2022

LAW FIRM CLIMATE CHANGE SCORECARD

Law Students for Climate Accountability

CLIMATE SCORES FOR VAULT 100 LAW FIRMS (2022)

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

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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.

Executive Summary

It's 2022 and the legal profession continues to fan the flames of climate chaos.

The unshakeable truth is that the fossil fuel industry and the law firms that support it are directly responsible for the climate crisis and the resulting damage caused to communities around the world. The Law Firm Climate Change Scorecard aims to hold a mirror up to the legal industry and to encourage its members to confront their individual roles in propping up fossil fuel corporations and their misdeeds. Law Students for Climate Accountability ("LSCA") created this report to catalog the climate-related work of the Vault 100 firms – the 100 top-ranked firms in the United States – and grade them on their performance. The Scorecard focuses on transactional, litigation, and lobbying work over a five-year period. This year, the Scorecard reveals that law firms have continued to increase their involvement with fossil fuels, despite the worsening climate crisis.

While the Vault 100 as a whole did increase their climate change-mitigating work, they increased their climate change-exacerbating work by a much wider margin, demonstrating a complete disregard for our climate and our communities. While countries buckle under unprecedented heatwaves and the Supreme Court weakens the federal government's ability to regulate climate change, the Vault 100 continue to value their bottom line over all else. [1]

On the whole, data between 2017 and 2021 once again reveal a startling trend among Vault 100 firms:

- The top firms facilitated a staggering $1,620,000,000,000 in fossil fuel transactions, increasing the top 100's total by $260,000,000,000 from last year's report;
- These firms also litigated even more cases on behalf of fossil fuel clients, bringing the total from 358 representations to 420; and
- 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 in fossil fuel lobbying. Two firms joined the F class. In all, 38 firms managed to perform the extraordinary amount of fossil fuel work necessary to fail.

Some of these firms stand out for their atrocious contributions to fossil fuel work. For example, Akin Gump conducted more fossil fuel lobbying than 89 Vault 100 firms combined. White & Case facilitated more fossil fuel transactions than 73 Vault 100 firms combined. Paul Weiss litigated more fossil fuel cases than 60 Vault 100 firms combined. The Vault 100's latest addition, Hunton Andrews Kurth, stands out as a repeat offender, ranking as one of the Top 10 Worst Firms in all three categories – transactions, lobbying, and litigation work that exacerbates climate change. These firms and many others in the Vault 100 are collecting huge profits from companies that are ravaging our planet, dedicating top legal minds to the mission of a warmer planet.

But, of course, they are not alone. This year, only 2 firms received an A and 7 received a B, indicating that less firms are doing work that mitigates climate change and more are doing work that exacerbates climate change. Meanwhile, 17 received a C, 36 received a D and 38 received an F. On the whole, 91 of the top 100 firms undertook fossil fuel work.

One silver lining remains the increase in renewable energy work. Firms increased renewable energy transactions from $347 billion to $457 billion and renewable energy lobbying increased from $8.3 million to $10.1 million. But ultimately, while these figures are moving in the right direction, they still 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.

LSCA's vision is built upon a distinct hope that with enough awareness in the legal profession, things would improve. Law students would find more firms that closely reflect their moral values. Lawyers would reject firms that lobby on behalf of fossil fuel companies, just as they have rejected working towards other immoral causes before (see Legal Ethics & Law Firm Client Policies below). They may even seek out firms that are leading the charge in representing the burgeoning renewable energy industry. Eventually, lawyers would join the rest of the world in revoking the social license of the fossil fuel industry by ceasing all representation of companies that exacerbate climate change. Unfortunately, law firms in the United States have made it clear that profitability and prestige remain their only concerns – thereby compromising the future of their own associates and the rest of the world.

This report is intended not only to document Vault 100 firms' complicity in the climate crisis, but also to support those inside and outside the industry trying to realize a better future.

The movement to change the legal industry is only growing. More than ever, 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. It is well past time for law firms to catch up and heed these calls to change.

If they refuse, we will only grow louder.

Purpose of the Scorecard

1

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.

2

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.

3

Third, this report calls upon clients of Vault 100 law firms.

Some of these clients 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.

Vault 100 Work Fossil Fuel Work Over Time

	2016 to 2020	2017 to 2021
Litigation *	358	**420**
Transactions**	$1.36 trillion	**$1.62 trillion**
Lobbying***	$34.1 million	**$36.6 million**

*Number of representations in cases exacerbating climate change
**Total value of fossil fuel projects supported
***Compensation received for fossil fuel lobbying

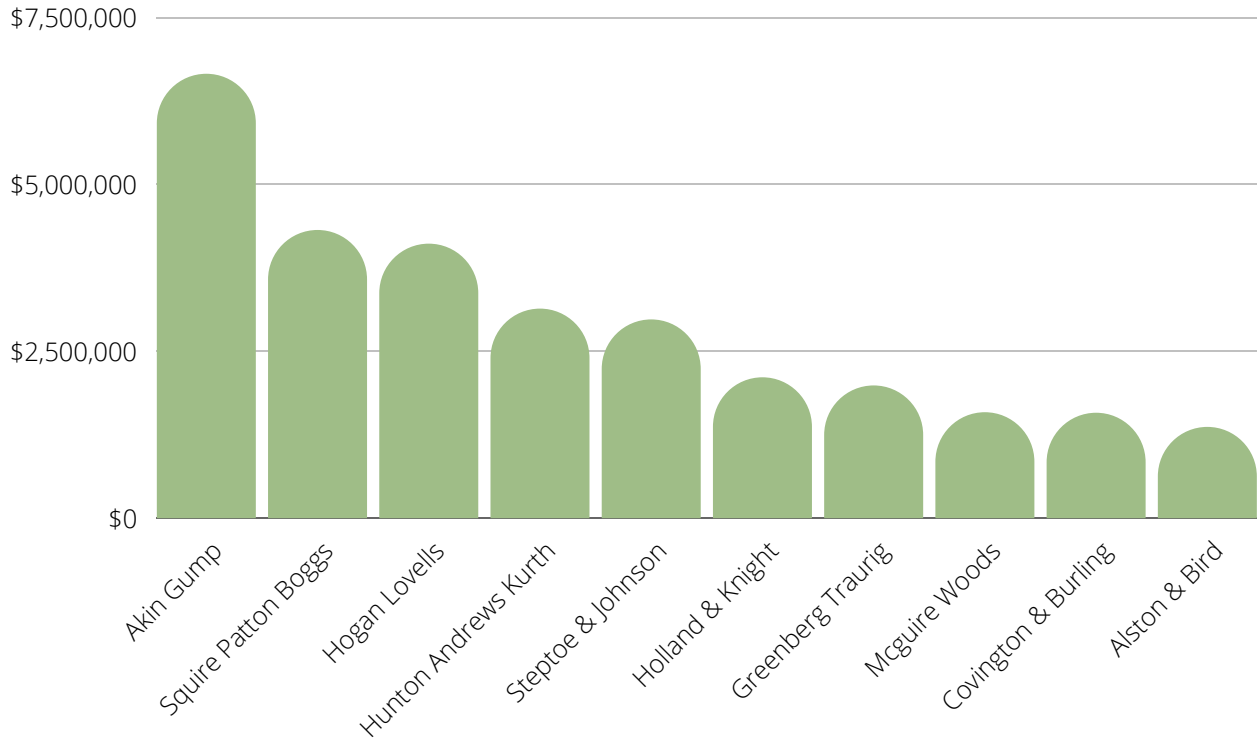
- **Akin Gump** conducted more fossil fuel lobbying than 89 Vault 100 firms combined.
- **White & Case** facilitated more fossil fuel transactions than 73 Vault 100 firms combined.
- **Paul Weiss** litigated more fossil fuel cases than 60 Vault 100 firms combined.

