

## **IBA Annual Conference 2023: ESG Sessions**

### **1.) Growing importance of ESG for investor M&A strategies**

Monday 30 October (1115 - 1230) AMPHITHEATRE BORDEAUX, Level 3

Session / Workshop Chair(s)

<b>Harvey Cohen</b>	Dinsmore & Shohl LLP, Cincinnati, Ohio, USA; LPD Council Member
Speakers	
<b>Valentina Cassata</b>	Standard Industries, New York, New York, USA; Diversity and Inclusion Officer, Corporate and M&A Law Committee
<b>Lee Won Chen</b>	Allen & Gledhill, Kuala Lumpur, Malaysia; Newsletter Editor, Corporate and M&A Law Committee
<b>Sarah Ellington</b>	Watson Farley & Williams, London, England; Advisory Board Liaison Officer, Business Human Rights Committee
<b>Melanie Sanchez</b>	Ontario Teachers' Pension Plan, London, England

### **2.) Conflict between corporate duty and ESG considerations?**

Monday 30 October (1430 - 1545) Room 241, Level 2

Session / Workshop Chair(s)

<b>Stuart Chessman</b>	Vivendi SE, New York, New York, USA
<b>Ana Lucia Ferreyra</b>	Pluspetrol, Montevideo, Uruguay; LPD Council Member
Speakers	
<b>Dana Goldberg</b>	Textron Inc, Providence, Rhode Island, USA
<b>Gauthier Halba</b>	Sonepar SAS, Paris, France
<b>Reto Heuberger</b>	Homburger AG, Zürich, Switzerland
<b>Syed Marzidy</b>	Petronas, Kuala Lumpur, Malaysia

### 3.) Why is diversity in the workplace in relation to employees with mental disabilities important and how are the corporates addressing this issue in their ESG agenda?

Monday 30 October (1430 - 1545) Rooms 212-213, Level 2

Session / Workshop Chair(s)

<b>Yvonne Frederiksen LL.M.</b>	Norrbom Vinding, Copenhagen, Denmark; Conference Quality Officer, Diversity and Equality Law Committee
<b>Ajay Singh Solanki</b>	AZB & Partners, Mumbai, Maharashtra, India; Membership Officer
Speakers	
<b>Jonathan Andrews</b>	Reed Smith, London, England
<b>Anette In Sook Holmen</b>	Novo Nordisk, Bagsvaerd, Denmark
<b>Diane Elizabeth O'Connell</b>	Sorting it Out Inc, Brooklyn, New York, USA
<b>Julie Pankert</b>	General Electric   GE Vernova, Baden, Switzerland

### 4.) ESG litigation – trends and strategies in both civil and common law court

Tuesday 31 October (1030 - 1145) OFFSITE - International Chamber of the Paris Commercial Court, 1 quai de la Course 75004 Paris

Speakers

<b>Yvette Borrius</b>	Florent, Amsterdam, Netherlands; Member, Litigation Committee Advisory Board
<b>Professor Alessandra Lehmen</b>	Brazilian Bar, Porto Alegre, Brazil
<b>Paul Mougeolle</b>	Notre Affaire à Tous, Vernon, France
<b>Lucy Pert</b>	Hausfeld, London, England; Special Projects Officer, Litigation Committee
<b>Donald Pols</b>	Vereniging Milieudefensie, Amsterdam, Netherlands

## 5.) Beyond the hotline: best practices to manage ESG complaints from workers, communities, business partners, and other stakeholders

Tuesday 31 October (1115 - 1230), Room 342 B, Level 3

Session / Workshop Chair(s)

**Clara Serva**

TozziniFreire Advogados, São Paulo, Brazil; Membership Officer, Business Human Rights Committee

Speakers

**Carine Coudeville**

Total Energies, Paris, France

**Elise Groulx Diggs**

9 Bedford Row Chambers, Washington, District of Columbia, USA; Member, Business Human Rights Committee Advisory Board

**Abhijit Mukhopadhyay**

Hinduja Group, London, England; Website Officer, Corporate Counsel Forum

**Daisuke Takahashi**

Shinwa Sohgo Law Offices, Tokyo, Japan; Co-Chair, Business Human Rights Committee

## 6.) Next-era generations of firms and companies: ESG criteria, real social purpose, wellbeing and B-CORP approach

Tuesday 31 October (1115 - 1230) Room 242 B, Level 2

Session / Workshop Chair(s)

**Maria Cristina Breida**

Avv Maria Cristina Breida, Mondovì, Italy; European Regional Forum Liaison Officer, Environment, Health and Safety Law Committee

