

2023

CLIMATE SCORECARD



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Climate Score

Vault 100 Law Firms

A

Cooley
Foley Hoag
Schulte Roth & Zabel

Sheppard Mullin Richter & Hampton
Wilson Sonsini

B

Boies Schiller Flexner
Cadwalader, Wickersham & Taft
Fenwick & West
Fish & Richardson
Gunderson Dettmer Stough Villeneuve
Franklin & Hachigian

Irell & Manella
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo
Proskauer Rose
Seyfarth Shaw

C

Ballard Spahr
Bryan Cave Leighton Paisner
Davis Wright Tremaine
Fox Rothschild

Jenner & Block
Katten Muchin Rosenman
Kilpatrick Townsend & Stockton
Kramer Levin Naftalis & Frankel

D

Alston & Bird
ArentFox Schiff
Baker McKenzie
Blank Rome
Cahill Gordon & Rendell
Cleary Gottlieb Steen & Hamilton
Cozen O'Connor
Cravath, Swaine & Moore
Debevoise & Plimpton
Dechert
Dentons
DLA Piper
Duane Morris
Faegre Drinker Biddle & Reath
Foley & Lardner
Fried, Frank, Harris, Shriver & Jacobson
Haynes & Boone
Locke Lord

McDermott Will & Emery Morgan,
Lewis & Bockius Morrison &
Foerster
Nixon Peabody
Paul Hastings
Perkins Coie
Pillsbury Winthrop Shaw Pittman
Polsinelli
Quinn Emanuel Urquhart & Sullivan
Reed Smith
Ropes & Gray
Troutman Pepper Hamilton Sanders
Weil, Gotshal & Manges
Williams & Connolly
Willkie Farr & Gallagher
Wilmerhale
Winston & Strawn

F

Akin Gump Strauss Hauer & Feld
Allen & Overy
Arnold & Porter Kaye Scholer
Baker & Hostetler
Baker Botts
Clifford Chance
Covington & Burling
Crowell & Moring
Davis Polk & Wardwell
Freshfields Bruckhaus Deringer
Gibson, Dunn & Crutcher
Goodwin Procter
Greenberg Traurig
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Jones Day
K&L Gates
Kellogg, Hansen, Todd, Figel & Frederick
King & Spalding
Kirkland & Ellis
Latham & Watkins

Linklaters
Mayer Brown
McGuireWoods
Milbank
Munger, Tolles, & Olson
Norton Rose Fulbright
O'Melveny & Meyers
Orrick, Herrington & Sutcliffe
Paul, Weiss, Rifkind, Wharton & Garrison
Shearman & Sterling
Sidley Austin
Simpson Thacher & Bartlett
Skadden, Arps, Slate, Meagher & Flom
Squire Patton Boggs
Steptoe & Johnson
Sullivan & Cromwell
Susman Godfrey
Venable
Vinson & Elkins
Wachtell, Lipton, Rosen & Katz
White & Case

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Further Acknowledgement

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.



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INTRODUCTION

Corporate law firms—especially those in the Vault 100—lead us to believe through their public statements and ESG policies that they have heard the growing calls for meaningful action to address climate change, and have joined the transition to a sustainable future. But pull back the curtain and the truth is quite the opposite. Many firms are shirking their responsibility to adequately assess the risks of the worsening climate crisis as they engage in rampant greenwashing tactics and increase their representation of fossil fuel corporations.

The 2023 Law Firm Climate Change Scorecard is LSCA's fourth annual report on the state of the Vault 100's ties to the fossil fuel industry. In each iteration, we have shed light on the ways that law firms inexcusably facilitate the fossil fuel industry's exploitation of vulnerable communities and our planet's natural resources. And each year we have watched with dismay as that harmful facilitation continues to grow. Through lobbying, transactional work, and litigation, Vault 100 firms have propelled the fossil fuel industry to new heights while climate change ravages our communities and environment.

In 2020, as the COVID-19 pandemic devastated the globe, not even the fossil fuel industry could escape its effects. For the first time in decades, ExxonMobil lost money.¹ Just two years later, Exxon exploited the global upheaval in the wake of the Russian invasion of Ukraine to achieve the most profitable year in its history, raking in \$55.7 billion in profit and shattering its previous record from 2008.² It is no mystery why companies like Exxon are clinging to fossil fuels for as long as they can: they still see a whole lot of green (dollars, that is). Big fossil fuel companies like Shell, Chevron, and BP are spending hundreds of millions of dollars to appear climate-conscious, even though their real renewable energy assets do not come close to what they would have us believe.³ Yet Shell recently said the quiet part out loud: if a transition to renewable energy affects share-holders' bottom line, it's not worth doing.⁴ And, many of the so-called "green" technologies boasted by these companies (like carbon capture and hydrogen production) require large amounts of fossil fuel emissions, as this report discusses in the section below concerning "tricky technologies."

Behind these companies stand the vast majority of Vault 100 firms, who have demonstrated their loyalty to the fossil fuel industry. And in a discouraging turn, that loyalty is much stronger for some firms than even we previously thought.

As LSCA has grown as an organization, we have continually searched for ways to improve our research methods and provide as complete a picture of the legal industry's fossil fuel and renewable energy work as we can. This year, we have broadened our research to include **new databases that have uncovered vast amounts of transactional and litigation work not included in past Scorecards.**⁵ Last year, we reported that the Vault

100 had facilitated \$1.62 trillion in fossil fuel transactions between 2017-2021. Incorporating the additional data found in these new databases, that value was actually nearly double what we reported last year, for a total of \$3.05 trillion over the same period. Similarly, in litigation, we uncovered 82 instances of representation in 2017-2021 that were not reported in last year's Scorecard, for a total of 502 representations exacerbating climate change.

The 2023 Scorecard introduces several significant updates to our methodology for data collection and scoring. A comprehensive explanation of these updates can be found in the Methodology section of this report. Below are some highlights.

- We redesigned our litigation scoring system to better reflect the varying degree of a firm's involvement in a particular case, whereas our previous system treated every instance of representation equally. Now, **greater levels of representation and higher-profile cases contribute more to firms' Climate Scores.**
- We added data from Bloomberg Law to complement our databases for both transactional and litigation work. In litigation, Bloomberg offered a valuable cross-reference that assisted us in implementing our new scoring system. In transactions, we combined the data with our data from the IJGlobal database and added failsafes and quality control measures to eliminate any risk of double-counting data.
- We researched several emerging 'green' technologies/processes to better understand their true emissions levels and environmental hazards as they exist today. These technologies include carbon capture and storage (CCS), production of hydrogen for energy, and biofuels and biomass. **Each of these technologies—at least as they currently exist—are still inextricably linked to fossil fuel emissions.** We have taken on the challenge of evaluating the potential harms posed by these methods and have determined that we cannot include them as either "mitigating" or "exacerbating" climate change at this time.

Finally, following the release of last year's Scorecard, as is our mission, we engaged in constructive dialogue with several Vault 100 firms that wanted to better understand our methodology and learn how they could improve their scores. Some raised concerns about how unforgiving our grading system can be toward firms that have performed a small amount of work for fossil fuel clients; under our grading system in previous years, a single instance of fossil fuel work across any of the three categories meant that a firm could never score better than a C.

we see
an opportunity
for change: **you**

(For a more detailed explanation of our grading system, see the Methodology section of this report.) Because taking on renewable energy clients does not cancel out the harm caused by fossil fuels projects, we typically do not net the calculations, because the harms cannot be netted. However, after a systemized process including internal deliberation and research by LSCA working groups, we decided to grant each firm the possibility of a “one-time safe harbor.” If a firm’s combined data across all three categories shows only a single instance of fossil fuel work, and that instance did not take place in the prior year (in this case, 2022), that single case or client is discounted from our data set. Similarly, because we want to ensure firms have made a long-term commitment to climate change-mitigating work, a firm that has had an instance of fossil fuel work discounted under this policy must undertake more than a single “mitigating” representation to receive an A. As firms hopefully begin to transition away from fossil fuel representation, we acknowledge that a lingering data point can have a lasting impact on a firm’s Climate Score, and we want to recognize the progress of firms that indicate that their days of fossil fuel work are behind them.

The “one-time safe harbor” is already playing a significant role in our grading system, as this year

we have **more A and B firms than in any previous Scorecard.**

LSCA is pleased to announce that five Vault 100 firms are receiving A’s in the 2023 Scorecard, a promising message for law students and prospective clients that there are top-ranked law firms that are actively rejecting fossil fuel representation and choosing to start on the path towards a fossil-free world.

As more firms join the A and B categories, the decision to vehemently reject lower-scoring firms becomes easier. Law students pursuing truly climate-conscious Big Law jobs have more choices, as do prospective clients when searching for legal representation. Firms with shameful, harmful track records on climate change will be hit in the two places they feel it most—in money and top legal talent—which is especially important this year, because

we also have **more D and F firms than in any previous Scorecard.**

Even accounting for the updates to our methodology in this year’s Scorecard, most Vault 100 firms still performed poorly overall. This is an incredibly disappointing development—though not particularly surprising—but we at LSCA still see hope for the future. Even as D and F firms and their clients attempt to greenwash themselves and shroud their destructive and exploitative actions,

we see **an opportunity for change: you.**

Vault 100 firms care deeply about their reputation and ability to attract top legal talent. As law students across the country speak out against, and refuse to work for, low-scoring firms, those firms will be forced to adapt or risk losing their coveted reputation. Clients, legal practitioners, and community members can also play a role in changing the ecosystem of law firm representation, which you can read more about in the Recommendations & Commitments section of the report.

The winds of change are here (perfect for new wind farms!), and the choices Vault 100 firms make now will determine whether the legal industry can help shape a more just and sustainable future when the dust settles.

Vault 100 Work **Mitigating** Climate Change Over Time

	2017-2021	2018-2022
Litigation*	73	76
Transactions**	\$668.7 billion USD	\$700.7 billion USD
Lobbying***	\$6.6 million USD	\$9.5 million USD

*Number of representations in cases mitigating climate change

**Total value of renewable energy projects supported

***Compensation received for renewable energy lobbying

Vault 100 Work **Exacerbating** Climate Change Over Time

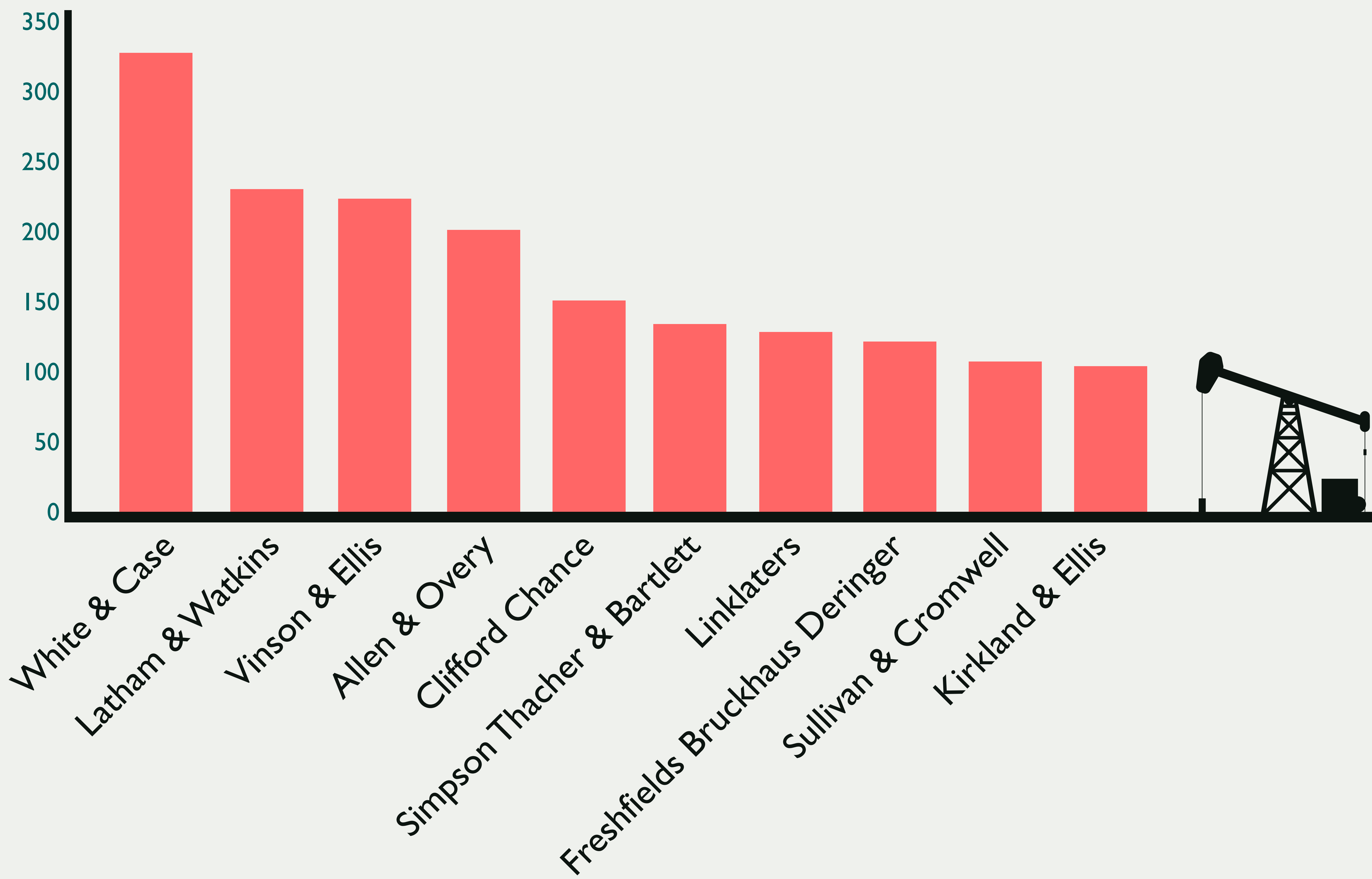
	2017-2021	2018-2022
Litigation*	502	531
Transactions**	\$3.05 trillion USD	\$3.01 trillion USD
Lobbying***	\$33.5 million USD	\$35.1 million USD

