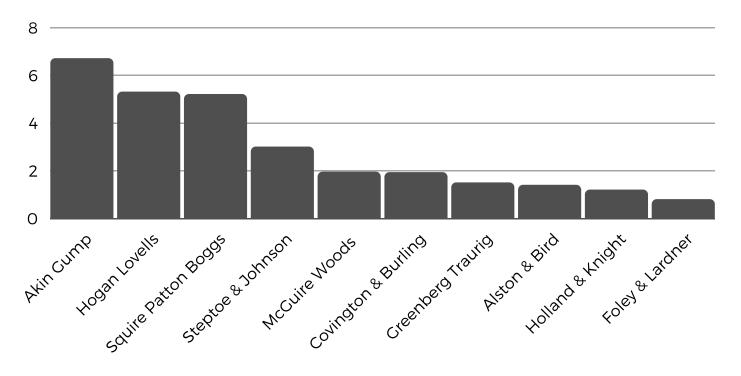


<sup>\*\*</sup>Total value of renewable energy projects supported

<sup>\*\*\*</sup>Compensation received for renewable energy lobbying

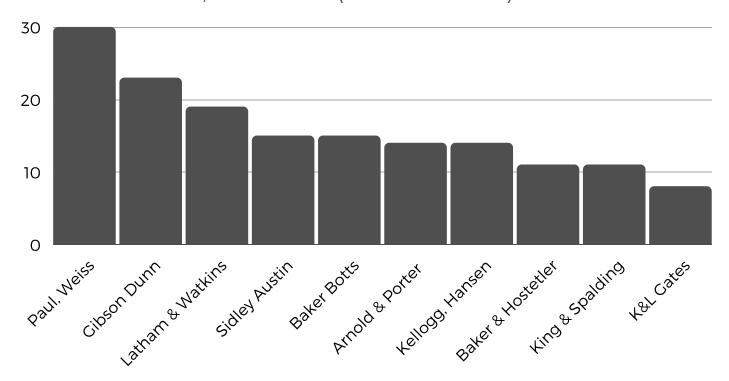
EXECUTIVE SUMMARY

# TOP 10 WORST FIRMS: LOBBYING WORK FOR THE FOSSIL FUEL INDUSTRY, 2016-2020 (USD MILLION\*)



<sup>\*</sup> USD million in compensation for law firm

# TOP 10 WORST FIRMS: LITIGATION EXACERBATING CLIMATE CHANGE, 2016-2020 (ACTIVE CASES)



THE BUDDING MOVEMENT FOR A JUST, CLIMATE-COMPATIBLE LEGAL INDUSTRY

#### SECTION I:

# THE BUDDING MOVEMENT FOR A JUST, CLIMATECOMPATIBLE LEGAL INDUSTRY

On January 15th, 2020, something unusual happened at Harvard Law School: dozens of students disrupted a Paul Weiss recruiting reception and called for the law firm to drop ExxonMobil as a client. [2] Direct action is rare in the legal profession, even more so against the law firms that attract law students with fancy dinners, promises of generous salaries, and opportunities to engage in prestigious legal work. But the Harvard law students saw that the urgent threat of climate change demanded a break from the status quo. Students at Yale, NYU, and Michigan agreed, holding their own protests of Paul Weiss recruiting events in the subsequent weeks. [3] Over 600 students ultimately pledged to boycott Paul Weiss until the firm dropped Exxon as a client.

The momentum created by the Paul Weiss protests led to the October 2020 launch of Law Students for Climate Accountability (LSCA) and the publication of the 2020 Law Firm Climate Change Scorecard. Students protesting Paul Weiss realized how difficult it was to get information about how each Big Law firm's work impacts climate change.

They had little information on law firms' roles in the climate crisis, limiting their ability to weigh climate justice in their career search. After the protests in early 2020, a group of seven students at Yale Law School came together to compile data on law firms' litigation, transactional, and lobbying work that impacts climate change. With this database and the Law Firm Climate Change Scorecard, students could compare any of the top 100-ranked law firms based on the extent of their work exacerbating or mitigating climate change.

LSCA has worked with students from over 50 law schools from across the country. LSCA's network has shared the findings of the 2020 Law Firm Climate Change Scorecard and raised awareness about the role of law firms in the climate crisis; attended law firm recruiting events to demand stronger climate action; and engaged more intentionally with the organizations and communities that have been leading the fight for climate and environmental justice.



In April 2021, LSCA launched its #DoneWithDunn campaign to call on the law firm Gibson Dunn to commit to an ethical standard for its fossil fuel work. The firm, which represents the Dakota Access Pipeline and Chevron, has yet to articulate any standard guiding its work for fossil fuel clients other than profit. 88 law student organizations have signed on to the campaign, the largest law student mobilization targeting a law firm in recent history. LSCA's work has not gone without notice: outlets including The New Yorker, Axios, and Reuters have covered LSCA's work, and LSCA held an event with Senators Sheldon Whitehouse and Jeff Merkley. [4]

#### LSCA Finding its Place in a Movement

The movement for a just transition is rooted in struggles for livability and environmental justice, forged by groups of predominantly low income communities of color, and this movement has begun to taken hold in the legal industry. [5] In 2020. LSCA launched a national movement of law students and young lawyers seeking just and equitable action around climate change. Now, LSCA seeks to hold the legal industry accountable to environmental justice by addressing its role in exacerbating climate change and building a legal industry committed to a just, livable future. Several factors have contributed to LSCA's success and growth.

First, today's law students see climate change as an issue of central concern. Especially for low-income students and students of color, climate change threatens (and is already wreaking) immense harm to their lived environment, community health, and wellness and justice. Chronic exposure to air pollution, which is endemic of environmental racism, was named as one of the exacerbating factors for higher rates of severe illness and death from COVID-19 within Black, Latinx, and Indigenous communities. [6]

As a result, many students see employers who contribute to the climate crisis as clashing with their values. According to a recent poll, 40% of law students wouldn't represent a fossil fuel company. [7]

Second, there is growing recognition that corporate lawyers are responsible for the clients they choose to represent. The law firms representing Donald Trump's attempts to overturn the 2020 election faced massive backlash. [8] while Neal Katval, an Acting Solicitor General under the Obama administration, received extensive criticism for representing Nestle over its connection to child slavery in the Ivory Coast. [9] Law firms have long tried to evade criticism by arguing that everyone deserves representation. But young lawyers recognize that this argument makes little sense in the context of law firms who receive massive legal fees in exchange for providing additional legal firepower to already wellrepresented and well-resourced corporations.

