



Changing Perspectives CSR Report 2019-2020

Contents

Foreword by Managing Partner Petra Zijp	04
Our CSR policy	05
01 Our clients	06
Agent of change: Harm Kerstholt	10
02 Our people	16
Agent of change: Eefje Tjong Joe Wai	20
03 Our operations	26
Agent of change: Freerk Vermeulen	30
04 Our society	36
05 Our community	40
Our SDG focus	44
Our CSR ambitions	45



Petra Zijp
Managing Partner

Foreword by Petra Zijp

‘You have to hold yourself accountable for your actions, and that’s how we’re going to protect the Earth.’ This quote by activist Julia Butterfly Hill clearly expresses why you now have NautaDutilh’s first CSR report in front of you. In order to bring about positive change, you must first map out your own impact. What is the social and environmental impact of our practices and what efforts are we making in order to decrease our footprint?

The purpose of this report is to provide an overview of our commitment to corporate social responsibility and what we are doing to be a responsible corporate citizen, to show the human face of NautaDutilh. We describe the initiatives and commitments we are making to create a better and fairer world, in terms of our clients, our people, our operations, our society and our community. We also hear from people behind the changes and learn more about what drives them, the role they see for themselves in this process of change and their long-term goals.

When I look at our sustainability policy to date, I see that in recent years initiatives have been taken throughout the firm to reduce our footprint and increase our positive impact. For example, our firm’s name is now inextricably associated with the groundbreaking ruling in the Urgenda climate case, and our facilities teams are looking at ways to minimise waste at all our offices on a daily basis. We support our people in the initiatives they take, from a CSR sabbatical paid for by the firm to the Young Professionals Board, and strive to ensure that our workforce reflects society. We see that our clients are increasingly concerned by environmental, social and governance issues, as evidenced by our growing ESG practice. I am proud of the initiatives being taken at all levels of the firm by our committed staff with the aim of empowering the next generation.

However, as a firm, we feel that the time is right to take the next step in terms of sustainability. In order to truly make an impact, we need to have a better understanding of what we are doing in this area. Only then can we set clear and stringent objectives for ourselves. That’s why last year we hired a dedicated CSR specialist, Shirley Justice. She supports the firm’s growing Sustainable Business and Climate Change practice, which focuses on identifying environmental, social and governance risks and opportunities for our clients, and supports the Board to further shape NautaDutilh’s CSR policy.

This report is a step in the streamlining of our CSR policy. It sets out what we are doing as a firm in the field of CSR and what our objectives are in this area, so that next year we can tell you about the progress we’ve made in terms of achieving our objectives and where we have come up short and why. This report is a starting point for us, a first step by which we render an account to the society we want to be at the centre of as a law firm. We hope it will stimulate both internal and external discussion because we can improve the world only if we dare to hold ourselves accountable.

‘In order to truly make an impact, we need to have a better understanding of what we are doing in this area.’

Our CSR policy

In 2020, we took big steps towards becoming a more sustainable law firm. For instance, we hired a corporate social responsibility (CSR) specialist and an inclusion and diversity (I&D) expert, set up a Pro Bono Committee and developed a new pro bono policy, formalised our Sustainable Business and Climate Change Team and integrated CSR into our Strategy Plan 2021-2025. Through these actions, we took our long-standing CSR activities (often developed from the bottom up by our employees) a step further.

In addition, we refined our CSR policy. Our CSR mission is to ‘empower the next generation’. We believe that by taking responsibility for our actions now, we will leave a better legacy for the future. We use the UN Sustainable Development Goals (SDGs) as a starting point for our actions. We decided to focus on four areas where we believe we can have the most impact: education (SDG 4), gender equality (SDG 5), climate action (SDG 13) and access to justice and the rule of law (SDG 16). We have integrated these SDGs into the five pillars of our CSR policy:

Our clients (SDGs 13 and 16): Climate change and sustainability are high on the agenda for many of our clients, and we are convinced that we can make the biggest impact through our client work. Our Sustainable Business & Climate Change Team identifies ESG risks and opportunities and works with clients to develop future-proof solutions to the complex and interconnected challenges inherent in responsible business conduct.

Our people (SDGs 4 and 5): We educate our talent to become excellent lawyers and professionals. This includes embracing inclusion and diversity in our workforce.

Our operations (SDG 13): We strive to decrease our carbon footprint and integrate sustainability into our business operations firm wide. This includes actions focused on going paperless and recycling efforts. A sustainable procurement policy is on the agenda for 2021.

Our society (SDGs 4, 5, 13 and 16): We contribute to society through our pro bono work, which focuses on sustainability, human rights and the cultural sector.

Our community (SDGs 4, 6 and 16): We contribute to our community through partnerships with various organisations and projects by our employees. For the period covered by this report we also included SDG 6 (access to water) in our community engagement activities.

● By publishing this report, we aim to increase transparency and accountability with respect to our policies, actions and goals in the field of CSR and sustainability

Our CSR Committee, Pro Bono Committee, dedicated CSR specialist, I&D specialist and the Young Professionals Board (co)develop policies, launch new initiatives and coordinate projects and activities. They advise the Board and the Executive Committee. The Brussels and Luxembourg offices have a (Think) Green Committee and the Brussels office also has a Diversity & Inclusion Committee. These committees are composed of lawyers and business support professionals.

This first public CSR report is a starting point and reflects our baseline measurement for 2019-2020. It provides an overview of our main activities and accomplishments in the field of CSR firmwide. For this first report, we took into account the issues that are material to us but did not apply an international reporting standard. By publishing this report, we aim to increase transparency and accountability with respect to our policies, actions and goals in the field of CSR and sustainability.

Our clients

01

'The best way for a forward-thinking law firm to make an impact in the field of environmental, social and governance (ESG) issues is by joining forces with its clients. While we are of course in the process of getting our own house in order, it is only by working with our clients that we can truly make a difference', says Harm Kerstholt, partner and head of the Energy & Natural Resources Team. 'Companies feel increasing pressure from stakeholders to act responsibly. Sustainable and responsible business conduct has become a top priority for boards and management. In this shifting landscape, we help our clients by mitigating ESG risks and identifying ESG opportunities. Regulations and legislation are just the tip of the iceberg. Soft law can be just as important for companies seeking to manage their legal and corporate affairs. We can help them by consistently asking not only whether something is legal but also if it's the right thing to do.'

Sustainable Business & Climate Change Team

In 2020, we established a Sustainable Business & Climate Change Team, led partners Harm Kerstholt and Freerk Vermeulen. Previously, many of our lawyers were already advising clients on ESG-related matters. The team's areas of expertise include ESG risks and opportunities, climate change litigation, sustainable finance, and business human rights law. Ensuring responsible and sustainable business conduct that meets ESG requirements has definitively moved beyond the sphere of reputational and stakeholder management to the legal realm. It was therefore a logical step for us to combine our extensive knowledge and cross-sector experience in a single team. One concrete result is our ESG Opportunity Audit. We assess how ESG policies can help clients capture commercial opportunities and set themselves apart from the competition. Another area in which we are mindful of the legal importance

of ESG is M&A. ESG due diligence can be an important means of assessing risks and opportunities in the field of responsible business conduct and climate change.