Vault 100 Work Mitigating Climate Change Over Time

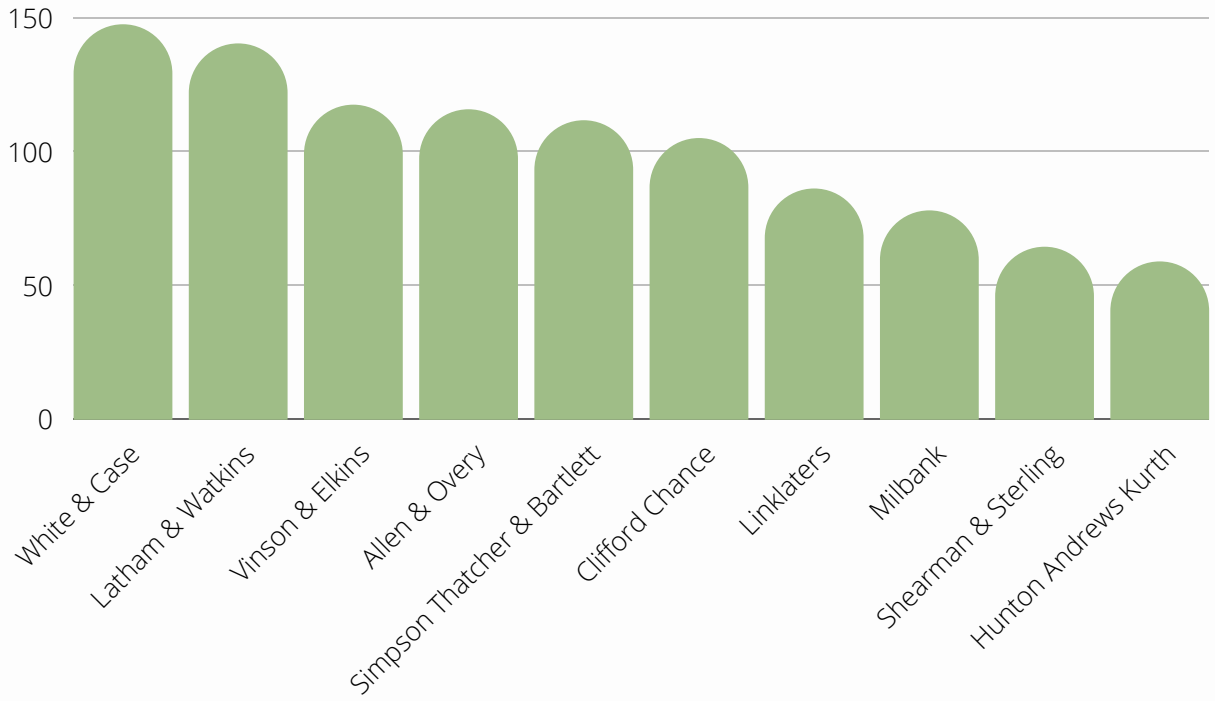
	2016 to 2020	2017 to 2021
Litigation *	25	**41**
Transactions**	$347 billion	**$457 billion**
Lobbying***	$8.3 million	**$10.1 million**

*Number of representations in cases mitigating climate change
**Total value of renewable energy projects supported
***Compensation received for renewable energy lobbying

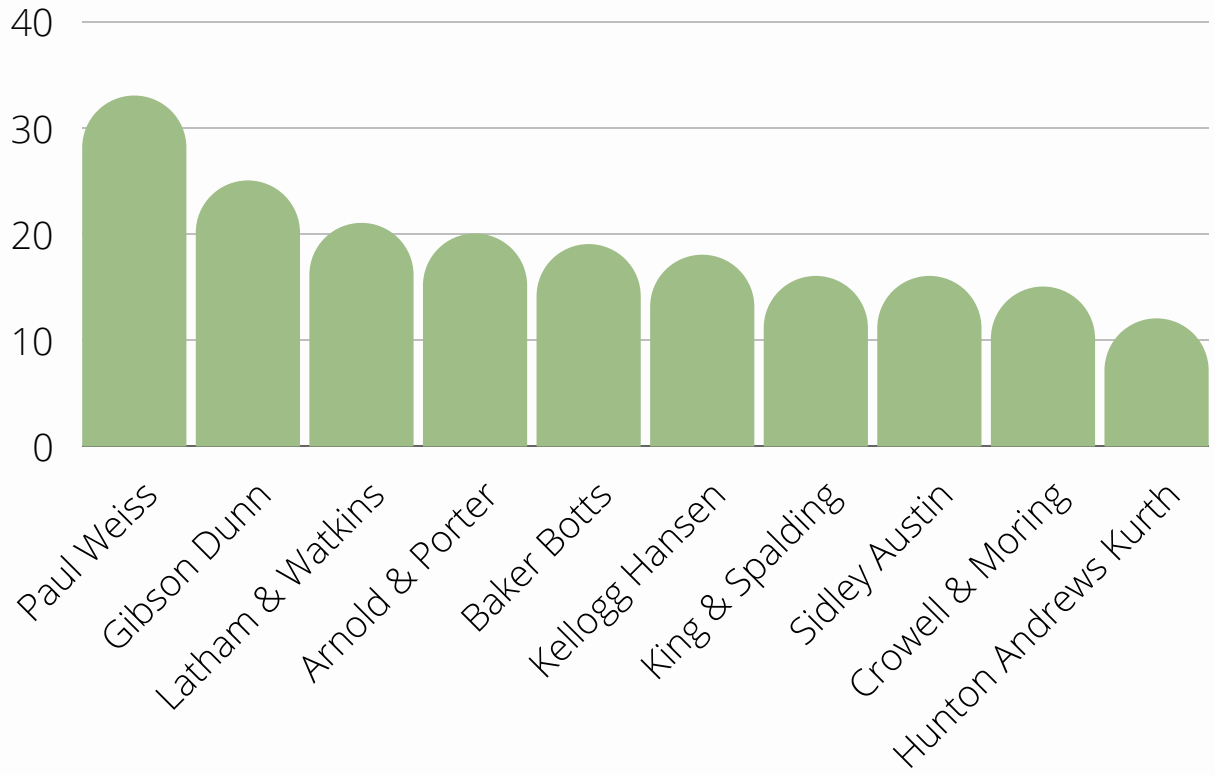
TOP 10 WORST FIRMS: LOBBYING WORK FOR THE FOSSIL FUEL INDUSTRY 2017-2021



TOP 10 WORST FIRMS: TRANSACTIONAL WORK FOR THE FOSSIL FUEL INDUSTRY, 2017-2021 (USD BILLION*)



TOP 10 WORST FIRMS: LITIGATION EXACERBATING CLIMATE CHANGE 2017-2021 (ACTIVE CASES)



SECTION I:

Exposing the Unseen Culprits

The Formidable Power of the Legal Industry

The courtroom is a crucial battleground for the fight against climate change. The recent slew of Supreme Court rulings—which have curtailed not only environmental regulatory power but also reproductive rights and gun control—have subjected the American legal system to increasingly intense scrutiny. As the public's attention has trained on state governments, the federal government, and the Court itself, some key characters have been allowed to keep their role obscured: corporate law firms.

These actors rarely make headlines and tend to operate behind the well-recognized names of their clients. Yet they facilitate and make possible the cases that adversely affect the lives of millions of lives each year. Jones Day. King & Spalding. Hunton Andrews Kurth. These are just three of the several dozen law firms actively working on behalf of the fossil fuel industry to undermine efforts to combat climate change. They and others weave the arguments and narratives presented to the courts, and pour money and resources into ensuring that the voices of the few—Big Oil companies and the politicians they fund—drown out the voices of the many. This past year has rendered the power of courts startlingly clear, making it more important than ever that firms shift away from fossil fuel clients and instead elevate the voices of renewable energy companies, environmental groups, and environmental justice communities—those who have the tools to address the climate crisis, and those who disproportionately experience its burdens. By advocating for transparency in the legal industry, LSCA calls upon those who bolster industries which harm our planet and communities to take accountability toward a livable planet.

Situating LSCA Within the Climate Movement

Despite the prevalence of the Court's actions, they do not define the current moment. Law students, legal practitioners, and movement organizers are working across institutions, industries, and communities to build a just and sustainable future—a future that loudly challenges the oil-loving and profit-driven society that the Court supports. LSCA is proud to be a part of this coalition.

Over the past two years, LSCA's network—which includes students from over 50 law schools—has spotlighted the 2020 and 2021 Law Firm Climate Change Scorecard and raised awareness about the role of law firms in the climate crisis. LSCA has also 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. Notably, through its #DoneWithDunn campaign, LSCA mobilized law students to call on Gibson Dunn to commit to an ethical standard for its fossil fuel work. This mobilization has not gone unnoticed: outlets including The Washington Post, The New Yorker, and Reuters have covered LSCA's work. LSCA, as a collective of law students and young lawyers, is intentional about the role it plays within the climate movement, and has found traction due to several shifts happening in the legal field:

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 the lived environment, community health, 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. [2] 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. [3]

Second, there is growing recognition that corporate lawyers are responsible for the clients they choose to represent. After attorney Steven Donziger's historic legal victory over Chevron in Ecuador, Chevron's counsel, Gibson Dunn, launched a personal attack against Donziger that sparked fierce backlash. [4] Hundreds of law students renounced Gibson Dunn's attempt to chill climate litigation and hide its role in exacerbating climate change. 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 charge massive legal fees to provide additional legal firepower to already well-represented and well-resourced corporations.

Third, law students seek actionable ways to integrate their values into their career search and distinguish between firms that largely seem comparable. 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. [5] Low-income 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' climate-related work in their career search know their collective efforts can influence firm behavior.