*Number of representations in cases exacerbating climate change

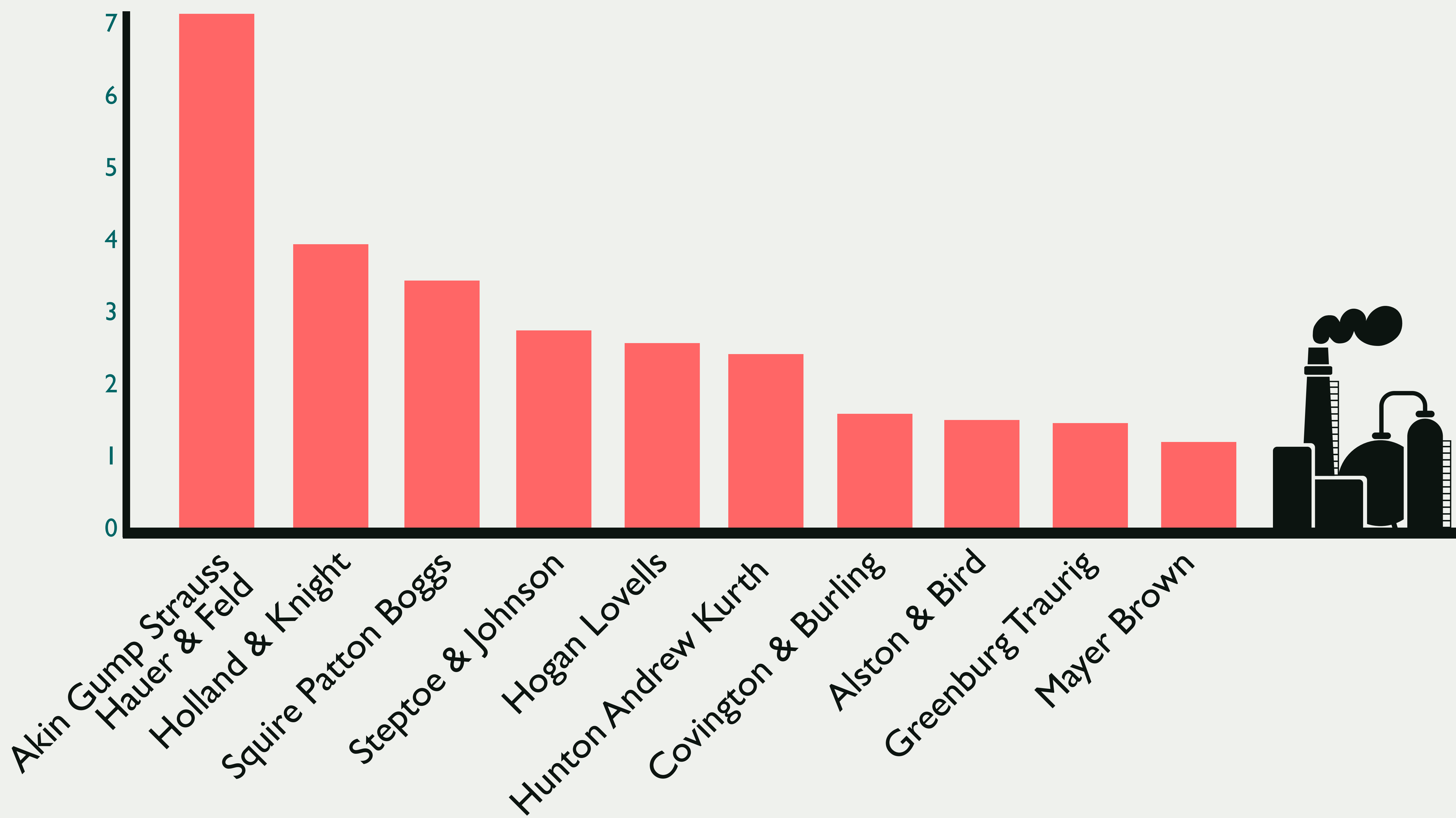
**Total value of fossil fuel projects supported

***Compensation received for fossil fuel lobbying

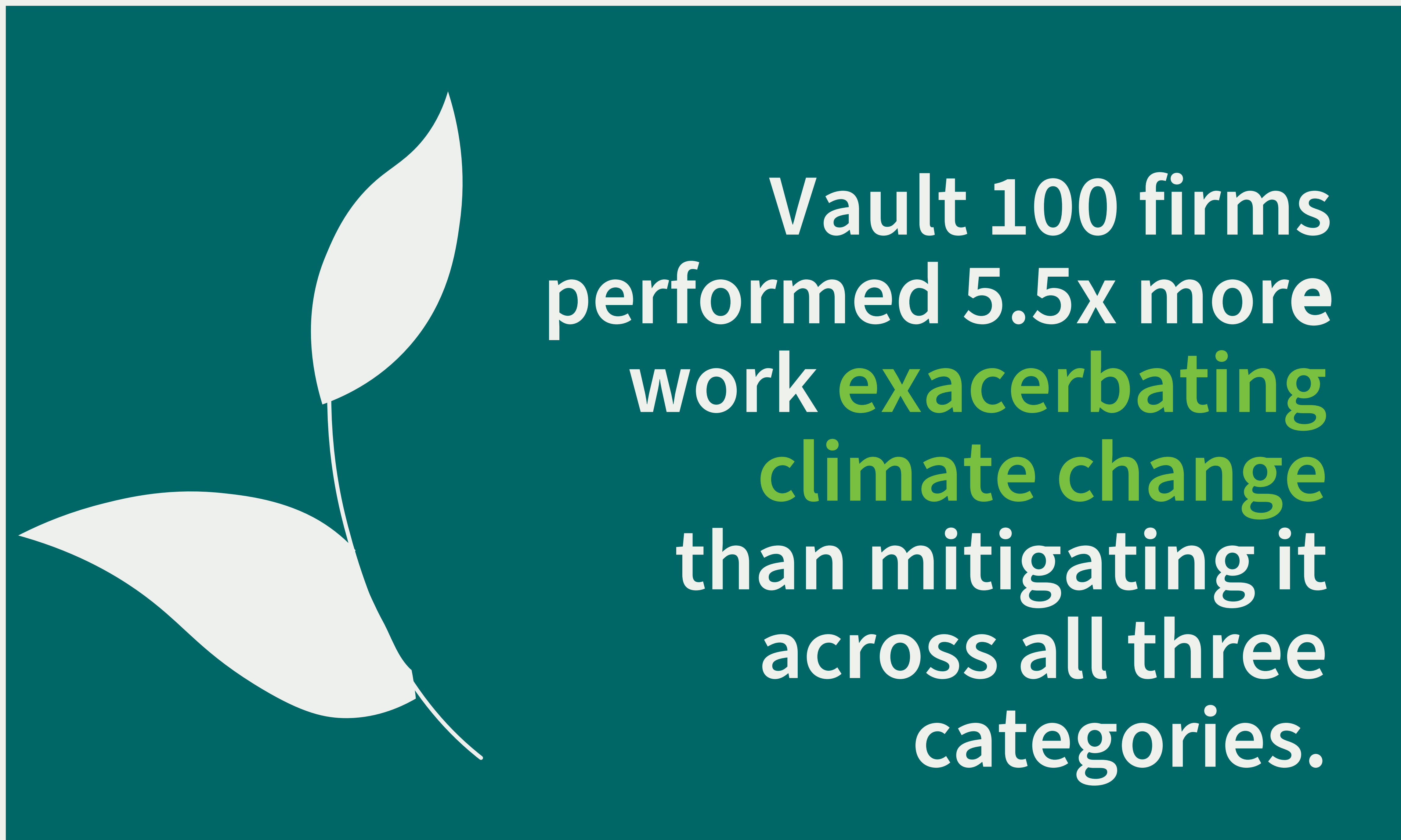
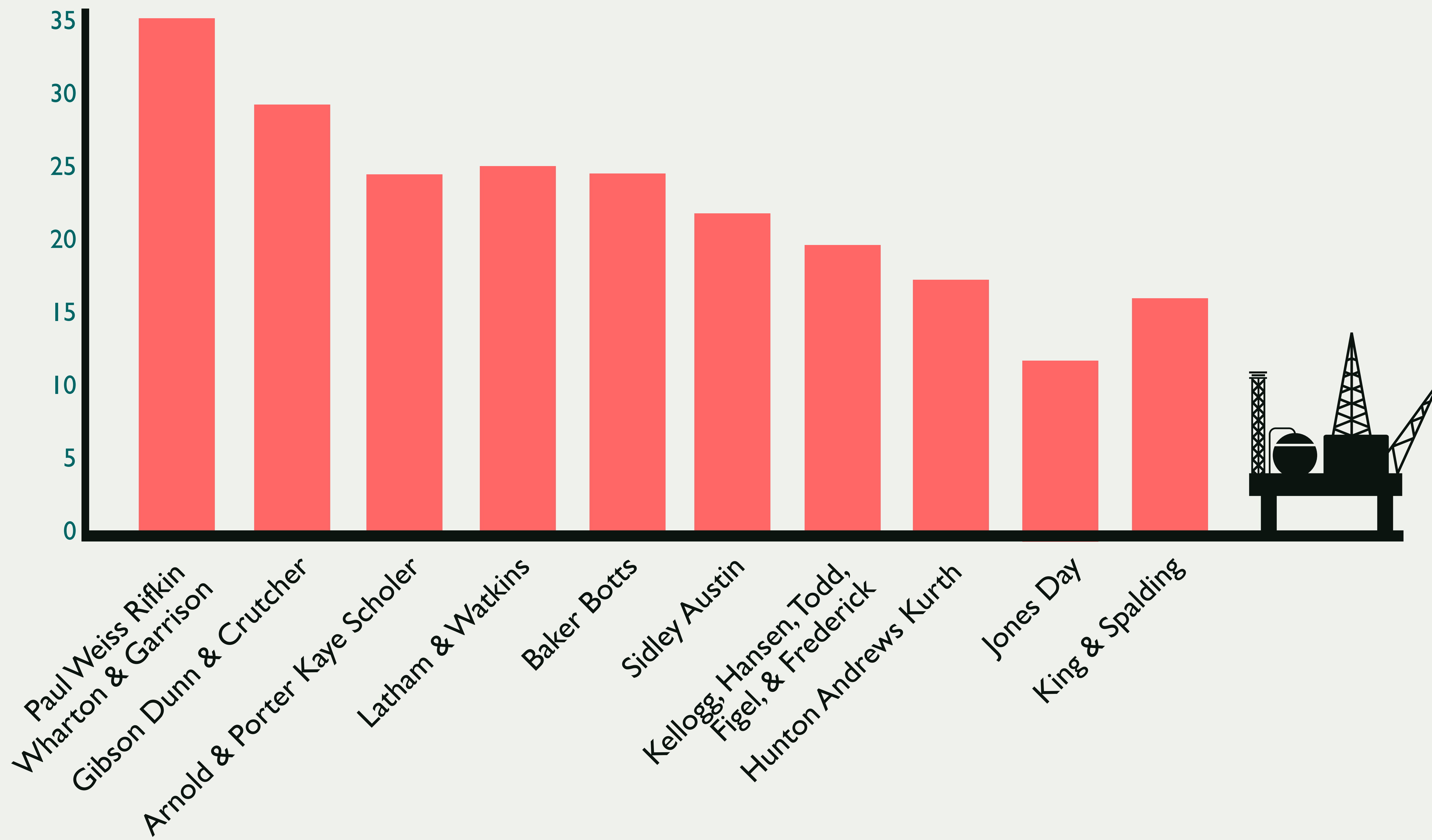
TOP 10 WORST FIRMS: Transactional Work for the Fossil Fuel Industry 2018-2022 (USD billion)



TOP 10 WORST FIRMS: Lobbying Work for the Fossil Fuel Industry 2018-2022 (USD billion)



TOP 10 WORST FIRMS: Litigation Exacerbating Climate Change 2018-2022 (Active Cases)



Vault 100 firms performed 5.5x more work **exacerbating climate change** than mitigating it across all three categories.

ENVIRONMENTAL, SOCIAL, & GOVERNANCE ISSUES

Environmental, Social, and Governance (ESG) factors have become popular ways for evaluating companies, identifying risk, and making commitments to socially just business practices. Unfortunately, ESG language has also become a popular new tool for reputation laundering and greenwashing, as companies with ESG pledges or goals are rarely accountable or transparent in how they plan to fulfill those commitments. And since the grouping itself—environmental issues with unrelated social and governance issues—contains disparate possible priorities, “ESG” has become an often-meaningless rubric for assessing corporate behavior.

This ambiguity has not prevented law firms from using ESG as a branding tool to shield themselves from criticism for ongoing fossil fuel work and other participation in the climate crisis. And while some states and the Securities and Exchange Commission require that firms make certain kinds of ESG-related risk disclosures, most corporate engagement on ESG issues is both voluntary and unregulated⁶. The framework of ESG is therefore not currently a substantive tool for accountability nor a reliable catalyst of change.

Law firms should, of course, take steps to make their internal practices sustainable; still, such initiatives pale in comparison to the multi-trillion-dollar scale of the legal industry’s fossil fuel litigation and transactional work. Until firms take meaningful strides like ending their representation and enablement of the fossil fuel industry’s harmful practices, firms’ internal ESG commitments remain little better than window-dressing signaling a false commitment to green solutions.

The 2023 Scorecard highlights some of the ways law firms have sought to present a picture to the public of a legal industry filled with responsible corporate citizens helping clients developing “green” technologies. We juxtapose this greenwashing with examples of the very real representation of clients that are decimating communities and exacerbating climate change. Legal greenwashing thus serves a dual-purpose: laundering a firm’s public image and shrouding the actual work it does.



“This ambiguity has not prevented law firms from using ESG as a branding tool to shield themselves from criticism for ongoing fossil fuel work and other participation in the climate crisis.”

HIGHLIGHT: Mountain Valley Pipeline

The Mountain Valley Pipeline (MVP) project aims to build a 300-mile natural gas pipeline through the Jefferson National Forest in West Virginia, cutting across nearly 1,000 streams and wetlands, as well as sacred burial grounds of Indigenous communities, before ending in Virginia.⁷ Since construction began in 2018, MVP's developers have violated more than 300 environmental laws.⁸ With the Federal Energy Regulatory Commission's blessing, MVP's developers have strongarmed landowners and dispossessed Native communities along the projected pipeline path to sell their property⁹—all with the help of their lawyers: Vinson & Elkins and Perkins Coie.

These firms are determined to make sure this widely opposed pipeline gets built — even if it means predominantly Black and Indigenous communities bear the costs. If completed, the pipeline would disproportionately subject low-income and rural communities to toxic pollution, and its compressor station alone would annually funnel tons of fine particulate pollution, which significantly increases health risks of heart and lung diseases and other life-threatening issues, into Virginia's communities of color.¹⁰ Environmental groups suggest that MVP could add nearly 90 million metric tons annually in greenhouse gas emissions through methane leaks and gas combustion, not to mention drastically impact riparian ecosystems and increase risk of landslides in the area.¹¹

MVP's construction was enjoined by a recent Fourth Circuit ruling.¹² But the Fourth Circuit's ruling is already being challenged: Munger, Tolles & Olsen and Hunton Andrews Kurth filed an emergency appeal to the Supreme Court, requesting that the Court vacate the stay through the shadow docket.¹³ And on July 27, 2023, the Supreme Court lifted the stay, all but ensuring that MVP will be completed and further accelerate the climate crisis. Together, Vinson & Elkins, Perkins Coie, Munger, Tolles & Olsen, and Hunton Andrews Kurth are paving the way for MVP to further devastate rural and tribal communities and make it all the more difficult to meaningfully address the climate crisis.

Introduction

As the climate crisis looms, both the public and private sectors have sought out new ways to achieve a transition to clean energy, with many focusing in particular on achieving a just transition.¹⁵ Several technologies—notably hydrogen, carbon capture and storage (CCS), and biomass and biofuels—have arisen as potential alternative energy sources as we reduce fossil fuel consumption. While these technologies may solve certain problems, they also often contain challenges of their own.

