

ESG

# The Future of ESG

An ILEP–Penn Carey Law  
*Journal of Business Law*  
Symposium

**NOVEMBER  
9 & 10, 2023**

at  **Penn Carey Law**  
UNIVERSITY of PENNSYLVANIA

Presented By:



 **Journal of Business Law**  
UNIVERSITY of PENNSYLVANIA

Co-Sponsors:



Honoring the Scholarship and  
Influence of Professor Jill E. Fisch,  
and Featuring Papers and  
Commentary by Numerous Others.

▶ **LEARN MORE ABOUT**

Presentations by Up & Coming Scholars

Delaware Business Law

ESG in the Private Sphere

SEC ESG Enforcement and Litigation

ESG and Gatekeepers

ESG & Disclosure Practices

UP TO  
9 CLE  
CREDITS

▶ **ATTEND**



IN-PERSON



VIRTUALLY

## THURSDAY Nov. 9, 2023

4:30 pm – 5:45 pm

### PRESENTATIONS BY UP & COMING SCHOLARS

Presenters:

*Professor Amelia Miazad*

UC Davis School of Law

*Professor Colleen Baker*

The University of Oklahoma College of Law

*Professor Sarah Williams*

The Pennsylvania State University

Dickinson Law School

*Professor Caley Petrucci*

The University of San Diego Law School

*Professor Hajin Kim*

The University of Chicago Law School

Moderators:

*Greta Chevance ('24)*

Editor-in-Chief, Journal of Business Law

*Caitlin Moyna, Esq.*

Grant & Eisenhofer PA

6:00 pm – 7:30 pm

### THE EDWARD LABATON ROUNDTABLE— DELAWARE BUSINESS LAW

Participants:

*Chancellor Kathaleen St. J. McCormick*

Delaware Court of Chancery

*Justice Karen L. Valihura*

Delaware Supreme Court

*Justice Abigail M. LeGrow*

Delaware Supreme Court

*Magistrate Loren Mitchell*

Delaware Court of Chancery

Moderators:

*Professor Hillary Sale*

Georgetown Law School

*Professor Lisa Fairfax*

University of Pennsylvania Carey Law School

8:00 pm

### DINNER (THE STUDY AT UNIVERSITY CITY)

Sponsored by



## FRIDAY Nov. 10, 2023

8:00 am – 9:00 am

### REGISTRATION & CONTINENTAL BREAKFAST

8:30 am

### OPENING REMARKS

*Laura Posner, Esq.*

Incoming President-ILEP

Partner, Cohen Milstein Sellers & Toll PLLC

8:45 am

### THE SCHOLARSHIP AND INFLUENCE OF PROFESSOR JILL E. FISCH BY PROFESSOR HILLARY SALE

*Professor Hillary Sale*

Georgetown Law School

9:30 am – 11:00 am

### PANEL I

#### ESG in the Private Sphere

Sponsored by



Presenters:

*Professor Cynthia Williams*

Indiana University Maurer School of Law

*Professor Afra Afsharipour*

UC Davis School of Law

Commentators:

*Professor Sarah Haan*

Washington and Lee School of Law

*Sharon Nelles, Esq.*

Sullivan & Cromwell LLP

Moderator:

*Carol Gilden, Esq.*

Cohen Milstein Sellers & Toll PLLC

11:00 am – 11:15 am

### COFFEE BREAK

11:15 am – 12:45 pm

### PANEL II

#### SEC ESG Enforcement and Litigation

Sponsored by



Presenters:

*Professor Donna Nagy*

Indiana University Maurer School of Law

*Professor Joan MacLeod Heminway*

The University of Tennessee Knoxville

College of Law

Commentators:

*Stephanie Avakian, Esq.*

WilmerHale

*Professor Elizabeth Pollman*

University of Pennsylvania Carey Law School

Moderator:

*Desiree Cummings, Esq.*

Robbins Geller Rudman & Dowd LLP

1:00 pm – 2:15 pm

### LUNCH (WITH PRESENTATION)

»1:30 pm – 2:15 pm

#### Discussion between SEC Commissioner

Hester Peirce and Professor Jill E. Fisch

*Commissioner Hester M. Peirce*

United States Securities and Exchange  
Commission

*Professor Jill E. Fisch*

University of Pennsylvania Carey Law School

2:30 pm – 4:00 pm

### PANEL III

#### ESG and Gatekeepers

Presenters:

