

The following document summarizes changes to the methodology of the 2020 Law Firm Climate Change Scorecard, made on March 16, 2021.

Summary of Changes to Methodology

- After feedback from law firms, law students, and other stakeholders, LSCA has made a minor alteration to the methodology for its 2020 Law Firm Climate Change Scorecard.
- In the original Scorecard, we included nuclear energy litigation listed on climatecasechart.com in our litigation database and included firms' positions in nuclear energy cases in their overall Climate Score.
- The updated Scorecard, released on March 16, 2021, no longer includes nuclear litigation when calculating firms' Climate Scores. Nuclear is thus not considered part of a firm's work to exacerbate climate change, nor the firm's work to mitigate climate change.
- This change only affects the Climate Scores of two out of the Vault 100 law firms considered in the Scorecard.

Reason for Changes to Methodology

- This change is to address the significant features distinguishing nuclear energy from sources of renewable energy like wind and solar. Nuclear energy has too often contributed to environmental injustice and environmental racism against Black, Indigenous, and low-income communities.¹
- Although nuclear energy is not a fossil fuel, we do not think that nuclear energy, given this legacy and the ongoing environmental injustices it perpetuates, can be included in our litigation database as work to mitigate climate change. However, we also do not include nuclear energy litigation as work to exacerbate climate change at this time.
- In addition, this change also improves consistency in LSCA's methodology across the Scorecard. In the transactional data, LSCA does not factor nuclear energy transactions into firms' Climate Scores. Lobbying for nuclear energy is also not included in our lobbying database and not factored into firms' Climate Scores.

Methods for Implementing Changes to Methodology

- To identify and remove nuclear energy litigation from our database, we performed a search on climatecasechart.com to identify cases that involve nuclear energy.
- We searched the keyword "nuclear" and identified 14 cases with that key word.
- Out of those 14, four cases were both active between 2015 and 2019, the years encompassed in the 2020 Law Firm Climate Change Scorecard, and involved Vault 100 law firms, as shown in the filings we had access to.
- We removed these four cases from the litigation database for the updated 2020 Law Firm Climate Change Scorecard, released March 16, 2021.

¹ See e.g. Eric Jantz, *Environmental Racism with a Faint Green Glow*, 58 NAT. RESOURCES J. 247 (2017); Dean Kyne & Bob Bolin, *Emerging Environmental Justice Issues in Nuclear Power and Radioactive Contamination*, 13 INT'L J. ENVTL. RES. & PUB. HEALTH 700 (2016); JUDY PASTERNAK, *YELLOW DIRT: A POISONED LAND AND THE BETRAYAL OF THE NAVAJOS* (2011); STEPHANIE MALIN, *THE PRICE OF NUCLEAR POWER: URANIUM COMMUNITIES AND ENVIRONMENTAL JUSTICE* (2015).

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- The four cases are as follows: *Coalition for Competitive Electricity v. Zibelman*, *Electric Power Supply Association v. Star*, *Hudson River Sloop Clearwater, Inc. v. New York State Public Service Commission & Public Watchdogs v. Southern California Edison Co.*
- Four Vault 100 firms were involved with these four cases: Alston & Bird; Boies, Schiller, Flexner, Jenner & Block; Munger, Tolles & Olson.

Results of Changes to Methodology

- As a result of this change, both Boies, Schiller, Flexner and Jenner & Block received improved litigation grades and an improved overall Climate Score. Both firms previously had a D as their Climate Score and now both firms have a C.
- The Climate Scores and litigation grades for Alston & Bird and Munger, Tolles & Olson remained the same.
- The results are summarized in Tables 1, 2, and 3, below.
- For Table 2, the grading methodology remains the same as described in Section III of the 2020 Law Firm Climate Change Scorecard, available for download at: <https://www.ls4ca.org/climate-change-scorecard>.
- Firms adjusted litigation rankings are available in Table 3.
- The changes to firms' Climate Scores, listed below, are now reflected on the LSCA website and all documents and datasets available for download from the site.

Table 1: Change in Litigation Cases with Updated Methodology

Firm Name	Cases Exacerbating Climate Change Original Version	Cases Exacerbating Climate Change Updated Version	Cases Mitigating Climate Change Original Version	Cases Mitigating Climate Change Updated Version
Alston & Bird	4	3	0	0
Boies Schiller Flexner	3	0	0	0
Jenner & Block	5	3	2	1
Munger, Tolles & Olson	11	9	1	1

Table 2: Change in Climate Score with Updated Methodology

Firm Name	Litigation Grade Original Version	Litigation Grade Updated Version	Overall Firm Climate Score Original Version	Overall Firm Climate Score Updated Version
Alston & Bird	D	D	D	D
Boies Schiller Flexner	D	B	D	C
Jenner & Block	D	C	D	C
Munger, Tolles & Olson	F	F	F	F

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Table 3: Firms' Adjusted Litigation Rankings (1 is worst)*

Firm Name	Litigation Rank Original Version	Litigation Rank Updated Version
Alston & Bird	26	30
Boies Schiller Flexner	31	73
Bryan Cave Leighton Paisner	46	45
Crowell & Moring	11	10
Davis Polk & Wardwell	38	36
Debevoise & Plimpton	46	45
Duane Morris	38	36
Foley & Lardner	46	45
Foley Hoag	46	45
Fox Rothschild	46	45
Hogan Lovells	9	8
Holland & Knight	31	30
Jenner & Block	31	36
Katten Muchin Rosenman	46	45
Kilpatrick Townsend & Stockton	46	45
King & Spalding	9	8
McGuire Woods	31	30
Morgan, Lewis & Bockius	11	10
Morrison & Foerster	38	36
Munger, Tolles & Olson	6	10
Nixon Peabody	38	36
Norton Rose Fulbright	38	36
Orrick Herrington & Sutcliffe	31	30
Pillsbury Winthrop Shaw Pittman	38	36
Quinn Emmanuel Urquhart & Sullivan	46	45
Stephoe & Johnson	46	45
Troutman Sanders	31	30
Venable	31	30
White & Case	46	45
Williams & Connolly	46	45

*Table only includes Vault 100 firms whose rankings changed as a result of the updated methodology.