At present, the vast majority of hydrogen, CCS, and biofuels produced and consumed create significant greenhouse gas emissions. Cleaner processes of hydrogen production are possible but are currently cost-prohibitive as compared to fossil fuel-based processes and therefore constitute less than 5% of hydrogen produced.¹⁶ While a viable path to cleaner hydrogen exists in theory, CCS is more clearly a false solution. Current CCS technologies, when accounting for upstream emissions, have been found empirically to be more likely to increase air pollution than to decrease it.¹⁷ Similarly, biofuels are not carbon-neutral or sustainable, with deforestation concerns and human rights violations weighing against their use.¹⁸

Given the emissions drawbacks of these technologies, and the accompanying greenwashing risk, this year LSCA has adjusted our stance on these “tricky technologies” in our methodology. In the lobbying and transactions data, these technologies were previously counted primarily towards a firm’s renewables score. After researching the issue further, we decided not to count lobbying or transactional work on behalf of companies working in hydrogen, CCS, or biofuels either for or against firms. This decision reflects our view of the nuance within the emergence of tricky technologies; while they may be necessary in some stages of a just transition, in their current form they present a variety of environmental and environmental justice harms. Below, we discuss each technology, identify its current status in the energy arena, and analyze risks the technology poses from an emissions and justice perspective.

Hydrogen

Hydrogen has long been discussed as a possible pillar in the transition to clean energy. The first vehicle powered by hydrogen was created in 1966.¹⁹ In the late 1980s, hydrogen was discussed as “almost an environmentalist’s

dream come true,” and was viewed as a necessary step towards a sustainable future.²⁰ Several decades later, it still has yet to live up to the hype.²¹

Hydrogen is often framed and understood as entirely “green,” since combustion of hydrogen itself does not produce greenhouse gas emissions.²² However, hydrogen can be produced using a variety of methods, labeled according to a rainbow including gray, blue, and green hydrogen. Only green hydrogen is actually clean energy, produced without greenhouse gas emissions. The process to make gray and blue hydrogen, however, is powered by fossil fuels.

Gray hydrogen is produced using natural gas or methane. Produced using fossil fuels, gray hydrogen production emits greenhouse gasses.²³ Blue hydrogen is produced in the same way as gray hydrogen, except the emitted greenhouse gasses are captured in the carbon capture and storage process.²⁴ Green hydrogen is the only production method that is genuinely clean; it uses clean energy from renewable sources to power electrolysis, a process that occurs without emissions.²⁵

95%
of all
hydrogen
produced is
currently gray
hydrogen



The core problem is that 95% of hydrogen produced is currently gray hydrogen, utilizing fossil fuels and producing greenhouse gas emissions.²⁶ And nearly all commercially produced hydrogen is gray hydrogen.²⁷ Even blue hydrogen, which is held up as a cleaner alternative, creates a significant carbon footprint. Research has shown the process to create blue hydrogen and capture emissions requires an enormous amount of energy, undermining any benefit the process would otherwise have over fossil fuel use.²⁸ Additional problems with the carbon capture and storage process are detailed in the next section.

Gray hydrogen is currently cheaper than green hydrogen. This is largely because natural gas has historically been cheaper than renewable energy sources, so the energy needed to power the hydrogen production process has been cheaper for gray and blue hydrogen.²⁹ This also means that as green energy gets more affordable, so will green hydrogen.³⁰ If clean energy sources become more affordable than fossil fuels, green hydrogen may become a more feasible and useful option in a just transition.

Unfortunately, substituting hydrogen for direct fossil fuel use is a means of greenwashing carbon-intensive gray

and blue projects. For example, government hydrogen projects in Australia faced backlash, with critics accusing the government of greenwashing in an effort to “hide the continuation of the natural gas industry.”³¹ NGOs in the U.S. have also expressed concern; Friends of the Earth released a report labeling hydrogen as “big oil’s latest greenwashing scheme.”³²

Many Vault 100 firms are complicit in this type of greenwashing. Akin Gump, for example, has been compensated up to \$180,000 annually for lobbying work on behalf of Phibro LLC. Phibro brands itself as a “green commodity company,” highlighting hydrogen at the top of its “Generating Power” page.³³ However, in addition to the emissions of the hydrogen itself, Phibro also “has deep expertise” in oil and oil products, natural gas and natural gas liquids, and other emissions-producing products.³⁴

The current dominance of gray hydrogen and the prevalence of hydrogen greenwashing illustrate hydrogen is not as green as we are often led to believe. This was a significant factor in our choice not to count hydrogen as either “fossil fuels” or “renewables” in the context of lobbying for the scorecard this year. While hydrogen may become a viable clean energy source, it is essential to recognize the reality of how hydrogen is produced and used right now.

Carbon Capture and Storage (CCS)

Carbon capture and storage (CCS) is a newer technology, first developed in the 1970s but gaining widespread attention in the 1990s.³⁵ Even now, carbon capture is still in development and the costs associated with creating scalable CCS infrastructure are significant.³⁶ At present, this costly CCS technology is not a meaningful solution to the climate crisis.

The idea behind CCS is to capture carbon emissions before they reach the atmosphere and store them underground. The majority of CCS projects are at power plants or industrial sites—large stationary sources of carbon emissions.³⁷ Most CCS technology uses a liquid substrate to remove the carbon dioxide before it leaves the smokestack.³⁸ Once the CO₂ is removed, it is compressed into a liquid-like form to be more easily transported.³⁹ The compressed CO₂ is then moved, often through a pipeline, for storage underground in areas such as depleted oil and gas reservoirs.⁴⁰

This process is the main method in use in the U.S., but technology has also been developed to capture carbon directly from the air. However, given the ratio of carbon to other elements in the air—especially as compared to that ratio at power plants—this technology is extremely inefficient and costly.⁴¹ Even so, some scientists are hopeful given the possibility for direct air carbon capture to be a “negative emissions” process.⁴²

It is easy to understand why pulling carbon from smokestacks is enticing, and recent years have seen increased investment in new CCS facilities and projects.⁴³

The Inflation Reduction Act provides tax incentives for further investment in carbon capture,⁴⁴ and many argue CCS is a necessary part of any pathway to limiting temperature rises below 2° Celsius.⁴⁵ But these arguments often do not paint a full picture; one recent article advertising that the technology “is now capturing 100% of these CO₂ emissions” fails to mention the emissions associated with powering the CCS technology.⁴⁶ Further, all five of the “5 projects proving carbon capture is a reality” are run by energy companies,⁴⁷ raising concerns that CCS is being used to distract from necessary efforts to reduce emissions altogether.⁴⁸ Fossil fuel money is deeply entwined with CCS research; MIT Energy Initiative, which has produced research supporting the effectiveness of carbon capture, is funded by fossil fuel corporations.⁴⁹

A 2019 Stanford study found that common estimates of carbon capture rates fail to account for upstream emissions. As a result, these estimates dissemble, claiming that CCS can capture and store upwards of 85% of emissions.⁵⁰ Once including upstream emissions, CCS captured just around 10-11% of carbon emissions.⁵¹ For example, a Shell project in Alberta, Canada claimed to be capturing 90% of CO₂.⁵² When a watchdog organization further investigated, it revealed the project was capturing only 48% of CO₂ produced and was failing to consider 61% of the fuel stock’s lifecycle emissions.⁵³ Similarly, the developers of Rio Grande LNG, a liquefied natural gas project in Texas, claimed it would be the “greenest LNG project in the world,” largely based on plans to use CCS,⁵⁴ but the Department of Energy found only 6-7% of the project’s emissions would be subject to capture.⁵⁵

As with other CCS projects, the environmental justice concerns surrounding the Rio Grande LNG project are many; projects are often sited in poor communities and then sold as job creators. Port Isabel, Texas has a poverty rate of almost 28%, compared to a national poverty rate under 12%.⁵⁶ Community members have criticized the Rio Grande project, noting that people in need of jobs should not have to take on “work that affects the environment, and ultimately, the health of the community.”⁵⁷

Similarly, Yazoo County, Mississippi’s poverty rate is around 31%,⁵⁸ and the village of Satartia has experienced lasting repercussions from a local carbon capture project. After a pipeline carrying carbon to its storage site burst, emergency personnel evacuated the area, and 45 people sought medical attention.⁵⁹ To developers, these communities are mere externalities, unaccounted for in their calculations of a project’s cost.

This is to say nothing of the storage component of CCS. Storage options are limited. There are three leading methods: geological storage, ocean storage, and aboveground land storage.⁶⁰ Ocean and aboveground land storage are not particularly popular. The ocean has already absorbed a significant amount of CO₂, which slows the rate of atmospheric temperature rise, but it can only hold so much additional CO₂. Moreover, increased CO₂ absorption in the ocean leads to acidification, which has significant consequences for marine ecosystems.⁶¹ Land storage involves biomass or carbonate minerals, but biomass operates on a relatively short lifecycle and carbonate minerals take too long to form.⁶²



The most common form of storage is geological storage, in no small part because the CO₂ can be used for enhanced oil recovery (EOR).⁶³

When used for EOR, CO₂ molecules are pumped directly through oil reservoirs, allowing for oil to be extracted more efficiently and in greater amounts. EOR is often billed as an environmentally friendly process—even as a way to make oil “carbon-negative.”⁶⁴ But EOR cannot become carbon-negative if the CO₂ comes from burning fossil fuels—it needs either biomass or direct air capture (harvesting emissions already in the atmosphere) as the initial CO₂ source.⁶⁵ Because the newly recovered oil could not itself be a carbon-negative CO₂ source, it would serve no purpose in a future where we have transitioned away from the burning of fossil fuels. Furthermore, the carbon-negative EOR process requires that the CO₂ operate in a closed loop.⁶⁶ This both rapidly diminishes the need for additional CO₂ (what will it be used for?) and only works as long as there are no leaks in the system. To add insult to injury, the carbon-negative label fails to account for the fact that the oil industry wants to use EOR to “unlock billions of barrels of oil trapped in vast residual oil zones,”⁶⁷ adding to a global stockpile of “committed” emissions that is already threatening to obliterate the 1.5°C goal in the Paris Agreement.⁶⁸ Most simply put, the problem is this: EOR cannot be the primary storage method of CCS because we cannot continue to burn oil.

Despite these severe consequences of CCS projects, Vault 100 firms use the technology’s “clean” facade. Allen & Overy, for example, advertises itself as “at the forefront of...developing climate change technology [and] advising on carbon capture and storage matters.”⁶⁹ Meanwhile, the firm was involved in over \$202 billion in transactions on behalf of the fossil fuel industry—the fourth most transactions monetarily of any Vault 100 firm in 2022. Allen & Overy demonstrates how firms are using commitments to these “clean” technologies to bolster their image, all the while facilitating billions of work on behalf of fossil fuel clients.

Biomass and Biofuels

Biomass has been used for energy consumption dating back to the mid-1800s,⁷⁰ but the biofuels technology being used today has only become refined over the last 20 years.⁷¹ Biomass is renewable organic material from plants and animals. Energy stored within the organic material, for example from energy stored through photosynthesis, is extracted to produce biomass, and burned to create energy.⁷²

Biofuels are generated from biomass. Biomass materials are blended to produce a liquid fuel, most frequently used as transportation fuel.⁷³ Currently, biomass and biofuels constitute a small percentage of energy production and consumption in the U.S. Biomass is only 5% of energy produced, and biofuels represent a similarly minute percentage of energy production.⁷⁴

Biomass and biofuels are often represented as clean, renewable energy. The theory is that biofuels use recycled carbon; plants that are used to make biofuels absorb carbon, so when biofuels are burned and emit carbon, there is a net neutral amount of carbon in the atmosphere.⁷⁵ However, while using biofuels for energy produces fewer emissions than fossil fuel combustion, significant emissions are still produced.⁷⁶ Many explanations of biofuels reference how biomass captures “almost” the same amount of CO₂ emitted during burning, or the CO₂ emitted and captured are “largely balanced,” because these processes are not in fact net neutral.⁷⁷ Second, incentives for biofuels production have led to rapid deforestation, often disrupting local communities and implicating human rights violations.

As with carbon capture and storage, considering upstream emissions changes the outlook on the supposed carbon neutrality of biofuels. Energy is used throughout the biofuels process from the fertilizer used to grow plants to the processing and transportation of the biofuels.⁷⁸ Factoring in these emissions, biofuels emit more carbon than regrown plants absorb. Additionally, the combustion process necessary for generating energy from biofuels produces greenhouse gas emissions as well. Ethanol is the most commonly used biofuel—making up 85% of biofuel produced in the U.S. in 2021⁷⁹—and still produces about half the emissions of traditional fossil fuels.⁸⁰ Focusing on biofuels risks slowing efforts on other, zero emissions energy sources.

Despite these challenges, Congress and the EPA have made efforts to increase the use of biofuels. Congress created the Renewable Fuel Standard Program in 2005,⁸¹ and one component allows the EPA to promulgate regulations requiring a minimum percentage of renewable fuel, including biofuel, in fuel produced nationally.⁸² In 2020, after the EPA set new mandatory renewable fuel allocations, biofuel producers, represented by several Vault 100 firms including Morgan, Lewis & Bockius, Pillsbury Winthrop Shaw Pitman, WilmerHale and Arnold & Porter, filed litigation challenging the regulation to push for greater required amount of biofuels in the Renewable Fuel Standards Program mix.⁸³ This action illustrates the sort of greenwashing seen in biofuels projects and perpetrated by Big Law firms—representing seemingly renewable

biofuels companies while undermining efforts to make fuel systems more renewable.

In evaluating the full scope of emissions involved in biofuels production, it is also essential to consider the land use changes that must be implemented to yield enough crops to meet production demand. A key—and false—assumption about the carbon neutrality of biofuels is that crops and carbon absorbing matter are regenerated immediately. The reality is that timelines don’t match; trees cut down to grow corn for ethanol won’t regrow, even if planted immediately, for 30 years, during which time the carbon emitted from the biofuels is still in the atmosphere.

A recent spike in demand for biofuels, specifically from the EU, has quickly demonstrated the severe land use consequences of depending too heavily on biofuels. A study found that EU and other policies regarding biofuels would cause deforestation so vast it would release more emissions than China’s current annual emissions from burning fossil fuels as soon as 2030.⁸⁴ Another recent study found that carbon lost through deforestation far outweighs emissions reductions from using biofuels.⁸⁵ Further, tropical deforestation accounts for about 20% of worldwide emissions.⁸⁶ These studies illustrate the reality of biofuels; even if they are “carbon neutral” in the short-term without considering the full scope of emissions required for fuel production, long-term impacts of relying on biofuels are dire.

Aside from deforestation, biofuels demand has other serious impacts on local communities and ecosystems. Given climate conditions and land resources, the Global South is often well-situated for growing biomass.⁸⁷ However, biomass growers use fertilizers and pesticides, genetically modified organisms (GMOs), and other techniques that cause environmental degradation, the proliferation of invasive foreign species, and decreased biodiversity.⁸⁸ Further, growing biomass often involves encroaching on land traditionally used for food production.⁸⁹

The EU’s recent spurt of investment in biofuels, in addition to motivating deforestation, has illustrated the impact of biofuels projects on local communities. A large-scale ethanol project in the Chira Valley in Peru took over immense amounts of land, including towns, settlements, and large common areas managed by local populations.⁹⁰ These communities have lost access to their local resources. In some cases, community members have even been evicted from their homes.⁹¹ The Chira Valley project exhibits the sorts of human rights violations that can be caused by biofuels projects, projects that require law firm involvement from development to contracting to implementation.

The Chira Valley is just one example. Projects in Indonesia, Brazil, and Tanzania have also caused the EU to question its policy on biofuels.⁹² In 2015, the European Parliament voted to cap certain biofuels as a result of concerns of deforestation, competing interests for food production, and greenhouse gas emissions.⁹³ A just transition requires considering the reality and impacts of “clean” energy technologies today, from emissions throughout the production and consumption process to environmental justice concerns and human rights violations.

