

# ENVIRONMENTAL, SOCIAL & CORPORATE GOVERNANCE

Our multidisciplinary lawyers collaborate and leverage our extensive public and private company experience to provide tailored services to clients that address the challenges of rapidly changing, impact-driven ESG initiatives.

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Environmental, social and governance (ESG) initiatives are at the forefront of how companies and their governing bodies conduct their operations, structure transactions to incorporate or address ESG goals/risks, navigate regulatory frameworks and implement future plans. While the renewed focus on ESG initiatives has recently driven promising improvements in the way many think and plan, our lawyers have extensive experience helping clients navigate the rapidly changing, impact-driven ESG landscape to implement tailored solutions that set the course for a more sustainable future. Our capable and experienced team has helped public and private companies and their boards of directors, private equity sponsors, lenders, sustainability agents/coordinators, investment advisors, and other professionals drive value now and in the future by developing functional and flexible ESG strategies that set clear, risk-balanced goals.

Our success with helping clients meet and exceed their ESG goals is based on our bottom-up understanding of our clients' needs and our deep understanding of the underlying legal and regulatory frameworks allowing us to counsel clients as to market trends, terms, and solutions. Our multidisciplinary team of experienced professionals provides comprehensive guidance that assists clients in identifying enterprise-wide risks and unique operational conditions solutions to effectively integrate ESG initiatives into their businesses.

## Environmental

- Identifying, evaluating, and managing key legal and regulatory risks, as well as reputational and external risks related to a client's operations, permits, and personnel
- Negotiating and advising clients with respect to green loans and sustainability linked/improvement loans
- Assisting clients in heavily regulated industries with reviews of energy management consumption practices and policies to implement best practices from contracting through end use
- Advising clients on suitable guidelines and strategies for reducing air and water pollution, eliminating waste and implementing recycling initiatives
- Representing Sustainability Coordinators, Sustainability Agents and Sustainability Structuring Agents in reviewing and negotiation of terms related to sustainability targets
- Structuring transactions to incorporate environmental targets and incentives and advise on related hedging activities

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### Social

- Counseling clients on complex workplace safety improvement, employee training programs, union relations, and initiatives to promote employee diversity and inclusion, pay equity, and company culture
- Aiding clients with creating or redesigning supplier relations frameworks to reduce supply chain risk and ensure strong relationships with high-quality suppliers that share similar values
- Collaborating with clients to improve relationships with their community and other stakeholders and initiate programs for community engagement and betterment
- Training and advising organizational clients on human trafficking and compliance with related human rights law and regulation

### Governance

- Assisting clients with the development of ESG policies, frameworks and metrics, targeted program initiatives, and effective reporting structures, including in the public company context
- Advising boards of directors and committees about ESG and sustainability-related disclosure trends, including climate change disclosures, and related shareholder activism issues
- Counseling clients about enterprise-wide risk management techniques and effective oversight of key business areas
- Providing clients with tailored advice about regulatory developments, including with respect to bribery, anti-corruption, whistleblower, employment, and data security concerns

### Other

- *Sustainable Financing* - We are on the cutting edge of lenders and companies that are increasingly implementing sustainable financing solutions, including ESG-linked loans, "green" loans or bonds, green derivatives, renewable energy and energy diversification projects, power purchase and other commercial arrangements, and other sustainability-driven financing solutions.
- *Alternative Energy Development* - Our attorneys have significant experience working on large alternative energy development projects around the world. We have a track record of working with alternative energy companies, developers, financing parties, and construction companies to provide creative solutions to unique problems in the growing wind, solar, and hydroelectric electricity generation sectors.
- *ESG Swaps and Derivatives* - We advise clients on identifying ESG related risks and solutions for addressing these risks within existing deals or stand-alone ESG swaps to further clients' ESG goals and initiatives
- *Transactional Due Diligence* - We regularly assist clients with due diligence reviews that integrate ESG and sustainability focuses in connection with mergers and acquisitions, capital markets and other strategic transactions. We also work with clients to blend ESG and sustainability initiatives into active operations in preparation for sale processes or other transformative transactions.
- *Enterprise-Wide Evaluations* - Our cross-discipline team partners with clients to conduct enterprise-wide evaluations of risks and the efficacy of ESG and sustainability initiatives. We bring to the table a depth of

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experience and knowledge in many industries that allows us to work hand-in-hand with clients to develop measured, effective goals and implementation programs that drive meaningful, enterprise-wide results.

- *Tax Advice for ESG Initiatives* - We have experience advising clients on developing strategies to extract value from tax and other government incentives that further ESG and sustainability initiatives.