Demands for Corporate Accountability

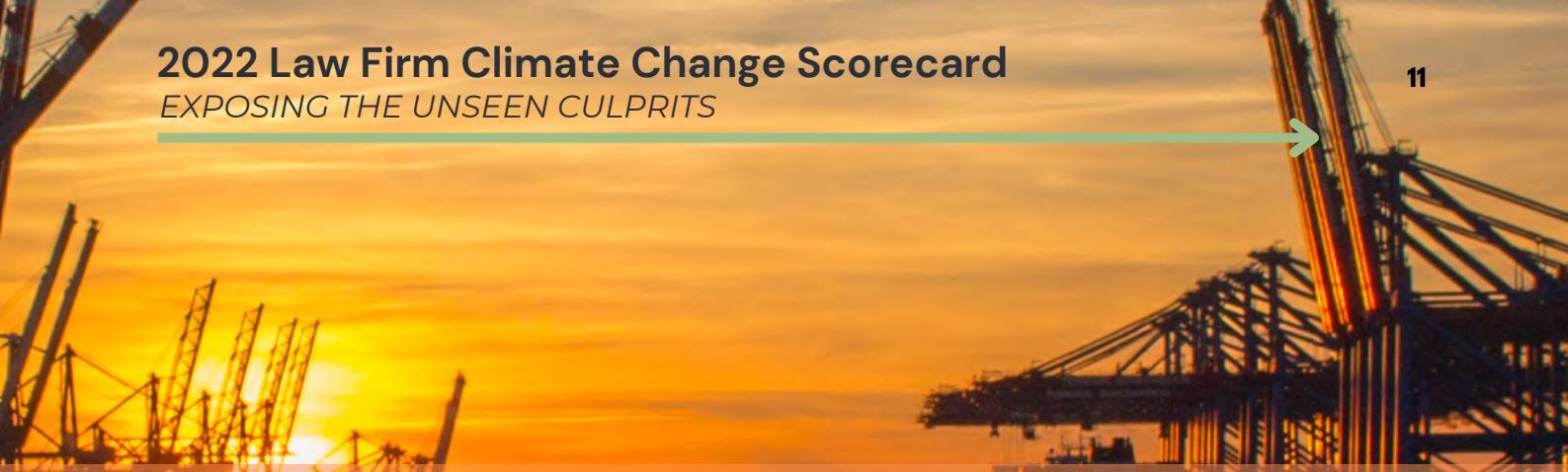
LSCA is not alone in calling for greater transparency and accountability from corporate actors. In March 2022, the U.S. Securities and Exchange Commission proposed to require public companies to disclose certain climate-related risks in their periodic reports, including information on their greenhouse gas emissions. [6] This rule recognizes the threat that climate change poses and seeks to pull back the veil on major companies and their environmental impacts. Unfortunately, several law firms, including Sullivan & Cromwell [7] and Davis Polk [8], have responded to the SEC and made their stance clear: "heavy costs" and "burdens" on multimillion dollar companies trump the need for detailed and reliable disclosures. These firms know that withholding information can create an opaque environment ripe for greenwashing and the evasion of responsibility. Indeed, in their own recruiting, many firms have long relied on students lacking sufficient information to realize that the socially-responsible image firms present diverges widely from their daily routine of doing the fossil fuel industry's bidding. This Scorecard changes the environment of information in which students and lawyers act. By presenting research-backed and action-oriented information, LSCA allows students and lawyers to make informed decisions on the firms they choose to support.

The Supreme Court has shown us the monumental effect that legal decisions can have on our lives. Cases that exacerbate climate change are no exception. We must force powerful firms to reckon with the consequences of representing harmful litigants like oil and gas companies before the courts. At the same time as law students are demanding climate accountability from their employers, experienced legal practitioners like those at the SEC are pushing for greater transparency among corporate actors. LSCA hopes to resource law students and experienced practitioners alike with the knowledge to further fuel their efforts for climate accountability and justice.

CASE STUDY PT. I
West Virginia v. Environmental Protection Agency

At the end of its 2021-2022 term, the Supreme Court issued a major decision limiting the government's ability to combat the climate crisis. In *West Virginia v. Environmental Protection Agency*, the Court held that EPA—the federal agency responsible for protecting the environment—did not have authority under the Clean Air Act to compel fossil-fueled power plants to shift to other energy sources, like wind and solar, to curb greenhouse gas emissions. In her dissenting opinion, Justice Kagan acknowledged that the stakes were high, and that the Court dropped the ball. "Whatever else this Court may know about," she wrote, "it does not have a clue about how to address climate change." However, one place to start is with the firms working to exacerbate it.

Jones Day was the firm backing the North American Coal Corporation, a petitioner alongside West Virginia. In its brief, Jones Day made the case against allowing EPA to make "large-scale policy judgments balancing the economy against climate change." But if not the government, then who? Firms representing fossil fuel companies know that regulation is the only thing standing in between them and their payday. By convincing the Court to strip EPA of its regulatory power, Jones Day played a critical role in ensuring the climate crisis continues on its destructive path.



CASE STUDY PT. II
Western Energy Alliance v. Biden

On January 27, 2021, President Biden passed Executive Order 14008 outlining a general policy of combatting climate change. Part of the initiative included a halt on all new oil and gas leases on public lands or in offshore waters, "[t]o the extent consistent with applicable law," until a comprehensive review by the Department of the Interior was completed. On the same date, Western Energy Alliance filed a petition for review in the federal district court challenging the suspension of the federal oil and gas lease program. On March 24, 2021, Wyoming filed a lawsuit in federal court asserting that the Executive Order was a "de facto moratorium" on all public land leases violating the Mineral Leasing Act, the Federal Land Policy and Management Act, the National Environmental Policy Act, and the Administrative Procedure Act. The two cases were consolidated on May 20, 2021.

Western Energy Alliance - represented by **Baker & Hostetler** - requested a preliminary injunction on the lease hold citing irreparable financial harm. The injunction was denied for being materially moot, as a nationwide preliminary injunction was issued in the related case of State of Louisiana v. Joseph R. Biden, Jr. The lawsuit is pending and demonstrates the difficulties of administrative action combating climate change in a divided legal landscape. The case also highlights the hypocrisy of the fossil fuel industry and its lawyers. In tort suits where states and localities are seeking damages for the climate harms fossil fuel companies have produced, fossil fuel companies argue that it would be inappropriate for courts to decide the cases and climate action should be dealt with by the political branches of government. But when President Biden was democratically elected President and then implemented a measure to address climate change, a fossil fuel company and its BigLaw lawyers immediately sued in an effort to convince a court to strike the measure down.

SECTION II:

Moving Toward a Climate-Just Future

This student-led movement provides an intentional and 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 the roots of and importance of environmental justice and those most impacted by injustices. LSCA's stance on environmental equity is informed by the Principles of Environmental Justice, introduced at the People of Color Environmental Leadership Summit of 1991. [9] Among the principles' 17 tenets, we highlight the notion that environmental justice "demands the right to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement and evaluation." [10] In recognizing this principle, we must then honor the inextricable truth that, although environmental injustice is rampant in the fossil fuel industry, it is not exclusive to the fossil fuel industry. In holding the fossil fuel industry accountable, firms who represent the renewable energy industry are not shielded from criticism, those who receive an 'A' in climate do not necessarily champion civil rights, racial justice, and labor justice, for example.

For instance, as we have seen with transition solutions, environmental law and policy can reproduce racial and economic injustices. The International Energy Agency forecasts that the need for minerals, such as lithium and cobalt, will increase in response to demand for clean energy technologies. [11] As a result of this demand, mining is likely to expand in critical areas and place increased burdens on communities. For instance, in Arizona, the proposed Rosemont Mine would dig a mile-wide pit in lands sacred to the Tohono O'odham Nation. [12] In Minnesota, the Twin Metal Mine severely disrupts the local ecosystem, which communities depend upon for their livelihoods. [13] 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. [14]

Simply put, LSCA must continue to move the needle toward a climate-just future, 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.

LSCA also recognizes its own need to meet the moment. Members of LSCA are organizing around how to expand our commitment to environmental justice and to a climate transition that is rooted in equity. Over the coming year, LSCA plans to launch initiatives and projects that seek to both articulate the lived impacts of climate change and to draw linkages between a firm's work and its consequences. Those consequences are felt most by frontline communities, and LSCA aspires to work in conjunction with these communities in a way that centers their voices and their interests. Transactions, litigation, and lobbying efforts cause material harm, and LSCA believes in the importance of holding firms accountable to not only their work but also its effects.

"As Chief Legal Officer at a climate technology solutions company, the Scorecard has been an immensely helpful tool to help me understand which law firms are doubling down on fossil fuels and perpetuating the dangerous status quo, and which law firms are focused on being part of the solution to the climate crisis. We choose to work with law firms with an 'A' or 'B' rating only. For partners at law firms that we want to work with, we suggest that they should take the Scorecard to their partner meetings - clients want to work with climate conscious firms!"

Alexandra Frumar, Chief Legal Officer at Remora

SECTION III:

The Importance of Young Legal Talent

Recruiting young legal talent has always been important to law firms, but recruiting pressures reached new levels this year. Like in many industries, the pandemic led to significant changes in the legal hiring market, with law firms scrambling to keep up. In an attempt to appear more attractive to employees, many firms sought to improve work-life balance and expanded remote working opportunities. [15] Firms raised associate salaries to unprecedented levels: Cravath, Davis Polk, Milbank, and O'Melveny & Myers all raised first-year associate salaries to $215,000. [16] Law firms' desperate moves to attract talent ahead of their competitors demonstrates just how much they value the recruitment of young lawyers. Indeed, according to the 2021 Law Firm Business Leaders Report, law firm business leaders identified lawyer recruitment and retention as the top threat to law firm profitability. [17] Similarly, in a July 2022 survey by Cushman & Wakefield, 60% of law firm respondents said that recruitment and retention is the top business challenge for law firms. [18]

Despite law firms' willingness to adopt costly measures in an attempt to attract young talent, they have been slow to recognize the recruitment risks posed by representation of fossil fuel companies. Many factors influence young lawyers' employment choices in addition to salaries, especially when competing law firms have largely matched the salaries their peers offer to associates. Firms also saw significant shifts in labor markets spurred by the pandemic, leading many employees to reassess and seek greater meaning in their relationship with work. In the words of the 2022 Report on the State of the Legal Market published by ThomsonReuters and Georgetown Law, "The traditional law firm response of just throwing more money at the problem is not likely to work as well going forward." [19]

LSCA could not agree more.