Battery Storage as a True Climate Solution

Whereas so-called “green technologies” have become just another tool for corporate greenwashing, electrification and battery storage offer real, present-day value in a just transition.

Batteries have become a critical component of the energy transition, primarily by enabling the rise of electric vehicles (EVs) and the storage of excess renewable energy.⁹⁴ Both of these key applications for batteries displace fossil fuel consumption, reducing demand for gasoline in cars and for coal and natural gas in electricity generation. Utility-scale batteries also have numerous other benefits for the electric grid, such as balancing supply and demand, peak-shaving (reducing the cost of energy by charging during periods of low energy usage and discharging during peak periods to ease strain on other generation sources), and backup power.⁹⁵ In these respects and others, batteries are an indispensable technology accelerating the transition toward a decarbonized energy system.⁹⁶

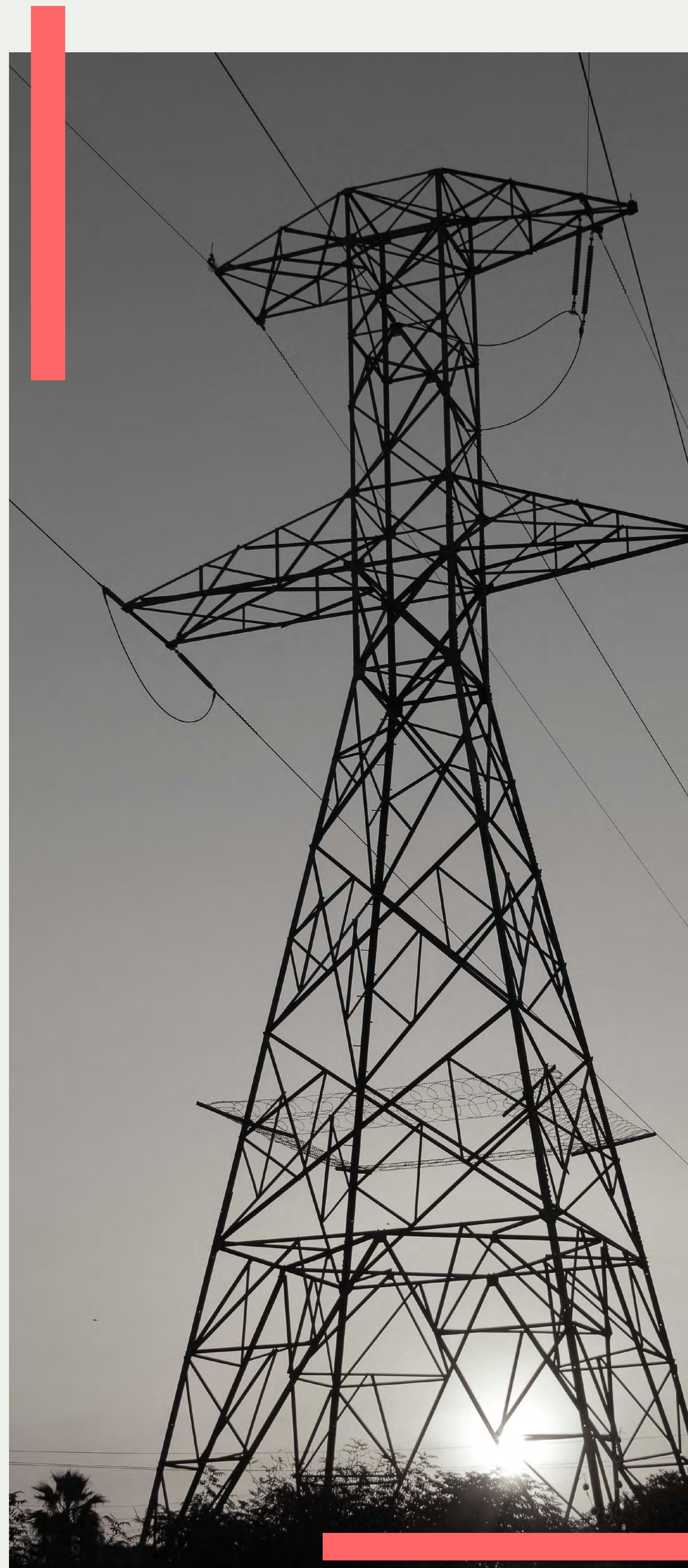
Most popular battery chemistries, however, require extraction of critical minerals which are currently mined primarily in the Global South.⁹⁷ Those supply chains and the mining operations at their heart raise serious human rights, environmental justice, sustainability, and emissions concerns of their own.⁹⁸ As with hydrogen, then, batteries are not a fraught technology in themselves; instead, they present a more complicated case for the energy transition because much work remains to improve the justice and emissions implications of their production.

EVs, for instance, typically earn less favorable lifetime emissions scores than they might otherwise because most global mining operations rely heavily on fossil fuel equipment and infrastructure.⁹⁹ Such operations are treated as “embedded” emissions attributable to each EV via their increasingly large batteries even before they are sold.¹⁰⁰

Batteries on the grid, meanwhile, serve as vital adjuncts to intermittent renewables and have somewhat fewer emissions and human rights concerns than the lithium-ion batteries used in EVs, primarily because different battery chemistries are well-suited to grid storage for cost and performance reasons.¹⁰¹ Consequently, the minerals mined for the use case of grid storage generally have more sustainable supply chains and markedly better human rights implications.

For most types of batteries, however, the equity issues in the supply chain are gradually improving as automakers and other battery manufacturers have sought to relocate their mineral supply chains in response to reputational pressure and other factors.¹⁰² Much of the world’s mining activity remains in regions of persistent human rights violations, like the Democratic Republic of Congo, which produces approximately 70% of the world’s cobalt supply,¹⁰³ but innovation in battery chemistries is pushing the industry toward more abundant, less exploitatively-mined minerals.¹⁰⁴

Still, while mining of critical minerals remains, for now, a relatively dirty industry, the power sector decarbonization that batteries enable is so significant that batteries should clearly not be considered on equal footing with fossil fuels. On the contrary, while battery technologies, supply chains, and recycling must still make considerable strides, there is perhaps no technology more central to decarbonizing our energy and transportation infrastructure. Consequently, batteries are perhaps second only to renewables themselves in their power to accelerate the green transition.



HIGHLIGHT: Gibson Dunn/SLAPP Suits

In 2016, hundreds of Indigenous activists and leaders organized a gathering along the proposed route of the pipeline in order to draw attention to the threats it posed to Indigenous sovereignty and water access.¹⁰⁵ The resistance ignited a worldwide movement, which prompted several financial institutions to withdraw support from the project after finding human rights and environmental violations through their own investigations.¹⁰⁶ Nonetheless, Energy Transfer Partners continued to push for the pipeline and even hired private security firm TigerSwan to “pollute the public’s perception of the water protectors” and collaborate with law enforcement “to aid in prosecution.”¹⁰⁷

As communities have continued to resist environmental injustice, law firms have increasingly filed SLAPPs (Strategic Lawsuits Against Public Participation) against organizers and advocacy groups as a way of shutting down their speech. The viability of the suit is less important than its effects; “the process alone is often enough to exhaust a public interest group’s resources, capacity, and morale.”¹⁰⁸ The purpose of these suits is both political and economic: to intimidate those speaking truth to power and to disrupt their ability to organize against the firms’ polluting clients. SLAPPs are not only a form of corporate backlash to public accountability, but also an example of how law firms can perversely wield the law to suppress and bully grassroots movements—all in the name of lining their own pockets.

Gibson Dunn is one of the pioneers of fossil fuel SLAPPs.¹⁰⁹ The firm has taken over Energy Transfer Partners’ ongoing SLAPP litigation¹¹⁰ against Greenpeace, whose members, alongside Indigenous communities and climate activists, protested the Dakota Access Pipeline at Standing Rock.¹¹¹

With the help of Gibson Dunn, Energy Transfer is suing protestors daring to challenge profit-driven fossil fuel interests. This is also not the first time that Gibson Dunn, in defiance of Court orders, has engaged in tactics courts have described as “obstruction, gamesmanship and flagrant disregard” and a “smear [on] the legal profession.”¹¹² In 2012, they represented Chevron in an array of SLAPP cases against environmental activists, journalists, and attorneys who sought to shed light on the oil behemoth’s human rights violations in the Amazon rainforest.¹¹³ Time and time again, Gibson Dunn has demonstrated that it has no problem suppressing dissenting voices, and will continue to run roughshod over basic human rights unless and until we hold them accountable.



THERE IS NO
PLAN (ET) B!



Introduction

The methodology for the 2023 Scorecard is a modernization and update from the 2022 Scorecard. LSCA’s research team undertook a year-long review process seeking to pinpoint areas in which our methodology could be improved for accuracy and transparency. LSCA representatives have also sought out and engaged in dialogue with both Vault 100 firms and environmental nonprofits to discuss ways to most fairly represent Vault 100 fossil fuel work. This stakeholder process has resulted in certain methodological changes. The following is a brief listing of the changes, which are explained in further detail below.

- **Transactions:** Addition of Bloomberg Law as a new database for transactional data to supplement the transactional data sourced from IJGlobal.
- **Litigation:** Development of a scoring system for litigated cases that accounts for the level of involvement of each firm that has made an appearance in a case in place of counting each appearance as one point. We refer to a firm’s litigation scoring number as its “involvement points” in a case.
- **Across all categories:** (1) Application of a “one-time safe harbor” for firms that have engaged in a single fossil fuel representation between 2018 and 2021. (2) Removal from scoring consideration transactions, cases, and lobbying related to controversial and difficult-to-quantify technologies, referred to throughout this Scorecard as “tricky techs.” These “tricky techs” include the production of hydrogen for fuel, biofuels, biomass, carbon capture and storage, waste-to-energy technologies, and nuclear power.

The changes to the methodology were a necessary update to maintain a realistic perspective of the work firms undertake in the legal industry’s highly variable environment. We believe this methodology strikes the appropriate balance between our commitment to hold law firms accountable for the climate-exacerbating work they do, while properly acknowledging the firms that have trended away from fossil fuel representation. We will continue to re-evaluate our methodology periodically to ensure the Scorecard maintains this balance.

Vault 100 Rankings Update

This year, LSCA used the 2023 Vault rankings (released in 2022) from Vault’s law firm ranking archive to identify the firms ranked in Vault’s top 100. The changes in ranking since 2022 were assessed. Additionally, given the changes to the methodology described in detail below, we reran each firm’s data for last year’s data period to

have a point of comparison for this year’s Scorecard. This data is reflected in the Scorecard dataset in columns highlighted in gray that include “2017-2021” in the header.

Data Collection & Scoring by Category

There are two methodological changes we have implemented this year across all three scoring categories.

- **“One-time Safe Harbor.”** We have granted a safe harbor to firms that have advised on a single fossil fuel transaction, represented a client in a single case exacerbating climate change, or undertaken lobbying for one fossil fuel client in any prior data year other than the most recent. We believed this change was necessary after engaging in conversations with Vault 100 firms and analyzing the data collected. It has become clear that firms with a single fossil fuel transaction or representation in litigation are not focused on fossil fuels representation overall, and we have determined that our focus should remain on firms with larger energy practices. Further, we want to reward firms moving away from fossil fuel work and actively investing in mitigating climate change. To that end, we will also discount one piece of renewables work for firms benefiting from the safe harbor to ensure our “A” firms are genuinely committed to climate-mitigating work and renewable energy. Therefore, a firm that undertook one fossil fuel transaction and one renewable energy transaction from 2018-2021 would receive a “B.” However, if a firm took on work once in two of the three categories—lobbying, litigation, and transaction—on behalf of a fossil fuel client, this firm would fall outside of the safe harbor and would be ineligible for a “B” Climate Score.
- **Exclusion of “Tricky Techs.”** As detailed in the section above concerning “tricky techs,” after conversations with other environmental NGOs—most notably the Center for International Environmental Law (CIEL)—we have decided to exclude these technologies from consideration in our Scorecard. Given the concerns about whether they truly support a just transition or are mere “false solutions,” we felt exclusion represented their role better than “exacerbating,” “mitigating,” “fossil fuels,” or “renewables” labels.¹⁴ The excluded technologies are: hydrogen production, carbon capture (including direct air capture and carbon capture, utilization, and storage), biofuels and bio-mass, waste to energy, and nuclear power.

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However, we included battery storage, EVs and EV infrastructure (including micro-mobility), energy efficiency technologies, and electrical grid modernization technologies (such as smart grids and microgrids) as mitigating because of their increasingly widespread use and the substantial body of evidence that they work to displace fossil fuel usage.¹¹⁵

Litigation:

Database and 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 to identify cases we included in our Scorecard. Climatecasechart includes cases in which climate change is a material issue of law or fact. The docket numbers, status year, subject of the suit, and litigation location were documented in our spreadsheet used to calculate the litigation scores. Throughout the course of our data collection, we found that not all filings in each case are included in Climatecasechart. In order to get a more accurate assessment of the involvement of all participating firms, we supplemented the data from Climatecasechart with data from both PACER (<https://pcl.uscourts.gov/pcl/index.jsf>) and Bloomberg Law's Court Docket database. We added the firms that participated in each case into our spreadsheet for analysis.

Methodological Changes and Scoring:

Scoring the litigation data measures the level of involvement of each firm in the cases in which they undertook representation.

In previous years, LSCA has used a binary system for scoring litigated cases—i.e., a firm that participated in one case, regardless of the level of involvement, would receive one point. However, this treated a firm that took a case from a Federal District Court to the U.S. Supreme Court the same as a firm that filed a single amicus brief. Recognizing this disparity in treatment, we undertook a methodological review to attempt to better approximate the level of involvement a firm had in a particular case. The scoring system described below attempts to rectify this issue.

First, we identified the client a Vault 100 firm was representing in a case, and whether the client's interest was either mitigating or exacerbating climate change. This determined whether the total point tally would count as mitigating or exacerbating for that firm. We then looked at the following indicators of involvement to determine a final score for that firm on a particular case:

• **Number of filings.** We tallied the total number of filings a firm made in a case. This data was generally pulled from Bloomberg Law Court Dockets, which collects its data directly from state and federal docket databases. Based on a representative sample of approximately fifty cases, we found that there was a cutoff of around five filings for a firm that was not heavily involved in a case. If a firm made five or fewer filings in a case, it received one point. If a firm made six or more filings in that

case, it received two points for this metric.

• **Plaintiff or Intervenor Defendant.** We recorded whether the firm involved filed the case or intervened in the case on behalf of the defendant. This metric measures whether the firm affirmatively chose to represent a client in a specific case or was simply brought in to defend in an existing lawsuit. If the firm either represented a plaintiff or intervenor defendant, the firm was assigned an additional point.

• **Appeal, Appellant, SCOTUS.** Given the intentional choice to appeal a case and the additional resources expended to continue representation on appeal, this metric assigns one point to every firm representing a client in a case that went up on appeal, and an additional point to the appellant. Finally, one further point was assigned if the case went up to the Supreme Court.

• **Amicus Briefs and Intervenors.** One more point was assigned if a firm filed an amicus brief for a client in a case. However, that point was only counted in the year it was filed. For example, if an amicus brief was filed in 2016 in a case that is still ongoing, it would not be counted for that firm's point total for this year's Scorecard, which measures only 2018-2022 representation. If a firm's sole involvement in a case was an amicus brief filed prior to 2018, that representation would cease to impact the firm's score, even if the case remains active in the data collection period. If the case had more than five combined intervenors and amici, another point was assigned to each firm involved in the case.