*Professor Cathy Hwang*

The University of Virginia School of Law

*Professor Usha Rodrigues*

University of Georgia School of Law

Commentators:

*Professor Ann Lipton*

Tulane University Law School

*Audra Soloway, Esq.*

Paul Weiss

Moderator:

*Rebecca Boon, Esq.*

Bernstein Litowitz Berger & Grossmann LLP

4:00 pm – 4:15 pm

### COFFEE BREAK

4:15 pm – 5:45 pm

### PANEL IV

#### ESG & Disclosure Practices

Presenters:

*Professor Renee Jones*

Boston College Law School

*Professor Lisa Fairfax*

University of Pennsylvania Carey Law School

Commentator:

*Professor Christine Hurt*

Southern Methodist University Dedman  
School of Law

*Susan Saltzstein, Esq.*

Skadden, Arps, Slate, Meagher & Flom LLP

Moderator:

*Emma Gilmore, Esq.*

Pomerantz LLP

5:45 pm

### CONCLUDING REMARKS

*Laura Posner, Esq.*

Incoming President-ILEP

Partner, Cohen Milstein Sellers & Toll PLLC

6:00 pm – 7:00 pm

### POST SYMPOSIUM RECEPTION

# The Future of ESG: An ILEP–Penn Carey Law Journal of Business Law Symposium

November 9 & 10, 2023 | University of Pennsylvania Carey Law School

## REGISTRATION & TUITION

**Tuition for the Symposium is \$450 in-person and \$200 virtually, payable online (see registration link below).**

Discounts for those who attend in person (**virtual tuition is \$200 for everyone**):

- If you are a student, staff, faculty member, or alumnus of Penn Carey Law or the Wharton School, in-person tuition is complimentary.
- If you are an academic, in-person tuition is complimentary.
- If you are an employee of a sponsor, in-person tuition is complimentary.
- If you are an attorney and your law firm is a Huntington Bank customer, in-person tuition is \$350.
- If you are a Public interest attorney, in-person tuition is \$250.
- If you are a member of the judiciary, a federal or state employee, or a lawyer 65 years of age or older, in-person tuition is \$175.

Tuition includes all sessions, an extensive manual of written materials distributed by email ahead of time (as well as on a USB drive for those attending in person), and Thursday evening dinner and Friday's breakfast, lunch, and reception for those attending in person.

## HOTEL INFORMATION

### THE STUDY AT UNIVERSITY CITY

*Base Rate: \$249/night plus tax*

20 South 33rd Street

Philadelphia, PA 19104

As a conference registrant, you may take advantage of a special hotel rate at The Study at University City. Individual guests should call (215) 387-1400 and reference the ILEP/UPenn Business Law Journal room block when booking or go on the web at <https://reservations.travelclick.com/99716?groupID=3981377>. Please identify as being part of the "ILEP" group when making the reservation. Deluxe Rooms are \$249 per night plus tax (single or double occupancy).

**The deadline to make a reservation in the ILEP room block is Friday, October 16, 2023.**

## REGISTER & PAY ONLINE

Register online securely by clicking this link

<https://penncareylaw.cventevents.com/mLqbx>

or scan the QR code below.



## CLE CREDITS

This multi-day program has been approved for a total of 9.0 CLE (6.0 substantive and 3.0 ethics) Pennsylvania CLE credits. CLE credit may be available in other jurisdictions as well. Attendees seeking CLE credit must register via the online registration link. For online attendees, in order to receive the appropriate amount of credit, passcodes provided throughout the program must be noted in your evaluation form.

## GOT QUESTIONS?

Please contact Daniel Shmilovich, ILEP Executive Director, at (215) 988-9546 or by email at [dan@ilep.org](mailto:dan@ilep.org).





