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Navigating State ESG Investment Considerations - Battle Lines are Drawn

Since 2021, Ropes & Gray has been closely monitoring the rapidly evolving landscape addressing what role, if any, ESG factors and alleged boycotts of certain industries play into the management of state retirement plan assets and other public funds and asset manager selection. Based on our monitoring and the rate of escalation that we are observing, we believe this trend is likely to have a material impact on the asset management industry in the near and mid terms, at a minimum. We have launched an award-winning interactive website, [Navigating State Regulation of ESG Investments](#), that tracks relevant ESG-related legislation, executive actions and initiatives, and coalition activities, as well as changes to state retirement plan investment policies, in 48 states and counting. In addition, the website offers a variety of podcasts and memos to provide users with easy access to our team's key insights in understanding this dynamic area.

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Our practitioners have their fingers on the pulse of the most pertinent developments, and we are frequently cited as an authority on these matters by leading newspapers and trade publications, including the *New York Times*, *Wall Street Journal*, *Washington Post*, *Financial Times*, *Bloomberg Law*, and *Pensions & Investments*. Our website, where you can download our comprehensive state-by-state tracker, is updated frequently, so please be sure to visit often. To receive updates, please sign up for our dedicated State Retirement Plan ESG Investment Updates mailing list [here](#).

Our cross-practice state ESG team is advising a large number of asset managers, asset owners, other financial institutions, and trade associations on navigating these intricate and politically charged issues. Among other topics, we are advising on state legislation; investment policies and side letter provisions; fiduciary duties under ERISA and antitrust considerations; the interplay between state, federal (including the U.S. Department of Labor's final ESG rule), and foreign requirements; and expectations of and engagement with state regulatory authorities and attorneys general. We are also advising clients on how to navigate the fundraising implications of various state requests or requirements.

To discuss these issues with us, please contact any of the below partners or your usual Ropes & Gray attorneys.

About Our Practice

Ropes & Gray has a leading ESG, CSR, and business and human rights compliance practice. We offer clients a comprehensive approach in these subject areas through a global team with members in the United States, Europe, and Asia. Senior members of the practice have advised on these matters for more than 30 years, enabling us to provide a long-term perspective and depth and breadth of experience that few firms can match.

For further information on the practice, click [here](#).