• **Removal and Change of Venue.** One point was assigned if the case was removed from state court to federal court or venue otherwise changed. This metric seeks to address a recent trend in which firms representing fossil fuel defendants remove cases to federal court, causing years of litigation surrounding the propriety of the removal to delay a case while climate-exacerbating work continues.¹¹⁶ This tactic has caused lawsuits brought by cities against oil companies to reach the Supreme Court. Removal and venue changes also allow firms to forum shop for a more favorable judge for their client, including allowing firms to more easily get cases dismissed. As such, we felt these procedural tactics are important indicators of involvement and warrant inclusion.



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A numerical breakdown of the methodological changes follows:

Category	Point Tally
Number of Filings	1 (5 filings or fewer) 2 (6+ filings)
Plaintiff or Intervenor Defendant	+1
Case on Appeal	+1
Firm is appellant	+1
Case appealed to SCOTUS	+1
Amicus Brief	+1 (for the year filed)
5+ Combined Intervenors and Amici	+1
Attempted Change of Venue or Removal	+1

Aside from the “one-time safe harbor” granted to firms, we did not count climate-mitigating cases as offsetting exacerbating cases. While we recognize that this work is necessary and 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.



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. Each firm’s page lists every client that each firm maintained each year. The dollar figure reported in the database reflects the amount of money the firm received in compensation for lobbying on each client’s behalf.

Analysis:

We analyzed every Vault 100 firm appearing on OpenSecrets.org with federal lobbying activity for any of the years between 2018 and 2022. Lobbying for fossil fuels, either for companies promoting the use of coal, oil, and gas directly or associations representing them (e.g., industry trade groups like the American Petroleum Institute), resulted in a “fossil fuels” categorization and was counted as climate exacerbating work. We also recorded lobbying for renewable energy companies. In addition to companies that produce or market fossil fuels or renewables, we included lobbying for companies that make raw materials for either industry as well as those that provide consultation or design systems/infrastructure for either industry. As noted above, “tricky techs” were ex-

cluded from consideration. Many electric utilities appear in the OpenSecrets.org data, but for similar reasons to our exclusion of “tricky techs,” we did not include these clients in our data collection unless their energy portfolio was clearly and overwhelmingly composed of fossil fuels or renewables.

Transactions:

Database & Collection:

Two databases were used this year to collect transactional data: IJGlobal and Bloomberg Law.

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 subcategories within the “energy” category: 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 to maintain compliance with the terms and conditions of our licensing agreement, we were only able to publish aggregate amounts of transactions for law firms facilitating transactions within the “energy” category. The data may be purchased via license from IJGlobal. In April 2023, we downloaded the full dataset from the IJGlobal database for fossil fuel and renewable energy transactions from 2018-2022.

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” (liquefied 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, and thermal solar. We recognize that biofuels and bio-mass are not universally sustainable. Thus, for renewable energy transactions, we included transactions involving



biofuels or biomass only when in conjunction with one or more other sources of renewable energy. We did not count transactions listed as power co-generation as either renewables or fossil fuels 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.

After conversations with Vault 100 firms and a review of the data collected, we determined that IJGlobal does not contain a complete list of the energy and infrastructure transactions performed from 2018-2022. After an extensive review of different options, we found that Bloomberg Law's Transactional Intelligence Center included a relatively comprehensive list of transactions, almost half of which were not captured in IJGlobal's dataset.

The categories of fossil fuel transactional data searched for on Bloomberg's database include:

- Gas-Transportation
- Oil & Gas Drilling
- Gas-Distribution
- Oil Exploration and Production
- Integrated Oil Companies
- Oil Refining & Marketing
- Oil Field Machines and Equipment
- Oil & Gas Services
- Oil-US Royalty Trusts
- Oil-Field Services
- Petrochemicals
- Coal
- Pipelines
- Gas Utilities

To collect renewable energy data from Bloomberg, we also searched for:

- Energy-Alternate Sources
- Batteries/Battery Systems
- Independent Electric Power Producers

Analysis:

To ensure that transactions were not duplicated through the addition of the Bloomberg database, LSCA researchers used both automated and manual sorting of the data. A formula to highlight duplicates was used to match transactions represented in both databases to each other. Each match was then checked manually by the research team and duplicates were eliminated. Overall, the databases included over 4,100 fossil fuel transactions and over 3,000 renewable energy transactions. These numbers illustrate an enormous increase in the data utilized to determine each firm's transactional work, and the higher transactional values reflect the reality that we can only capture the transactions caught by our databases. To provide a point of comparison from last year, the research team also re-analyzed the data from 2017 using our new methodology. As the results section will discuss further, the addition of the Bloomberg data nearly doubled the value of transactions we were able to identify.

Law firms' transactional scores are based on the total dollar value of the transactions they facilitated between 2018 and 2022. If multiple firms were listed on a particular transaction, we divided the total value of the project by the number of firms listed on the transaction, including firms not in the Vault 100. The divided amount counted toward each firm's score. 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 aside from the safe harbor transaction.

Calculating Overall Climate Scores

A firm's overall Climate Score is derived from its 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 across all categories and has at least one A, the firm receives an A.

We arrange the Climate Score system in this way because we believe the only way to halt climate change is to phase fossil fuels out entirely and replace the fossil fuel energy infrastructure with renewable energy. 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 create accountability for their exacerbating work is to make their Climate Score reflective of 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 remaining neutral. This will allow "B" firms to move into the A range. This choice also seeks to distinguish "B" firms that do not conduct fossil fuel work simply because they do not include an energy practice from "A" firms that engage in climate-related work but actively reject fossil fuel work. As this year's scores demonstrate, there are multiple firms in the Vault 100 that have determined to undertake only renewable energy work in their energy practices.

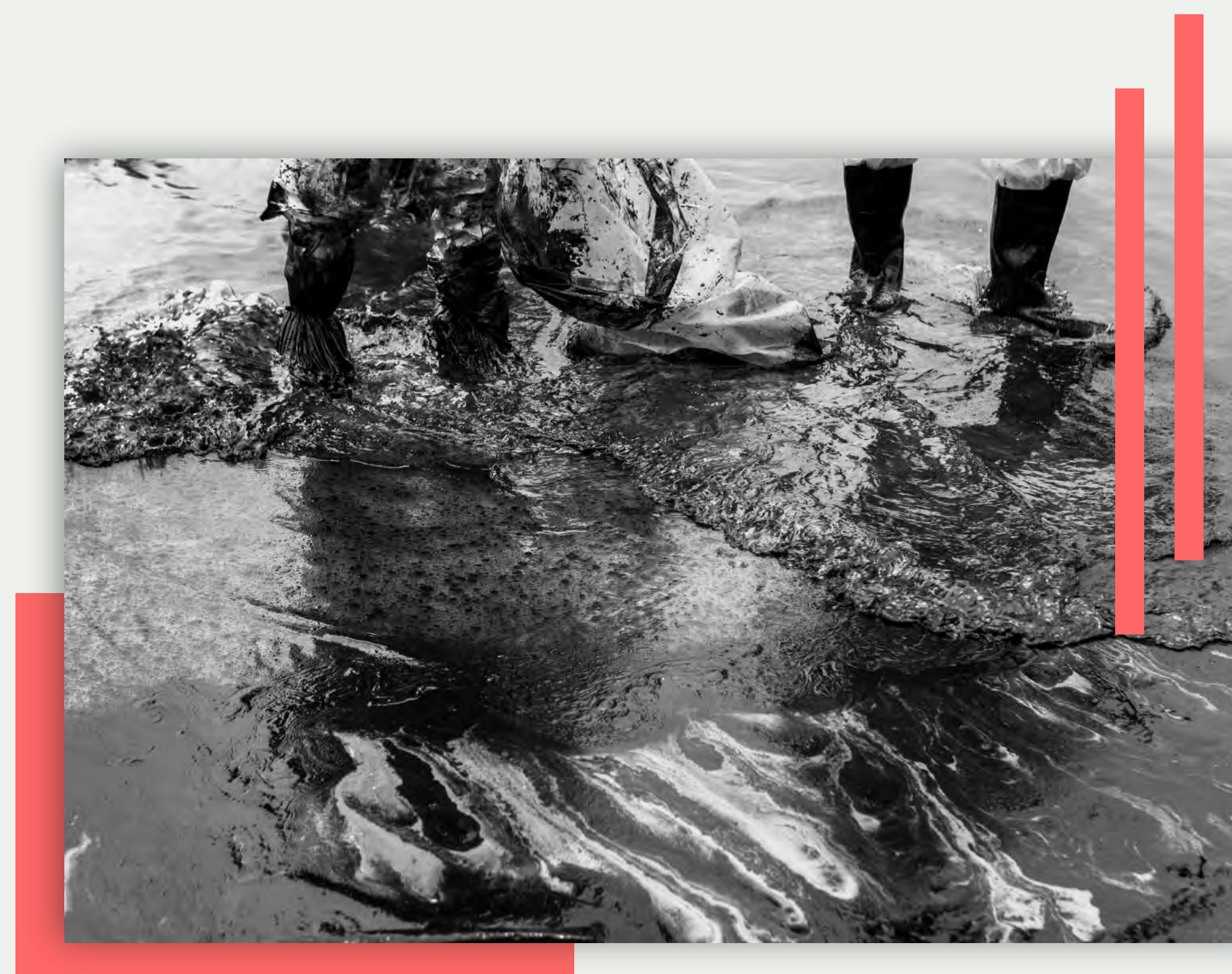
The metrics used in our scoring system prevent us from making a firm's Climate Score the average of their scores in each category because each metric is unique from the other two. Involvement points for cases, dollar value of compensation, and dollar value of the project a firm facilitated cannot be averaged with any meaningful accuracy. But more importantly, 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 \$202 billion in transactions between 2018 and 2022—the fourth largest amount in this Scorecard—but had zero litigation or lobbying in the same time period. Allen & Overy should not be rewarded simply for focusing on transactional services, nor should the firm 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

2023 Climate Scorecard: Methodology

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 particularly poor-performing firms 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.

We have also chosen not to score firms based on their performance relative to one another. Such a scoring system would mean 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 maintain 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. Our goal is not just to discourage business with poorly ranked firms, but also to incentivize improvement among all firms, even and especially those with the most harmful

work. As the results of this year's Scorecard show, there is a subset of firms that are trending further away from fossil fuels and toward increasing their renewable energy practice, while other firms continue to entrench themselves in their fossil fuel representations. The criteria for grades by category is below, followed by the criteria for a firm's overall Climate Score.



CRITERIA FOR GRADES BY CATEGORY

	Litigation	Transactions	Lobbying
A	No more than one case exacerbating climate change & at least two cases mitigating climate change.	No more than one transaction for a fossil fuel client & at least two transactions for renewable energy clients.	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 mitigating or exacerbating climate change.	No lobbying work mitigating or exacerbating climate change.
C	Exacerbating case involvement points tally between 1 and 10.	Up to \$2 billion of fossil fuel transactional work.	Up to \$100,000 of lobbying compensation for the fossil fuel industry.
D	Exacerbating case involvement points tally between 11 and 30.	Between \$2 billion and \$40 billion of fossil fuel transactional work.	\$100,000 to \$2 million lobbying for the fossil fuel industry.
F	Exacerbating case involvement points tally greater than 30.	Greater than \$40 billion of fossil fuel transactional work.	\$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 exceeds 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

Litigation



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 completely phase out fossil fuel work by 2025 OR meet the criteria for an A in every category without utilizing the “one-time safe harbor.”



Firm meets the criteria for an A grade in at least one of the three categories and meets the criteria for a B grade in categories that the firm does not score an A.



Grade in every category is a B.



Lowest grade in any category is a C.



Lowest grade in any category is a D.



Lowest grade in any category is a F.

2023 CLIMATE SCORECARD

Climate Score

A

Vault 100 Law Firms

Cooley
Foley Hoag
Schulte Roth & Zabel

Sheppard Mullin Richter & Hampton
Wilson Sonsini

B

Boies Schiller Flexner
Cadwalader, Wickersham & Taft
Fenwick & West
Fish & Richardson
Gunderson Dettmer Stough Villeneuve
Franklin & Hachigian

Irell & Manella
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo
Proskauer Rose
Seyfarth Shaw

C

Ballard Spahr
Bryan Cave Leighton Paisner
Davis Wright Tremaine
Fox Rothschild

Jenner & Block
Katten Muchin Rosenman
Kilpatrick Townsend & Stockton
Kramer Levin Naftalis & Frankel

D

Alston & Bird
ArentFox Schiff
Baker McKenzie
Blank Rome
Cahill Gordon & Rendell
Cleary Gottlieb Steen & Hamilton
Cozen O'Connor
Cravath, Swaine & Moore
Debevoise & Plimpton
Dechert
Dentons
DLA Piper
Duane Morris
Faegre Drinker Biddle & Reath
Foley & Lardner
Fried, Frank, Harris, Shriver & Jacobson
Haynes & Boone
Locke Lord

McDermott Will & Emery Morgan,
Lewis & Bockius Morrison &
Foerster
Nixon Peabody
Paul Hastings
Perkins Coie
Pillsbury Winthrop Shaw Pittman
Polsinelli
Quinn Emanuel Urquhart & Sullivan
Reed Smith
Ropes & Gray
Troutman Pepper Hamilton Sanders
Weil, Gotshal & Manges
Williams & Connolly
Willkie Farr & Gallagher
Wilmerhale
Winston & Strawn

F

Akin Gump Strauss Hauer & Feld
Allen & Overy
Arnold & Porter Kaye Scholer
Baker & Hostetler
Baker Botts
Clifford Chance
Covington & Burling
Crowell & Moring
Davis Polk & Wardwell
Freshfields Bruckhaus Deringer
Gibson, Dunn & Crutcher
Goodwin Procter
Greenberg Traurig
Hogan Lovells
Holland & Knight
Hunton Andrews Kurth
Jones Day
K&L Gates
Kellogg, Hansen, Todd, Figel & Frederick
King & Spalding
Kirkland & Ellis
Latham & Watkins

Linklaters
Mayer Brown
McGuireWoods
Milbank
Munger, Tolles, & Olson
Norton Rose Fulbright
O'Melveny & Meyers
Orrick, Herrington & Sutcliffe
Paul, Weiss, Rifkind, Wharton & Garrison
Shearman & Sterling
Sidley Austin
Simpson Thacher & Bartlett
Skadden, Arps, Slate, Meagher & Flom
Squire Patton Boggs
Steptoe & Johnson
Sullivan & Cromwell
Susman Godfrey
Venable
Vinson & Elkins
Wachtell, Lipton, Rosen & Katz
White & Case

RESULTS

Key Takeaways

- As a whole, Vault 100 firms increased their lobbying and litigation representation of fossil fuel clients for the third year in a row.
- For the first time since the Scorecard began in 2020, firms decreased their fossil fuel transactional work while increasing their renewable energy transactional work. However, Vault 100 firms worked on 4.3x more fossil fuel transactions than renewable energy transactions.
- Five firms received an A this year; each of those firms appear in our dataset with just one instance of “exacerbating” representation in the past five years. This is the largest amount of A firms since the Scorecard began in 2020. However, 43 firms received Fs this year, up from 38 last year.