Third, LSCA offers law students actionable ways to integrate their values into their career search. Climate change is not the only factor students consider in their career search: students care about other justice issues, including but certainly not limited to firms' track record of racial and gender diversity in hiring and promotion. [10] Lowincome and first-generation law students may also face significant financial constraints when choosing where to work. The Law Firm Climate Change Scorecard does not demand that students ignore all these considerations but rather allows students to consider law firms' role in the climate crisis as a factor. Whether a student is considering a public interest career as opposed to a law firm or choosing between Big Law firms, the scorecard allows students to incorporate climate justice into their decision-making. Because LSCA organizes law students across the country, students considering prospective employers' climaterelated work in their career search know their collective efforts can influence firm behavior.

## Limited Accountability in the Legal Industry

Law firms have belatedly recognized the need to respond to climate change but have largely avoided the most important action they can take to address climate change: phasing out the provision of legal support to clients driving the climate crisis. Some law firms are meeting the urgency of the moment, and as of August 2021, nine firms have signed our Law Firm Climate Responsibility Pledge. Pledge signatories agree not to work for the fossil fuel industry and to engage in beneficial climate and environmental work. Even among major corporate firms that have not made public commitments, some have turned away clients on climate change grounds. [11]

Most law firms have not responded as seriously to the climate crisis, however,

and their efforts to tackle climate change have tended to focus on four primary areas.

First, law firms have attempted to address the sustainability of their internal operations through measures like increasing recycling and reducing travel. Second, law firms have pointed to climaterelated pro bono work they have undertaken. Third, law firms are increasingly establishing Environmental, Social, and Governance Criteria (ESG) practices. [12] Fourth, law firms are seeking out work in the renewable energy sector. When five law firms offered official responses to the 2020 Law Firm Climate Change Scorecard, they primarily cited their work in these four areas. [13]

Law firms' increasing participation in environmental initiatives points to their growing

recognition of the need to take climate action. 39 Vault 100 firms have joined the Law Firm Sustainability Network, which seeks to increase the sustainability of firms' operations. [14] 12 Vault 100 firms have participated in the Lawyers for a Sustainable Economy initiative that connects law firms with pro bono sustainability work. [15] The Net Zero Lawyers Alliance launched in June 2021, and six Vault 100 firms and a number of other prominent international law firms have joined. [16] The Net Zero Lawyers Alliance sets strong targets for firms to reduce their operational emissions. The commitments for members of the alliance includes language on firms' work for clients, and while including this section constitutes significant progress, it only calls on law firms to offer climatecompatible legal services "where possible."

#### STUDENT TESTIMONIAL



"I ELIMINATED FROM MY LIST ANY FIRMS THAT SCORED AN 'F.' I STILL WORKED AT A PRESTIGIOUS FIRM WITH GENEROUS COMPENSATION, AND THE CULTURE AND CLIENTS WERE GREAT. REMOVING THE 'F'S' FELT LIKE A SMALL SACRIFICE TO ME FOR A BIG IMPACT: I KNOW FIRMS WILL BE CAREFUL ABOUT WHICH CLIENTS THEY TAKE ON BECAUSE THEY DON'T WANT TO LOSE TALENT TO PEERS."

-ANONYMOUS, 3L AT YALE LAW SCHOOL



These existing efforts to address climate change are all welcome—and firms should continue to scale up these efforts—but they are insufficient. Law firms' work for paying clients exists on a much larger scale than their operational sustainability or pro bono work. For example, Latham & Watkins announced that its operations became carbon neutral in 2020. [17] But the Dakota Access Pipeline, just one of the many projects for which Latham & Watkins arranged primary financing, generates lifecycle emissions 7,856 times greater than the annual emissions the firm prevented by going carbon neutral. [18] Water protectors who resisted the construction of the Dakota Access Pipeline also suffered impacts from the criminalization of their dissent, while companies supported by law firms continue to move forward seeking pipeline projects on indigenous territories. [19]

Furthermore, while pro bono initiatives that support environmental justice protections are welcome, no Vault 100 firm devotes more than 10% of its billable hours to pro bono work, [20] and only a fraction of that pro bono work is devoted to climate change-related causes.

The \$500,000 of free legal services Hogan Lovells contributed to the Lawyers for a Sustainable Economy initiative in 2020 [21] makes up just 0.02% of the firm's revenue. [22]

ESG counsel and renewable energy work are also welcome but do not dilute the importance of phasing out the provision of legal services to fossil fuel companies and other contributors to climate and environmental injustice. Lawyers can play an important role in shaping clients' behavior through ESG counsel, but clients are not obligated to follow that advice and ESG initiatives can serve as window dressing for destructive activities. [23] Further, while the expansion of renewable energy is urgently needed, many firms that support renewable energy work also continue to support fossil fuel companies. This fossil fuel work will help lock in fossil fuel infrastructure use for years to come and jeopardize our chance at keeping global average temperature increase to "well below 2°C above pre-industrial levels." [24] Law firms have also paid insufficient attention to ensuring renewable energy work does not replicate patterns of environmental injustice, which we address in the next section.

#### SECTION II:

# ENVIRONMENTAL JUSTICE TAKING THE LEAD

As law students, legal practitioners, and advocates alike interrogate firms' fossil fuel activities, we must also ask: Is it enough to advocate against a law firm's representation of the fossil fuel industry? And, more importantly: Even if a firm shifts their representation from fossil fuel work to renewable energy work, is this renewable energy work compatible with a just transition or is it replicating the harmful and extractive practices of the fossil fuel industry?

The very nature of this student-led and student-run movement is to provide intentionality and bring a critical lens as we collectively hold the legal profession accountable. Moving towards accountability means that our movement must self-reflect and strive to deepen our understanding of what environmental justice looks like. LSCA's first-ever scorecard rewarded firms for their engagement in renewable energy work, across the categories of transactional, lobbying, or litigation work. But in doing so, the scorecard's analysis established a binary that was not always justice-oriented or equitydriven: the binary system created a presumption that a firm's work on renewable energy representation was de facto a form of climate accountability. However, this assumption is not based in the tenets of environmental justice.

With the support of consultation from community partners, colleagues, and activists, we agree that activities to support the advancement of renewable energy shouldn't automatically be perceived as a form of climate or environmental justice. Although renewable energy will be an essential piece of a just transition, renewable energy projects must observe standards of equity and justice, resisting displacement of already over-polluted communities and respecting human rights.