Climate change is a central concern to young lawyers. Across the U.S. population as a whole, 37% of Gen Z and 33% of Millenials say that addressing climate change is their total personal concern, with these generations also holding much more negative views of fossil fuels than

older generations. [20] Law firm leadership consists of partners whose views on climate change diverge widely from the young lawyers they seek to recruit, and many law firm leaders appear not to recognize the way that young lawyers looking for meaningful employment in line with their values would be turned off by a firm's work for climate-polluting fossil fuel companies.

This Scorecard provides a tool that enables law students and young lawyers to act on their concern about climate change and climate injustice. As law firms come to terms with the importance of climate change to young lawyers, they have sought to advertise the work they do to increase their operational sustainability or engage in pro bono environmental work. [21] While commendable, this Scorecard shows that law firms perform such work on a dramatically smaller scale than their fossil fuel work, and this Scorecard offers a far more accurate portrayal of law firms' contributions to the climate crisis. LSCA has worked with law students at over 50 schools and this Scorecard will circulate widely through social media, group chats, and listservs. Firms may already be seeing the effects of law student climate advocacy in their recruitment. In Law360's 2022 Summer Associate Survey, the two firms that LSCA has most extensively criticized - Paul Weiss and Gibson Dunn - fell four and five spots, respectively, in the ranking of most desirable law firms as compared to last year's ranking. Two firms that got a Climate Score of A in our 2021 Scorecard—Wilson Sonsini and Cooley—rose eleven and two spots, respectively. [22]

The profound moral injustice of climate change should be reason enough for law firms to phase out fossil fuel work. But if it is not, perhaps knowing that law students across the country will see they earned a D or an F will lead law firms desperate for young talent to reconsider.

"Going into law firm recruitment, I knew I wanted to choose a firm with a strong, forward-looking energy practice. Many firms will tell you that their energy practice is evolving from fossil fuels to renewable energy. I used LSCA's scorecard data on transactions and litigation to figure out who was the real deal. For example, I could see which firms litigated against climate regulations and in which cases. The LSCA scorecard leaves law students with no excuse for choosing a firm that exacerbates the climate crisis."

Rachel Neuburger,
Harvard Law School '23

CASE STUDY PT. III
Oakland Bulk & Oversized Terminal, LLC v. City of Oakland

In 2016 Oakland Bulk & Oversized Terminal, LLC (OBOLT) filed a suit in federal court alleging breach of contract by the City of Oakland. The law suit came out of a 2013 Development Agreement between the City of Oakland and OBOLT's parent company, California Capital Investment Group, to develop a parcel of land into a bulk cargo shipping terminal. The agreement included terms that the City may adopt new regulations and apply them to OBOLT's development if the City found, based on substantial evidence and after a public hearing, that not applying the regulations would be substantially dangerous to the health and safety of the community surrounding the development. Community groups within Oakland found out about OBOLT's plan to ship millions of tons of coal and raised concerns about environmental harms. After an extensive yearlong public hearing and comment periods, the city passed an ordinance banning the handling of coal by bulk material facilities in Oakland.

The federal district court for the Northern District of California held that the record did not show a 'substantial danger' to the health of Oakland's residents. The court rejected the argument that global warming allowed Oakland to invoke the substantial danger rulemaking exception. The Ninth Circuit Court of Appeals reaffirmed the district court's ruling, addressing it as a breach of contract case—and thus relying on the district court's fact finding—instead of as an administrative law proceeding in which the court would grant deference to the City's safety findings. The court did not address whether global warming was a legitimate health and safety cause.

Quinn Emmanuel worked for the terminal in the case while Mayer Brown filed an amicus brief for the National Mining Association, a coal lobbying organization. Their victory in the case meant that a democratically-passed ordinance was overturned and coal could more easily be transported and eventually burned, producing significantly more climate-destroying emissions than any other source of energy. The case also provides precedent for using breach of contract claims to defeat climate action, a strategy that fossil fuel companies and their lawyers are increasingly applying as climate action threatens the profitability of their investments.

SECTION IV:

Legal Ethics & Law Firm Client Policies

Legal Ethics

Legal ethics rules leave law firms free to turn away any client. The right to counsel is often invoked in circumstances where it does not apply. In reality, there is wide agreement among legal ethics scholars that unless indigent criminal defendants or court appointments are involved, no lawyer has an obligation to represent any particular client. [23] Even when a lawyer already represents a client, the ABA's Model Rules of Professional Conduct allow lawyers to withdraw from representation based on any "good cause," including if "the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement." [24] Arguments for a lawyer's obligation to represent a client are particularly unfounded when applied to transactional work or lobbying because this work takes place outside the adversarial system. [25]

Of all the instances of law firms representing fossil fuel companies that are detailed in this report, in not a single one was the law firm obligated to represent the client. None of the litigation involved representation of indigent criminal defendants or court appointments. And even where a law firm is in the midst of representing a fossil fuel client in active litigation, they would have a well-founded case to withdraw if they had a fundamental disagreement with a business model dependent on producing climate harms that will cause mass destruction, displacement, and death. If a law firm is representing a fossil fuel client, it is because they are choosing to do so.

There is no principled justification of a law firm's choice to use its legal skills to accelerate the climate crisis. Law firms are not advancing access to counsel when they choose to allocate scarce legal resources to fossil fuel companies. In a legal system where 80% of the civil legal needs of low-income Americans go unmet, elite law firms are choosing to represent fossil fuel companies that already have dozens of in-house lawyers. [26] And as any elite law firm will advertise, they employ talented lawyers and offer unusually effective representation - otherwise they would struggle to

charge billing rates that often exceed $1,000 per hour. When this exceptional legal talent is disproportionately distributed towards the companies for whom climate action is an existential business threat, it tilts the legal playing field in favor of climate destruction.

Law Firm Client Policies

The idea that law firms could reject certain clients on moral grounds is not an academic abstraction: on a number of instances law firms have demonstrated that they are entirely capable of turning away and dropping clients. Although the recent decision of many law firms to withdraw from representing Russian clients is perhaps the largest and quickest episode of law firms dropping certain types of clients, **it is not the first.**

In 1985, hundreds of law students at law schools across the country organized a boycott of **Covington & Burling**. South Africa was an apartheid state at the time and Covington & Burling represented South African Airways. Shortly after the law student boycott, Covington & Burling dropped South African Airways. [27]

In 2011, **King & Spalding** withdrew from litigation defending the homophobic Defense of Marriage Act. [28] The firm had been hired to defend the bill on behalf of the House of Representatives in the litigation that would become the major Supreme Court case United States v. Windsor. Soon after King & Spalding received public criticism for this representation and King & Spalding employees voiced their discontent, King & Spalding announced it was withdrawing from the litigation.

Then, in 2020, several firms filed lawsuits on behalf of the Trump campaign's efforts to undermine the legitimacy of the election. In the face of widespread criticism and internal dissent, the law firm **Porter Wright** withdrew from a lawsuit challenging the Pennsylvania election results that the firm had filed just days before. [29] And a week after the election, **Jones Day** decided not to get involved in any additional litigation challenging the election. [30]

And in June 2022, **Kirkland & Ellis** announced it would no longer conduct litigation challenging gun control measures. [31] The decision to cease further Second Amendment litigation came shortly after the firm had won the case *New York State Rifle & Pistol Association v. Bruen*, which struck down a New York State law limiting concealed carrying of guns.

Although past cases of law firms dropping clients tended to involve one or two firms, the rapid movement of law firms to distance themselves from Russian clients stretched across a wide swath of the legal industry.

Within several weeks of Russia's invasion of Ukraine, a large majority of international law firms with Russian offices announced that they would close or suspend their Moscow offices. [32] Firms including **Baker Botts, DLA Piper, Linklaters,** and **Winston & Strawn** said they would not work for Russian government clients, including Russian state-owned entities. [33] There were significant shortcomings in law firms' responses to Russia's invasion. The fact that sanctions would have prevented some law firms from being paid may have been a larger motivation than law firms' values, and a number of law firms have maintained close links to their Russian offices and clients even after announcing shifts in policy. [34] However, a number of firms did actually drop clients within a few weeks of the invasion, such as **White & Case** and **Debevoise & Plimpton's** withdrawal from representing Russian bank Sberbank in active litigation. [35]

These examples of law firms dropping clients or refusing to take on certain types of clients are highly relevant from a legal ethics perspective. Although major law firms typically take on clients on the basis of profit rather than principle, they have chosen not to lend their legal services to immoral causes on a number of occasions. They have even dropped clients in active litigation in a matter of days. Legal ethics and professional responsibilities posed no barrier to these law firms as they dropped their clients, and they would pose no barrier to law firms who chose to cease representation of fossil fuel clients.