Relevant matters we have worked on include assisting De Volksbank with the issuance of EUR 500 million subordinated tier 2 bonds, the first time this type of green bond was issued by a bank in Europe. We also acted as transaction counsel for the first issuance of green and social bonds in Belgium by Cofinimmo, the first European REIT to issue such bonds. In the field of business human rights, we advised on the implications of the proposed Dutch Child Labour Due Diligence Act. In addition, ESG as a key consideration for investors took centre stage in our advice to impact investor Invest-NL on the implementation of ESG clauses in joint financing agreements. In the energy sector, we have advised GOGLA, the industry organisation for off-grid energy solutions, on the updating of its ESG policies and Royal Dutch Shell on various matters relating to the implementation of a global access to energy project. ▶



Freerk Vermeulen
Partner, Litigation
Amsterdam office

Climate litigation

'A specific area we will focus on in the coming years is climate litigation. Our Dispute Resolution Team is considered a trailblazer in the field of climate litigation, having set a legal precedent for government accountability for climate change. Together with Höcker Advocaten, we successfully represented the NGO Urgenda before the Dutch Supreme Court in a landmark case against the Dutch government on its binding obligation under international human rights law to take measures to reduce carbon emissions. The United Nations High Commissioner for Human Rights Michelle Bachelet said the ruling provided 'a clear path forward for concerned individuals in Europe – and around the world – to undertake climate litigation in order to protect human rights'. We are determined to help lead the way on this path and to use the law as an instrument for change.'

Relevant ESG trends

In our ESG practice, we have identified three relevant trends. First, most legislation so far, such as the Non-Financial Reporting Directive, focuses on transparency. Transparency is key to all ESG obligations and plays a prominent role in our corporate governance work. Second, we see an increasing need for advice on climate risk responsibilities and reporting obligations in the financial sector. This is due to recent legislation such as the Sustainable Finance Disclosure Regulation and the Taxonomy Regulation. This legislation will no doubt lead to additional information obligations for banks, investment funds and insurance companies regarding their corporate clients. Indeed, translating the consequences of these legislative obligations in the financial sector for our corporate clients is a top priority for us. Third, ESG standards regarding what companies should do in the areas of sustainability and human rights are mainly enshrined in soft law, such as the UN Global Compact, the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. However, soft law is increasingly giving rise to hard law and may lead to accountability for companies and their boards. Therefore, we are engaging more and more with our clients in order to discuss the implications of soft law for their business.

Sharing our knowledge

Taking into account these developments, we expect the role of in-house counsel in the field of ESG to expand in the coming years. This is one of the reasons why we share our knowledge and experience with general counsel through the 'Jurist doet WAT' network, an initiative to encourage the legal sector in the Netherlands to contribute to a more sustainable economy. Last year we also became a partner of MVO Nederland, with the objective of contributing to this network of over 2,000 'new economy' entrepreneurs.

In addition, we regularly organise roundtables to discuss recent developments with clients. For instance, we hosted an event on developments in the hydrogen sector. At our 2019 Sustainability Seminar, we invited clients to share best practices with their peers. In 2020, we sent out an ESG survey through one of our international networks and shared the results with partners in more than 20 jurisdictions. ●



Shirley Justice
CSR Specialist
Amsterdam office

Dedicated CSR specialist

'I have been working in the field of CSR for quite a while now, but I have a legal background. I am especially interested in issues at the interface of CSR and law. That's why I was immediately enthusiastic when the opportunity arose to work in my field of expertise at a law firm. People were surprised when they heard I had joined an international law firm. Within the firm, too, some people may have been surprised by the hiring of a dedicated CSR specialist. In the Benelux, to the best of my knowledge, there was no other leading law firm with a CSR manager when I started in August 2020. I believe law firms have an important role to play in the field of climate change and sustainability, and as CSR specialist, I act as a link between corporate social responsibility and business opportunities. Because doing the right thing can also be good for business.'

● Transparency is key to all ESG obligations and plays a prominent role in our corporate governance work

Our clients Facts & figures

30

percent of client requests for proposals contain CSR-related requirements*

6

partners are part of our Sustainable Business and Climate Change Team

2,000

clients attended our ESG-related events in 2019/2020


1

We are the only law firm that is a member of the GBN (Large Companies Network) of MVO Nederland

1

We were the first law firm to assist with the setup of a European social entrepreneurship fund (EuSEF) in Luxembourg

*Based on a limited sample of RFPs in 2019 and 2020.



Harm Kerstholt heads our Energy & Natural Resources Team. He is also a driving force behind our Sustainable Business & Climate Change Team. Harm is specifically known for his ability to advise clients on the commercial implications of energy regulations and how to address these in a practical manner when counselling clients on M&A transactions, projects and complex energy contracts.

AGENTS OF CHANGE

Pioneer in Soft Law

For Harm Kerstholt, his fast-growing ESG practice is not about whether something is legally permissible, but whether it is desirable for a company, from a broader perspective than simply profitability. 'The underlying principles are actually pretty simple: be open and, if it's not right, do something about it.'

m

Many people dream of working at NautaDutilh. This was not the case for Harm Kerstholt when he went for a job interview with the firm in 2001. He actually hoped he wouldn't get the job as an associate in the energy department. 'It seemed a stuffy and old-fashioned firm. But I hadn't applied for a job in a while, so I thought it would be good practice. I chose jobs I definitely didn't want, so I wouldn't mind as much when I wasn't selected.'

But after a 45-minute interview, he received a job offer that same evening. 'I realised it actually felt good to be chosen. So I accepted it.' When he signed, Harm realised he was excited by the prospect of starting a new job. 'There were two partners with a good reputation. Suddenly I wondered if I was good enough for the firm.'

Harm ended up practicing energy law by chance. He started his career at an accountancy firm. 'A large American firm, with a similar culture. On the one hand, it was always made clear that you were very special but, on the other hand, there was an enormous hierarchy.' The purpose? To encourage competition. 'But it started to bother me more and more. I am quite competitive, but I want to win as part of a team.'

After eighteen months, Harm had already decided to look around, but he didn't really know what he wanted. 'When the firm created an energy group, I saw that as the ideal way out.' Together with accountants, consultants and tax advisors, he assisted American energy companies that wanted to gain a foothold in Europe. 'It was not very high-profile work, but the sector and the substance appealed to me.'

When the lawyer for whom Harm worked left after three years, the firm proposed that he become head of the energy practice. 'That was madness. I had only just started and hadn't even finished my training. It was like asking a toddler to care for a baby.'

Despite the promised offers of help, Harm decided to leave. 'They just needed someone to do the job. I didn't feel taken seriously at all.'

Energy group

At NautaDutilh, he was hired as an associate instead of a department head. 'I arrived at a firm that was in a *twilight zone* between a modern and an old-fashioned organisation. The image I had of a somewhat stuffy place to work was true in some ways, but there were also some very special people within the organisation. I knew I could learn a lot from my colleagues.'