The *University of Pennsylvania Journal of Business Law* (JBL) has published cutting-edge business and employment scholarship for more than two decades. The Journal's articles and student comments address a broad range of business law topics, including corporate law and governance, securities and capital market regulation, bankruptcy and restructuring, and the law surrounding mergers and acquisitions. [law.upenn.edu/journals/jbl](http://law.upenn.edu/journals/jbl)

## ▶ SPONSORS & PATRONS

**Thank you to The Huntington National Bank and KCC LLC for their generous support as full conference sponsors:**



The **Huntington Bank's National Settlement Team** specializes in serving the needs of law firms, claims administrators, and regulators with escrow accounts and fund distributions. Over the last 20 years, our team has handled more than 4,500 settlements for over \$70 billion dollars with 180 million payments. At \$175 billion in assets, Huntington is among the top 1% of banks in the U.S. ranked by size. [huntington.com](http://huntington.com)



**KCC LLC** is a computershare company that provides administrative support services that help legal professionals realize time and cost efficiencies. With an integrated suite of class action settlement administration solutions, KCC alleviates the administrative challenges of today's legal processes and procedures. [kccllc.com](http://kccllc.com)

**Thank you to our generous patrons who sponsored specific portions of the conference:**



**Epiq** brings clarity and confidence to the often-complex challenges of class action and mass tort administration. We accomplish that with an unmatched combination of experience and expertise, backed by superior performance, support, and transparency. Our reputation as the global leader in class action administration has been reinforced through the successful management of some of history's largest and most complex settlements. In fact, Epiq has administered 54 of the top 100 securities settlements since the passage of the PSLRA, more than all of the other administrators combined. With Epiq, you can focus on successful litigation outcomes, while we handle the rest. [epiglobal.com](http://epiglobal.com)



As the leading independent provider of risk and financial advisory solutions, **Kroll** leverages unique insights, data and technology to help clients stay ahead of complex demands. Kroll provides comprehensive expertise in settlement administration for class actions, mass torts, and regulatory remediation and government claims administration. With 50+ years of legal administration expertise, Kroll offers unmatched solutions and capacity for even the most complex settlements anywhere in the world. [kroll.com/settlement-administration](http://kroll.com/settlement-administration)



**Angeion Group** is tapped by leading law firms around the globe to manage the most complex class actions, setting a new standard for innovation in settlement administration and legal notice. Angeion's innovative end-to-end services, best practice approaches, and proven systems provide a streamlined and efficient administration path for all types of matters large and small, including competition, securities, data breach, and consumer product. Angeion is one of the most trusted service providers in the legal industry, supporting a prestigious array of clients worldwide. [angeiongroup.com](http://angeiongroup.com)



**Metro Action Group** specializes in the printing and mailing of class action notices and claims.

## ▶ ILEP OFFICERS

**Marc I. Gross**, ILEP President  
**Laura Posner**, Incoming President  
**Laura Stein**, ILEP Special Counsel  
**Edward Labaton**, ILEP Co-Founder and President Emeritus  
**Daniel Shmilovich**, ILEP Executive Director  
**Sandra Stein**, ILEP Co-Founder (1939-2020)  
**Michael Barry**, Vice President  
**Darren Check**, Vice President  
**Carol Gilden**, Vice President  
**Salvatore Graziano**, Vice President  
**James Johnson**, Vice President  
**Gregg Levin**, Vice President  
**Matthew Mustokoff**, Vice President  
**Christopher Ritchie**, Vice President  
**Darren Robbins**, Vice President  
**Ned Weinberger**, Vice President

## ▶ ACADEMIC ADVISORY BOARD

**Professor James D. Cox**, Duke University School of Law  
**Professor Lisa M. Fairfax**, University of Pennsylvania Carey Law School  
**Professor Jill E. Fisch**, University of Pennsylvania Carey Law School  
**Professor Brian T. Fitzpatrick**, Vanderbilt Law School  
**Professor Colleen Honigsberg**, Stanford Law School  
**Professor Robert J. Jackson Jr.**, New York University School of Law  
**Professor Donald Langevoort**, Georgetown Law School  
**Professor Frank Partnoy**, University of California Berkeley School of Law  
**Professor Hillary Sale**, Georgetown Law School  
**Professor Joel Seligman**, Washington University School of Law  
**Professor Randall S. Thomas**, Vanderbilt University School of Law