Climate Commitments in Peer Industries

Despite repeated precedent of major law firms refusing to represent certain immoral clients, they have been far slower to act on climate change. Apart from the firms that have signed our Law Firm Climate Pledge, no law firms have committed to limit their representation of fossil fuel companies. Some major law firms have made other climate commitments but these commitments do not extend to the most significant thing that law firms do: represent paying clients. For example, the Net Zero Lawyers' Alliance only requires members to make binding commitments on reducing operational emissions. In contrast, it leaves the representation of clients entirely to law firms' discretion. [36] Other law firms have joined the Law Firm Sustainability Network, which is a valuable initiative but is similarly limited to operational emissions. [37]

The failure of the vast majority of law firms to limit their provision of services to fossil fuel companies is of course far out of step with the

realities of climate science, but it also leaves the legal industry lagging behind peer industries. While these peer industries' commitments still fall far short of what is needed to avoid climate catastrophe, and many companies have even fallen short of their own pledges, they have still made commitments that far exceed the scale of action that the legal industry has taken. [38]

For example, a number of investment banks have committed to limiting their investments in fossil fuels. In 2019, Goldman Sachs committed to stop financing oil drilling and exploration in the Arctic and to cease investments in thermal coal. [39] Leading European banks Crédit Agricole and Nordea Bank have committed to cease coal financing by 2030, while La Banque Postale has said it will cease all oil and gas financing by 2030. [40] Further commitments to limit fossil fuel financing have followed. 43 banks representing 40% of global banking assets are members of the Net Zero Banking Alliance. The members of the alliance commit to aligning their portfolios with net-zero emissions by 2050 and setting intermediate targets to make shorter-term progress. [41]

The insurance industry has also restricted its support for fossil fuels. More than 30 insurance companies have restricted underwriting coal projects. [42] Axis Capital committed to cease insuring all coal projects, oil sands extraction or pipelines, and Arctic oil and gas projects. [43] Over 20 insurers representing more than 11% of world premium value have joined the Net-Zero Insurance Alliance. Like the Net Zero Banking Alliance - but unlike the much weaker commitments of the Net Zero Lawyers's Alliance - the insurers have commited to align their portfolios with net-zero emissions by 2050. [44]

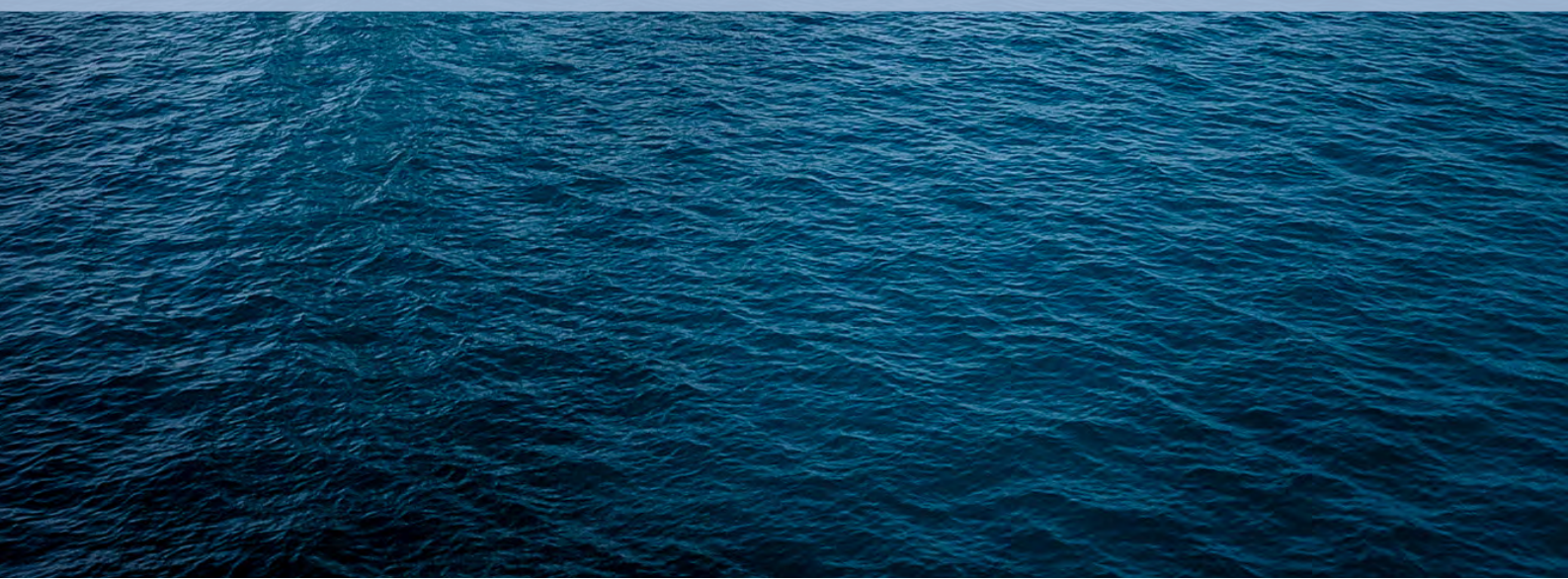
Similarly, the PR industry is ahead of the legal industry in the fight against climate change, though significant progress remains necessary. [45] In 2020, major PR agency Porter Novelli announced it was limiting its contracts with fossil fuel companies after pressure from the advocacy group Clean Creatives. [46] Now, 325 PR agencies have pledged not to work with fossil fuel firms. [47]

The banking, insurance, and PR industries have not taken anywhere near the scale of action that science and justice demand - which makes it particularly striking that the legal industry still manages to lag far behind. Legal ethics do not prevent law firms from refusing to represent fossil fuel clients and peer industries have shown that even major profit-motivated service providers are scaling back their support for fossil fuel clients. There is no excuse for the legal industry not to catch up.

CASE STUDY PT. IV
American Fuel & Petrochemical Manufacturers v. O'Keeffe

In an Oregon district court, plaintiffs, heavily represented by **Sidley Austin**, sought to enjoin the implementation of Oregon's Clean Fuels Program and to have the program declared unconstitutional under the Commerce Clause and preempted by the Clean Air Act. The Clean Fuels Program established a cap-and-trade system for Oregon's transportation industry, requiring regulated parties to keep their carbon or carbon-equivalent emissions below a set limit or else buy offsets. Defendants (i.e., the Oregon DEQ, et al.) prevailed on a motion to dismiss in District Court, and the Ninth Circuit affirmed that decision. The Supreme Court denied cert on May 13, 2019.

This case is a striking example of how the fossil fuel industry and the law firms that enable them undermine democratic action to address the climate crisis. Critics of climate litigation often argue that the solution is for voters to elect climate-conscious leaders. But as this case shows, even when elected leaders try to follow through on their climate promises to voters, they face concerted legal opposition from a fossil fuel industry that can afford high-quality representation and endless legal challenges. Although Sidley Austin ultimately lost in the case, the firm's lawsuit helped disrupt Oregon's overdue and time-sensitive climate regulations and may have produced a chilling effect for other states considering similar measures.



SECTION V:

Methodology

The methodology for this Scorecard applies the metrics used in the 2021 Scorecard. 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. All data were verified by multiple reviewers.

The 2022 Vault 100 firms were identified on Vault.com and changes in ranking since 2021 were assessed. We had previously included Drinker Biddle & Reath in our Scorecard but it has since merged with Faegre Baker Daniels LLP (which was not in the Vault 100) and Faegre Drinker is now included in our rankings. Thompson & Knight LLP was ranked #99 in the 2022 Vault 100 rankings, but the firm merged with Holland & Knight in August 2021. We incorporated both firms' work into the data for Holland & Knight and did not include Thompson & Knight separately in our Scorecard. Because this would have left us with 99 firms, we included Kilpatrick Townsend, which was included in previous editions of our Scorecard and has returned to the 2023 Vault 100 but was not included in the 2022 Vault 100.

Hunton Andrews Kurth LLP was a new addition to the 2022 Vault 100 and they are a new addition to our Scorecard. The firm conducts large amounts of fossil fuel work. We find it striking that a prominent fossil fuel firm could be considered to have increased its prestige and move into the Vault 100. The new inclusion of Hunton Andrews Kurth means that our statistics on the role of the Vault 100 are larger than they would be had we maintained the same list of 100 firms, but we believed it was more important to report on the climate-related work of the United States' most prominent law firms than to maintain the same list of firms each year. Further, the inclusion of Hunton Andrews Kurth does not account for our key statistics: even without the inclusion of Hunton Andrews Kurth, we would have found that Vault 100 firms increased their exacerbating litigation, transactional, and lobbying work in 2017-2021, as compared to 2016-2020.

Data and Scoring by Category:

Litigation

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. This site includes cases in

which climate change is a material issue of law or fact. The docket numbers, status year, litigation location, firms that participated in the case, and subject of the suit were documented in our Google Sheets files.