He felt at home right away. 'I had a lot of bravado, but I was just one of many characters. Everyone was accepted as they were.' He compares it to a flock of starlings. 'To an outsider it seems as if they are flying in all directions, but in the end starlings always head south. It doesn't matter how each individual bird gets there. In any case, it's not in a straight line.'

This 'own direction' approach sometimes resulted in a lack of strategy. 'One advised multinationals on IPOs while another handled divorces. We didn't have a clear picture of who our target group was.' It may seem clumsy, but Harm looks back fondly on this time. 'In those days, you had lawyers from the maritime practice who, after a collision, would board the ship with a bottle of gin to see what had happened. That kind of thing is unthinkable now.'

He himself had an interesting time with NautaDutilh's energy team. 'The energy market opened up and all kinds of parties from other countries came to Europe to set up organisations. New products were invented, the work was very dynamic.' Harm advised on the construction of power plants and helped clients buy land, connect to the grid and obtain financing. 'It felt like I was doing everything for the first time. The challenge was energizing.'



However, an unfortunate series of events caused his practice to dwindle. 'Shale gas was discovered in America. This made energy so cheap that coal was shipped to Europe. Coal-fired power plants became cheaper to operate than gas ones, and the projects I had been working on stopped. They were no longer profitable.' Another event that directly influenced his work was the Fukushima nuclear disaster in 2011. 'Before that, I was working on gas storage, but afterwards no one wanted to go near this area.'

New York City

And so it happened that, in 2013, Harm had to reinvent himself. After spending some time working on oil and gas cases, an opportunity came along to fulfil his boyhood dream of working in New York. 'When my wife and I married 21 years ago, I set one condition. If I got an opportunity to work in New York, we would go.'

His wife was hesitant at first but eventually came around. And so Harm moved with his wife and three children to the city that never sleeps.

'I arrived there empty-handed and had the naive idea that I would have a flourishing practice within six months. But it doesn't work like that.' Harm, who had worked for years to build a reputation on the legal market, had to take it in stride. 'In the Netherlands people knew me as someone who understood complex projects and contracts in the field of energy law. In New York, I was a nobody. In the first few months, I asked myself dozens of times a day what on earth I had done.'

After six months, however, Harm began to find his footing. 'Cases came in, but I missed making a real difference for clients. In America, a lawyer is much more in the background. That gave me a newfound appreciation for the work I did in the Netherlands.' There were also things that bothered him about life in America. 'I was surprised by the enormous amount of waste. If you went shopping, you were given 26 huge plastic bags; even if it poured, the sprinkler was still on a timer. It just didn't seem to be an issue in America.' >

He started reading more about sustainability and what it could mean for his practice. 'I attended some conferences on sustainability and organised a conference for the heads of the legal departments of Dutch companies listed in the US. I wanted to make a substantive contribution to sustainability-related transparency requirements in the financial statements.'

As soon as Harm delved into the subject, he was hooked. He studied everything, from frameworks to sustainability goals and from corporate integrity to the role of the legal profession. 'There are actually a great many recommendations or rules in the field of sustainability. What's important in this so-called *soft law* is not so much whether something is legally permissible, but whether it is desirable for a company, from a broader perspective than simply profitability. The underlying principles are actually pretty simple: be open and, if it's not right, do something about it. You have a certain obligation to know what is happening in your business. Suppose you order garments from India. It's up to you to know whether they are made by child labour. Legally, you don't have to check this point, but you do have a social responsibility to find out.'

Moreover, companies benefit from transparency. 'As soon as something like this comes out and you have to justify yourself to the public, it causes enormous reputational damage. It's important to be transparent and not simply look at whether something is legally permitted.'



Impact

Soft law provides lawyers with practical tools to enter into a dialogue with companies about transparency and abusive practices. Harm cites Dieselgate as an example. 'This incident shows the importance of integrating corporate social responsibility into the strategy of a company. The public does not accept such lack of transparency. In the end, it caused the company nothing but trouble.'

Yet he does not see it as his job to lecture companies on norms and values. 'Lawyers are not priests, we look at the client's interest. A lawyer does not necessarily have the knowledge or experience to determine whether something is sustainable or

'Be open and, if it's not right, do something about it. You have a certain obligation to know what is happening in your business'

'It's fine for us to stand out more, even if it means we run a greater risk of being asked to account for the choices we make'

'decent'. But what you can do is look at the bigger picture. 'And transparency in a company's business model is almost always wise in order for it to remain relevant and profitable in the long run.'

But how far can you go as a lawyer to bring about change in companies? What if you continue to give advice on a particular matter and the company ignores you? Suppose you see that certain actions of your client seem to violate human rights, but your recommendations are ignored. Do you walk away or do you stay and try to get the company to make other choices?

Harm finds the answer to these questions in soft law principles. 'The client's interest in retaining you means that you can ask them to change. If you apply this principle, it means that, as a lawyer, you simply have to work harder to do your best.'

According to Harm, this is how law firms can have the most impact. 'At NautaDutilh we handle cases like the Urgenda climate case, but we also advise clients like Shell, Total and banks. That may seem contradictory, but if I, as a lawyer, can ensure that a client takes something away from the sustainability recommendations I've made, then my impact is much greater than if I only worked for companies like Tony Chocolonely or Fairphone, which are pioneers in the field of sustainability and corporate social responsibility.'

Bold choices

Yet he notices that this view is not yet commonly shared. 'People often think in terms of right and wrong. Behind the scenes, a lot of thought goes into this, but profiling yourself as a sustainable firm also means that you will be called to account for assisting clients active in sectors that contribute more on average to global warming or that are not yet active at all in the field of corporate social responsibility.'

Harm would like to make bolder choices. 'Lawyers are risk-averse, but I don't think we should be afraid of being called to account for the things we stand for.'

He suggests, for example, adding a question to the questionnaire to be completed for new matters. 'Now we take on cases if we are not conflicted and if we have the relevant legal knowledge to assist the client, but perhaps we should also look explicitly at whether a company reflects our norms and values.' Harm stresses that this is his own opinion. 'This is a big point of discussion within the firm. What I like about NautaDutilh is that there is room for me, personally, to act in accordance with my conscience. But that also means I have to accept that I cannot impose my views on the firm as a whole.'

Harm admires companies whose primary objective is to make a positive social impact. 'Tony's Chocolonely, Fairphone. If it's sincere, this can be a very successful strategy.' Is this also possible in the legal profession, for example standing for what's right or fair rather than what's simply legal? 'There's indeed a trend towards more pro bono work. This is also important in order to be an attractive employer.'

For Harm, it's ultimately a question of finding the right balance. 'I would like to see us, as an organisation, place even more emphasis than we already do on social impact, in addition to the pursuit of profit maximisation. I think that issues such as sustainability and responsibility make NautaDutilh what it is. It's fine for us to stand out more, even if it means we run a greater risk of being asked to account for the choices we make. As far as I'm concerned, that's not a bad thing. After all, those who set the bar high may sometimes fall below it.' •

[Visit Harm Kerstholt's profile](#)



Would you like to hear more?