LSCA's stance on environmental equity wholeheartedly follows the Principles of Environmental Justice, introduced at the People of Color Environmental Leadership Summit of 1991. [25] Among its 17 tenets, we honor the notion that environmental iustice "demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation." [26] In honoring this principle, we must then honor the uncomfortable truth that environmental injustice is not exclusive to the fossil fuel industry, and it is important to acknowledge that in holding the fossil fuel industry accountable, firms who represent the renewable energy industry are not shielded from criticism, nor those who defend other destructive industries.



As we have seen from similar attempts to curb carbon emissions and reach net zero. environmental law and policy can reproduce racial and economic injustices. These injustices ensure that low-income communities of color and the Global South are hit first and worst by environmental hazards. The primary concern of environmental justice addresses the fair treatment and meaningful involvement of marginalized populations, low-income populations, tribes and indigenous peoples in the development and enforcement of environmental laws, regulations and policies. [27]

For instance, under California's Cap-and-Trade program, critics have highlighted that

the scheme itself has concentrated environmentally-polluting activity within low-income communities of color while doing little to curb carbon emissions. [28] Similarly, community groups in opposition to the state of Washington's 2016 carbon tax proposal maintained their concern that the tax lacked transparency for where the allocated money was going to be distributed, and how it might affect lower-income communities. [29] And even development projects in the renewable energy industry can be at odds with environmental and energy equity. The predominantly-black community in Archer, Florida, for instance, has shown how renewable energy development can perpetuate racism and land displacement when equity principles are not front and center, [30]

Simply put, LSCA must continue to move the needle towards climate justice, and achieving that goal requires a radical reimagining of what is possible. While there is no denying that our transition away from fossil fuels necessitates an unwavering refusal by law firms to represent this industry, it is just as critical that a law firm's decision to represent renewable energy corporations takes into account how those projects may harm historically marginalized communities. Meeting this moment requires firms that link themselves to the cause of climate justice to center their analysis on how their work will affect those who experience the effects of climate change first and worst. Otherwise, they may fail not only to advance justice, but to see the scale of the crisis at all.

#### CASE HIGHLIGHT

# BACKCOUNTRY AGAINST DUMPS V. U.S. BUREAU OF INDIAN AFFAIRS

A lawsuit filed in the federal district court asserted that the U.S. Bureau of Indian Affairs failed to fully address harms to the Campo Band of Diegueño Mission Indians and the surrounding community when it authorized construction and operation of renewable energy generation facilities, including 60 wind turbines. The complaint alleged violations of a number of environmental protections including the National Environmental Policy Act. The allegation included that the analysis of the facility ahead of construction "paints a rosy picture" of global warming impacts but that it failed to calculate the project's entire life cycle greenhouse gas emissions.

Cumulative effects of construction projects such as these are often not taken into account for high-health risk communities, furthering environmental injustices. In this case these harms were perpetuated by renewable energy companies as well.

#### SECTION III:

# **METHODOLOGY**

The methodology for this scorecard applies the metrics used in the 2020 scorecard and supplements them with frameworks of racial equity and environmental justice. Our quantitative analysis and scoring system aims to accurately portray the role of Vault 100 law firms in the climate crisis.

The quantitative dataset was compiled, stored and processed using Google Sheets. The 2021 Vault 100 firms were identified on Vault.com and changes in ranking since 2020 were assessed. This year we have incorporated a racial and environmental justice lens into our litigation analysis and added human rights analysis into our evaluation of firms' engagement with clients. All data was verified by multiple reviewers.

#### I. Data and Scoring by Category

#### Litigation Data [31]

Database & Collection: We used Climatecasechart.com, a publicly-available climate change litigation database compiled by the Sabin Center for Climate Change Law at Columbia Law School and Arnold & Porter. The site includes cases in which climate change is a material issue of law or fact. The docket numbers, status year, litigation location, firms who participated in the case, and subject of the suit were noted in Google Sheets.

Analysis: Last year's analysis distinguished between representation of clients that exacerbated climate change or mitigated climate change. This binary scale depended on whether the firm's position in the litigation was judged to advance or oppose climate action. For example, defending a fossil fuel company in a lawsuit brought by a state for damages caused by climate change was considered to be exacerbating climate change. Mitigating climate change included representation of renewable energy companies or pro bono representation of renewable energy companies or pro bono representation of environmental groups. This year, we expanded upon this metric to include a racial equity and environmental justice lens to begin to reflect the principles of a just transition. While the scale for data review remained a binary. critical engagement around the Principles of Environmental Justice, UN guidelines, and EPA guidance [32] allowed for a renewed analysis of the cases situated within a just transition framework.

Scoring: Scoring was based upon the exacerbation of climate change. A law firm received one point towards its score every time that all three conditions were met: first, the firm was involved in a case listed on climatecasechart.com; second, the firm was involved in the case between 2016 and 2020; and third, the firm's involvement in the case was judged to exacerbate climate change.

METHODOLOGY

While we recognize that litigation mitigating climate change is commendable, it does not cancel out the impacts of litigation that exacerbates climate change. Mitigating cases counted towards a firm's A score, but the firm was only eligible for an A if it did not litigate cases that exacerbated climate change.

#### **Lobbying Data**

Database & Collection: The Center for Responsive Politics' online database, OpenSecrets.org, compiles data from mandatory lobbying disclosure reports filed with the Senate's Office of Public Records. These records only include federal lobbying. It lists all clients that each firm maintained each year and the amount of money the client paid the firm that year. The dollar figures displayed in the database reflect the amount of money the law firm received in compensation for lobbying on a client's behalf.

Analysis: We analyzed every Vault 100 firm appearing on OpenSecrets.org with lobbying activity in 2020. Lobbying for fossil fuel companies and associations representing fossil fuel companies was judged to exacerbate climate change. Fossil fuel companies are those who promote the reliance on oil, gas, and coal. We also recorded lobbying for renewable energy companies and associations representing renewable energy companies. Additional contextual analysis of companies was sought from https://www.business-humanrights.org/en/ which in some instances indicated environmental injustices at the intersection of human rights. Although our dataset provides information on which companies employed Vault 100 firms as lobbyists, it does not include information about the precise laws and regulations a law firm lobbied for or against. The database included an amount category of <\$5000 which was counted as \$1000 for each company.

Scoring: Scoring was based upon the amount of money that firms received as compensation from fossil fuel companies and associations representing fossil fuel companies. While we recognize that lobbying on behalf of renewable energy industries can advance climate action, it does not cancel out the harmful effects of lobbying on behalf of fossil fuel and other extractive companies. Renewable energy industry lobbying counted towards a firm's A score, but the firm was only eligible for an A if it did not lobby for fossil fuel clients.