Analysis: Just as in past Scorecards, this year's analysis distinguished between representation that exacerbated or mitigated climate change. This binary scale depended on whether the firm represented a client that was judged to be opposing or advancing climate action, respectively.

Scoring: Scoring measured the number of cases in which a Vault 100 firm represented or submitted an amicus brief in support of one of the parties. Each case was given equal weight in a respective firm's total. We collected the total number of active cases that every firm participated in between 2017 and 2021, noting whether their representation served to mitigate or exacerbate climate change.

We did not count climate change-mitigating cases as offsetting exacerbating cases because, while we recognize that this work is commendable, it does not cancel out the harmful impacts of exacerbating cases. Mitigating cases only contribute to a firm's score when that firm has litigated zero exacerbating cases, in which case they elevate that firm's score to an A in the Litigation category.

Data and Scoring by Category:
Lobbying

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 that each client paid. The dollar figure reported in the database reflects the amount of money the 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 for any of the years between 2017 and 2021. Lobbying for fossil fuels companies (companies promoting the use of coal, oil, and gas) and associations representing them was judged to exacerbate climate change. We also recorded lobbying for renewable energy companies. In addition to companies that produce or market fossil fuels or renewables, we counted companies that make raw materials for either industry as well as those that provide consultation or design systems/infrastructure for either industry.

OpenSecrets.org provides the company that paid for the lobbying services, and occasionally lists the subsidiary, if any, on whose behalf the lobbying took place. It also provides the category under which the purpose of the lobbying falls. However, it does not describe the precise law(s) or regulation(s) that the firm lobbied for or against.

The categories that we used include Oil & Gas, Misc Energy, Mining (if for a coal mining company), Electric Utilities (if the company was clearly an energy provider, rather than strictly an electricity provider), and Unknown Business (where the company was clearly involved in fossil fuels or renewables). Companies in the Misc Energy category that held a portfolio of both fossil fuels and renewables were reviewed and discussed by multiple researchers. The company was counted as either fossil fuels or renewables depending on which energy source formed the majority of its portfolio. The database included amounts listed as <$5000, which we counted as $1000.

In our review of past data while preparing this Scorecard, we realized that we had improperly classified a small amount of lobbying work as fossil fuel work. Those several instances of lobbying have been removed from our dataset and do not count against firms in the 2022 Scorecard. As a result, the accurate amount of lobbying conducted by the Vault 100 firms between 2016 and 2020 is slightly smaller than what we reported in our 2021 Scorecard.

Scoring: Scoring was based upon the amount of money that firms received as compensation for fossil fuel or renewables lobbying. Just as for the Litigation data, we did not count climate change-mitigating lobbying as offsetting any exacerbating lobbying they did. We only counted mitigating lobbying for firms with no exacerbating work to bring their score from a B to an A.

Data and Scoring by Category:

Transactions

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 each transaction. Due to the proprietary nature of the IJGlobal data and in order to comply with the terms and conditions,

we were only able to publish aggregate amounts of transactional works for law firms in energy categories. The data may be purchased via license from IJGlobal. In June 2022, we downloaded the full dataset from the IJGlobal database for fossil fuel and renewable energy transactions from 2017-2022. We performed the following analysis on this dataset.

Analysis: We divided the transactions in the database into two categories: fossil fuels and renewable energy transactions. Fossil fuel transactions included any transactions in the IJGlobal database where "oil and gas" is listed as one of the primary transaction subsectors. The 2022 IJGlobal database also includes "LNG" (liquified natural gas) and "petrochemicals" as separate subsectors. We included these subsectors in the fossil fuel transactions category.

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, we included those transactions involving biofuels or biomass in conjunction with one or more other sources of renewable energy. 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 from multiple sources of renewable energy.

We included transactions outside the U.S. because U.S.-based lawyers often arrange financing for global projects and advise on the legal risks, all of which results in enormous global contributions to greenhouse gas emissions.

Scoring: Law firms' transactional scores are based on the total dollar value of the transactions they facilitated between 2017 and 2021. If multiple firms were listed on a particular transaction, the amount counted towards each firm's score was the total value of the project divided by the number of firms listed on the transaction, including firms not in the Vault 100. Renewable energy transactions were factored into firms' scores in the same way as for Litigation and Lobbying, i.e., only to help a firm earn an A score.

Calculating Overall Climate Scores

Firms' overall Climate Scores derive from their scores in each of the three categories. If a firm has a C, D, or F in even a single category, their Climate Score is equal to their lowest score in any category. Firms receive a B for their Climate Score if they receive a B in every category. If a firm has no lower than a B in all categories and has at least one A, the firm receives a Climate Score of an A.

We arrange the Climate Score system in this way in recognition of the irrefu truth that the only way to halt climate change is to do away entirely with fossil fuels and replace them with renewables. To adopt a "net" Climate Score, in which firms receive a score based on the net difference between their exacerbating and mitigating work, is to miss the forest for the trees. While we wholeheartedly encourage law firms to increase their mitigating work, the only way to hold them accountable for their exacerbating work is to make their Climate Score reflect the totality of their exacerbating work. Firms that conduct no work for either fossil fuel or renewables companies cannot earn higher than a B. We encourage these firms to take on work actively addressing the climate crisis rather than staying neutral and therefore move into the A range. We also seek to distinguish between firms that do not conduct fossil fuel work simply because the firm does not include an energy practice and A firms that engage in climate-related work but actively reject fossil fuel work.

The metrics that we use in our scoring system prevent us from making a firms' Climate Score the average of their scores in each category because each metric is unique from the other two. Number of cases, dollar value of compensation, and dollar value of the project a firm facilitated cannot be averaged with any meaningful value. Furthermore, many Vault 100 law firms specialize in certain types of services, which would lessen the effect of their Climate Score if taken as an average across all three categories that we measure. For example, Allen & Overy facilitated over $115 billion in transactions between 2017 and 2021 —the fourth largest amount in this Scorecard—but had zero litigation or lobbying in the same time period. Allen & Overy should not be able to significantly improve its score by adding a single litigation case or lobbying client addressing climate change, as this minimal amount of work is far less significant than the enormous amount of fossil fuel transactions it facilitates. In fact, the bulk of the fossil fuel work in any category is performed by a very small subset of firms. The threshold for an F in any category is set at a high level so that only those poor-performing

few receive an F. By showcasing the grossly disproportionate work that some Vault 100 firms are doing relative to the rest, we show climate-conscious law students and potential clients which firms to avoid.

Although another option for a scoring system would be to score firms based on their performance relative to one another, this would mean that the distribution of scores would remain identical from year to year and scores would not reflect the trajectory of the legal industry as a whole. We maintained a fixed rubric for our scoring system so that the industry as a whole can improve their Climate Scores—and help mitigate climate change along the way.

CRITERIA FOR GRADES BY CATEGORY

	LITIGATION Cases active 2017-2021	TRANSACTIONS Sum of transaction value 2017-2021	LOBBYING Sum of lobbying compensation for firms 2017-2021
A	No cases exacerbating climate change, at least one case mitigating climate change.	No transactional work for the fossil fuel industry & some transactional work for the renewable energy industry.	No lobbying for the fossil fuel industry & some lobbying for the renewable energy industry.
B*	No cases mitigating or exacerbating climate change.	No transactional work for the fossil fuel or renewable energy industries.	No lobbying work for the fossil fuel or renewable energy industries.
C	1-2 cases exacerbating climate change.	Greater than $0 and below $1 billion transactional work for the fossil fuel industry.	Greater than $0 and below $100,000 lobbying for the fossil fuel industry.
D	3-7 cases exacerbating climate change.	$1 billion to $20 billion transactional work for the fossil fuel industry.	$100,000 to $2 million lobbying for the fossil fuel industry.
F	8+ cases exacerbating climate change.	$20 billion+ transactional work for the fossil fuel industry.	$2 million+ lobbying for the fossil fuel industry.

*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.

CRITERIA FOR OVERALL CLIMATE SCORE

CLIMATE SCORE	CRITERIA
A+	To receive an A+, a firm must sign the Law Firm Climate Responsibility Pledge 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.
A	Firm meets the criteria for an A grade in at least one of the three categories and has no lobbying nor transactional work on behalf of the fossil fuel industry and no cases exacerbating climate change.
B	Grade in every category is a B.
C	Lowest grade in any category is a C.
D	Lowest grade in any category is a D.
F	Lowest grade in any category is an F.

SECTION VI:

RESULTS

Key Takeaways:

- **Vault 100 firms increased their involvement with fossil fuels for the second year in a row**
- **Vault 100 firms increased their involvement with renewable energy companies, but it was outpaced by the increase in fossil fuels work**
- **The distribution of Climate Scores worsened, with fewer firms receiving As, Bs, and Cs, and more receiving Ds and Fs**

"The scorecard helped me immensely in deciding which firms to interview with during the OCI process. It provides a great starting point for further research on the work related to climate change issues that each firm does. It was invaluable to me in conducting my bid list, and proved especially helpful to me when eliminating firms from my original list when my original list got too long. As someone who cares deeply about climate change issues but also wants to work in the private sector, the scorecard provided me with a way to ensure that the values of a firm coincided with my own values to the greatest degree possible."

