

News

Pensions & Investments Speaks With Walsh on ESG Ruling

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Groom principal [Kevin Walsh](#) was featured in the *Pensions & Investments* article, “DOL Secures Key Dismissal in Challenge to ESG Rule,” where he explored what might come after a federal judge ruled with the Department of Labor (“DOL”) to protect its 2022 rule regarding ESGs.

According to *Pensions & Investments*, Walsh said, “If the plaintiffs appeal the rule, they could argue that Kacsmayk was too deferential to the Labor Department in reaching his decision.”

Walsh continued, “In the analysis the judge here pretty heavily relied on the idea of Chevron deference in ruling in the agency’s favor.”

“In the past decade courts have increasingly called into question whether Chevron deference is the appropriate amount of letting an agency sub its judgment in for the judge’s judgment. If this were to be appealed, I wouldn’t be surprised that one of the things that the state attorneys general argue is that this judge was too deferential,” said Walsh.

“Any time you get a decision in your favor, it provides additional persuasive precedence with the next judge,” Walsh said. “If you win on issues it can sometimes build on itself.”

To read the article, [click here](#).