Firm Results

Our new data collection methodology produced more accurate results that shed a more discerning light on the performance of Vault 100 firms, both individually and collectively. The addition of a new transactional database and new scoring metrics for litigation involvement demonstrated the stark reality that although most firms in the Vault 100 advise fossil fuel clients, relatively few firms are responsible for the bulk of the fossil fuel work. For example, just seven firms—White & Case, Latham & Watkins, Vinson & Elkins, Allen & Overy, Clifford Chance, Simpson Thacher, and Linklaters—are responsible for nearly half of all fossil fuel transactions on which the Vault 100 advised (\$1.41 trillion of the \$3.01 trillion). The firm with the highest total dollars of transactional work, White & Case (\$322.63 billion), advised on fossil fuel transactions at over 10x the rate of the average firm. To put that in perspective, even with the planned merger of Shearman & Sterling and Allen & Overy this year (4th and 11th most fossil fuel transactional work, respectively), White & Case would still have advised on close to \$20 billion more in fossil fuel transactions.

Similarly, nine firms were responsible for nearly 45 percent of all climate-exacerbating litigation in the Vault 100, with just two firms—Paul, Weiss and Gibson Dunn—accounting for almost 13 percent of the total exacerbating representation. And just five firms have received nearly 60 percent of all federal fossil fuel lobbying compensation among the Vault 100. Akin Gump was the worst offender, as it was last year, receiving \$7.12 million in lobbying compensation—over 20x more than the average firm.

One firm was added to the Vault 100 rankings since the 2022 Scorecard was released, and one has correspondingly fallen out of the Vault 100. Polsinelli PC is new to the rankings, and was ranked by Vault’s 2023 report at number 97. It is ranked in our scorecard as a “D.” Though LSCA has not identified any fossil fuel transactions or litigation in which Polsinelli has participated, it has lobbied on behalf of a coal company on multiple occasions during the relevant period. We incorporated the firm’s work into the data for the Scorecard, and retroactively looked back to 2017 to have a point of comparison had it been included in the earlier rankings. Hughes Hubbard & Reed LLP has since dropped out of the rankings and is thus not included on this iteration of the Scorecard, though we maintain the firm’s data in the case it is ranked in the top 100 by Vault in the future.

As was the case in last year’s Scorecard, the specialized nature of each Vault 100 firm is highlighted in the diversity of firms performing work in each category. Notably, 66 firms were found to undertake litigation for fossil fuel clients, 78 were found to advise on fossil fuel transactions, and 33 lobbied on behalf of the fossil fuel industry. On the renewables side, 35 firms undertook mitigating cases, 74 firms advised on renewable energy transactions, and just 22 lobbied on behalf of the renewable energy industry.

No single firm was among the top ten worst in each of transactional, lobbying, and litigation work. Just two broke the top ten in multiple categories—Latham & Watkins (which had the fourth-worst litigation involvement and second-worst transactional involvement), and Hunton Andrews Kurth (which had the sixth-worst lobbying involvement and eighth-worst litigation involvement).

Moreover, the specialization of firms often leads to overlap between the worst offenders—firms doing the most climate-exacerbating work—and those firms doing the most climate-mitigating work. For example, Arnold & Porter has the third-highest involvement with fossil fuel litigation in the Vault 100 while simultaneously having the third-highest involvement with climate change-mitigating litigation as well. This is not a pattern that holds true for all firms, however. The highlight below proposes a framework for understanding our litigation data, given the unavoidable (but perhaps unsurprising) conclusion our data demonstrates: oil majors are digging in their heels as the climate risk and disaster comes to a head after the past half-century of unmitigated climate destruction.

HIGHLIGHT: Firm Representation of Oil Majors

The results of the litigation data collected jump out as one of the most striking data points in the scorecard. The five firms with the most fossil fuel representation are widely known for their work on behalf of the world's oil majors. Together, these oil companies had a combined revenue of over \$600 billion in 2022 alone.¹¹⁷

Firm	Client	Number of Exacerbating Representations	Number of Mitigating Representations
Paul, Weiss	ExxonMobil	35	0
Gibson Dunn	Chevron	28	0
Arnold & Porter	BP	24	5
Latham & Watkins	ConocoPhillips	25	7
Baker Botts	Hess Corp	25	0

These five firms offer an interesting look into the litigation data collected; while Arnold & Porter and Latham & Watkins take on the third- and fourth-most exacerbating litigation work, they each also take on a significant share of the climate change-mitigating cases reviewed. Paul, Weiss and Gibson Dunn, however, top the list of climate-exacerbating firms for their litigation work, and neither has participated in even a single mitigating case in any capacity. This is despite these firms touting their ESG and sustainability practice groups and spending millions to appear “green.”¹¹⁸

Further research into the lawyers taking on these cases, as well as requirements that clients set for the firms that represent them, may produce more clarity as to why firms like Paul, Weiss, Gibson Dunn, and Baker Botts do not assist any clients in mitigating representations.

Vault 100 Collective Results

The performance of the Vault 100 collectively paints a picture of a legal industry that is undergoing seismic changes. Firms are beginning to use language that recognizes climate risks, though often without incorporating this risk into their substantive work. Even lawyers from Hunton Andrews Kurth—a firm with some of the most exacerbating work in all categories scored—have written at length about environmental justice and climate change.¹¹⁹ Still, in the context of a worsening climate and the coinciding risks that are ours to share, the Vault 100 has generally failed to capitalize on the opportunity for growth in a world that is increasingly looking for climate solutions. Although the amount of transactional work done in renewable energy, battery storage, and electrification infrastructure has risen in the past decade, renewables transactional work is dwarfed by the amount spent on fossil fuels. From 2018-2022, the Vault 100 advised on **\$700 billion** worth of renewable energy transactions while facilitating **4.3 times** as much in fossil fuel transactions, totaling **\$3 trillion**.

Those who have followed LSCA's work over the scorecard's past three iterations may notice that between the 2022 scorecard and the 2023 scorecard, the total dollar value of fossil fuel transactions calculated has nearly doubled from \$1.6 trillion last year to over \$3 trillion this year. As described in the Methodology section above, this is the result of the addition of the Bloomberg transactional database.

Five Worst Firms for Litigation:

1. Paul, Weiss: 35 cases, **142 involvement points** (7x more than the average V100 firm)
2. Gibson Dunn: 27 cases, **115 involvement points**
3. Arnold & Porter: 23 cases, **101 involvement points**
4. Latham & Watkins: 23 cases, **96 involvement points**
5. Baker Botts: 23 cases, **88 involvement points**

Five Worst Firms for Lobbying:

1. Akin Gump: 36 fossil fuel clients, \$7.12 million (20.3x more than the average V100 firm)
2. Holland & Knight: 24 fossil fuel clients, \$3.94 million
3. Squire Patton Boggs: 18 fossil fuel clients, \$3.35 million
4. Steptoe & Johnson: 16 fossil fuel clients, \$2.77 million
5. Hogan Lovells: 15 fossil fuel clients, \$2.55 million

Five Worst Firms for Transactions:

1. White & Case: 258 transactions, \$322.63 billion (10.7x more than the average V100 firm)
2. Latham & Watkins: 365 transactions, \$234.78 billion
3. Vinson & Elkins: 321 transactions, \$223.02 billion
4. Allen & Overy: 177 transactions, \$202.10 billion
5. Clifford Chance: 125 transactions, \$150.56 billion



Collective Mitigating Results from the A Firms

Despite the gloomy outlook for the Vault 100 as a whole, there are some bright spots in the data collected. First, five firms received an “A” score this year, marking the first time since the first LSCA Law Firm Climate Change Scorecard in 2020 more than three firms received an “A.” These firms (in alphabetical order) are Cooley, Foley Hoag, Schulte Roth & Zabel, Sheppard Mullin, and Wilson Sonsini.

It cannot be ignored that each of these firms only received “A” scores due to the “one-time safe harbor” built into the methodology, with each of these firms undertaking a single instance of fossil fuel transactional work or litigation from 2018-2021. However, with this safe harbor extended, Foley Hoag deserves specific recognition for its climate mitigating work. In the data period, Foley Hoag advised on four renewable energy transactions worth a total of \$189 million and represented clients in three climate-mitigating cases from 2018-2022. Finally, three of the A firms stand out for their transactional work on behalf of renewable energy clients. Combined, Cooley, Sheppard Mullin, and Wilson Sonsini have advised on over \$8.4 billion in renewable energy transactions. Wilson Sonsini led the way with 32 different transactions totaling almost \$5 billion dollars between 2018 and 2022.

We hope that more firms follow the lead taken by the A firms and shift their work away from climate-exacerbating representations as the effects of the climate crisis become more apparent. At the end of the day, we know this scorecard can only move the needle to the extent potential clients, law students associates, and partners pressure firms to do better. This requires collective action on the part of all of us to use the data collected in the scorecard as a tool to hold the firms accountable that have made our planet increasingly unlivable.

From the Vault 100 as a Collective:

LSCA notes that the Law Firm Climate Change Scorecard is designed first and foremost to assist law students in selecting among Vault 100 firms, regardless of their practice area of interest. The Scorecard does not cater specifically to students interested in practicing environmental and energy law. Two trends in our data highlight this distinction: (1) while “A” firms have demonstrated their commitment to move away from fossil fuel representation, none of them make up the top 5 firms in renewables representation in any category, and (2) the top 5 firms in renewables representation in each category tend to also perform a large amount of fossil fuel representation (in fact, all of them received an F in this Scorecard).

A few considerations help contextualize these results. First, Vault 100 firms with large energy practices tend to work for both fossil fuel and renewables clients, whereas firms with less developed energy practices tend to only work for a small number of energy clients, if any.

Second, the type of energy client taken on can vary from partner to partner within a single firm; one partner may refuse to take on fossil fuel clients and perform the bulk of a firm’s renewables work. Therefore, students interested in environmental and energy work may find that “F” firms give them the greatest opportunity to do so, but that the type of client they work for is highly partner-dependent. **LSCA encourages students who make such a decision to advocate within their firm for more renewables work and a rejection of fossil fuel work.** Likewise, students who choose to work for “A” and “B” firms are encouraged to push their firm to grow its renewable energy practice.

To assist environmental and energy lawyers in identifying the firms with the largest renewables practice, keeping in mind the context above, the five firms with the largest renewables practice in each category are listed below.

Five Largest Renewables Practices for Litigation:

1. Covington & Burling (F firm): 9 cases, 41 involvement points
2. Latham & Watkins (F firm): 4 cases, 22 involvement points
3. Arnold & Porter (F firm): 4 cases, 15 involvement points
4. Sidley Austin (F firm): 3 cases, 12 involvement points
5. Crowell & Moring (F firm): 3 cases, 12 involvement points

*Combined, these firms had **3.7x** more involvement points for fossil fuel clients than for renewables clients.

Five Largest Renewables Practices for Lobbying:

1. Squire Patton Boggs (F firm): 8 renewables clients, \$1.74 million
2. Steptoe & Johnson (F firm): 8 renewables clients, \$1.55 million
3. Holland & Knight (F firm): 10 renewables clients, \$1.13 million
4. Akin Gump (F firm): 11 renewables clients, \$950,000
5. K & L Gates (F firm): 11 renewables clients, \$892,000

*Combined, these firms received **2.9x** more compensation from fossil fuel clients than from renewables clients.

Five Largest Renewables Practices for Transactions:

1. Linklaters (F firm): 229 transactions, \$88.65 billion
2. Clifford Chance (F firm): 282 transactions, \$87.59 billion
3. Norton Rose Fulbright (F firm): 305 transactions, \$59.53 billion
4. Allen & Overy (F firm): 184 transactions, \$45.38 billion
5. White & Case (F firm): 167 transactions, \$44.04 billion

*Combined, these firms facilitated fossil fuel transactions worth **2.8x** more than their renewables transactions.

As these results indicate, even for the five firms with the largest renewables practice in each category, that still only constitutes approximately 25% of their total energy practice, on average.



LIMITATIONS

Over the last year, we underwent a methodology review in part to address and improve upon limitations we have identified in past Scorecards. As a result, the 2023 Scorecard incorporates more data than ever, and builds additional levels of nuance into the scoring of lobbying and litigation work in particular. Though these changes have allowed us to provide a more accurate and nuanced representation of Vault 100 firms' work in the climate space than before, we still acknowledge and address the limitations of our report.

First, there are limitations in data available to analyze the legal industry's involvement in climate exacerbating and mitigating work. Our litigation data is based exclusively on cases represented in the Sabin Center database, Climatecasechart.com, which specifically identifies cases in which climate change is a material issue of law or fact. This scope of analysis ensures each case involves climate impacts, but does not include every case with climate or environmental justice impacts. Within the cases identified by Climatecasechart, our use of Bloomberg supplemented the amount of filings visible in the case and allowed us to identify firm involvement with greater accuracy. Despite our data constraints, our addition of the points system, discussed in the Methodology section, helps address past limitations of accounting for a firm's level of involvement in each case and the case's overall significance. We acknowledge the points system does not capture these measurements exactly, but rather serves as a proxy to estimate them.

Our transactional data similarly enables us to create a proxy for a firm's impacts, but does not directly measure them. Using the data in Bloomberg and IJGlobal, we are best able to identify the dollar value of each transaction to serve as an indicator of a firm's work. This amount may not represent the time or resources a firm spent on a particular transaction, but can signify, to an extent, the potential impact of that transaction. Further, in transactions involving multiple firms, we divide the total value by the number of firms involved. While this allows us to allocate a portion of a transaction to each firm involved, we do not know the relative level of each firm's involvement and therefore cannot be sure this division is proportional to the true level of a firm's work. Finally, in both IJGlobal and Bloomberg, the dollar values of many transactions are confidential or unreported. These have been excluded from our transactional database, though they may have significant climate impacts. Despite these barriers, the addition of Bloomberg data to supplement transactions found in IJGlobal allowed us to identify transactions totaling roughly double those we identified in years prior. Therefore, despite these limitations, our data this year is a fuller picture of Vault 100 fossil fuel transactional work than ever before.

Our lobbying data faces similar constraints. OpenSecrets.org, which includes a searchable database of mandatory federal lobbying disclosure forms, is constrained by information required on those forms. As a result, we are able to identify a firm's lobbying client as well as the

amount of compensation a firm received for work on behalf of that client each year. The metric the Scorecard uses, therefore, is the dollar value of compensation received from fossil fuel and renewable clients. While this may indicate the amount of resources a firm spent on that client, it obscures the particular policies lobbied for or against and the extent of harm those policies would have on the climate and on environmental justice communities. Further, this database only includes federal lobbying data, so we are unable to account for any state and local-level lobbying, which is likely significant.¹²⁰

Other limitations of our report are broader. First, although LSCA strives to center environmental justice, our rankings themselves cannot encompass the full spectrum of harms that the principles of environmental justice seek to address. For example, the amount of work a firm conducts on behalf of fossil fuel clients in litigation, lobbying, and transactions is not a measure of the environmental harms perpetrated by these firms; other kinds of work also implicate environmental justice, and the amount of work a firm performs does not correlate directly with the amount of harm caused. Specific harms are much more difficult to quantify, so while they are not represented as clearly among our A-F grading, we work to incorporate specific environmental justice concerns throughout the rest of the report. Additionally, our methodology changes this year in part reflect a recognition of the environmental justice and human rights issues that arise in "tricky techs," which we are no longer including in the Scorecard and in previous Scorecards were often labeled as renewables or as mitigating work. Despite these efforts, we recognize the nature of our databases and the fossil fuels/renewable binary does not sufficiently capture environmental justice and human rights harms.