Kate Cox, Columbia Law School '24

Our data sheds light on the performance of Vault 100 firms individually and collectively. Individually, a small number of firms is responsible for an outsize portion of the work performed for fossil fuel companies. For example, in litigation, Paul Weiss litigated 33 cases for climate change-exacerbating clients between 2017 and 2021, more than 60 other Vault 100 firms combined and seven times more than the average of the Vault 100. In transactions, White & Case facilitated $147.291 billion worth of climate change-exacerbating projects in the same time, more than 73 Vault 100 firms combined and nine times more than the average. And perhaps most shockingly, in lobbying, Akin Gump received $6.65 million for their services for fossil fuel companies for the same time, more than 89 Vault 100 firms combined and eighteen times more than the average.

The specialized nature of the work that many firms do is highlighted by the diversity of names in the Top 10 Worst lists across categories. In fact, there are no repeats across categories, with one notable exception: Hunton Andrews Kurth. A new addition to the Vault 100 in 2022, Hunton Andrews Kurth has flown under our radar until now.

Vault 100's New Addition: Hunton Andrews Kurth

Formed from the 2018 merger of Hunton & Williams and Andrews Kurth Kenyon, Hunton Andrews Kurth made its Vault 100 debut in 100th place in the 2022 rankings. Hunton Andrews Kurth boasts a robust energy and environmental law practice, ranking in the Top 10 of Vault's Environmental Law Practice Area ranking. Unfortunately, the firm's work in environmental law has consistently proven to be to the detriment of efforts to mitigate climate change and conserve nonrenewable resources.

Though this is the first year Hunton Andrews Kurth has received a Climate Score, it makes its presence known as one of the worst firms for climate change mitigation and receives a Climate Score of 'F'. Along with an overall 'F' Climate Score, Hunton Andrews Kurth is the only firm to rank as one of the Top 10 Worst Firms in all three categories – transactional work for the fossil fuel industry, lobbying work for the fossil fuel industry, and litigation exacerbating climate change.

- **Transactional Work**: Hunton Andrews Kurth is ranked as the #10 worst firm in the category of transactional work for the fossil fuel industry. The total dollar value of the fossil fuel transactions supported by the firm from 2017-2021 was over $58.8 billion.
- **Lobbying Work**: Hunton Andrews Kurth is ranked as the #4 worst firm in the category of lobbying work for the fossil fuel industry. From 2017-2021, the firm received compensation amounting to $3.1 million from clients including Berkshire Hathaway, Exxon Mobil, Phillips 66, and Koch Industries.
- **Litigation**: Hunton Andrews Kurth is ranked as the #10 worst firm in the category of litigation exacerbating climate change. From 2017-2021, the firm was involved in 12 cases handling Clean Air Act, common law, and federal statutory claims determined to exacerbate climate change. Some of these cases include *West Virginia v. EPA*, *County of Santa Cruz v. Chevron Corp.*, and *Center for Biological Diversity v. Scott*.

Hunton Andrews Kurth has proved to be a disappointing addition to the Vault 100 list, in the clients it represents and its furtherance of the aims of the fossil fuel industry. It is our hope that the next firm to make its debut on the Vault 100 list is one which actively works to mitigate the climate crisis, and that Hunton Andrews Kurth shifts its focus to renewable energy industry work and litigation to fight climate change.

The Vault 100's collective performance is even more disappointing and entirely out of line with what is needed to avoid disastrous degrees of warming. As outlined in our scoring system, each Scorecard measures data for the five years preceding its release. And with each progressive Scorecard we have seen the Vault 100 collectively increase their work exacerbating climate change.

The astute reader might at this point ask whether the increases were caused by the addition of Hunton Andrews Kurth to this year's data. However, even without Hunton's addition, we still would have found increases in all three categories, and Hunton only accounts for a small share of the increase in litigation and transactions. In those categories, the Vault 100 as a collective has dramatically increased its exacerbating work. Furthermore, the inclusion of Hunton Andrews Kurth helps to paint a more accurate picture of the work that law firms are doing for fossil fuel companies, and its prior absence proves that, if anything, our data is an underestimate of exacerbating work by the legal industry.

It is worth noting that Vault 100 firms' mitigating work has also increased with progressive Scorecards, though by a significantly smaller margin. Vault 100 firms continue to broaden what is already an enormous margin between work they perform that exacerbates and mitigates climate change. This widening of the gap is especially striking against the backdrop of the growing number of governments, NGOs, and for-profit companies phasing fossil fuels out of their activities. There is a movement toward real sustainability—more than mere greenwashing and ESG window dressing—that is in full swing, and Vault 100 firms are dragging behind. By and large, Vault 100 firms are failing to respond to the moment.

That is not the case for every firm, however. Two firms, Cooley and Schulte Roth & Zabel, stand out above the rest. Schulte Roth & Zabel has received an A in each of the three Scorecards that LSCA has published. Cooley has received an A for the second year in a row, and has facilitated $800 million worth of transactions for renewable energy companies. These two firms are on the right side of history, but even they could do more because they stand to gain more by becoming champions of sustainability, especially if we as outsiders reward them for it. As potential future employees and clients, we are uniquely situated with our labor and money to push firms away from exacerbating work and toward mitigating work.

Top 5 Worst Firms for Litigation

Cases Exacerbating Climate Change, (2017 - 2021)

1. Paul Weiss: 33 Cases (7x worse than the average)
2. Gibson Dunn: 25 cases
3. Latham & Watkins: 21 cases
4. Arnold & Porter: 20 cases
5. Baker Botts: 19 cases

Top 5 Worst Firms for Transactions

Transactional Work for Fossil Fuel Industry, (2017 - 2021)

1. White & Case: $147,291,000,000 (9x worse than the average)
2. Latham & Watkins: $140,153,000,000
3. Vinson & Elkins: $117,307,000,000
4. Allen & Overy: $115,590,000,000
5. Simpson Thatcher & Bartlett: $111,501,000,000

Top 5 Worst Firms for Lobbying

Compensation from Lobbying for Fossil Fuel Industry, (2017 - 2021)

1. Akin Gump: $6,650,000 (18x worse than the average)
2. Squire Patton Boggs: $4,310,000
3. Hogan Lovells: $4,105,000
4. Hunton Andrews Kurth: $3,132,000
5. Steptoe & Johnson: $2,970,000

NUMBER OF FIRMS WITH EACH GRADE PER CATEGORY

GRADE BY CATEGORY	LITIGATION	TRANSACTIONS	LOBBYING
A	4	7	4
B	37	19	65
C	17	24	4
D	22	29	21
F	20	21	6

FIRM SPOTLIGHT: Cooley LLP

While there are plenty of firms worth criticizing, two deserve praise for earning an A on the scorecard, including Cooley–for the second year running. Last year, Peter Werner, partner and co-chair of the firm's global emerging companies and venture capital practice group, described Cooley's high score as "a reflection of our incredible client base, including many companies outside of the energy industry, that are incorporating environmental responsibility into their businesses at many levels." [48] This year, that work continued, earning them a top spot on the scorecard. The firm avoided fossil fuel transactions entirely, and worked on renewable energy transactions with a total value of $800 million. While Cooley did not take on cases actively exacerbating the climate crisis this year, it also did not litigate on behalf of any clients working to mitigate it and it is yet to make a formal commitment to refuse fossil fuel work.

Still, Cooley's 2022 track record includes advising several climate-focused startups during critical fundraising rounds, including: Arcadia, a technology company empowering companies to monitor, report, and act on their carbon impact [49]; Regeneration.VC, a newly launched, early-stage venture capital fund to supercharge consumer-powered climate innovation [50]; and Next Gen Foods, a food-tech startup developing and commercializing innovative and sustainable plant-based food products. [51]

SECTION VI:

Limitations

This Scorecard provides a more representative picture of top-ranked law firms' role 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, Vault 100 firms perform work that impacts and intersects with a wide range of issues beyond climate change and fossil fuels. A firm may receive a good score in this Scorecard but still perform harmful work in one or multiple of those other issues. Firms' internal practices and policies are also not reflected in this Scorecard. We do not hold this Scorecard up as the universal standard for measuring how ethically firms carry themselves or whether they are a good employer. We encourage readers to do more research on the firms and issues that are important to them.

Second, our databases are not entirely comprehensive. However, as we have already mentioned, this only means that law firms are performing more climate change-exacerbating work than this Scorecard reflects. They may also fail to capture some beneficial work that firms do, such as substantive ESG practices.

Third, we have insufficient data to perform a full analysis of how law firms' work contributes to climate justice or injustice. The binary nature that our scoring system is restricted to cannot capture the nuances of the climate justice impacts of firms' exacerbating and mitigating work. In particular, some renewable energy work, while mitigating the effects of climate change, is the result of human rights abuses and neocolonial economic relations. The databases we utilized do not provide that kind of information about climate injustices tied to renewable energy companies and projects.