**Roberta Danelon Leonhardt**

Machado Meyer Advogados, São Paulo, Brazil; Co-Chair, Environment, Health and Safety Law Committee

Speakers

**Wojciech Baginski**

Impactiv.Law / B Lab Global - Board of Directors, Warsaw, Poland

**Satyajit Gupta**

EXL, New Delhi, Delhi, India; Secretary, Asia Pacific Regional Forum

**Laura Monforte**

eni S.p.A., Other City, Italy

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**Elizabeth Soubelet**

B Lab France, Paris, France

## **7.) ESG in real estate – perspective of the market players**

Tuesday 31 October (1430 - 1545) Room 243, Level 2

Session / Workshop Chair(s)

**Anna Wyrzykowska**

WKB Lawyers, Warsaw, Poland; Newsletter Editor, Real Estate Section

Speakers

**Lora Brill**

Orchard Street Investment Management, London, England

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**Lilia Kouzmina**

Eastnine AB, Stockholm, Sweden

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**Szymon Ostrowski**

Newport Logistics Fund, Warsaw, Poland

## **8.) What role do pro bono legal services have - or should have - in the social aspect of ESG?**

Tuesday 31 October (1615 - 1730) Rooms 352 A&B, Level 3

Session / Workshop Chair(s)

**Odette Geldenhuys**

Webber Wentzel, Cape Town, South Africa; Co-Chair, Pro Bono Committee

Speakers

**Douglass Cassel**

King & Spalding, New York, New York, USA

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**Jacquelyn MacLennan**

EU Lawyer, Brussels, Belgium

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**Takeshi Nemoto**

Nishimura & Asahi, Tokyo, Japan

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**Juliana Ramalho**

Mattos Filho, São Paulo, Brazil

## **9.) Green thumbs Up - how should financial institutions manage ESG risks and disclosure?**

Wednesday 1 November (1115 - 1230) Room 341, Level 3

Session / Workshop Chair(s)

**Dirk Bliesener**

Hengeler Mueller, Frankfurt, Germany; Senior Vice Chair, Banking Law Committee

Speakers

**Keith Noreika**

Patomak Global Partners, Washington, District of Columbia, USA

**Marie-Aude Noury**

Squair, Paris, France; Vice Chair, Structured Finance Subcommittee

**Charles Randell**

Slaughter and May, London, England

## 10.) ESG - are law firms taking it as seriously as clients and talent want?

Wednesday 1 November (1615 - 1730) Room 352 A&B, Level 3

Session / Workshop Chair(s)

**Hanim Hamzah**

KPMG Law, Singapore, Singapore; SPPI Council Member

**Robert F Van Beemen**

DRB Group, The Hague, Netherlands; Co-Chair, Law Firm Management - ESG Subcommittee

Speakers

**Amin Abdul Majid**

Zaid Ibrahim & Co, Kuala Lumpur, Malaysia

**Michael Burke**

Arnall Golden Gregory, Washington, District of Columbia, USA

**Carys Clipper**

Travers Smith, London, England

**Pamela Cone**

Amity Advisory, Peoria, Illinois, USA

**Yulia Fedorenko**

CM Murray, London, England

**Richard Martin**

Mindful Business Charter, Hampton, England

**Rosina Muller**

Ric Energy, Madrid, Spain

**Adrian Peyer**

MME Legal Tax Compliance, Zug, Switzerland

## 11.) ESG - conversion of rules or the wild west?

Thursday 2 November (1115 - 1230) Room 351, Level 3

Session / Workshop Chair(s)

**Yves Elvinger**

Elvinger Hoss Prussen société anonyme, Luxembourg  
City, Luxembourg

Speakers

**Yvonne Lenoir Gehl**

Pictet Group, Geneva, Switzerland

**Roland Montfort**

Bryan Cave Leighton Paisner, Paris, France

**Heather Palmer**

Sidley Austin LLP, Houston, Texas, USA

**Francois Rayroux**

Lenz & Staehelin, Geneva, Switzerland

## 12.) Sailing uncharted waters: exploring the developing legal landscape at the intersection of ESG and product liability

Thursday 2 November (1430 - 1545) Room 341, Level 3

Session / Workshop Chair(s)

**Enjoliqué Lett**

Greenberg Traurig PA, Miami, Florida, USA

**Edona Vila**

Borden Ladner Gervais, Toronto, Ontario, Canada;  
Membership Officer, Product Law and Advertising  
Committee