Relatedly, because the Scorecard assigns grades to Vault 100 firms based solely on work in the climate space, even firms receiving high grades may still perpetrate harm in other areas. We hope other groups invested in improving the legal profession investigate and illuminate such work to allow students and clients to make even more thoroughly informed decisions. As just one example, there is a substantial overlap between environmental injustice and the perpetuation of private prisons in the United States. The Kentucky Student Environmental Coalition, for instance, is campaigning to prevent the construction of a prison in Letcher County,¹²¹ while they also fight the Louisville Gas and Electric's (LG&E) efforts to expand pipelines in Kentucky.¹²²

Notably, court documents show that a local firm has represented the LG&E pipeline, but the Scorecard is limited to the Vault 100 firms. While these firms perform massive amounts of fossil fuel work, they are not the only law firms or legal actors whose work exacerbates the climate crisis. Similarly, the report does not capture the renewables work of firms outside the Vault 100. And while we seek to assist students in their decisions during the BigLaw recruitment process, the Scorecard cannot capture information about work environment or other aspects of firm culture.

Despite these limitations, we continue to produce the Scorecard because we believe it is a valuable resource for students, attorneys, and the broader public. As part of our push for climate accountability in the legal profession, we hope to offer firms a vision of what a just transition industry looks like in the legal industry. Our Law Firm Climate Pledge asks firms to commit to take on no new fossil fuels work, and to phase out existing work by 2025. To date, sixteen firms and legal organizations, listed below, have signed the pledge. We encourage students to learn more about these organizations and we encourage other firms to follow their lead.

LSCA CLIMATE 

PLEDGE SIGNATORIES

80 Acres

Angel Law

Bricklin Newman LLP

Boston Law Collaborative

Earthjustice

Good Steward Legal

Goldblatt + Singer

Green Economy Law

Gupta Wessler

Kanji & Katzen

Krokidas & Bluestein LLP

Law Offices of Carolyn Elefant

Law Office of Omar Figueroa

Sher Edling

Shute, Mihaly & Weinberger

Strumwasser & Woocher

RECOMMENDATIONS COMMITMENTS



Even in the face of a changing climate, rapidly developing technology, and variable political infrastructure, the goal of our recommendations and commitments remains consistent with prior Scorecards: a livable planet for all. We recognize there are many paths possible to pursue this goal. With our underlying commitment to supporting environmental justice, we additionally recommend the following.

For Clients of Law Firms:

Clients of law firms possess the power to directly impact the legal industry with their choices for representation. While evaluating counsel to work with, clients should assess whether a firm's values align with their own, and whether a firm's practices and investments are sustainable into the future. Many clients have commitments to climate justice, racial equity, and more, and may question whether they should give additional business to the same lawyers who represent companies and corporations making the largest contributions to the climate crisis. This scorecard provides a resource for clients looking to avoid law firms whose current and/or ongoing practices do not align with a just transition away from fossil fuel use.

Invitation to Frontline Communities, Organizations & Activists:

Law Students for Climate Accountability commits to continue to engage in solidarity 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, and to connect with us on future campaigns.

For Law Students:

Students have much to contend with in joining the legal profession, especially given the tricky trajectory of the transition to clean, equitably- and justly-sourced energy. We recognize and acknowledge that choice is a privilege that we must wield responsibly, and that education is an opportunity we can utilize powerfully. Since the release of the 2020 scorecard, over 500 law students across the country have joined the call for climate accountability. Many students have taken specific actions to show law

firms they are concerned about continuing fossil fuel work. Indeed, many of our peers in the legal academy may be from frontline and/or environmental justice communities, navigating learning the field of law and living the destructive impacts brought on by the industry simultaneously.

In addressing the commitments and recommendations students can make, we invite those who possess the privilege of choice to open opportunities for a broader conversation around climate accountability and environmental justice in our profession. 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.

The following actions (all of which have been taken in the past few years 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?"
- Ask questions of the career services offices at your school when they offer advice. As an example, "I am very committed to climate justice; do you know how this firm performs in that area? Are there options you could share with me that might align with my values?"
- Take a look at the Fossil Lawyers report for more information about the schools training the most lawyers to work for the fossil fuel industry.
- If you take 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 poorly.
- 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 #Done with Dunn (Gibson Dunn).
- Pledge to not work at any firm that represents the fossil fuel industry.

Law Student Climate Responsibility Pledge

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.

For Law Firms:

To the firms who have taken the pledge, to the lawyers who seek to shift their organizations from extractive processes towards generative potential, we thank you for your commitment.

For firms who are newly engaging in the tough work of transition, we encourage you to continue and to choose wisely. The legal industry is not a neutral party. Choose to be accountable to the future lawyers in the field, to the communities who are impacted by your work, and to the planet we all inhabit. Each case that is litigated has consequences, consider them beyond the profits. Further, we call on law firms to engage the following:

- Take the Law Firm Climate Pledge.
- Implement **data transparency**. Across lobbying, litigation, and transactions at your firm, create databases and transparently share the numbers and kinds of clients and subject matter worked on.
- Carefully consider who and what you represent. In lobbying and transactions, phase out representation for fossil fuel companies. In litigation, decline to take on cases that could result in further environmental injustices. If a conflicts-check is involved in your representation decisions, amend the process to include climate justice as a factor.
- Interrogate your practices and culture to align with environmental justice and climate accountability.
- To firms currently representing fossil fuel clients: ensure employees have the opportunity to decline work that will perpetuate the climate crisis and harm frontline communities.

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.



ENDNOTES



[1] Bussewitz, Cathy. 2023. "Exxon Mobil reached record profits amid high gas prices, war in Ukraine." PBS. <https://www.pbs.org/newshour/economy/exxon-mobil-reached-record-profits-amid-high-gas-prices-war-in-ukraine>.

[2] Ibid.

[3] Kent, Lauren. 2022. "Big oil companies are spending millions to appear 'green.' Their investments tell a different story, report shows." CNN. <https://www.cnn.com/2022/09/07/energy/big-oil-green-claims-report-climate-intl/index.html>. See also Milman, Oliver. 2023. "Shell's actual spending on renewables is fraction of what it claims, group alleges." The Guardian. <https://www.theguardian.com/business/2023/feb/01/shell-renewable-energy-spending-sec-global-witness> (describing that Shell's actual spending on renewables is just 10% of what it claimed).

[4] Shell recently showed that its "green" push was a farce all along, telling investors that oil and gas will remain central to the company for years to come. See Bousso, Ron. 2023. "Exclusive: Shell pivots back to oil to win over investors." Reuters. <https://www.reuters.com/business/energy/shell-pivots-back-oil-win-over-investors-sources-2023-06-09/>.

[5] Firms are able to hide behind databases that charge significant fees for access to this data, making it difficult for individual law students to obtain the information that LSCA presents in the Law Firm Climate Change Scorecard. LSCA's growing influence on law school campuses has allowed us to access additional databases that are available to some law students through their schools. This scorecard makes otherwise-restricted data available to the public to the extent possible under the terms of the licensing agreements.

[6] Silk, David, and Carmen Lu. 2023. "Environmental, Social, & Governance Laws and Regulations Report 2023 USA." ICLG.com. <https://iclg.com/practice-areas/environmental-social-and-governance-law/usa>.

[7] Davenport, Coral. 2023. "Mountain Valley Pipeline Halted as Legal Wrangling Heats Up." The New York Times, July 12, 2023. <https://www.nytimes.com/2023/07/12/climate/mountain-valley-pipeline-courts.html>.

[8] Hankerson, Mechelle. 2018. "Pipeline problems: State sues over MVP environmental violations and another permit vacated for ACP, which suspends construction." Virginia Mercury, December 7, 2018.

[9] Armao, Mark, Emily Pontecorvo, and Rob Davies. 2021. "Tribes fear Mountain Valley Pipeline will damage waterways, burial grounds." Grist. <https://grist.org/article/mountain-valley-pipeline-and-indigenous-land/>.

[10] Campblin, Karen. 2021. "On environmental justice, the Mountain Valley Pipeline is an old story." Washington Post, November 26, 2021. <https://www.washingtonpost.com/opinions/2021/11/26/environmental-justice-mountain-valley-pipeline-is-an-old-story/>.

[11] OilChange International and Bold Alliance, p. 3. 2017. "The Mountain Valley Pipeline: Greenhouse Gas Emissions Briefing" Oil Change International. http://priceofoil.org/content/uploads/2017/02/mountain_valley_pipe_web_final_v1.pdf.

[12] Hammack, Laurence. 2023. "Federal court stops construction of Mountain Valley Pipeline in national forest." Roanoke Times, July 10, 2023. https://roanoke.com/news/local/federal-court-stops-construction-of-mountain-valley-pipeline-in-national-forest/article_c0fc44b8-1f6d-11ee-99a5-cb9610c4e846.html.

[13] Hankerson, "Pipeline Problems." See also Emergency Application to Vacate Stays of Agency Authorization, Mountain Valley Pipeline, LLC v. Wilderness Society, No. 23-1592 (S. Ct. Jul. 14, 2023), https://www.supremecourt.gov/DocketPDF/23/23A35/272104/20230714161603813_MVP%20Application%20to%20Vacate%20Stays.pdf.

[14] "False solutions" generally include technological or market-based schemes promoted by the fossil fuel industry and its allies that give the appearance of addressing climate change without any of the substance. In addition to certain of the technologies listed, other examples of false solutions include carbon offsets, carbon credits, and waste-to-energy. See Becker, Troy. 2022. "False Solutions for Just Climate Mitigation and Clean Energy Policies." The New School. https://static1.square-space.com/stat-ic/5d14dab43967cc000179f3d2/t/6399f1502a408365c4201424/1671033168513/False+Solutions_12.13.22.pdf; "What are False climate Solutions?" n.d. New Mexico No False Solutions. Accessed July 24, 2023.

[15] "Just Transition is a vision-led, unifying and place-based set of principles, processes, and practices that build economic and political power to shift from an extractive economy to a regenerative economy. This means approaching production and consumption cycles holistically and waste-free. The transition itself must be just and equitable; redressing past harms and creating new relationships of power for the future through reparations. If the process of transition is not just, the outcome will never be. Just Transition describes both where we are going and how we get there." "What Do We Mean By Just Transition?" Climate Justice Alliance. <https://climatejusticealliance.org/just-transition>.

2023 Climate Scorecard: Endnotes

[16] Birol, Fatih. 2022. "How hydrogen can offer a clean energy future." World Economic Forum. <https://www.weforum.org/agenda/2019/06/how-hydrogen-can-offer-a-clean-energy-future/>; "Hydrogen Fuel Basics." Department of Energy. Accessed July 24, 2023. <https://www.energy.gov/eere/fuelcells/hydrogen-fuel-basics>.

[17] Kubota, Taylor. 2019. "Study casts doubt on carbon capture." Stanford News. <https://news.stanford.edu/2019/10/25/-study-casts-doubt-carbon-capture/>.

[18] Aldred, Jessica. 2008. "Biofuel demand leading to human rights abuses, report claims." The Guardian. <https://www.theguardian.com/environment/2008/feb/11/biofuels.energy>; "Europe's biofuels addiction is threatening human rights in Peru." 2021. Oxfam International. <https://www.oxfam.org/en/blogs/europes-biofuels-addiction-threatening-human-rights-peru>.

[19] Birol, "How hydrogen can offer a clean energy future."

[20] Wald, Matthew. 1989. "Hydrogen: Is It the Clean Fuel of the Future?" The New York Times, November 1, 1989, D9. <https://www.nytimes.com/1989/11/01/business/business-technology-hydrogen-is-it-the-clean-fuel-of-the-future.html?searchResultPosition=2>.

[21] Birol, "How hydrogen can offer a clean energy future."

[22] "Hydrogen Fuel Basics." Department of Energy.

[23] "The hydrogen colour spectrum." 2023. National Grid. <https://www.nationalgrid.com/stories/energy-explained/hydrogen-colour-spectrum>.

[24] Ibid.

[25] Ibid.

[26] "Hydrogen Fuel Basics." Department of Energy.

[27] "Production of hydrogen." 2023. U.S. Energy Information Administration. <https://www.eia.gov/energyexplained/hydrogen/production-of-hydrogen.php>.

[28] Friedlander, Blaine. 2021. "Touted as clean, 'blue' hydrogen may be worse than gas or coal | Cornell Chronicle." Cornell Chronicle. <https://news.cornell.edu/stories/2021/08/touted-clean-blue-hydrogen-may-be-worse-gas-or-coal>.

[29] Birol, "How hydrogen can offer a clean energy future."

[30] "The difference between gray, blue, and green hydrogen." 2022. Yale Climate Connections. <https://yaleclimateconnections.org/2022/02/the-difference-between-gray-blue-and-green-hydrogen/>.

[31] Mercer, Daniel. 2022. "A clean future or merely greenwashing? Critics claim Coalition's hydrogen plans are a 'fig leaf' for fossil fuels." ABC News Australia. <https://www.abc.net.au/news/2022-05-12/federal-government-green-hydrogen-plans-labelled-greenwashing/101052282>.

[32] "Report: Hydrogen is Big Oil's Latest Greenwashing Scheme." 2022. Friends of the Earth. <https://foe.org/news/hydrogen-greenwashing-scheme>.

[33] "Producing Electricity from Hydrogen and Renewable Gas." n.d. Phibro LLC Commodities. Accessed July 24, 2023. <https://www.phibro.com/generatingpower>.

[34] Ibid.

[35] Clifford, Catherine. 2021. "Carbon capture technology: Why we aren't further along." CNBC. <https://www.cnbc.com/2021/01/31/carbon-capture-technology.html>.

[36] Baugh, Sue. "Carbon capture and storage (CCS); Definition, Process, & Facts." Encyclopedia Britannica. Accessed July 24, 2023. <https://www.britannica.com/technology/carbon-capture-and-storage>.

[37] Herzog, Howard. 2023. "Carbon Capture." MIT Climate Portal. <https://climate.mit.edu/explainers/carbon-capture>.

[38] Ibid.

[39] Ibid.

[40] Ibid.

2023 Climate Scorecard: Endnotes

[41] Weingart, Eden, Mitch Smith, and Alyssa Schukar. 2023. “How Does Carbon Capture Work?” The New York Times, March 19, 2023. <https://www.nytimes.com/interactive/2023/03/19/us/carbon-capture.html>.

[42] Herzog, “Carbon Capture.”

[43] “Carbon capture and storage can help us beat climate change.” 2020. The World Economic Forum. <https://www.weforum.org/agenda/2020/12/carbon-capture-and-storage-can-help-us-beat-climate-change/>.

[44] Weingart, “How does carbon capture work?”

[45] Home | CO2 Degrees Challenge. Accessed July 24, 2023. <https://co2degrees.com/>.

[46] Miller, Patrick C. 2022. “Carbon capture and storage: From dream to reality.” University of North Dakota Today. <https://blogs.und.edu/und-today/2022/11/carbon-capture-and-storage-from-dream-to-reality/>; “5 projects proving carbon capture is a reality.” 2020. Drax Group. <https://www.drax.com/us/carbon-capture/5-projects-proving-carbon-capture-is-a-reality/>.

[47] Drax Group, “5 Projects.”

[48] Weingart, “How does carbon capture work?”