#### **Transactional Data**

Database & Collection: The IJGlobal Project Finance and Infrastructure Transaction database contains over 32,000 transactions. The database contains a variety of different types of transactions across a range of categories: additional facility construction, asset acquisition, company acquisition, design-build, portfolio financing, primary financing, privatization, refinancing, and securitization. IJGlobal provides the total dollar value of these transactions but it does not provide the amount of money that each law firm received in compensation for their work on transactional projects. Due to the proprietary nature of IJGlobal data and to comply with the terms and conditions, we were only able to publish aggregate amounts of transactional work for law firms in energy categories. The data can be purchased via license from IJGlobal.

Analysis: We divided transactions in the database into two categories: fossil fuel and renewable energy transactions. Fossil fuel transactions include any transactions in the IJGlobal database where "oil and gas" is listed as the transaction sector or "gas-fired," "oil-fired," or "coal-fired" is listed as one of the primary transaction subsectors. The 2021 IJGlobal database also includes "LNG" (liquified natural gas) and "petrochemicals" as seperate subsectors. We included these subsectors in the fossil fuel transactions category.

C

D

METHODOLOGY

We also included coal mining transactions in the fossil fuel category. Some of the transactions in the fossil fuel category have minor renewable energy components, for example, acquisition of a company with largely fossil fuel holdings but some renewable energy holdings. Renewable energy transactions included the following sources: large hydroelectric, small hydroelectric, geothermal energy, photovoltaic solar, off-shore wind, on-shore wind, thermal solar, and waste-to-energy plants. We recognize that biofuels and biomass are not universally sustainable. Thus, for renewable

energy transactions, those transactions involving biofuels or biomass in conjunction with one or more other sources of renewable energy (i.e. wind, solar, or small hydroelectric power). We do not count transactions listed as power co-generation as either renewable or fossil fuel because we do not have information on whether the co-generation derives from combustion of fossil fuels or renewable energy cogeneration. Transactions from global locations were included as US-based lawyers often arrange financing for these projects and advise on the legal risks resulting in enormous global

contributions to greenhouse gas emissions and climate change.

Scoring: Law firms' transactional scores are based on the total dollar value of the fossil fuel transactions they supported from 2016 to 2020. If multiple firms were listed on a particular transaction, the amount counted towards each firm's transactional score was the total dollar value of the transaction divided by the number of firms listed on the transaction. Renewable energy work was factored into an A score, provided that the firm conducted no fossil fuel work.

#### LITIGATION

Cases active 2016-2020

#### **TRANSACTIONS**

Sum of transaction value 2016-2020

No transactional work for the fossil fuel industry & some transactional work for the renewable energy industry.

No transactional work for the fossil fuel or renewable energy industries

Greater than \$0 and below \$1 billion transactional work for the fossil fuel industry.

\$1 billion to \$20 billion transactional work for the fossil fuel industry.

\$20 billion+ transactional work for the fossil fuel industry.

#### LOBBYING

Sum of lobbying compensation for firms 2016-2020

No lobbying for the fossil fuel industry & some lobbying for the renewable energy industry.

No lobbying work for the fossil fuel or renewable energy industries.

Greater than \$0 and below \$100,000 lobbying for the fossil fuel industry.

\$100,000 to \$2 million lobbying for the fossil fuel industry.

\$2 million+ lobbying for the fossil fuel industry.

#### No cases exacerbating climate Α

change, at least one case mitigating climate change.

No cases mitigating or exacerbating climate change.

1-2 cases exacerbating climate change.

3-7 cases exacerbating climate change.

8+ cases exacerbating climate change.

\*Firms can move up a grade if we do not have data showing they exacerbate or mitigate climate change, or their renewable energy work or litigation mitigating climate change exceed their fossil fuel work or litigation exacerbating climate change, AND the firm has taken our Law Firm Climate Responsibility Pledge.

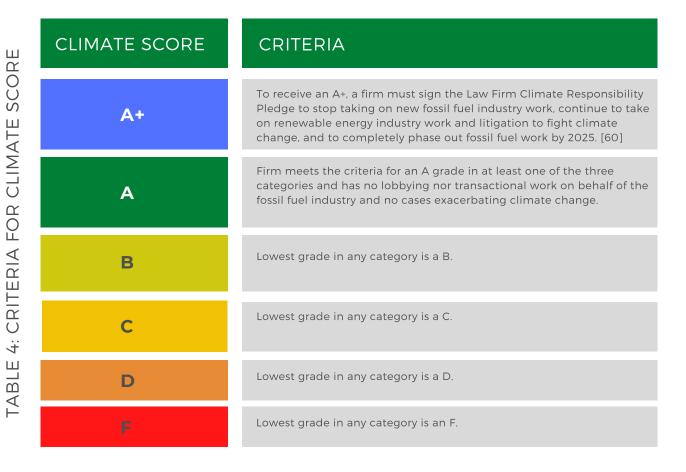
#### **Climate Scores**

Firms' overall Climate Scores derive from their litigation, transactional, and lobbying scores. If a firm has a C, D, or F in any category, their Climate Score is equal to their lowest grade in any category. If a firm has a B in all three categories, their Climate Score is a B. If a firm has an A in at least one category and has no lower than a B in any category, meaning that the firm conducted some work mitigating climate change and no work judged to exacerbate climate change, the firm receives an A.

This scoring system is meant to reflect the principles of climate justice and a just transition. Although last year's scoring system allowed firms to offset work exacerbating climate change with work mitigating climate change, this year's scorecard does not use this "net" score because beneficial work does not cancel out the destructive effects of fossil fuel work. And because Vault 100 firms do far more fossil fuel work than renewable energy work or litigation mitigating climate change, the scoring change affected relatively few firms' scores.

Our scoring system does not average firms' litigation, transactions, and lobbying scores. Many law firms specialize in certain practice areas. Therefore, a firm may conduct much less fossil fuel work in certain categories solely because the firm does little work of any type in that category, and averaging all three categories may produce misleading results. Although this system may seem harsh on firms, our scoring system is also forgiving to firms in several respects. The threshold for F grades is set at a high level so that only firms that conduct large amounts of fossil fuel work relative to their peers--and enormous amounts of damage to the climate--receive F grades.

Second, firms can improve their score by signing our Law Firm Climate Responsibility Pledge. And third, because our scoring system using fixed thresholds rather than calculating scores based on firms' relative ranks, improvements in the industry as a whole would lead to a better range of firm scores in future iterations of the report.



#### **SECTION IV:**

## RESULTS

#### **KEY TAKEAWAYS**

- Vault 100 firms increased the amount of litigation and transactional work exacerbating climate change that they performed.
- Some Vault 100 law firms conduct significantly more fossil fuel work than others.

