



## Will ESG Foes Find Reinforcement in Affirmative Action Decision?

By Johnjerica Hodge, India Williams, Allison Clark, Conor McDonough

Katten attorneys explain why there is likely to be an increase in challenges to diversity and environmental, social and governance (ESG) programs as a result of the Supreme Court's decision in *Students for Fair Admissions v. Harvard*. [Read Katten's article in Bloomberg Law.](#)

## Implications of 'Students for Fair Admissions' for Private Employers

By Johnjerica Hodge, India Williams, Loren Lee, Catherine O'Brien

Last month's significant Supreme Court ruling on affirmative action in the jointly decided cases *Students for Fair Admissions v. Harvard* and *Students for Fair Admissions v. University of North Carolina* has many watching what the implications are for corporate America. Although the opinion's impact on private employers remains to be determined, the Court's broad endorsement of race neutrality may ultimately affect corporate DEI efforts. Justice Gorsuch, in his concurrence, discussed the potential consequences in the workplace, noting the similarities between Title VI and Title VII, which utilize "the same terms" and embody "the same meaning." [Read about the implications for private employers.](#)



## Green Is the New Black: UK and EU Entities are Ramping Up Anti-Greenwashing Activity

By Sarah Simpson, Tegan Miller-McCormack

An article in *The Katten Kattwalk* reviews how the UK and European Commission are tackling climate change and sustainability issues head-on, particularly in the fashion and retail industries. [Read The Katten Kattwalk article.](#)

## Neil Robson Talks ESG Supply Chain Concerns With *SupplyChain Magazine*

Financial Markets and Funds partner Neil Robson shared how ESG factors and the UK Modern Slavery Act are affecting the priority many CEOs are placing on watching for potential human

rights violations in the supply chain. [Read Neil's comments in SupplyChain Magazine.](#)

## Edward Tran and Oliver Williams Discuss ESG Trends in M&A

Partners Edward Tran, Financial Markets and Funds, and Oliver Williams, Corporate, spoke with *Equity Report* regarding their findings on the effects ESG factors have on the overall M&A climate. [Read Edward and Oliver's comments.](#)



### 'Aspirational' Claims: An Alternative to Greenhushing?

By Chris Cole

Major media and consultants are noting the increasing trend towards corporate "greenhushing," that is, [adopting a "radio-silence approach to environmental goals."](#) Companies probably adopt this stance because they fear litigation and public backlash. Remaining silent makes it harder to scrutinize their progress or

methodology. Yet by doing so, they may also be leaving significant value on the table. [Read about greenhushing and the sustainability gap.](#)

## Neil Robson Discusses Cryptocurrency Sustainability Issues With *FinTech Magazine*

In an article in *FinTech Magazine*, Financial Markets and Funds partner Neil Robson shares insight into how interest in preventing climate change is gaining traction in the crypto space. [Read Neil's comments.](#)

## Transferability of Renewable Energy Tax Credits Under the Inflation Reduction Act of 2022: What Are We Waiting For?

By Harold Davidson, Brandon Hadley

The Inflation Reduction Act of 2022 provides for the transferability of certain renewable energy tax credits, including the investment tax credit (ITC). As preliminary additional guidance was [just recently released by the Internal Revenue](#)

[Service](#) (IRS), here are various transferability insights both developers and investors should keep in mind as they consider credit transfer transactions, including in respect of pricing, transaction costs and timing (and how those compare to more traditional renewable energy financing structures), federal income tax consequences to buyers and sellers of the credits, recapture and more. [Read about key insights from the IRS.](#)



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