

ESG Greenwashing

Investigation and Litigation Support

In today's technology-driven, always-accessible environment, organizations are providing ESG and sustainability information in myriad ways. Information about ESG risks, goals and performance finds its way into the public, whether through public filing of required information, a corporate sustainability report or a tweet made by an employee, thereby driving exposure to greenwashing scrutiny.

We assist our clients with independent investigations, as well as litigation and expert witness services, to address ESG greenwashing allegations, failures to adequately disclose ESG and sustainability information, and discrepancies between financial reporting, sustainability reports and other public disclosures of information. Any sustainability or ESG-related report or disclosure is fair game when it's not complete, accurate or timely, even in the absence of specific guidance from regulators. Providing decision-useful information that complies with stakeholder expectations is a task made more difficult given the rapidly evolving landscape of regulation, standards and practice.

Service Offerings

Investigation and Remediation

- Support for whistleblower, internal or regulatory investigations
- E-Discovery and managed document review that provide innovative identification, review and workflow solutions to produce defensible results
- Structured data analytics and visualization to analyze transaction data sets to identify patterns, trends and anomalies
- Forensic accounting, including technical accounting and transaction testing
- Fact-finding interviews, whether informational, custodial or with culpable individuals
- Identify gaps in internal controls that allowed problems to occur, including involving third parties
- Compliance program enhancement or transformation, including post investigation monitoring to 'close the loop'
- Crisis communications to navigate adverse public relations while underscoring the organization's core values
- Assist with responses to comment letters from regulators

— GREENWASHING CONCERNS ARE A TREND, NOT A FAD

- Reliability, relevance and comparability of reported information is increasingly important
- A broad base of stakeholders care about what organizations are saying about their sustainability program and their ESG commitments and progress toward goals
- Regulators, like the SEC and its ESG-focused Task Force, are watching and looking for greenwashing, regardless of regulated reporting
- Employees increasingly consider corporate values, sustainability and ESG commitments in their decisions about where they want to work
- Greenwashing is fertile ground for activist investors and short-sellers looking to take or gain advantage over an organization

Litigation Support

- Economic analysis for a variety of purposes, including quantum of loss, valuation, and disparate impact
- Expert witness reports and testimony
- Integrate third-party ESG ratings data to stay on top of ESG scores and rankings

ESG & Sustainability Services

Our ESG and sustainability services enable clients to respond to an investigation or litigation and may be part of resulting remediation processes.



ESG Lifecycle Data Management Technology & Process Improvement

Understand, document and improve existing technology, processes, procedures and systems for obtaining the underlying data required for KPIs throughout the ESG data lifecycle.



Governance, Internal Audit & Controls

Develop proper risk management policies, procedures and internal controls, including those aligned with COSO's ESG-ERM framework, to prepare relevant and reliable reporting on ESG metrics and progress.



Disclosure & Reporting Preparedness

Select and implement technology and develop strategies and processes for evolving global requirements for ESG-related reporting under a variety of standards and frameworks ("soft" laws) and regulated disclosures ("hard" laws). Advise based on the changing landscape and avoiding inconsistencies in public messaging that could lead to investigation and litigation.



Supply Chain Risk Management

Evaluate and deploy technology, including blockchain, and develop processes to address critical ESG-related supply chain risks and challenges that our clients are facing today, such as carbon emissions, human trafficking and forced labor, corruption and bribery, and sanctions and export controls.



Investigative Due Diligence

Our business intelligence and due diligence services primarily focus on evaluating supplier risk with an organization's supply chain, or in M&A, whether evaluating the ESG and Sustainability Program of an existing portfolio company or an acquisition target.



Activism Defense Strategy

Proactive assessment and preventive monitoring to identify sustainability program and ESG-related vulnerabilities and plan for a potential activism approach.

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