TABLE 5: NUMBER OF VAULT 100 FIRMS WITH EACH CLIMATE SCORE

CLIMATE SCORE	NUMBER OF FIRMS
A	3
В	9
C	18
D	34
F	36

Our data sheds light on both the collective and individual performance of Vault 100 firms. This year's scorecard covers data from 2016 to 2020 while last year's scorecard covered data from 2015 to 2019. On the whole, Vault 100 firms are increasing the amount of fossil fuel work they conduct. As compared to last year's scorecard, Vault 100 firms increased their fossil fuel transactional work and increased their litigation work exacerbating climate change. This increase in fossil fuel work in 2020 is especially striking given the context of the COVID-19 pandemic: even though much of the economy slowed and courts operated more slowly, Vault 100 firms still managed to increase the amount of fossil fuel work they conducted. As compared to last year's scorecard, Vault 100 firms decreased the amount of fossil fuel lobbying they conducted, increased the amount of renewable energy lobbying they conducted, and increased the amount of renewable energy transactions they supported. Vault 100 firms slightly decreased the amount of litigation mitigating climate change that they conducted.

From 2016-2020, in total, Vault 100 firms performed 358 representations of clients in litigation exacerbating climate change and 25 representations of clients in litigation mitigating climate change. They supported fossil fuel transactions with a total value of \$1.36 trillion and renewable energy transactions with a total value of \$347 billion. Vault 100 firms received \$34.9 million in compensation for fossil fuel lobbying and received \$8.3 million in compensation for renewable energy lobbying.

However, Vault 100 firms' roles in the climate crisis differ extensively. For example, Akin Gump conducted more fossil fuel lobbying than 91 firms combined, Allen & Overy supported more fossil fuel transactions than 75 firms combined, and Paul Weiss performed as much fossil fuel litigation as 60 firms combined. 3 of the 100 firms scored in this report received an overall Climate Score of A, 9 firms received a B, 18 firms received a C, 34 firms received a D, and 36 firms received an F.

Each data point collected in this report represents human consequences that people will face as a result of the climate crisis. Firms' fossil fuel litigation, transactions, and lobbying lead to increased emissions that affect everyone but disproportionately cause harm to the Global South, predominantly Black, Indigenous, people of color (BIPOC) communities, and low-income communities. In addition to its contribution to climate change, fossil fuel work often involves direct human rights violations and environmental injustice.

#### STUDENT TESTIMONIAL



"I'VE USED THE SCORECARD TO NOT ONLY AVOID "F" FIRMS. BUT ALSO GAIN A MORE HOLISTIC UNDERSTANDING OF ALL FIRMS' FOSSIL FUEL COMMITMENTS. FOR EXAMPLE. WHEN LOOKING AT FIRMS FOR FUTURE EMPLOYMENT, THE SCORECARD HELPED ME CONTEXTUALIZE A GIVEN FIRM'S RENEWABLES PRACTICE GROUPS AS PART OF A LARGER BOOK OF BUSINESS, WHICH OFTEN STEERED DIRECTLY TOWARD OIL AND GAS OR MINING COMPANIES. THE SCORECARD HAS REVEALED THAT MANY FIRMS' HIGHLY-ADVERTISED ESG AND RENEWABLES PRACTICES DWARF IN COMPARISON TO THEIR BUSINESS WITH OIL-AND-GAS AND OTHER FOSSIL FUEL INDUSTRIES. NOW MORE THAN EVER, FIRMS ARE REALIZING THAT THEIR GREATEST ASSET—LAW STUDENTS AND YOUNG ATTORNEYS—GENUINELY CARE ABOUT CLIMATE CHANGE AND EXPECT THEIR EMPLOYERS TO LEAD IN A CONSCIOUS DIRECTION."

-DEVIN OLIVER, 3L AT BERKELEY LAW SCHOOL



TABLE 6: NUMBER OF VAULT 100 FIRMS WITH EACH GRADE BY CATEGORY

GRADE BY CATEGORY	LITIGATION	TRANSACTIONS	LOBBYING
A	2	11	1
В	37	24	68
C	22	17	6
D	20	30	21
F	19	18	4

# Top 5 Worst Firms for Litigation

Cases exacerbating climate change, 2016-2020

1. Paul Weiss: 30 cases (8x the average)

2. Gibson Dunn: 23 cases

3. Latham & Watkins: 19 cases

4. Sidley Austin: 15 cases

5. Baker Botts: 15 cases

# **Top 5 Worst Firms for Transactions**

Transactional work for fossil fuel industry, 2016-2020

- 1. Allen & Overy: \$125,676,000,000 (9x the average)
- 2. Clifford Chance: \$124,359,000,000
- 3. Latham & Watkins: \$118,635,000,000
- 4. Vinson & Elkins: \$107,053,000,000
- 5. White & Case: \$90,781,000,000

## **Top 5 Worst Firms for Lobbying**

Compensation from lobbying for fossil fuel industry, 2016-2020

- 1. Akin Gump: \$6,780,000 (19x the average)
- 2. Hogan Lovells: \$5,325,000
- 3. Squire Patton Boggs: \$5,200,000
- 4. Steptoe & Johnson: \$3,000,000
- 5. McGuire Woods: \$1,950,000

TABLE 6

Changes in Law Firm Climate Scores

Changes in Law i iiiii Ciiiilate 3001e3			
Firm Name	2020 Score	2021 Score	
Cooley	В	А	
Boies Schiller	С	В	
Cozen O'Connor	А	С	
Sheppard Mullin	А	С	
Davis Wright	В	С	
<b>Goodwin Procter</b>	В	С	
Winston & Strawn	В	D	
Arent Fox	В	D	
Duane Morris	С	D	
Nixon Peabody	С	D	
Quinn Emmanuel	С	D	
Arnold & Porter	D	F	
Crowell & Moring	D	F	
K&L Gates	D	F	
Kellogg Hansen	D	F	
Mayer Brown	D	F	
Morgan Lewis	D	F	
Norton Rose	D	F	
Orrick	D	F	
Steptoe & Johnson	D	F	
Susman Godfrey	D	F	

#### **SECTION V:**

# LIMITATIONS

This scorecard provides a more representative picture of top-ranked law firms' roles in the climate crisis than would otherwise be available. Its conclusions are based on rigorous analysis of tens of thousands of data points. However, we fully acknowledge that the report has limitations.

First, law firms' work intersects with a wide range of important issues in addition to the fossil fuel industry and climate change. A law firm may receive a good score on this scorecard but perform harmful work with respect to labor rights or immigrant justice. Whether firms encourage gender and racial equity in their hiring and promotion practices is also not reflected in this scorecard. We encourage readers of this report to investigate law firms' records on a wide range of issues, not only those that we were not able to cover in this report.