This interview is based on a podcast in which Harm Kerstholt is interviewed during a walk in the great outdoors. He shares his thoughts on the importance of ESG and why he wants to be an agent of change. You can listen to the podcast in Dutch at www.nautadutilh.com/en/csr-report/agents-of-change

Our people

02

‘The difference between a successful law firm and an outstanding organisation is the human factor,’ says Nicolet Beetsma, HR Director at NautaDutilh. ‘This requires leadership by our partners and managers, engaged employees, and an inclusive culture. We need to embrace and value diversity and create a safe environment in which people dare to speak up and provide feedback, which in turn stimulates teamwork. Focusing on the human factor will help us stay fit for the future.’ Our HR department can contribute to CSR in many different ways, for example by fostering an inclusive and diverse culture, integrating CSR aspects into our fringe benefits and training programmes, and making CSR part of our employer brand.

Room to be yourself

NautaDutilh is very committed to fostering an inclusive and diverse environment, one in which differences are not only accepted but highly valued. The business case for inclusion and diversity (I&D) is stronger than ever, and we believe it will help us improve our professional performance and profitability. I&D has been on the agenda of the Board for many years now, and we have received several awards, at the firm and individual levels, recognising our commitment to I&D. We participate in various initiatives that promote diversity in the workplace, such as Workplace Pride, the Legal Diversity & Inclusion Alliance in Belgium, the Diversity Dinner by Global People, and World Pride New York. We are a co-founder of the FORWARD foundation and have established our own LGBT+ network, ND Globe. We use inclusive language in our communications and have developed training sessions on gender diverse and inclusive language. Our New York office recently introduced a gender-neutral dress code. Last year, we set up the Young Professionals Board, an advisory committee to the Board which gives millennials a voice within the firm. We also introduced a new remuneration policy in 2020, with a fair, simple and transparent remuneration structure based solely on years of employment. This eliminates the risk of discrimination on the basis of other factors.

Despite these many initiatives, we acknowledge that there is more to be done. The gender ratio is balanced at associate level, but at partner level currently stands at 25% female partners. Our ambition is to reach a balanced gender ratio at all senior levels by 2025. We strive to stimulate female talent in the pipeline. We encourage talented women to take part in our ‘Talent naar de top’ leadership programme. We also offer individual coaching. In terms of cultural diversity, our goal is to have 20% of our people from minority cultural backgrounds by 2025. To improve our I&D performance, last year we appointed an I&D specialist. She organises awareness training within the firm and is rolling out a new I&D strategy. The focus is on (personal) leadership, unconscious bias and stimulating a culture in which sharing different views and honest feedback is encouraged. ▶



[Dirk van Gerven](#)
[Managing Partner](#)
[Brussels office](#)

Outstanding Allyship on inclusion and diversity

‘Last year I was named an Outstanding Ally at the Chambers Diversity & Inclusion Awards. This was quite an honour and a recognition of my commitment to promoting gender diversity both within and outside the legal profession. Since I became managing partner of the Brussels office in 2018, I have taken numerous initiatives to make our office more inclusive. One of my first actions was to create a diversity committee in Brussels which drew up a diversity plan. Based on this plan, we propose concrete actions, such as Diversity May, with weekly diversity-related initiatives, a diversity charter, which all fee earners and employees must sign, the incorporation of diversity into our recruitment process, an emphasis on I&D and equal representation at job interviews, and the inclusion of a diversity statement in vacancy announcements, to give but a few examples. More work remains to be done, and this is of course just the beginning.’

Personal development and leadership

To stay leading amongst our peers it is important to invest in our people. Two years ago, we launched TOP, an ongoing talent development programme. Last year, we developed the NautaDutilh MBA leadership programme and a remote leadership programme to help our managers coach their employees while working from home. These training programmes focus on the qualifications, skills and behavioural repertoire of our employees. We also pay substantial attention to personal growth. Last year, we introduced My Nature, a two-day retreat in nature, during which participants ponder a personal question and spend time reflecting on their personal and professional goals. Another initiative, launched in 2019 by one of our associates, is the NautaDutilh CSR Sabbatical. The CSR Sabbatical gives two employees per year the chance to take part in a CSR project, in their home country or abroad. This is a paid one-month sabbatical, with an additional stipend of EUR 2,000. Any employee can apply. The first two recipients participated in the Captain Fanplastic primary school programme and a project organised by the Mboté foundation to provide financial support for orphans in the Kinshasa region of the Democratic Republic of the Congo. We also support She Breaks the Law, a global community of women



Paul Deza de Massiac
[Associate, Competition and EU law group](#)
[Amsterdam office](#)

CSR Sabbatical

'During an internship in Kinshasa I was astonished by the conditions in which some children grow up. After returning to the Netherlands, together with a few like-minded friends I founded Stichting Mboté, which enables local volunteers to support orphans. We do so by providing funding for educational programmes and daily needs. NautaDutilh helped us set up Stichting Mboté and allowed me to bring the foundation to the next level, by awarding me the CSR Sabbatical. Today, Stichting Mboté has a direct impact on the lives of approximately one hundred children, e.g. by financing their daily needs and tuition fees. The foundation's goal is to run its own orphanage and provide these children with the care and education they deserve.'



Sanne Meester
[Candidate Civil Law Notary](#)
[Amsterdam office](#)

The Young Professionals Board

'I'm proud that we managed to set up a well-functioning Young Professionals Board from scratch and have proved ourselves useful for NautaDutilh as a whole. I believe it is important that millennials have a voice in discussions with the Board and the Executive Committee. After all, over 40% of our employees are under 34, and we can bring new and different perspectives to the boardroom. For example, millennials are considered to be very keen on feedback and appreciation. That's why we've discussed NautaDutilh's new assessment process from a millennial point of view and are involved as a discussion partner for HR in the decision-making process.'

leaders driving innovation in the legal industry. We hosted their launch event in 2019, contribute financially and regularly participate in their female leadership events.

In order to enable and encourage our employees to spend time at work on activities other than their main tasks, we introduced so-called ME2WE hours last year. Think of activities such as participating in a CSR project, organising events, business development activities, or active membership of the CSR Committee, Pro Bono Committee or I&D Committee. We made ME2WE hours a prerequisite in our bonus structure.

Another priority area for us is the mental and physical wellbeing of our employees. This proved especially important in the past year, during which all of our people had to work from home due to Covid-19 restrictions. We initiated numerous activities to keep everyone engaged and on board, from breakfasts with the Board, mindfulness walks and streamed yoga classes to personal coaching, Christmas dinners delivered at home to all employees of our Luxembourg office, a babysitting service during the lockdown and the option to speak with an external psychologist. ●

Our people Facts & figures

26

percent of our
partners are female

85-90

percent of lawyers
reported ME2WE hours

3

of our colleagues have received
awards for their I&D efforts

1

We are the only law firm to be
awarded the Brussels Diversity Label

30

employees participated
in My Nature in 2020



AGENTS OF CHANGE

Advocate of Inclusion and Diversity

Eefje Tjong Joe Wai joined our firm's HR team in 2020. She is an expert on leadership development and is especially passionate about inclusion and diversity. She supports the Executive Committee in further developing our I&D policy and strategy.

