

# ESG Litigation and Sustainability

## Overview

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When it comes to environmental, social and governance (ESG) standards, consumers, investors and regulators are increasingly demanding greater accountability from companies in their operations and business practices. One area of particular concern is environmental- and sustainability-related litigation over environmental mishaps and violations, unsustainable practices, and false or misleading sustainability-related claims in consumer advertising or investor materials. Katten's ESG Litigation and Sustainability Compliance practice offers a broad range of counsel to clients facing regulatory enforcement actions, litigation, shareholder activism and other reputation management challenges related to environmental and sustainability policies and practices.

### A deep bench with deep roots

Our multidisciplinary attorneys are well-positioned to assist clients at every stage — from sustainability program review to supply chain risk management to advertising claims. We have particular experience with "greenwashing," where companies are accused of making exaggerated or false claims about their environmental and sustainability efforts. Consumers, investors and even corporate partners are increasingly sensitive to claims that could be seen as greenwashing, which can impact a business's bottom line and reputation. In addition to identifying potential greenwashing vulnerabilities, Katten can help clients with certifications related to sustainable products and practices. We have direct experience working with a variety of nonprofit certifying organizations.

Katten knows that sustainability issues can be more than just environmental. We regularly work with clients to identify and mitigate risks and respond to matters involving human rights issues. Clients trust our ability to help them navigate supply chain and vendor concerns such as child labor, human trafficking and negative impacts on minority and vulnerable populations.

The ESG Litigation and Sustainability Compliance team understands the unique business needs of our clients and how that relates to the sustainability challenges they face. We are highly experienced working within a number of industries, including food and beverage, media and telecommunications, financial services, real estate, fashion, energy, technology, home appliances and consumer products.

### UK and EU Compliance

Companies operating in Europe, whether in the EU/European Economic Area (EEA) or the UK, may face significant compliance and reputational challenges complying with ESG-related regulations, as the regulatory obligations often vary. The Katten ESG team in London is a multidisciplinary team featuring lawyers with banking, corporate and M&A,

employment law, financial services, insolvency and restructuring, intellectual property, data privacy, real estate, hospitality and leisure, and tax experience. We are well-positioned to provide integrated, cross-border guidance on ESG requirements and sustainability goals, including specific and comprehensive reporting requirements (including the Financial Conduct Authority's (FCA) ESG handbook and Task Force on Climate-related Financial Disclosures (TCFD), the EU Corporate Sustainability Reporting Directive (CSRD), Sustainable Finance Disclosure Regulation and Taxonomy Regulation, among others), accessing sustainable finance, protecting personal data, or championing diversity and inclusion.

## Key Contacts

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### Christopher A. Cole

*Partner and Chair, Advertising, Marketing and Promotions*

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Washington, DC  
+1.202.625.3550  
christopher.cole@katten.com



### Johnjerica Hodge

*Partner and Co-Chair, ESG Risk and Investigations*

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Washington, DC  
+1.202.625.3710  
johnjerica.hodge@katten.com



### India D. Williams

*Partner and Co-Chair, ESG Risk and Investigations*

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Washington, DC  
+1.202.625.3626  
india.williams@katten.com

## Recognitions

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*Recognized or listed in the following:*

- *Best Law Firms*
  - Criminal Defense: White-Collar
    - National, 2016–2024
    - Chicago, 2013–2024
    - Dallas/Fort Worth, 2022
    - Los Angeles, 2016–2018
    - New York, 2024
    - Washington, DC, 2013–2018
- *Chambers USA*
  - Litigation: White-Collar Crime and Government Investigations
    - Illinois, 2007–2022
  - Litigation: White-Collar Crime & Government Investigations: Highly Regarded
    - New York, 2021-2022
  - Litigation: White-Collar Crime and Government Investigations
    - Texas, 2022
- *The Legal 500 United States*
  - Corporate Investigations and White-Collar Criminal Defense, 2016–2022
  - Advertising and Marketing Transactional, 2019