Second, our databases are not entirely comprehensive. As a result, Vault 100 law firms are likely performing even more harmful work than this scorecard reflects.

However, some beneficial work that law firms perform may not be captured in this report. For example, we lack data on the extent and quality of law firms' ESG work, and therefore this work is not included in this scorecard.

Third, we have insufficient data to perform a full analysis of how law firms' work contributes to climate justice and racial equity. We use a binary system between work exacerbating climate change and work mitigating climate change. Although this binary enables a practical scoring system for law firms, it does not offer nuanced distinctions within the categories of mitigating and exacerbating climate change. In particular, some renewable energy work depends on human rights abuses and neocolonial economic relations. The databases we utilized only provide enough information to determine whether law firms supported renewable energy work. We cannot definitively determine whether this work also involved harmful practices or fully complied with a just transition framework.



#### 2021 LAW FIRM CLIMATE CHANGE SCORECARD

LIMITATIONS

Fourth, our analysis is limited to Vault 100 firms. Many other law firms, both major corporate firms and smaller firms, contribute to climate and environmental injustice but are not included in this scorecard. The absence of a law firm from this scorecard should not lead to the assumption that the law firm's work aligns with climate justice. There are also many law firms not within the Vault 100 that support work to achieve a just transition and climate accountability, such as plaintiff-side law firms that bring lawsuits against major polluters. Law students and potential law firm clients should not limit their law firm search to Vault 100 firms. Nine law firms have signed our Law Firm Climate Responsibility Pledge, and these firms can be found at the end of this report.

Each category of data also has limitations. For reasons of practicality and fairness, our litigation analysis counts each case as one point towards a firm's score. This system does not account for the fact that some cases are more significant or more destructive than others, or that firms may have played smaller roles in some cases than others. Further, the Sabin Center database on which we rely only includes litigation in which climate change is a material issue of law or fact. Therefore, a significant number of cases related to climate and environmental justice, such as many permitting cases, are not included in this database.

In addition, our analysis of transactional data does not distinguish between fossil fuel transactions based on their relative impacts on the climate. For example, transactions constructing new fossil fuel infrastructure are arguably more harmful than transactions related to existing infrastructure. Further, we are only able to quantify firms' involvement in transactions based on the total dollar value of the transactions. This total value may not directly correlate to the extent or importance of law firms' work on the project, and their compensation for the project is only a fraction of the project's total value. When multiple firms are listed on a transaction, the database does not provide information on the relative amounts of work each firm conducted on the project. Therefore, the amount credited to each firm's score equals the project's total value divided by the number of firms listed on the transaction, although some firms may have contributed more work to the project than others.

Last, our lobbying data suffers from several data limitations. First, our database only includes federal lobbying, so similarly harmful lobbying conducted at the state level is not included in our analysis. Second, although the database shows the amount of compensation clients paid law firms for their lobbying work, there is relatively little information on what policy priorities law firms advanced for their clients. Any lobbying for fossil fuel companies advances fossil fuel dependence and climate injustice, and thus we count all lobbying for fossil fuel companies and associations representing fossil fuel companies in our analysis. However, firms likely conduct climate-related lobbying for clients in a number of other industries, but this lobbying is not included in our database because we are unable to determine whether the lobbying law firms conducted for these clients relates to climate and environmental iustice.



#### **SECTION VI:**

# RECOMMENDATIONS & COMMITMENTS

#### **LAW STUDENTS**

We recognize that many students enter law school seeking to address the wrongs they have seen in their communities. As such, many of our peers in the legal academy may indeed be from frontline and/or environmental justice communities, navigating both education within the field of law and destructive impacts of the field itself. In addition many law school applicants have been newly motivated by racial justice and equity and seek to make their employment decisions accordingly. [33]

We recognize and acknowledge that choice is a privilege that we must wield responsibly. In addressing the commitments and recommendations students can make, we invite those whose privilege of choice can open the opportunities for a broader conversation around climate accountability and environmental justice to use it.

Each law student has unique personal and financial circumstances that affect what actions they can take. Nevertheless, every student can take action to hold the legal industry accountable for exacerbating climate change. Since the release of the 2020 scorecard, over 500 law students across the country have joined the call for climate accountability, and many students have taken specific actions to show law firms that they are concerned about their fossil fuel work.

RECOGNIZING THE UNPRECEDENTED IMMENSITY OF THE CLIMATE CATASTROPHE, I PLEDGE TO DO ALL THAT I CAN TO STIGMATIZE AND ULTIMATELY ELIMINATE THE LEGAL INDUSTRY'S **COMPLICITY IN** PERPETUATING CLIMATE CHANGE. IF MY FINANCIAL AND OTHER PERSONAL CIRCUMSTANCES PERMIT, I PLEDGE TO REFUSE TO WORK FOR A LAW FIRM THAT REPRESENTS FOSSIL FUEL INDUSTRY CLIENTS. IF MY FINANCIAL AND OTHER PERSONAL CIRCUMSTANCES DO NOT YET PERMIT ME TO MAKE SUCH A REFUSAL, I PLEDGE TO DO ALL THAT I CAN TO HOLD MY FIRM ACCOUNTABLE FOR ITS ROLE IN PERPETUATING CLIMATE CHANGE. TO PUSH IT TO DISCONTINUE ITS FOSSIL FUEL REPRESENTATION. AND TO FIGHT FOR JUSTICE THROUGH A SUBSTANTIAL PRO BONO PRACTICE.

**RECOMMENDATIONS & COMMITMENTS** 

The following actions (all of which have been taken this past year by fellow law students) are encouraged:

- Take the Law Student Climate Pledge.
- Share this report within the student's law school community and start conversations with peers about the role of the legal industry in the climate crisis.
- Ask questions during law firm recruitment events and interviews. For example, "I understand that your firm has taken steps, such as energy efficiency and recycling programs, to improve the sustainability of your office. How has your firm extended this commitment to sustainability to your decisions about representing clients from the fossil fuel industry?"
- If the student takes an internship or job at a law firm, inquire about the firm's climate change commitments and advocate for the firm to take stronger action to reduce its role in the climate crisis.
- If possible given personal circumstances, reconsider working for a law firm who scores a D or an F (or a B or a C).
- If possible given personal circumstances, join a nationwide campaign and pledge not to work at a particular firm given its extensive work supporting fossil fuel companies and harming frontline communities. Examples include #DropExxon (Paul Weiss) and #DonewithDunn (Gibson Dunn).
- If possible given personal circumstances, pledge to not work at any firm that represents the fossil fuel industry.