Eefje Tjong Joe Wai wants to make NautaDutilh a more diverse place to work without having people feel that anything is forced upon them. 'Try to see where the other person is coming from, without judging.'

W

When Eefje Tjong Joe Wai was working as a physiotherapist at Ajax at the start of her career, she met a boy on one of the youth teams named Frans Sabajo. 'Not thinking, I asked him what kind of strange name he had, such a Dutch first name with his last name. The eight-year-old looked at me and said, 'I don't know, Eefje Tjong Joe Wai.'

That incident has stayed with her. 'It reminds me that sometimes you get so stuck in your own way of thinking that you don't realise how much in common you may have with the person in front of you.' However strange her last name may sound to some, it's quite normal for Eefje. 'I come from a diverse background, but it's mainly something others see.'

How can you retain the individuality of your employees? How can companies use diversity to their advantage rather than seeing it as the elephant in the room? With these questions in mind, Eefje joined NautaDutilh in March 2020. As a Senior Human Resources Business Partner, she deals with employee inflow, advancement and outflow, in particular organisational and leadership development. The issue she is most passionate about, however, is inclusion and diversity. Eefje believes strongly in 'facilitating a culture in which everyone can make a valuable contribution, based on their talents and perspective, and feels free to be themselves'.

This is important to ensure employee self-esteem and can also help companies achieve a better bottom line, as Eefje explains. She prefers not to view diversity as something that must yield results but

rather as a way of motivating people and getting them moving. 'By showing different sides, there is a greater chance of reaching a better solution. There is really a lot to gain. And that doesn't mean you have to discuss ideas endlessly.'

Cooperation

How do you make the best possible use of all perspectives within an organisation? According to Eefje, it's important that employees aren't afraid to speak their minds, for better or for worse. 'It may sound vague, but you have to believe that your ideas matter. That you won't be judged if you say or contribute something that goes against the prevailing norm.'

It is completely psychologically understandable to conform in order to find one's place within a group. Moreover, this process takes place without us even realising it. Eefje noticed this herself when she started her new job. 'You quickly use the same jargon and speak up less in meetings if you notice that your opinion or viewpoint differs too much, even though a fresh look can provide a different perspective on things. These are opportunities for companies, which they can use to improve in various areas: position in society, productivity, sales, customer loyalty, absenteeism and engagement.'

According to Eefje, managers play an important role in this regard. 'Certainly in a hierarchical organisation, managers largely determine the norm, what you will and will not accept and to what extent we address each other's behaviour. But many managers are insufficiently aware of the role they play.'

Awareness appears to be key to a good inclusion and diversity policy. After all, what is normal for you may require someone else to adapt. As examples, Eefje cites the annual ski trip and the Thursday drinks after work. 'I personally believe you shouldn't stop these types of activities for fear that people who don't participate for whatsoever reason will feel excluded.'



I believe, however, that it's important to ensure that those who cannot or don't want to participate are not disadvantaged in their careers. If you don't join in, it shouldn't mean that you don't feel part of the team or company or that you're not asked to join certain committees. Make sure there are plenty of other possibilities for employees to connect and form part of the bigger picture.'

Eefje has noticed that raising such issues sometimes touches a sensitive chord. 'This is only logical because it means change for the majority, who do not automatically benefit from it and may even have to give up some of their advantages.' According to Eefje, it is very important that the old guard and new employees work together to find solutions. 'This is a process in which listening to one another and understanding the other's point of view are crucial. The old guard must give new arrivals space to grow, while newcomers must accept the presence of the establishment. Try to see where the other person is coming from, without judging.'

In the end, if you leave change only to the group that is different, it will rarely happen. 'That's why this connection is so important. You start the dialogue and put yourself in someone else's shoes. Otherwise, you only pay lip service to diversity, squeezing it into a straitjacket, with a great risk of talent walking out the door.'

A practical solution

At NautaDutilh, Eefje has noticed that the subject of diversity is alive and well in the boardroom. 'When I applied, I spoke with the members of the Board; they are all convinced that diversity is a subject that we, as a firm, should address in more concrete terms.'

She has noticed that this practical approach is very common in the legal profession. 'It is a profession that is very focused on content, one that is rewarding and ensures a high position. But when firms tend to focus on these aspects, you'll notice that the things around it seem to be considered less important. She mentions 'leadership skills, ensuring conditions for ▶

team members to perform optimally, making sure that people feel seen and are given room and ownership to develop their talents.'

When the board of NautaDutilh asked her how to better promote inclusion and diversity, Eefje did not have a clear answer. 'It's not a step plan you can walk through and simply tick the boxes. Inclusion and diversity are part of our culture and require constant attention. We all have to work on it because, ultimately, the goal is to make an organisation more than the sum of its parts.'

What matters is that everyone's contribution is valued. 'You can see that we can improve our organisation in the functional area as well.' Eefje sees that much of the knowledge and experience present within the firm is not being fully utilised. 'For example, the legal practice groups should be managed more business-wise, with staff members forming part of the management team. By adding other voices, you get much more out of the potential already present within the organisation.'

She herself recalls a manager at a previous employer. 'He really talked to you if you didn't actively share your ideas or bring your point of view to the table. If you had a different opinion, he wanted you to share it. His idea was that he paid us 100 per cent and expected to get 100 per cent of our creativity and ideas in return.'



Dare to fail

However, before companies can require such involvement and full commitment from their employees, it's important to consciously work on creating a culture in which there is room for and recognition of different views. 'You don't want inclusion and diversity to exist only on paper. If you decide that this is an important issue and want to bring about change, you can start by reflecting on your own behaviour and unconscious biases. Because making a decision is one thing, but acting in accordance with that decision is another thing altogether.'

According to Eefje, this is an important task for leaders. 'You want to create a culture in which people feel involved and know that there is room to make

'Making sure that people feel seen and are given room and ownership to develop their talents'

'As a manager, admitting that you didn't do something properly is a leadership skill, in my opinion'

their voices heard. Sometimes I see managers involve others in decision-making, but then do nothing with their input. Of course, you don't have to take over everything, but it's important to show that employees are being listened to and to explain how you arrive at a decision. In this way, you create transparency and trust, which are necessary to continue sharing different insights.'

This requires a different, more open attitude from managers. 'And that can be stressful. Because it's new, there's a great chance you will fail. And if there's one thing lawyers want to avoid, it's failure.' She understands this position when it comes to the substance of their work. 'But if you change your behaviour, you have to accept that things will sometimes not go according to plan. You have to see it as a chance for growth and new opportunities.'

'In the courtroom, failure can have major consequences for the client', she continues. 'But as a manager, admitting that you didn't do something properly is a leadership skill, in my opinion. These are two very different things.'

Discomfort

Building a more inclusive culture takes time and is a gradual process, although for Eefje personally, the steps taken are sometimes too small. 'Of course change happens slowly, because we want to bring people on board. Sometimes I want to go too fast and sometimes we're held back by discomfort, we all have to go through that.'

