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– en nulägesanalys

CLIMATE CHANGE COUNSEL



Swedish commercial lawyers and climate change

Executive summary

Sweden is frequently regarded as a leader in the climate transition. Many Swedish businesses expressly support the global climate goals and have set high climate ambitions. In September 2022, a joint appeal was signed by 227 Swedish companies, including several of the country's largest corporations, urging political leaders to do more to facilitate the energy and climate transition.

This report explores whether and how the ambitions of Swedish companies are reflected among the lawyers who represent and advise them. It also reviews relevant developments in other countries, including climate statements and initiatives of bar associations and law firms.

The report is based on in-depth interviews, an online survey, as well as public information from Sweden's largest commercial law firms. The following are among the key findings:

- *How green are the firms?* Most firms have sustainability policies and work toward reducing the carbon footprint of their operations. Few, if any, include scope 3 emissions – those resulting from the firm's client matters – when calculating the firm's carbon footprint.
- *Do firms have climate-related expertise?* Many firms demonstrate climate-related expertise, including in renewable energy, green bonds, or electrification of the transport sector. Nonetheless, 52% of survey respondents state that their firm does not specifically market climate-related expertise to clients.
- *Do business lawyers work on climate matters?* 45% of survey respondents indicate that they work on climate-related issues, e.g. advising on emission targets, climate disclosures and green finance; or assessing climate-related risks in due diligence processes. 53% of respondents report that climate issues never come up in their work with clients.
- *Are lawyers responsible for their clients' climate impact?* 57% of survey respondents, and most of the interviewees, agree that lawyers should consider climate impact only when it affects the client's commercial interests. 31% state that lawyers should consider climate issues only when specifically requested by the client, and 13% believe that lawyers should consider the climate impact in every client matter.
- *What is the role of the bar association?* The Swedish Bar Association has not released a climate statement or policy. 56% of survey respondents agree that the bar association should provide guidance on climate issues.
- *Do commercial lawyers know enough?* 75% of the survey respondents report that they have insufficient knowledge about how the climate transition affects their clients.

In sum, the report shows that many Swedish law firms already play a role in their clients' climate transition. As the pace of the transition picks up – through new legislation, innovation and shifting market preferences – the role of commercial lawyers is expected to increase in scope and importance.