Speakers

**Ed Turtle**

Cooley, London, England

## 13.) The clash between ESG & trade: deforestation regulation - impact & expectations

Thursday 2 November (1615 - 1730) Rooms 212-213, Level 2

Session / Workshop Chair(s)

**Camila Corvalan**

Beccar Varela, Buenos Aires, Argentina; Website Officer,  
International Trade and Customs Law Committee

Speakers

<b>Nicolas Lockhart</b>	Sidley Austin LLP, Geneva, Switzerland
<b>Renê Medrado</b>	Pinheiro Neto Advogados, São Paulo, Brazil; Senior Vice Chair, International Trade and Customs Law Committee
<b>Suhail Nathani</b>	Economic Laws Practice, Mumbai, Maharashtra, India

**14.) These fashionable times - a look into the fashion industry from an ESG perspective**

Thursday 2 November (1615 - 1730) Room 253, Level 2

Session / Workshop Chair(s)

<b>Luis Gonzalez Nieves</b>	Perez Correa Gonzalez, Mexico City, Mexico; LPD Representative, IBA Diversity & Inclusion Council
<b>Richard Singleton</b>	Blank Rome, New York, New York, USA; Secretary, North American Regional Forum

Speakers

<b>Darci Bailey</b>	Interior Labs LLC, New York, New York, USA
<b>Dr David Masson</b>	Scalefast, Paris, France
<b>Mathieu Sauleau</b>	Vilbrequin, Plan-les-Ouates, Switzerland

**15.) ESG and human rights: unpacking the IBA 2023 Updated Guidance on the UN Guiding Principles on Business and Human Rights**

Friday 3 November (0930 - 1045) Room 243, Level 2

Session / Workshop Chair(s)

<b>Stéphane Brabant</b>	Trinity International Aarpi, Paris, France; Member, Business Human Rights Committee Advisory Board
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Speakers

<b>Maria Izabel Andrade Lima Cardozo</b>	Université de Lausanne, Morges, Switzerland
<b>Douglass Cassel</b>	King & Spalding, New York, New York, USA

<b>Edie Hofmeister</b>	Independent Director, Berkeley, California, USA; Co-Chair, Business Human Rights Committee
<b>Anita Ramasastry</b>	Chair of the UN Working Group on the issue of human rights and transnational corporations and other business enterprises, Seattle, Washington, USA
<b>Daisuke Takahashi</b>	Shinwa Sohgo Law Offices, Tokyo, Japan; Co-Chair, Business Human Rights Committee

## ESG-Related Sessions

### 1.) Prosecuting and defending complaints for employer violations of workplace health and safety and psychosocial duties

Monday 30 October (1430 - 1545) Room 353, Level 3

Session / Workshop Chair(s)

<b>Patrick Benaroch</b>	Stikeman Elliott, Montréal, Québec, Canada; Co-Chair, Employment and Industrial Relations Law Committee
<b>Bill Kritharas</b>	Sparke Helmore Lawyers, Sydney, New South Wales, Australia; Senior Vice Chair, Environment, Health and Safety Law Committee
Speakers	
<b>Gerard Forlin KC</b>	Cornerstone Barristers, London, England
<b>Mikko Kontturi</b>	AURORALAW, Helsinki, Finland
<b>Sarah Malik</b>	SOL International Ltd, Abu Dhabi, United Arab Emirates
<b>Catalina Santos Angarita</b>	Brigard Urrutia, Bogota, Colombia; Corporate Counsel Forum Liaison Officer, Latin American Regional Forum

The panel will cover the steps employers should take to manage psychological risk including risks arising from the workplace environment, bullying and sexual harassment and what regulators around the globe are doing to enforce breaches. This will include a mock regulator interview and highlight some of the questions and issues being investigated by regulators. This panel will also cover recent developments in psychosocial legal duties and ESG reporting and outline interesting cases from different jurisdictions where employers have been prosecuted for a failure to properly manage psychological risk.