Discomfort, according to Eefje, is something companies should embrace much more. 'If you don't feel uncomfortable in this type of situation, you're doing something wrong.' Discomfort drives change. 'If you just walk around the office nodding yes and high-fiving, you're not making anyone's ideas better.'

So embrace discomfort, she advises. 'Don't think things don't exist as long as you don't talk about them. If people can speak openly about what they find difficult or how they view things, you know what you can work on together.'

Eefje herself regularly experiences discomfort in her role. 'I am constantly questioning the prevailing norm, to see if there's a better way. While lawyers prefer to solve problems, I constantly create new obstacles', she laughs.

She is able to accept this discomfort because she knows it serves a greater purpose. 'The questions I ask are in line with the values I adhere to personally. If you know what you stand for, it's easier to stand up for something.'

Eefje learned this lesson at university. As a teetotaler, she was firmly in the minority. 'In the beginning it was difficult at my student union, but I knew what I stood for. I really just don't like drinking.' Because she was so clear about where she stood, she noticed that it was easier for others to accept her position. 'I would like this to be the case in organisations, too. For people to stand up for who they are and for those around them to accept that. To help individuals feel confident enough to express themselves freely within the organisation, without being judged for doing so.'

Really listening to each other is the first step towards achieving inclusion and diversity. 'Start by talking to each other. When you feel accepted and that your views are welcome, you don't have to struggle as much as you otherwise would. In the end, I think inclusion and diversity make better lawyers and professionals. But in order to achieve success in this area, you have to have the guts and the courage to fail.' •



Would you like to hear more?

This interview is based on a podcast in which Eefje Tjong Joe Wai is interviewed during a walk in the great outdoors. She shares her thoughts on inclusion and diversity and why she wants to be an agent of change. You can listen to the podcast in Dutch at www.nautadutilh.com/en/csr-report/agents-of-change

Our operations

03

'I have two daughters, and they should have a nice planet to live on as well', says Juriaan Vreeburg, our Facility Services Director, who oversees operational facilities (apart from IT) at all NautaDutilh offices. Together with his team, Juriaan embraces the challenge of continuously improving the quality and efficiency of the firm's facilities and working environment, without losing sight of sustainability. When asked what sustainability means to him, Juriaan replies that he sees that we are depleting the earth's resources and that this must stop. 'It's important to be aware of this, not only for ourselves but also for our children. It is not going to get any better. Sustainability is a matter of common sense.' The use of common sense is characteristic of his approach to sustainability.

Juriaan has a very hands-on mentality. When he see an opportunity to save energy or reduce waste, he tries to do so using cost-neutral measures. For instance, our new waste management contract may appear more expensive but by removing all 600 individual bins from the offices, we save money on cleaning and eliminate the use of more than 100,000 plastic bags per year. This pragmatic approach has led to numerous sustainability initiatives within the business operations of NautaDutilh over the past few years, such as switching to thinner paper in the copiers and placing water coolers and reusable bottles in all offices. Juriaan is supported by the CSR Committee (Amsterdam and Rotterdam), the Think Green Committee (Brussels) and the Green Committee (Luxembourg), whose members promote the greening of NautaDutilh's offices and business operations.

Our office buildings

When NautaDutilh moved to new offices in Amsterdam and Rotterdam in 2016, we expressly opted for sustainable buildings. Both buildings are certified BREEAM-NL Excellent, a high standard for new office buildings. We also took environmental standards into account when it came to choosing our leased offices in Brussels (certified BREEAM In-Use Very Good) and New York City (HQE, BREEAM and

LEED). Certification provides assurance concerning sustainability factors such as energy efficiency, materials, water use, waste management and indoor air quality. Both the Amsterdam and Rotterdam offices use green energy, generated from wind.

Waste management

All our offices have introduced a waste management system to promote recycling. For instance, at the Amsterdam and Rotterdam offices, we replaced individual wastepaper bins with collective recycling bins in the pantries. Organic waste is to a large extent put to use in so-called worm hotels. We also grow our own herbs for use in our catering services. Our coffee grounds are collected and used as a base for mushroom cultivation. Our Luxembourg office has a SuperDrecksKëscht® waste management system based on ISO standard 14024. In New York City, recycling is mandatory by law, and recycling instructions are posted next to bins. ▶



Leon Straates
[Facility Services Manager](#)
[Amsterdam office](#)

Our first carbon footprint measurement

'As a department, we are already focusing on reducing the carbon footprint of our business, but we can and have to do more. First, however, we needed to obtain insight into our carbon emissions. We therefore measured the carbon footprint of our offices in Amsterdam and Rotterdam, using 2019 as a reference year. The results did not come as a complete surprise: our greatest impact comes from waste, business air travel, commuting, leased cars and our aquifer thermal energy storage system. Our office buildings have the highest sustainability certification, but there are still many areas in which we know we can do better, especially taking into account what we've learned in the past year. CO₂ compensation is certainly an option, but the focus should be on bringing down emission figures.'

Catering services

For our Amsterdam and Rotterdam offices, we have included KPIs on sustainability in our contract with the caterer, i.e. 25% organic food, 10% locally produced, a vegetarian alternative for each meal and food waste below 4%. Leftover fruit and vegetables are used to make smoothies and soup. All other organic waste is used in the worm hotels. As NautaDutilh negotiated fixed margins on personnel costs and products, the chef is not dependent on wholesalers and can buy at local shops. This is more sustainable and has resulted in improved meal quality. In order to further reduce food waste, our caterer sells leftover meals to our employees via the app Too Good To Go. Our Brussels and Luxembourg offices work with local, seasonal and healthy ingredients. The reduction of (plastic) packaging is an important issue as well. For example, plastic water bottles have been removed from all offices and replaced with water coolers or taps. Unfortunately, due to Covid-19 restrictions, we have seen an increase in food packaging materials over the past year.



Sylvie Grenez
Corporate & Finance Practice Support Officer
Brussels office

The green box

'I joined the Think Green Committee at the Brussels office 11 years ago when we moved to a 'model' building (rainwater reuse, heat pump, solar panels, etc.). But it's not enough to be in a sustainable building; we need to have a sustainable mindset. The Think Green Committee has taken initiatives to change habits. One example is the introduction of a so-called green box. We created a place where we store office supplies that have already been used but can be given a second life. We ask everyone to first check the green box before using new materials. Binders and staplers are very popular items. Our goal is to change mindsets and encourage everyone to reduce, reuse and recycle.'