[49] Franta, Benjamin and Supran, Geoffrey. 2017. “The fossil fuel industry’s invisible colonization of academia.” The Guardian. <https://www.theguardian.com/environment/climate-consensus-97-per-cent/2017/mar/13/the-fossil-fuel-industrys-invisible-colonization-of-academia>

[50] Kubota, “Study casts doubt on carbon capture.”

[51] Ibid.

[52] Anthony, Leslie. 2022. “The truth about carbon capture.” Canadian Geographic. <https://canadiangeographic.ca/articles/the-truth-about-carbon-capture/>.

[53] Ibid.

[54] Green, Matthew. 2023. “Carbon capture project is 'Band-Aid' to greenwash \$10bn LNG plant, locals say.” The Guardian. <https://www.theguardian.com/environment/2023/feb/03/carbon-capture-gas-exports-rio-grande-ling-nextdecade>.

[55] Ibid.

[56] Creamer, John, Emily A. Shrider, Kalee Burns, and Frances Chen. 2022. “Poverty in the United States: 2021.” U.S. Census Bureau. <https://www.census.gov/library/publications/2022/demo/p60-277.html>; “Port Isabel, Texas (TX) Poverty Rate.” n.d. city-data.com. Accessed July 24, 2023. <https://www.city-data.com/poverty/poverty-Port-Isabel-Texas.html>.

[57] Ibid.

[58] “U.S. Census Bureau QuickFacts: Yazoo County, Mississippi.” n.d. U.S. Census Bureau. Accessed July 24, 2023. <https://www.census.gov/quickfacts/yazoocountymississippi>.

[59] Eller, Donnelle. 2022. “Here are by-the-minute details of 2020 Mississippi CO2 pipeline leak.” The Des Moines Register. <https://www.desmoinesregister.com/story/money/agriculture/2022/09/11/here-minute-details-2020-mississippi-co-2-pipeline-leak-rupture-denbury-gulf-coast/8015510001/>.

[60] Stephens, Jennie C., and Bob Van Der Zwaan. 2005. “The Case for Carbon Capture and Storage.” Issues in Science and Technology XXII, no. 1 (Fall). <https://issues.org/stephens/>.

[61] “Ocean acidification.” 2020. National Oceanic and Atmospheric Administration. <https://www.noaa.gov/education/resource-collections/ocean-coasts/ocean-acidification>.

[62] Stephens, “Carbon Capture.”

[63] “Enhanced Oil Recovery.” n.d. Department of Energy. <https://www.energy.gov/fecm/enhanced-oil-recovery>.

[64] McGlade, Christopher. 2019. “Can CO2-EOR really provide carbon-negative oil? – Analysis.” IEA. <https://www.iea.org/commentaries/can-co2-eor-really-provide-carbon-negative-oil>.

[65] Ibid.

2023 Climate Scorecard: Endnotes

[66] Ibid.

[67] Noël, John. 2018. “Carbon Capture and Release.” Clean Water Action. <https://cleanwater.org/publications/carbon-capture-and-release>.

[68] Tong, D., Zhang, Q., and Zheng, Y. 2019. “Committed emissions from existing energy infrastructure jeopardize 1.5 °C climate target.” *Nature* 572:373–377. <https://doi.org/10.1038/s41586-019-1364-3>.

[69] “Carbon Capture and Storage (CCS) Specialists.” n.d. Allen & Overy. Accessed July 24, 2023. <https://www.allenoverly.com/en-gb/global/expertise/sectors/energy/power/carbon-capture>.

[70] “Biomass explained.” 2023. U.S. Energy Information Administration. <https://www.eia.gov/energyexplained/biomass/>.

[71] “A Brief History of Biofuels.” 2020. Study Biofuels. <https://studybiofuels.com/history-of-biofuels/>.

[72] EIA, “Biomass explained.”

[73] “Biofuels explained.” 2022. U.S. Energy Information Administration. <https://www.eia.gov/energyexplained/biofuels/>.

[74] Comstock, Owen, and Elesia Fasching. 2023. “U.S. Energy Information Administration.” U.S. Energy Information Administration - EIA - Independent Statistics and Analysis. <https://www.eia.gov/todayinenergy/detail.php?id=56980>.

[75] “Biofuel.” 2020. MIT Climate Portal. <https://climate.mit.edu/explainers/biofuel>.

[76] Ibid.

[77] EIA, “Biomass explained;” “Biomass Energy Basics.” NREL Research. <https://www.nrel.gov/research/re-biomass.html>.

[78] “Biofuel.” 2020. MIT Climate Portal. <https://climate.mit.edu/explainers/biofuel>.

[79] EIA, “Biofuels Explained.”

[80] Sarisky, Valerie. 2022. “Ethanol vs. Petroleum-Based Fuel Carbon Emissions.” Department of Energy. <https://www.energy.gov/eere/bioenergy/articles/ethanol-vs-petroleum-based-fuel-carbon-emissions>.

[81] “Renewable Fuel Standard Program | US EPA.” 2023. Environmental Protection Agency. <https://www.epa.gov/renewable-fuel-standard-program>.

[82] Bracmort, Kelsi. 2019. “The Renewable Fuel Standard (RFS): An Overview,” p. 8. CRS Reports. <https://crsreports.congress.gov/product/pdf/R/R43325/40>.

[83] Brief for Petitioners, RFS Power Coalition v. E.P.A., No. 20-1046 (D.C. Cir. Jan. 29, 2021). http://climatecasechart.com/wp-content/uploads/sites/16/case-documents/2021/20210129_docket-20-1046_brief.pdf. Of note, the American Petroleum Institute and the Counsel for American Fuel and Petrochemical Manufacturers—represented by Covington & Burling and Crowell & Moring—filed an opposition to the 2020 standards because they would require less oil in the fuel mix.

[84] “Biofuels policies to massively increase deforestation by 2030.” 2020. Transport & Environment. <https://www.transportenvironment.org/discover/biofuels-policies-massively-increase-deforestation-2030-study/>.

[85] Aldred, “Biofuel Demand.”

[86] “Do Biofuels Destroy Forests? Link between Deforestation and Biofuel Use.” n.d. Climate Policy Info Hub. Accessed July 24, 2023. <https://www.climatepolicyinfohub.eu/do-biofuels-destroy-forests-link-between-deforestation-and-biofuel-use.html>.

[87] León-Moreta, María. n.d. “Biofuels: A Threat to the Environment and Human Rights?” *European Journal of Legal Studies* 4 (1): 125-26. https://ejls.eui.eu/wp-content/uploads/sites/32/pdfs/Spring_Summer2011/A_THREAT_TO_THE_ENVIRONMENT_AND_HUMAN_RIGHTS-%20BIOFUELS_.pdf.

[88] Ibid.

[89] “Biofuels and the environment.” 2022. U.S. Energy Information Administration. <https://www.eia.gov/energyexplained/biofuels/biofuels-and-the-environment.php>.

[90] Oxfam, “Europe’s biofuels addiction.”

2023 Climate Scorecard: Endnotes

[91] Ibid.

[92] Hance, Jeremy, and Rhett A. Butler. 2015. “EU votes to scale back on biofuels linked to deforestation.” Mongabay. <https://news.mongabay.com/2015/04/eu-votes-to-scale-back-on-biofuels-linked-to-deforestation/>.

[93] Ibid.

[94] “A rapid rise in battery innovation is playing a key role in clean energy transitions.” 2020. International Energy Agency. <https://www.iea.org/news/a-rapid-rise-in-battery-innovation-is-playing-a-key-role-in-clean-energy-transitions>.

[95] Lee, April. 2018. “Batteries perform many different functions on the power grid.” U.S. Energy Information Administration. <https://www.eia.gov/todayinenergy/detail.php?id=34432>.

[96] Katz, Cheryl. 2020. “The batteries that could make fossil fuels obsolete.” BBC, December 18, 2020. <https://www.bbc.com/future/article/20201217-renewable-power-the-worlds-largest-battery>.

[97] Carreon, Alessandra R. 2023. “The EV Battery Supply Chain Explained.” RMI. <https://rmi.org/the-ev-battery-supply-chain-explained/>.

[98] Gross, Terry, and Siddharth Kara. 2023. “How ‘modern-day slavery’ in the Congo powers the rechargeable battery economy.” NPR. <https://www.npr.org/sections/goatsandso-da/2023/02/01/1152893248/red-cobalt-congo-drc-mining-siddharth-kara>.

[99] Linder, Martin, and Tomas Naucler. 2023. “The race to decarbonize electric-vehicle batteries.” McKinsey. <https://www.mckinsey.com/industries/automotive-and-assembly/our-insights/the-race-to-decarbonize-electric-vehicle-batteries>.

[100] Ibid.

[101] Kuykendall, Taylor, and Avery Chen. 2023. “Battery Next: Metal supply concerns push EV makers to new battery chemistries.” S&P Global. <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/battery-next-metal-supply-concerns-push-ev-makers-to-new-battery-chemistries-75884340>.

[102] McFarland, Matt. 2022. “The next holy grail for EVs: Batteries free of nickel and cobalt.” CNN. <https://www.cnn.com/2022/06/01/cars/tesla-lfp-battery/index.html>.

[103] Beaulieu, Victoria. 2023. “Artisanal cobalt mining swallowing city in Democratic Republic of the Congo, satellite imagery shows.” ABC News. <https://abcnews.go.com/International/cobalt-mining-transforms-city-democratic-republic-congo-satellite/story?id=96795773>.

[104] McFarland, “The next holy grail for EVs.”

[105] Ferrer, Linda. 2016. “Standing Rock Sioux Defend Their Water, Lands, in Fight Against Dakota Access Pipeline.” Cultural Survival. https://www.culturalsurvival.org/news/standing-rock-sioux-defend-their-water-lands-fight-against-dakota-access-pipeline?gclid=EAlaIQobChMlgP2aILmSgAMVb0NHAR2kxQyBEAAYAiAAEglqT_D_BwE

[106] “Six banks step away from Dakota Access Pipeline (DAPL) and backers.” 2017. BankTrack. https://www.bank-track.org/article/three_banks_step_away_from_dakota_access_pipeline_backers_v.

[107] Brown, Alleen, and Naveena Sadasivam. 2023. “Standing Rock Docs: Police Partnered With Energy Transfer, TigerSwan.” The Intercept. <https://theintercept.com/2023/05/22/standing-rock-energy-transfer-tigerswan/>.

[108] “History.” Protect the Protest. Accessed July 24, 2023. <https://protecttheprotest.org/history/>.

[109] Weyler, Rex, and Flarup Christensen. 2018. “Chevron’s SLAPP suit against Ecuadorians: corporate intimidation.” Greenpeace. <https://www.greenpeace.org/international/story/16448/chevrons-slapp-suit-against-ecuadorians-corporate-intimidation/>.

[110] See *Mots. for Admission pro hac vice of Trey Cox, Rachel Robertson, and Ashley Johnson, Energy Transfer LP v. Greenpeace Int’l*, Case. No. 30-2019-CV-00180 (N.D. Civil Div., Morton Cnty., July 6, 2023).

[111] “Energy Transfer LP v. Greenpeace International.” 2019. Climate Change Litigation Databases. <http://climatecasechart.com/case/energy-transfer-lp-v-greenpeace-international/>.

[112] *E & J Gallo Winery v. Encana Energy Servs., Inc.*, No. CV-F-03-5412 AWILJO, 2005 WL 6408198 (E.D. Cal. July 5, 2005).

2023 Climate Scorecard: Endnotes

[113] Regunberg, Aaron. 2021. "Chevron's Intimidation Campaign." Dissent Magazine. https://www.dissentmagazine.org/online_articles/chevrans-intimidation-campaign/.

[114] "False solutions" generally include technological or market-based schemes promoted by the fossil fuel industry and its allies that give the appearance of addressing climate change without any of the substance. In addition to certain of the technologies listed, other examples of false solutions include carbon offsets and carbon credits. See Becker, Troy. 2022. "False Solutions for Just Climate Mitigation and Clean Energy Policies." The New School. https://static1.square-space.com/stat-ic/5d14dab43967cc000179f3d2/t/6399f1502a408365c4201424/1671033168513/False+Solutions_12.13.22.pdf; "What are False climate Solutions?" n.d. New Mexico No False Solutions. Accessed July 24, 2023. <https://www.nofalsesolutions.com/false-climate-solutions>.

[115] Oğuz, Selin, and Bruno Venditti. 2023. "How EV Adoption Will Impact Oil Consumption (2015-2025P)." Elements by Visual Capitalist. <https://elements.visualcapitalist.com/ev-impact-on-oil-consumption/>; Plumer, Brad. 2023. "How Green Are Electric Vehicles?" The New York Times, June 23, 2023. <https://www.nytimes.com/2021/03/02/climate/electric-vehicles-environment.html>. While the evidence is solid that electric vehicles reduce greenhouse gas emissions significantly, we also acknowledge the attendant environmental issues that follow from mining raw materials, vehicle production, and power generation required to charge them.

[116] "Mayor of Baltimore v. BP P.L.C." 2023. Harvard Law Review 136, no. 4 (February): 1276-83. <https://harvardlawreview.org/print/vol-136/mayor-of-baltimore-v-bp-p-l-c/>.

[117] "Fortune 500 – The largest companies in the U.S. by revenue." n.d. Fortune. Accessed July 24, 2023. <https://fortune.com/ranking/fortune500/>.

[118] See, e.g., "Paul, Weiss Launches ESG and Law Institute, Partners With Berkeley Law." 2021. Paul, Weiss. <https://www.paulweiss.com/about-the-firm/firm-news/paul-weiss-launches-esg-and-law-institute-partners-with-berkeley-law?id=41247> (discussing a partnership between Paul, Weiss and Berkely to launch an institute at the school to conduct research and analysis and be involved in programs and events focused on leading-edge ESG topics). This has been done despite the firm's steadfast commitment to expanding its work for Exxon. See Reuters. 2023. "Exxon settles Indonesia torture case that led to SEC official's ouster." CNN. <https://www.cnn.com/2023/05/16/business/indonesia-exxon-law-suit-settlement-hnk-intl/index.html>; "ExxonMobil Prevails in Landmark \$1.6 Billion Trial Over Climate Change Disclosures." 2019. Paul, Weiss. <https://www.paulweiss.com/practices/litigation/litigation/news/exxonmobil-prevails-in-landmark-16-billion-trial-over-climate-change-disclosures?id=30337..>

[119] "Environmental Justice." n.d. Hunton Andrews Kurth LLP. Accessed July 24, 2023. <https://www.huntonak.com/en/practices/environmental/environmental-justice.html>; "Climate Change." Hunton Andrews Kurth LLP. Accessed July 24, 2023. <https://www.huntonak.com/en/practices/environmental/climate-change.html>.

[120] See Noor, Dharna. 2023. "As some US cities address the climate crisis, their lobbyists work for big oil." The Guardian. <https://www.theguardian.com/us-news/2023/jul/06/climate-fossil-fuel-lobbyist-baltimore-bay-area-charleston>.

[121] Building Community Not Prisons: Stopping the Most Expensive US Prison. Kentucky Student Environmental Coalition. <https://www.kystudentenvironmentalcoalition.org/stop-letcher-co-prison.html>

[122] Green, Marcus. 2023. "Bernheim pipeline lawsuit heads to trial in Bullitt County." WDRB.com. https://www.wdrb.com/in-depth/bernheim-pipeline-law-suit-heads-to-trial-in-bullitt-county/article_c6ae9238-9068-11ed-8637-4fec9090606a.html