

SLAUGHTER AND MAY/

ESG DISPUTES AND INVESTIGATIONS

Our Capabilities

2024

ESG investigations or disputes can arise from a wide range of potential issues or sources

-  Greenwashing accusations
-  Regulatory changes
-  Climate change litigation
-  Modern slavery
-  Supply chain
-  Workers' rights
-  Human rights abuses
-  Environmental disasters
-  Waste disposal
-  Energy generation and efficiency
-  Diversity and inclusion
-  Consumer protection
-  Anti-bribery and corruption practices
-  Directors' duties and reporting obligations

Our Disputes and Investigations practice is preeminent with particular expertise in ESG related matters. We set out below a selection of our work.



**WE UNDERSTAND
THE NEEDS OF
OUR CLIENTS**

With ever-increasing demands for corporate accountability, our clients turn to us to help them manage the risks arising from crises of all forms. Acting for more FTSE350 clients than any other firm, we understand board-level priorities in such situations.



**WE BRING
UNPARALLELED
STRATEGIC
INSIGHTS**

We have a long track record of advising the world's largest multi-national corporations and financial institutions on complex, time-critical and often highly sensitive disputes and investigations.



**WE DELIVER
FOR OUR CLIENTS**

We focus on how to achieve your end objective and devising an approach to deliver that outcome. We add value by not just doing what is required but by making a positive difference to a client's outcome, for this reason we are trusted adviser to some of the largest companies in the world on complex and high profile issues.



**OUR ESG PRACTICE
IS MULTI-SPECIALIST**

Our lawyers are trained to be experts across multiple areas and deal with a broad range of work types and legal issues giving them the versatility to deliver innovative solutions to difficult problems. Many of our lawyers are recognised and ranked as leaders in their fields.



**OUR WORK
SPANS THE GLOBE**

We frequently advise across multiple jurisdictions and take lead strategic roles as global co-ordinating counsel.

Rankings and Awards



Tier I

Commercial Litigation: Premium, Legal 500 (UK) 2024



Tier I

Regulatory Investigations and Corporate Crime, Legal 500 (UK) 2024



Band I

Financial Crime: Corporate, Chambers and Partners (UK) 2024



Band I

Competition Litigation, Chambers and Partners (UK) 2024



Tier I

Competition Litigation, Legal 500 (UK) 2024



Tier I

Banking Litigation, Legal 500 (UK) 2024



Tier I

Tax Litigation, Legal 500 (UK) 2024

GIR Awards 2022 

Winner of the Boutique or Regional Investigations Practice of the Year Award:

Recognising our work advising Glencore on a major SFO investigations, and Shell executive Malcolm Brinded on what has been called largest ever bribery trial.

Shortlisted for Most Important Court Case of the Year:

'Court of Appeal in Milan upholds dismissal of Nigeria charges against Shell and executives.'

GIR Awards 2023

Shortlisted for the Most Important Development of the Year:

Danske Bank in relation to investigations by US and Danish criminal and regulatory authorities regarding issues arising out of its former Estonian branch.

Testimonials

// The team are leaders in the area and well-integrated in the legal community, providing strong legal support in litigation matters. //

Client quote, Commercial Litigation: Premium, Legal 500 (UK) 2024

// The team is outstandingly able and has brilliance at all levels. This team have achieved astonishing results for clients and this is solely the result of their rare talents and intellectual ability. //

Client quote, Regulatory Investigations and Corporate Crime, Legal 500 (UK) 2024

// Slaughter and May continues to represent the gold standard in this sector. The strength in depth – and breadth – is exceptional. //

Client quote, Regulatory and Corporate Crime, Legal 500 (UK) 2024

// The team demonstrates excellent management of highly complex international disputes. //

Client quote, Litigation, Chambers and Partners (UK) 2023

// The team's commercial acumen is second to none and it consistently gives clear, detailed and business-ready advice in complex situations. //

Client quote, Competition Litigation, Legal 500 (UK) 2024

// Stellar global investigations practice. //

GIR 100, 2022

Experience

We set out below a selection of our work.

Human rights

- **British American Tobacco Plc** in responding to threatened claims by thousands of Malawian tobacco farmers concerning allegations of human rights abuse.
- **A mining and gemstone company** on mass tort claims, threatened by the claimant firm Leigh Day on behalf of a group of claimants, relating to alleged human rights abuses at a mining site in Zambia.
- **A UK-headquartered global company** following the identification of serious human rights abuses in its supply chain.
- **A global clothing brand** in relation to issues arising from Uighur human rights abuses and related sanctions.
- **A global company** on issues relating to its relationship with FIFA in light of alleged corruption and human rights abuses in connection with the Qatar World Cup 2022.
- **A UK supermarket chain** – advising in relation to threatened civil claims relating to allegations made in the Guardian newspaper in June 2023 regarding alleged human rights abuses at a pineapple farm in Kenya. The claims are threatened by Leigh Day on behalf of 134 villagers living near the farm.

Environmental

- **BHP Group PLC** and other entities in the successful defence of US\$5.5bn claims arising out of the collapse of the Fundão Dam in Brazil. The case involves over 200,000 claimants advancing claims under Brazilian law, represented by US class action firm PGMBM.

- **Shell PLC** and its Board of Directors in respect of a derivative action brought by ClientEarth, a minority shareholder, based on allegations of breaches of directors' duties in respect of the Board's management of Shell's climate change related risks and response.
- **Charter plc** in *Lubbe v Cape & Others* in relation to an asbestos-related group claim by 3000 South African miners against Charter and Cape plc and their South African subsidiary, alleging UK parent liability on the basis of a direct duty of care in tort as a result of the role played by the parent in controlling the operations of the group. It was one of the first cases to consider this issue, and has formed the basis for subsequent claims, such as those recently considered in the Supreme Court relating to Vedanta and Shell.
- **Stellantis** – acted in respect of a threatened group action arising from the so-called “Dieselgate” scandal.
- **An energy company** advising on a complaint made to the Department of International Trade by various NGOs under the OECD Guidelines for Multinational Enterprises.
- **A UK-listed company** on a group securities claim under sections 90 and 90A of FSMA relating to alleged ESG failures.
- **A global energy company** on potential litigation risks in England arising out of climate change, including the likelihood of the English courts adopting a similar approach to that taken in certain EU jurisdictions and recognising an expansion of tort law and / or the duty of care owed by corporates entities to the general public in respect of climate change.

- **Various** clients acting on funded mass tort claims involving manganese welding fumes, asbestos and knee implants.
- **United Utilities Water Limited and United Utilities Group plc** in responding to collective proceedings threatened by the claimant firm Leigh Day in the Competition Appeal Tribunal, based on the allegation that water and sewerage companies have abused their dominant market position by underreporting pollution incidents and overcharging customers as a result.
- **Advising a leading multi-national food producer** on ESG-related risks facing its business, including from potential litigation and from upcoming changes in regulation.



RELATED CONTENT

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| [Greenwashed? The Intensifying Scrutiny of Sustainability Credentials](#)

| [Path to COP26: Net Zero Disputes – Key Risks](#)

| [Parent Company Liability back in the Supreme Court](#)

| [Greenwashing: Meet risk with Action](#)



Key Contacts

 Access our Partners' full profiles on the Slaughter and May website by clicking on their image.



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