## Ask about climate change at law firm events



"I UNDERSTAND THAT YOUR FIRM HAS TAKEN STEPS, SUCH AS ENERGY EFFICIENCY AND RECYCLING PROGRAMS, TO IMPROVE THE SUSTAINABILITY OF YOUR OFFICE. HOW HAS YOUR FIRM EXTENDED THIS COMMITMENT TO SUSTAINABILITY TO YOUR DECISIONS ABOUT REPRESENTING CLIENTS FROM THE FOSSIL FUEL INDUSTRY?"

#### Recommendations for clients of law firms

Clients of law firms wield enormous power: their choice of representation directly impacts law firms' bottom lines. Many clients have their own commitments to climate justice and racial equity and they may question whether they should have the same lawyers as companies driving the climate crisis. This scorecard provides a resource for clients looking for law firms whose values align with their own.

#### Invitation to frontline community, organizations and activists

Law Students for Climate Accountability commits to continue to engage with frontline community, organizations and activists who seek environmental justice. We also invite frontline community, organizations and activists to engage in our analysis and continued campaigns.

#### I AW FIRMS

Law firms can play an extremely important role in addressing the climate crisis and achieving a just transition. However, law firms too frequently consider themselves neutral actors. This view is inaccurate. Law firms consciously choose how to deploy their limited resources, and they should not provide their legal services in support of fossil fuel work and other climate injustice. Although pro bono work, in-office sustainability, ESG counsel, and renewable energy work are all welcome, these actions are insufficient as long as law firms continue to advance fossil fuel dependence and climate inaction.

## Law Firm Climate Responsibility Pledge

"WE, AT THE UNDERSIGNED LAW FIRM, PLEDGE TO NOT TAKE ON WORK TO SUPPORT THE FOSSIL FUEL INDUSTRY, NOW AND INTO THE FUTURE.\* WE FURTHER PLEDGE TO TAKE ON SOME WORK OR CONTINUE TO WORK IN AT LEAST ONE OF THE FOLLOWING AREAS: TO SUPPORT RENEWABLE ENERGY DEVELOPMENT, TO ADDRESS CLIMATE CHANGE, AND TO ADVANCE CLIMATE JUSTICE."

\*EFFECTIVE IMMEDIATELY, ALL FIRMS SIGNING THE PLEDGE WILL NOT TAKE ON ANY NEW WORK TO SUPPORT THE FOSSIL FUEL INDUSTRY. ANY FIRMS SIGNING THE PLEDGE THAT CURRENTLY WORK TO SUPPORT THE FOSSIL FUEL INDUSTRY WILL PHASE OUT THIS WORK BY 2025, AT THE LATEST.

# Signatories to the Law Firm Climate Responsibility Pledge

These firms have demonstrated impressive climate leadership. All law firms are encouraged to sign the pledge and can do so at www.ls4ca.org. The nine firms that have signed the pledge as of August 2021 are as follows:

- Bricklin & Newman LLP
- Earthjustice
- Green Economy Law
   Professional Corporation
- Goldblatt & Singer
- Gupta Wessler PLLC

- Kanji & Katzen PLLC
- Sher Edling LLP
- Shute, Mihaly & Weinberger LLP
- Strumwasser & Woocher
   LLP

#### **ENDNOTES**

- [1] Jack Goodman and Jake Horton, Wildfires: How are they linked to Climate Change, BBC (Aug 12. 2021), https://www.bbc.com/news/58159451
- [2] Umair Urfan, The surprising protest of Exxon's law firm at Harvard Law, Vox (Jan. 16, 2020), https://www.vox.com/2020/1/16/21067763/harvard-law-climate-protest-exxon-paul-weiss
- [3] See, e.g., **Emily Pontecorvo**, Calls for law firm to #DropExxon go national with law student boycott, Grist (Feb. 10, 2020), https://grist.org/climate/calls-for-law-firm-to-dropexxon-go-national-with-law-student-boycott/
- [4] See **Bill McKibben**, There's Nothing Sacred About Nine Justices; A Livable Planet, on the Other Hand, **The New Yorker (Oct. 21, 2020)**, https://www.newyorker.com/news/annals-of-a-warming-planet/theres-nothing-sacred-about-nine-justices-a-livable-planet-on-the-other-hand; Ben Geman, *Axios Generate*, Axios (Oct. 9, 2020), https://www.axios.com/newsletters/axios-generate-0fe7bb11-d357-44f2-a489-9c7289f8c9b6.html; **David Thomas,** Report slams top law firms for fossil fuel work, **Reuters (Oct. 1, 2020)**, https://www.reuters.com/article/firms-climate-idUSL1N2GS2IG
- [5] Climate Justice Alliance, *Just Transition Principles*, https://climatejusticealliance.org/wp-content/uploads/2019/11/CJA\_JustTransition\_highres.pdf
- [6] The Partnership for Working Families, Fueling the Fire: Why Any Fossil Fuel Industry Bailout Will Be Disastrous for Communities of Color, (Oct. 15, 2020), https://www.forworkingfamilies.org/resources/publications/fueling-fire-why-any-fossil-fuel-industry-bailout-will-be-disastrous; Jared Dewese, Black people are dying from coronavirus—air pollution is one of the main culprits, **The Hill (May 24, 2020)**, https://thehill.com/opinion/energy-environment/499354-black-people-are-dying-from-coronavirus-air-pollution-is-one-of
- [7] Caroline Bullock, Should law firms act for oil giants?, The Times (May 27, 2021), https://www.thetimes.co.uk/article/should-law-firms-act-for-oil-giants-q8fgmx0xg
- [8] Jessica Silver-Greenberg, Rachel Abrams, and David Enrich, *Growing Discomfort at Law Firms Representing Trump in Election Lawsuits*, The New York Times (Nov. 9, 2020), https://www.nytimes.com/2020/11/09/business/jones-day-trump-election-lawsuits.html
- [9] Mark Joseph Stern, Prominent Anti-Trump Attorney Asks the Supreme Court to Let Companies off the Hook for Child Slavery, Slate (Dec. 1, 2020), https://slate.com/news-and-politics/2020/12/neal-katyal-supreme-court-nestle-cargill-child-slavery.html
- [10] Yale Law Women, *Top Firms Report 2021*, https://ylw.yale.edu/top-firms/; People's Parity Project, https://www.peoplesparity.org/firms/
- [11] David Wighton, The climate is changing for firms working with questionable clients, The Times (Dec. 29, 2020), https://www.thetimes.co.uk/article/the-climate-is-changing-for-firms-working-with-questionable-clients-lhzrlxmg2
- [12] James Chen, Environmental, Social, and Governance Criteria, Investopedia, https://www.investopedia.com/terms/e/environmental-social-and-governance-esg-criteria.asp
- [13] Business and Human Rights Resource Center, *USA: Report alleges biggest law firms are contributing to climate change through defense of fossil fuel interests,* (Oct. 26, 2020), https://www.business-humanrights.org/en/latest-news/usa-report-alleges-biggest-law-firms-are-contributing-to-climate-change-through-defense-of-fossil-fuel-interests/#timeline
- [14] Law Firm Sustainability Network, Membership, https://lfsnetwork.org/membership/member-list/
- [15] **Lawyers for a Sustainable Economy**, https://law.stanford.edu/environmental-and-natural-resources-law-policy-program-enrlp/lawyers-for-a-sustainable-economy/
- [16] Net Zero Lawyers Alliance, Commit. https://netzerolawyers.com/page/commit.htm
- [17] **Latham & Watkins**, Environmental Sustainability Report, April 2021, https://brochure.lw.com/2021EnvironmentalSustainabilityReport/