Office supplies: Paper consumption

Picture a lawyer's desk and stacks of paper spring to mind. It is quite a challenge to beat the impulse to print every document, not only for client files but also for personal use. In 2019, a Going Paperless working group was set up, which analysed paper consumption at all offices and made recommendations on how to reduce paper use, both individually and as a firm. The results of the analysis were quite encouraging: although paper consumption at the Benelux offices is impressively high (nearly 50 tonnes of paper and over 13 million prints per year), it appears that 70%-90% is for internal use. This means that much of this consumption can be reduced through a variety of measures. Due to Covid-19, most employees are working from home so we have not yet implemented many of the working group's recommendations. Some of the measures that have been implemented relate to the use of a badge system and double screens. We believe that our experience over the past year can be used to stimulate a paperless office, since we all now know that it is not necessary to print every document. ●

Both the Amsterdam and Rotterdam offices use green energy, generated from wind

Our operations Facts & figures

4

of our 6 offices are environmentally certified buildings

29

percent of the carbon emissions in our Amsterdam and Rotterdam offices come from business air travel

100,000

plastic bags saved per year by replacing waste bins with recycling bins

51

leftover meals saved through the app 'Too Good To Go' (in three months)

33

percent reduction in paper consumption over the past three years at our Luxembourg office



Freerk Vermeulen, a partner in our Dispute Resolution Team, heads our Supreme Court litigation team. He specialises in corporate, commercial and financial litigation as well as arbitration. Freerk is particularly interested in cases with cross-border, international public law or human rights aspects. He is a leader in the field of climate change litigation.

AGENTS OF CHANGE

Litigator in climate change

In what is being referred to in the media as the climate case of the century, Freerk Vermeulen, who represented Urgenda before the Dutch Supreme Court, played a crucial role in what the media refers to as the climate case of the century. 'From a legal standpoint, it was enormously significant. When you're pleading, you know that people all over the world are watching.'

h

He would in fact have preferred to study cuneiform script. Freerk Vermeulen, a partner in the Litigation & Arbitration Department and head of the Supreme Court litigation team, was no stranger to the legal profession in his youth, as his father was a lawyer. 'But it seemed boring to me.'

He wanted to pursue his interest in Classical Antiquity. 'But my father told me I would never find a job in that field, so I decided to study law.' After an uninspiring first year, the profession increasingly came to life for him. 'When we started applying what we had learned, I began to like it more and more.'

The pleasure he finds in the practice of law has translated into an impressive track record. After completing his studies in Utrecht, Freerk started working at the law firm of Houthoff Buruma in The Hague. 'My father had been involved in Supreme Court proceedings with Rob Meijer from that firm. He had good memories of the experience, so I decided to apply.' During his time at Houthoff Buruma, Freerk frequently crossed paths with lawyers from NautaDutilh. 'Sometimes I litigated against them in bankruptcy cases. I also worked on some Supreme Court cases for NautaDutilh.' He had in the meantime specialised in Supreme Court proceedings. 'More and more law firms began to realise that it was a good idea to develop a Supreme Court litigation practice internally.' A phone call from NautaDutilh in 2009 prompted Freerk to make a switch after eight years. 'I became a partner, which was a big diagonal step. It was encouraging that Marc Blom (former chairman of the board) saw the potential in me.'

Supreme Court litigation practice

Freerk was entrusted with the task of developing NautaDutilh's Supreme Court litigation practice. 'Litigation appeals to me as it requires both depth and breadth of knowledge. There are both intellectual and analytical challenges. The proceedings we handle involve discussions at the highest level, which is an enormous challenge.' His strength is the legal component. 'I can quickly come up with innovative insights, but I can also be extremely precise.'

As a partner, Freerk was given other responsibilities, in addition to his day-to-day legal work. 'Suddenly I was an entrepreneur and could start designing a practice.' He soon realised that NautaDutilh is a firm where staff and partners who wish to develop and broaden their skills face few restrictions. 'One of the areas I've become more involved in recently is ESG (environmental, social and governance) and climate law. You're still expected to perform your usual work, but NautaDutilh gives you room to explore new areas of interest. In this way, it's possible to continue to grow professionally.'

Urgenda case

In 2012, Freerk read a news item about a climate litigation case that could go all the way to the Supreme Court. The Urgenda Foundation wanted to force the Dutch government to make more efforts to reduce CO₂ emissions in the Netherlands. The foundation, led by Marjan Minnesma and Professor Jan Rotmans, considered that the government was not doing enough to achieve the goals of the Paris Agreement on climate change.

Freerk's interest was piqued. 'I knew little about climate law, but it was a case that could be big and legally groundbreaking. It was exciting, difficult and daring: it ticked all the boxes. At the time, I wasn't interested in being involved for sustainability reasons.'



After reading the draft summons on the website of the Urgenda Foundation, Freerk picked up the phone. 'It felt like I was ambulance chasing', referring to a method used by personal injury lawyers in the US to offer their services. 'You follow the ambulance and hand out your business card.' Freerk let it be known that if the case were to go all the way to the Supreme Court, he would welcome the opportunity to oversee the matter. 'But the lawyer who was handling the case at the time wasn't interested in my offer.'

Freerk wasn't deterred. 'The remarkable thing was that the summons was based to a large extent on input from dozens of professors. They had provided the scientific ammunition. This gave the case a lot of weight.'

A different legal basis

The Urgenda Foundation's victory made world headlines in 2015. The court ruled that by the end of 2020 the Dutch government had to reduce greenhouse gas emissions by at least 25 per cent compared to 1990 levels. 'Together with Marjan Minnesma, I then looked at what NautaDutilh could

do with a view to possible appellate and Supreme Court proceedings.'

NautaDutilh eventually came on board on a pro bono basis. 'Urgenda was represented by Höcker Advocaten. In the run-up to the appeal, we held many discussions with them, trying to challenge their way of thinking. NautaDutilh considered human rights to be a potential basis. 'It was a huge surprise that the court of appeal followed suit. Kudos to them because, as a judge, you assume a great deal of responsibility in doing so.'

This choice by the appellate court suddenly gave the case a broader basis. In the first instance, the government was found to have breached its duty of care not to create or allow unnecessary dangers in the lives of citizens; now it was about violating the basic human right to a healthy living environment. According to the court, citizens have a right to be protected against the consequences of extreme heat and precipitation, the disruption of ecosystems and rising sea levels. 'The bar was suddenly raised enormously.' ▸

The climate case of the century

In late 2019, the Supreme Court rejected the government's final appeal, finding that the appellate court had sufficient authority to hold the government accountable. This ruling has had far-reaching consequences. Several coal-fired power plants must now close; those that continue to operate may do so at only up to 35 percent capacity. An additional two billion euros has been made available for sustainable energy subsidies. In addition, the government has earmarked one billion euros for a series of other measures, such as LED lighting in greenhouses, a fridge buyback programme, and more subsidies for insulation and other energy-saving measures.

Freerk was not immune to the importance of the 'climate case of the century', as it was dubbed by the media. 'From a legal standpoint, it was enormously significant. When you're pleading, you know that people all over the world are watching to see if they can do something about the failing policies of their government. You feel the weight of the case on your shoulders.' Following the Urgenda ruling, similar cases were brought in Ireland and France. 'It's unprecedented for Dutch case law to have such a significant international impact.'

It also prompted a reexamination of the relationship between law and politics. 'Many people, both lawyers and politicians alike, viewed the verdict negatively. As a lawyer, you may think it's a slippery slope when the courts start ordering the government to take drastic measures. We [in the legal profession] don't generally tell the government what choices to make.'

In the Urgenda case as well, the court left the choices to be made in the hands of the government. 'One factor that played a role was that the government itself had set ambitious targets in terms of emission levels. Nevertheless, we have been the worst



performing country in Europe for years. The reduction of greenhouse gases must be accelerated as we move towards 2050, but previous cabinets have pushed the real burden under the rug. This is a concern going forward.'