## 2.) Energy independence: new threats/old solutions?

Tuesday 31 October (1115 - 1230) Rooms 202-203, Level 2

Session / Workshop Chair(s)

<b>Philippe Raybaud</b>	Jeantet, Paris, France; Chair, Power Law Committee
<b>John Vellone</b>	Borden Ladner Gervais, Toronto, Ontario, Canada; Newsletter Editor, Power Law Committee
Speakers	
<b>Edmond Grieger</b>	Von Wobeser & Sierra, Mexico City, Mexico; Latin American Regional Forum Liaison Officer, Power Law Committee
<b>Tamara Paquet</b>	H2air, Berlin, Germany
<b>Maria Joao C P Rolim</b>	Rolim Viotti Goulart Cardoso Advogados, São Paulo, Brazil
<b>Nuanporn Wechsuwanarux</b>	MORI HAMADA & MATSUMOTO, Bangkok, Thailand; Special Projects Officer, Alternative and New Law Business Structures Committee

As governments around the world are proposing plans to make their jurisdictions more independent and energy-secure, nuclear power and coal are being re-visited. This session will discuss whether these sources can contribute to energy independence within new frameworks including ESG, new technologies and safety standards, and international commitments regarding emissions and climate change.

## 3.) The role of the profession, ethics, representation and social responsibility

Tuesday 31 October (1615 - 1730) OFFSITE - International Chamber of the Paris Commercial Court, 1 quai de la Course 75004 Paris

Speakers

<b>Robert Steven Bernstein</b>	Holland & Knight, New York, New York, USA; Vice Chair, Project Establishment Subcommittee
<b>Sandrine Giroud</b>	LALIVE, Geneva, Switzerland; Vice Chair, Litigation Committee
<b>Adam S Goodman</b>	Dentons, Toronto, Ontario, Canada; Senior Co-Vice Chair, Rule of Law Forum
<b>Olufunmi Oluyede</b>	TRLPLAW Solicitors, Davidsonville, Maryland, USA; Vice Chair, IBA Diversity & Inclusion Council

<b>Christopher Stephens</b>	Senior Vice President of the World Bank Group, DC, Washington, USA
<b>Ambassador Ret. François Zimeray</b>	Zimeray & Finelle, Paris, France

Beyond mere service providers, lawyers are a key component to the rule of law. Yet, their core mission to provide access to justice and the law is challenged like never before. From lawyers named and shamed for representing certain clients, to lawyers being prohibited to provide advisory services, to lawyers being expected to take an active role in the face of climate change, this panel will explore the blurred lines between morality and professional ethics in light of lawyers' fundamental role. From ESG litigation to Russian sanctions, our panellists will discuss some of the burning ethical questions that the profession is facing.

#### 4.) How can law firms and law schools attract talent?

Wednesday 1 November (1115 - 1230) Room 242 B, Level 2

Session / Workshop Chair(s)

<b>Francesco Gianni</b>	Gianni Origoni, Rome, Italy; Member, Senior Lawyers' Committee Advisory Board
<b>Desi Vlahos</b>	Australian College of Applied Professions, Melbourne, Victoria, Australia; Asia Pacific Regional Forum Liaison Officer, Academic and Professional Development Committee
Speakers	
<b>Máximo Bomchil</b>	Colegio de Abogados de la Ciudad de Buenos Aires, Buenos Aires, Argentina; Co-Chair, Senior Lawyers' Committee
<b>Mark Hsu</b>	Hawkins Parnell & Young, New York, New York, USA; Outreach and Education Officer, Young Lawyers' Committee
<b>Clementine Kleitz</b>	EFB, Issy-les-Moulineaux, France
<b>Kathryn Rousin</b>	White & Case LLP, London, England; Member, Academic and Professional Development Committee Advisory Board

Students are increasingly questioning the value of a legal education and a career in the law. While the financial rewards remain a real incentive, many students recognise that they now have new options in business and technology, which may not require a legal education. Equally, students are seeking roles which will make a demonstrable difference in terms of ESG/the SDGs, and which offer a better work/life balance and commitment to diversity. Alongside issues around recruitment, retention of talent is an even greater problem for many firms. In these contexts, what do law schools/firms need to do to sell the

value of a career in the law, and is there a greater need to reframe the work of lawyers, to respond to these new attitudes? Finally, what about the recruitment of legal academics, where similar problems persist.

## 5.) Family-owned businesses - key legal issues

Thursday 2 November (1430 - 1545) Room 242 B, Level 2

Session / Workshop Chair(s)

<b>Giuseppe Coco</b>	Ughi e Nunziante, Milan, Italy; Membership Officer, Closely Held Companies Committee
<b>Luciana Tornovsky</b>	Demarest Advogados, São Paulo, Brazil; Senior Vice Chair, Closely Held Companies Committee
Speakers	
<b>Florian Jorg</b>	Bratschi Ltd, Zürich, Switzerland; Scholarship Officer, Closely Held Companies Committee
<b>Elke Napokoj</b>	bpv Hügel , Vienna, Austria
<b>Stan Robbers</b>	Heussen Lawyers & Civil Law Notaries, Amsterdam, Netherlands
<b>Mariana Seixas</b>	SoftBank Investment Advisers, Miami, Florida, USA
<b>Nathalie Younan</b>	FTPA, Paris, France

his session will consider some of the key legal and commercial issues facing closely held businesses in the global environment in 2023 including:

- ESG;
- governance lifecycle (from startups to established businesses);
- protection of intellectual property;
- business model/structure options;
- taking on investment capital; and
- exit readiness.