#### **ENDNOTES CONTINUED**

- [18] "Total lifecycle emissions from producing, transporting, processing and burning the products derived from the oil" the Dakota Access Pipeline delivers in comparison to Latham & Watkins' 2017 operational emissions. **Lorne Stockman**, The Dakota Access Pipeline will lock in the emissions of 30 coal plants, Oil Change International (Sept. 12, 2016), http://priceofoil.org/2016/09/12/the-dakota-access-pipeline-will-lock-in-the-emissions-of-30-coal-plants/.
- [19] University of Arizona Rogers College of Law, Indigenous Resistance to the Dakota Access Pipeline: criminalization of dissent and suppression of protest.
- https://law.arizona.edu/sites/default/files/Indigenous%20Resistance%20to%20the%20Dakota%20Access%20Pipeline%20Criminalization%20of%20Dissent%20and%20Suppression%20of%20Protest.pdf
- [20] **NALP**. Covington & Burling LLP, 2021, https://www.nalpdirectory.com/employer\_profile? FormID=13401&QuestionTabID=40&SearchCondJSON=
- [21] Lawyers for a Sustainable Economy Initiative, The Year in Review, https://law.stanford.edu/environmental-and-natural-resources-law-policy-program-enrlp/2020-annual-report/
- [22] Law.com, Hogan Lovells, https://www.law.com/law-firm-profile/?id=143&name=Hogan-Lovells
- [23] **Tim Human**. Greenwashing biggest challenge of ESG investing, say institutions, Corporate Secretary (July 6, 2021), https://www.corporatesecretary.com/articles/esg/32633/greenwashing-biggest-challenge-esg-investing-say-institutions
- [24] **Paris Agreement**, Article 2.1; See, e.g., **Christina Swanson and Amanda Levin**, Liquefied Natural Gas Exports are a Climate Threat, Natural Resources Defense Council (Dec. 8, 2020), https://www.nrdc.org/experts/christina-swanson/liquefied-natural-gas-exports-are-climate-threat
- [25] The Principles of Environmental Justice, https://www.ejnet.org/ej/principles.pdf
- [26] The Principles of Environmental Justice, https://www.ejnet.org/ej/principles.pdf
- [27] (U.S. EPA, 2015a)."- Technical Guidance for Assessing Environmental Justice in Regulatory Analysis, p. 4.
- [28] Alex Brown, Landmark Climate Policy Faces Growing Claims of Environmental Racism, , Pew (Dec. 23, 2020), https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/12/23/landmark-climate-policy-faces-growing-claims-of-environmental-racism
- [29] Sierra Club, Sierra Club Position on Carbon Washington Ballot Initiative 732, https://www.sierraclub.org/washington/sierra-club-position-carbon-washington-ballot-initiative-732
- [30] Camille Syed, Activist groups speak out against Archer solar array project, Alachua County plan board approves, WCJB (Apr. 26, 2021), https://www.wcjb.com/2021/04/26/activist-groups-speak-out-against-archer-solar-array-project-alachua-county-plan-board-approves/
- [31] UN Environment Programme, Global Climate Litigation Report: 2020 Status Review, https://wedocs.unep.org/bitstream/handle/20.500.11822/34818/GCLR.pdf?sequence=1&isAllowed=y; Dena P. Adler, U.S. Climate Change Litigation in the Age of Trump: Year Two, June 2019, http://www.columbiaclimatelaw.com/files/2019/06/Adler-2019-06-US-Climate-Change-Litigation-in-Age-of-Trump-Year-2-Report.pdf
- [32] (U.S. EPA, 2015a)."- Technical Guidance for Assessing EJ in Regulatory Analysis, p. 4.
- [33] Karen Sloan, Law school applicants surge 13%, biggest increase since dot-com bubble, ,Reuters (Aug. 3, 2021), https://www.reuters.com/legal/legalindustry/law-school-applicants-surge-13-biggest-increase-since-dot-com-bubble-2021-08-03/

#### **IMAGE CITATIONS**

In order of appearance

Spiske, Markus. "Climate Justice Now." https://unsplash.com/photos/dYZumbs8f\_E.

F, Lizgrin. https://unsplash.com/photos/lsQZfwPIKos.

Delfin, Alejandra. "Plant an Urban Farm Garden/ Planta un Huerto Urbano." https://justseeds.org/graphic/plant-an-urban-farm-garden-planta-un-huerto-urbano/.

LeBoutillier, Chris. https://unsplash.com/photos/c7RWVGL8IPA.

Palmer, Matt. https://unsplash.com/photos/K5KmnZHv1Pg.

Spiske, Markus. https://unsplash.com/photos/JnT4Mjq5n\_E.

Furuta, Ronan, https://unsplash.com/photos/HC2t702jdGo.

Casey, Tyler, https://unsplash.com/photos/G4GJ5xbleBc

Kolar, Jan Antonin. https://unsplash.com/photos/Px1DLXKhzNc.

Lizardo, Benjamin, https://unsplash.com/photos/icrhAD-qidc.

Jozwiak, Marcin. https://unsplash.com/photos/uKvPDQop-JA.

Parsons, Lewis, https://unsplash.com/photos/cUY9WrY6wIE.

Towner, John, https://unsplash.com/photos/CakC6u4d95g



# **APPENDICES**

#### **Appendix A: Lobbying Dollars by Industry**

The following chart represents the top 20 industries of the 83 that Vault 100 firms receive lobbying money from.

