

Corporate Sustainability & Social Responsibility

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Related Services

Bank & Finance
Corporate
Corporate Governance
Energy & Natural Resources
Environmental Law
Finance & Securities
International
Mergers & Acquisitions
Renewable Energy

We advise for-profit and non-profit businesses on sustainability and social responsibility matters, including ESG, CSR laws, regulations, policies, financial and non-financial voluntary and required reporting obligations and practices, risk management and compliance, and stakeholder expectations impacting sustainable business strategies and activities. Our expertise is supplemented by our active participation with important domestic and international industry, legal, regulatory, financial and advisory organizations and thought leaders addressing the sustainability interests of our business and nonprofit clients.

SERVICES

Supply Chain/Contracts

- Assess and negotiate ESG and CSR requirements with public and private parties
- Advise on supply chain reporting obligations of public and private, commercial and nonprofit enterprises
- Review compliance with domestic and international laws regarding human rights violations in company supply chains
- Consideration of American Bar Association Model Principles regarding human trafficking, child labor and worker safety in company supply chains
- Compliance with sustainability requirements of Federal Acquisition Regulation (FAR), and various federal, state and local government departments and agencies

Advertising, Promotion & Trademarks

- Sustainability and other “green” claims
- Compliance with Federal Trade Commission (FTC) Green Guide
- Compliance with International Organization for Standardization (ISO) labeling and declaration standards
- Advise on recyclable, recycled content, degradable, compostable, free-of, natural, organic, non-toxic, ozone-safe, refillable, renewable, and source reduction claims
- Assist with National Advertising Division (NAD) and class action disputes
- Draft endorsement and partnership agreements

Renewable Energy

- Advice regarding and negotiations of agreements for the purchase of renewable energy or Renewable Energy Credits
- Structure ownership and operation of renewable energy assets
- Advice regarding and negotiation of EPC contracts, natural gas contracts, and other renewable energy related contracts, including hedging agreements
- Assess low carbon fuel content and content requirements in contracts
- Renewable natural gas contracts
- EPC contracts
- Assistance and advice respecting carbon and other renewable energy financing

Real Estate & Environmental

- Assist with supply chain contracts, energy efficiency contracts and financing
- Advise on site assessments and remediation
- Advice regarding environmental building certifications and construction practices

Labor, Employment & Human Rights

- Advise regarding ESG and CSR legal and regulatory requirements and stakeholder concerns re workers' compensation, health, safety and human rights issues with respect to domestic and international employment and company supply chain practices
- Advise and defend employers with regulatory, employee and whistleblower complaints, claims, dispute resolution and litigation pertaining to ESG and CSR matters
- Assist employers with the design and implementation of effective policies, systems, processes, procedures and investigations to assess risks, detect, mitigate and resolve improper compliance activities and personnel conduct, as well as promote diverse and inclusive workplaces

Governance & Board Responsibilities

- Develop board sustainability policies, including transparency considerations
- Advice regarding sustainability and CSR oversight responsibilities
- Address sustainability strategy, risk assessment and possible business opportunities
- Review sustainability and CSR compliance systems and processes
- Advice regarding voluntary and required sustainability and CSR reporting
- Develop conflicts of interest and ethical conduct policies
- Analyze various stakeholder sustainability and CSR interests and proposals

- Assess clients' business activities which implicate various domestic and/or international ESG and CSR reporting standards; assist clients with selection of suitable reporting frameworks and compliance with reporting requirements

Mergers & Acquisitions Transactions

- Conduct ESG and CSR due diligence
- Address ESG and CSR risk assessment
- Advise regarding ESG and CSR impact on business transaction valuations
- Negotiate ESG and CSR contractual provisions

Securities, Financing & Investment Transactions

- Draft ESG and CSR disclosures in public and private securities offering documents
- Compliance with reporting requirements and guidance of various regulators and stakeholders, e.g., Dodd-Frank, SEC reporting (conflict minerals, supply chain, cybersecurity, ESG, CSR and other material risks)
- Analyze and advise regarding ESG and CSR exposure to activist investors and stakeholders
- Analysis and advice regarding stakeholder ESG and CSR proposals
- Monitor local, state, national and international ESG and CSR regulatory activities and guidance regarding reporting and listing standards, e.g., the World Federation of Exchanges (WFE) Sustainability Working Group, the Sustainability Accounting Standards Board (SASB), the UN Sustainable Stock Exchanges Initiative (SSEI), and the Global Reporting Initiative (GRI)
- Assess and negotiate ESG and CSR requirements of investors and lenders
- Conduct ESG and CSR due diligence
- Advice concerning, and negotiation of, ESG and CSR contractual reporting and compliance requirements

Litigation & Investigations

- Advise businesses, executives and directors regarding ESG and CSR liability exposure, protection, mitigation and defense including entity structure, governing documents, policies, indemnification and insurance
- Advice regarding anti-corruption laws and regulations
- Assist with design and implementation of anti-corruption compliance plans, training, due diligence and investigations
- Advice, and where appropriate, defense respecting government demands and investigations, as well as shareholder and stakeholder litigation

Experience

Representative Cases

- Represented a 100MW distributed solar energy generator facility in Minnesota that is comprised of 16 separate facilities, between 2 to 10 MW, through a contested case competitive acquisition process, power purchase agreement and cost recovery approvals, and the site permit process.
- Received a \$59.4 million settlement following a water contamination dispute between a local city and the U.S. government that went on for over 30 years. John Drawz, Rick Snyder, Tim O'Shea, and Lindsey Remakel were instrumental in achieving this outstanding result.
- Assisted in the development of over 100 MW of community solar projects, from permitting, real estate acquisition, construction and financing.
- Assisted clients in the development, permitting and negotiating of land rights for more than 1,500 MW of large wind energy projects throughout the Upper Midwest.
- Assisted a client in securing financing and a sale leaseback arrangement with a local wastewater treatment authority to install an innovative on-site wastewater treatment system at the site of the industrial facility to pre-treat wastewater and remove solids from the waste stream prior to discharge from the site.
- Handled LED replacement lighting, biomass fractionation, high-efficiency HVAC equipment, and heat transfer modules for optimizing ethanol plant operation.
- Advised plastic manufacturer on recyclable and recycled content claims.
- Advised cosmetic company on natural, recyclable and recycled content claims.
- Advised public food company on natural and organic claims.