## 7.) LPD Showcase: fashionably metaverse - high technology meets high fashion

Tuesday 31 October (1430 - 1730) SALLE MAILLOT, Level 2

Session / Workshop Chair(s)	
<b>Raphaël Dana</b>	Dana Associés, Paris, France; Vice Chair, Internet Business Subcommittee
<b>Elisabeth Vestin</b>	Hannes Snellman, Stockholm, Sweden; Website Officer, Technology Law Committee
Speakers	
<b>Luca Chiama</b>	Prada Group, Milan, Italy
<b>Beatrice Grifoni</b>	Valentino S.P.A., Milan, Italy
<b>Moritz Holm-Hadulla</b>	Gleiss Lutz, Stuttgart, Germany
<b>Anna Mae Koo</b>	Vivien Chan & Co, Beijing, China
<b>Erika Levin</b>	Fox Rothschild, New York, New York, USA; North American Regional Forum Liaison Officer, Women Lawyers' Committee
<b>Cristina Mesa</b>	J&A Garrigues, Madrid, Spain
<b>Semjon Rens</b>	Meta, Berlin, Germany
<b>Staci Trager</b>	Nixon Peabody, Los Angeles, California, USA

**Panel 1:** Fashionably Metaverse, AI and Web3: everything you need to know about the intersection of fashion and technology

Major luxury brands are seeking creative ways to embrace high technology. The Louis Vuitton Group launched Louis, a game, which gave players the opportunity to win historical postcard NFTs. Valentino partnered with UNXO to opening doors to never-before-seen digital and physical hybrid experiences. Together Balmain released a Balmain X Barbie collection bringing the famous dolls to the Metaverse. Many have partnered with Roblox and Fornite to sell digital goods while some have used web3 tools to have virtual concerts and worlds. This session will not only explain and exemplify AI, Web3, Metaverse and other virtual worlds, it will also explore the evolution of technology incorporated in all phases of fashion – from production to consumer sales - whether digitally or in bricks and mortar stores, as well as the promotion, marketing and content creation strategies being utilized by fashion brands.

**Panel 2:** Fashionably Metaverse, AI and Web3: the future of fashion, retail and technology

Just as styles come and go, so do the tools utilized by fashion brands to sell those clothes. Building on session one, this session will take a look at where fashion is going, so that attendees can be prepared to assist clients with the latest developments in this fascinating and rapidly changing world! The session

will also discuss how traditional high-end fashion is embracing high-tech in ways never imagined before. What does the future of shopping look like? We will look further at IP protection strategies and infringements, how they can be litigated, and what jurisdictions and laws apply. Additionally, the session will discuss sourcing challenges in light of ESG (environmental, social and governance) and how tech can aid, as well as slow, fashion trends (including commercial implications and how to maintain customer intimacy online).

## 8.) Avoiding the Meatloaf paradox: I will do anything for my client, but I won't do ...

Wednesday 1 November (1115 - 1230) Room 252 A&B, Level 2

Session / Workshop Chair(s)

<b>Sarah Lucey</b>	Norton Rose Fulbright, London, England; Co-Chair, Regulation of Lawyers Committee
<b>Emma Oettinger</b>	Ashurst, London, England; Co-Chair, Regulation of Lawyers Committee
Speakers	
<b>Alipak Banerjee</b>	Nishith Desai Associates, New Delhi, Delhi, India; Diversity and Inclusion Officer, Professional Ethics Committee
<b>Tracey Calvert</b>	Oakalls Consultancy, Devon , England; SPPI Council Member
<b>Fergal Cathie</b>	Clyde & Co, London, England; Secretary, Regulation of Lawyers Committee
<b>Brenna Greenwald</b>	Freshfields Bruckhaus Deringer, New York, New York, USA
<b>Irina Kalinina</b>	Legal Stratagency, Berlin, Germany; Co-Vice Chair , Regulation of Lawyers Committee
<b>Arush Khanna</b>	Numen Law Offices, New Delhi, Delhi, India; Vice Chair, India Working Group
<b>Robert F Van Beemen</b>	DRB Group, The Hague, Netherlands; Co-Chair, Law Firm Management - ESG Subcommittee

The session will allow participants to explore with international colleagues how people are meeting the current challenges where regulation, ethics and practice intersect.