Fourth, our analysis is limited to Vault 100 firms. Many other firms facilitate exacerbating work and contribute to climate injustices but are not included in this Scorecard. The absence of a law firm from this Scorecard does not mean that the firm supports mitigating work and climate justice. There are likewise many law firms that do support mitigating work but are not in the Vault 100. In fact, fourteen law firms have signed our Law Firm Climate Pledge, and we recommend that law students and potential clients consider those firms. They 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 in others. It also does not account for relative contributions when multiple firms are representing the same client or the same side. 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 addition, our analysis of transactional data does not distinguish between fossil fuel transactions based on their relative climate impacts, only based on their total dollar value. For example, transactions involving fossil fuel infrastructure with a longer lifespan are arguably more harmful than those involving infrastructure that will sooner be phased out. Dollar value is a useful proxy for total carbon emissions, as presumably projects that are set to produce more fossil fuels will be more valuable to the contracting parties, but it is by no means perfect. Further, we are only able to quantify firms' involvement in transactions based on the total dollar value of the transactions, which may not directly correlate to the extent or importance of the firms' contributions to those transactions. And when multiple firms are listed on a transaction, the database does not provide information on their relative contributions. Therefore, when multiple firms are involved, the amount credited to each firm is the project's total value divided by the number of firms, including firms outside the Vault 100, even though they may have contributed unequally.

Our lobbying data is perhaps the most limited of the three categories. First, the database only includes federal lobbying, so harmful lobbying at state and local levels goes unrepresented. Second, although the database shows the amount of compensation firms received for their lobbying efforts, it contains no information about the policies or legislation that lobbying supported or opposed. Therefore, our calculation of exacerbating or mitigating work is limited to only those companies that clearly do business in one or the other or both. Large companies in unrelated industries—including those holding themselves out as climate-conscious and in support of the green movement—actively engage in lobbying against climate action behind closed doors. [52] However, with little information beyond the amount of compensation a firm received, the

company that paid for the lobbying, and the general category of purpose to which OpenSecrets.org assigned it, we cannot decipher when companies in unrelated industries are lobbying on climate-related issues.

Any lobbying for companies with natural and inextricable ties to fossil fuels or renewables, even if for a completely unrelated policy or bill, furthers that company's interests and therefore is included in our data. Taking money from a petroleum company, regardless of its purpose, helps that company stay in business and conduct more exacerbating work. Until the lobbying industry is held to a level of mandatory transparency akin to that in the SEC initiative discussed in Section I, our data is confined to companies that are undeniably involved in mitigating or exacerbating work.

NUMBER OF VAULT 100 FIRMS WITH EACH CLIMATE SCORE

CLIMATE SCORE	NUMBER OF FIRMS
A	2
B	7
C	17
D	36
F	38

Total Exacerbating Work by Category

LITIGATION	420 CASES
TRANSACTIONAL	$1,621,320,000 worth of projects facilitated
LOBBYING	$36,600,000 in compensation

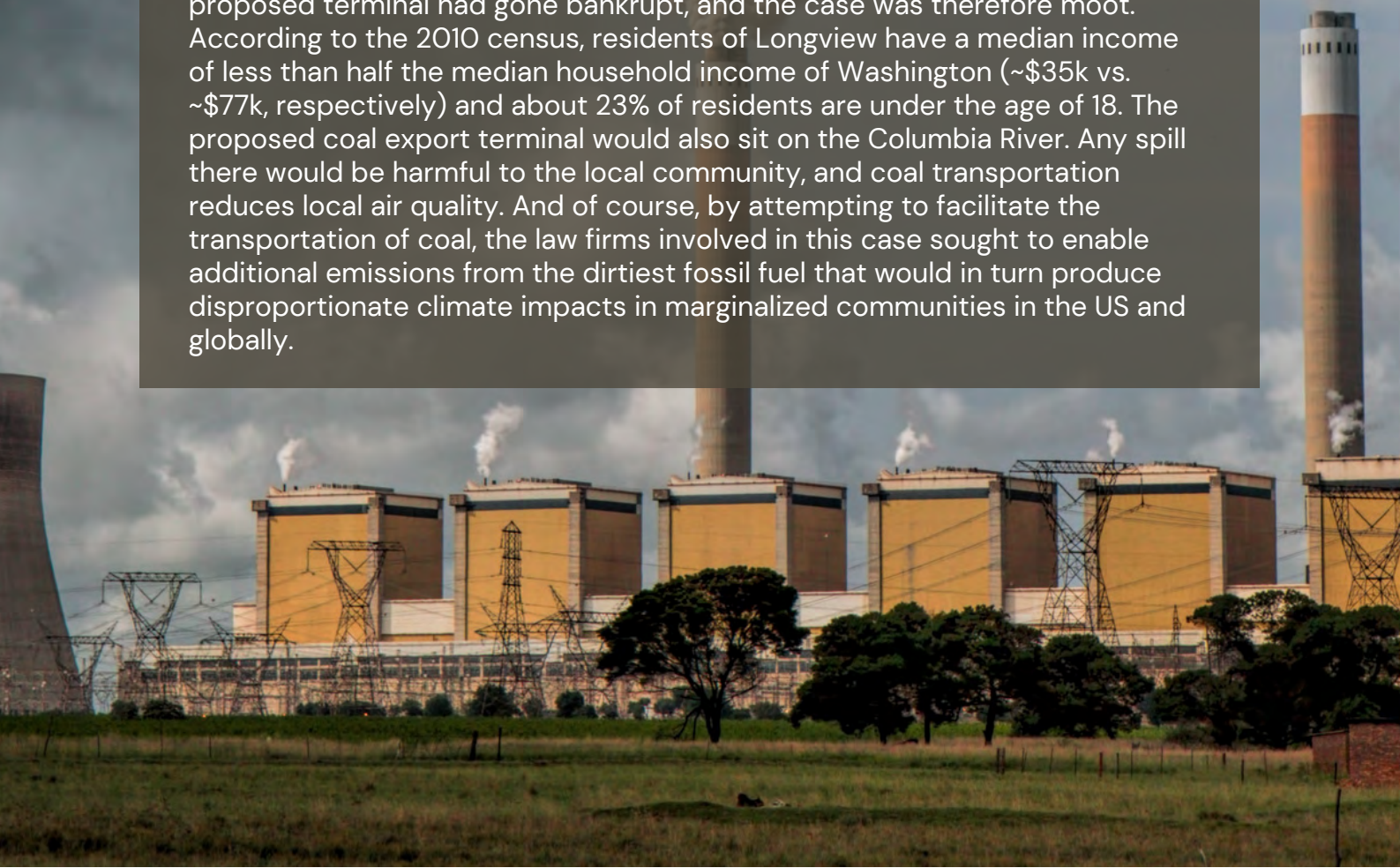
Total Mitigating Work by Category

LITIGATION	41 CASES
TRANSACTIONAL	$457,475,000 worth of projects facilitated
LOBBYING	$10,120,000 in compensation

CASE STUDY PT. V
Lighthouse Resources v. Inslee

This case was filed in the Western District of Washington on October 23, 2018. The goal of the litigation was to push through a new coal export facility in Longview, Washington. The plaintiffs, represented by **Venable**, **K&L Gates, Orrick Herrington & Sutcliffe,** claimed that the defendants' (Washington State, et. al.) actions (1) violated the dormant foreign commerce clause and the dormant interstate commerce clause and (2) their actions were preempted by the Interstate Commerce Commission Termination Act and the Ports and Waterways Safety Act. For remedy, plaintiffs sought various declarations of the illegality of defendants' actions, a restriction on defendants' ability to require environmental reviews for the project, and injunctions forcing defendants to approve the project and apply the same standards when licensing coal export terminals that they do when licensing non-coal terminals (i.e., to apply weaker standards).

The District Court dismissed the plaintiffs' preemption claims and abstained from considering the dormant Commerce Clause claims, as those claims had already been addressed by Washington's Pollution Control Hearings Board. The Ninth Circuit ultimately denied appeal because the developer of the proposed terminal had gone bankrupt, and the case was therefore moot. According to the 2010 census, residents of Longview have a median income of less than half the median household income of Washington (~$35k vs. ~$77k, respectively) and about 23% of residents are under the age of 18. The proposed coal export terminal would also sit on the Columbia River. Any spill there would be harmful to the local community, and coal transportation reduces local air quality. And of course, by attempting to facilitate the transportation of coal, the law firms involved in this case sought to enable additional emissions from the dirtiest fossil fuel that would in turn produce disproportionate climate impacts in marginalized communities in the US and globally.



SECTION VII:

Recommendations & Commitments

FOR 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.

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.

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 communities, organizations and activists

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

FOR LAW 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 firms that have signed the pledge as of July 2022 are as follows:

- **Angel Law**
- **Boston Law Collaborative, LLC**
- **Bricklin & Newman, LLP**
- **Earthjustice**
- **Goldblatt + Singer**
- **Good Steward Legal**
- **Green Economy Law Professional Corporation**
- **Gupta Wessler PLLC**
- **Kanji & Katzen, PLLC**
- **Law Offices of Carolyn Elefant**
- **Sher Edling LLP**
- **Shute, Mihaly & Weinberger LLP**
- **Strumwasser & Woocher LLP**
- **The Law Offices of Omar Figueroa, Inc.**

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