Topics covered will include:

1. I'll do anything for my client, but I won't act if it is contrary my firm values / ESG expectations – exploring client selection in a commercial firm and how you practically managing competing

expectations from partners developing different practice areas, junior lawyers, other clients, and legal press.

2. I'll do anything for my client, but I won't come into the office more than three days or work weekends – exploring culture, supervision, and client expectations.

3. I'll do anything for my client, but I won't act against them in litigation – exploring commercial conflicts.

4. I'll do anything for my client, but I won't engage in abusive litigation – exploring the perceptions and realities around SLAPs and similar litigious tactics.

## 9.) Due diligence in the supply chain: new proposed EU directive on corporate sustainability due diligence

Wednesday 1 November (1115 - 1230) Room 353, Level 3

Session / Workshop Chair(s)

<b>Alessandro Barzaghi</b>	Cocuzza & Associati, Milan, Italy; Programme Officer, International Commerce and Distribution Committee
<b>Nicole Van Ranst</b>	Agio Legal, Brussels, Belgium; Vice Chair, Closely Held Companies Committee
Speakers	
<b>Anna Dabrowska</b>	WOLF THEISS Rechtsanwälte GmbH & Co KG, Warsaw, Poland; Senior Vice Chair, European Regional Forum
<b>Roland Montfort</b>	Bryan Cave Leighton Paisner, Paris, France
<b>Felix Muhl</b>	Noerr, Hamburg, Germany
<b>Marcio Sperling</b>	Sperling Advogados, São Paulo, Brazil; Chair, Government Procurement Subcommittee

In February 2022 the European Commission adopted a proposal for a directive on corporate sustainability due diligence. By Summer 2023 the parliament is expected to take position and by the time the Annual Conference takes place a final text may be already underway. Some countries have already adopted rules on this delicate topic, such as Germany with the Supply Chain Act. The directive will aim at fostering sustainable and responsible corporate behavior and bringing forward environmental goals and care for human rights in the everyday business conduct of companies. Specific obligations will be set out so that specific risks of human rights abuse and non-sustainable conducts are minimized. The new rules will have an impact also on companies based outside the EU wishing to export goods within the union, as well in groups of companies. The focus of the directive is to move from what

companies say to what companies actually do about ESG. Panelists will discuss the proposed directive and the impact on companies and judgments needed.

## 10.) BIC Showcase: if the client wants it and it's legal, what's the problem?

Wednesday 1 November (1430 – 1730) SALLE MAILLOT, Level 2

### Session / Workshop Chair(s)

**Ken Murphy**

Law Society of Ireland, Dublin, Ireland; Chair, Bar Issues Commission

### Speakers

**Sara Carnegie**

International Bar Association, London, England; Member, IBA Diversity & Inclusion Council

**Patrick Dillen**

Nederlandse Orde van Advocaten bij de Balie te Brussel, Brussels, Belgium; Member, Bar Issues Commission Policy Committee

**Hans-Michael Giesen**

Legerwall Partnerschaft mbB, Berlin, Germany; IBA Council Member, Bundesrechtsanwaltskammer

**Jonathan Goldsmith**

European & International Legal Services Consultant, Brussels, Belgium; Member, Bar Issues Commission Policy Committee

**Steven Richman**

American Bar Association, Washington, District of Columbia, USA; Chair, Bar Issues Commission Policy Committee

**Tshepo Shabangu**

Law Society of South Africa, Pretoria, South Africa; Officer, Bar Issues Commission

A debate of fundamental importance to the legal profession is emerging about the difference between what some call 'thick' and 'thin' interpretations of 'the rule of law'. The thinner approach to the rule of law limits the responsibility of the lawyer to providing the client with what the client wants, provided it's legal and the lawyer is not aiding or abetting any fraudulent conduct. In the thicker approach to the rule of law the lawyer acts not only as representative of a client, but also considers the public interest in advising the client and in determining whether to represent the client. The debate puts into play competing concepts of ESG (environmental social and governance) issues as part of the overall public debate. The ethical obligations of lawyers remain paramount, but as part of fulfilling those ethical obligations, lawyers are under pressure at both ends of the thick and thin spectrum.

What are the consequences for legal practitioners if compliance with the wishes of the client, and with the law, are no longer the only considerations?