Freerk: 'We all know that the level of carbon in the atmosphere is linked to global warming and that global warming can have serious consequences for biodiversity, for example, and can lead to more water shortages, extreme weather conditions and flooding. The longer we wait to reduce emissions, the longer and more expensive it will be to repair the damage caused by the higher concentration of greenhouse gases. The court emphasised that the rate of emissions reductions is not for the government alone to decide. If no action is taken, it is most likely that a dangerous situation will most likely arise. And yet it is in our power to do something about it.'

Not an eco-warrior

During the proceedings, Freerk's view of the case also changed. 'I became increasingly personally invested. I am not someone who constantly wants to bring up climate change, but I did notice that

'We can be very reactive, but climate law is already changing rapidly. So it's good to know where you stand as a firm'

I started talking about it more at the dinner table. I was struck by the fact that I hardly had to explain the basic issues to my children; it's a big concern for the next generation.'

He would by no means call himself an eco-warrior. 'It shouldn't be a political issue at all; it's strictly necessary to take an interest in the climate. It's such a fundamental, all-encompassing issue and plays a role in almost everything we do.'

According to Freerk, the legal profession would do well to think about its role in the climate transition sooner rather than later. 'We can be very reactive, but climate law is already changing rapidly. So it's good to know where you stand as a firm.'

Lawyers are by nature trained to represent all types of interests, for whatsoever client. 'Everyone should have access to justice, but I am increasingly aware that climate law goes beyond personal preferences as to whether or not to take on a case. As a firm, we are now choosing to focus on climate law, which sends a certain signal.'

Freerk tries to look at the problem as realistically as possible. 'Some may be inclined to get involved in order to assuage their conscience. I think that's an important driver for many people, but if you are realistic, you look at the maximum impact.'

Transparency

Freerk's views are supported by legislation in the pipeline. Take, for example, the human rights due diligence that is increasingly required of multinationals by European law. 'Banks have for some time already been obliged to account for the impact of their business, and the same goes for many

listed companies. But all companies of public interest with more than 500 employees must be able to explain by the end of this year how much of their turnover is related to sustainability.'

Freerk believes this is an opportunity for lawyers. 'If you, as a lawyer, are ready on time to assist companies in this area, I think the impact of your firm is many times greater than if you refuse a client with a lagging emissions profile. Ultimately, in the transition phase, it's all about balance. It's possible to come up with a balanced approach to how we, as a firm, can promote sustainability at the required pace.'

The legal profession will probably have a limited impact in this respect. 'The push for greater regulation doesn't come from our line of work, but rather from the market and the general public. One of our tasks is to guide companies to be as transparent as possible regarding their emissions and how far along they are in terms of emissions reduction. If transparency in this area is enforced, it is mainly up to investors, employees and consumers to make the necessary behavioural adjustments.'

He acknowledges that it remains a complex discussion. 'But, ultimately, it's important to look at what you in fact do, rather than at what you choose not to focus on.' If only to avoid becoming discouraged. 'I am professionally reasonably well trained not to get discouraged. Besides, I think it paralyses us, whereas we, as a society, should be taking action now. The complexity of climate change is not going away. It is up to us now, despite all the pressure, to think at a more abstract level, both as individuals and as a firm, about the contribution we can make.' ●

[Visit Freerk Vermeulen's profile](#)

Would you like to hear more?

This interview is based on a podcast in which Freerk Vermeulen is interviewed during a walk in the great outdoors. He shares his thoughts on how climate litigation can make a difference and why he wants to be an agent of change. You can listen to the podcast in Dutch at www.nautadutilh.com/en/csr-report/agents-of-change

'It shouldn't be a political issue at all; it's strictly necessary to take an interest in the climate'

Our Society

04

‘Our pro bono practice enables us to make a particularly meaningful contribution to society’, says Robert van Galen, partner and chair of the firm’s Pro Bono Committee. ‘I think it is important that we help to further the rule of law by taking on human rights cases. Moreover, we want to support important issues and organisations, like sustainability and the cultural sector, by lending our expertise to persons and organisations that do not have sufficient funding to obtain adequate services otherwise. I am convinced that putting our professional skills and talents to use for the benefit of society makes us better lawyers.’

Professionalisation

Our lawyers are encouraged to spend time on pro bono matters. Until last year we did not have a clear policy on our pro bono work and lawyers could bring in their own pro bono matters. This made it difficult to define what we stood for as a firm. In order to give more focus to our pro bono work, we set up a Pro Bono Committee last year. The committee’s job is to professionalise, expand and promote our pro bono practice both internally and outside the firm. The Pro Bono Committee developed a new pro bono policy, defined eligibility criteria for pro bono assistance and streamlined the pro bono procedure from intake to closing. Furthermore, the Board decided to place pro bono cases on equal footing with billable matters, an important step in elevating our pro bono practice.

Our pro bono focus

NautaDutilh’s pro bono practice focuses on three specific areas:

A Protection of human rights, including issues and organisations related to access to justice and the rule of law, access to education, and equality and inclusion. One example of a recent human rights pro bono case in which we were involved is the representation before the Dutch Supreme Court of 23 IS women and their 56 children held in detention camps in northern Syria (see *Robert van Galen’s case on next page*).

B Sustainability and the environment, including issues and organisations related to climate change, biodiversity and the circular economy. In addition to the Urgenda climate case (see *the chapter on Our clients and the interview with Freerk Vermeulen*), NautaDutilh has helped several NGOs working on sustainability issues develop or revise their articles of association or terms and conditions.

C Support for cultural activities and the cultural sector. To give just a few examples, NautaDutilh supports cultural institutions such as the Stedelijk Museum Amsterdam, the Vereniging Rembrandt, the Rotterdam Philharmonic Orchestra, the Rotterdam International Film Festival and the String Quartet Biennale on a pro bono basis. ▶



Marieke Faber
[Senior Associate, Dispute Resolution](#)
[Amsterdam office](#)

The COVID-19 hotline for SMEs

‘When we first started working from home due to the Covid-19 measures in March of last year, I thought about what we could do as a law firm in order to reach out. I realised that start-ups, small businesses and self-employed individuals were experiencing difficulties under these circumstances. I wanted to reach out to them, so I thought of a way to provide easily accessible legal assistance for this group. The Board instantly embraced the idea and, within a week, the web form for entrepreneurs was live and nearly 40 lawyers had volunteered to help answer questions. Dozens of entrepreneurs have made use of this pro bono service. Our initiative was very much appreciated. It even won the Gouden Zandlopers 2020 one-off Resilience Award.’

Pro bono partnerships

NautaDutilh is a founding member of Pro Bono Connect, the first public interest clearing house in the Netherlands. The cases referred to us by Pro Bono Connect represented about 35% of our pro bono hours in 2020. Last year, we joined TrustLaw, the Thomson Reuters Foundation's global pro bono programme. Our Luxembourg office works with the Luxembourg Chamber of Commerce and the House of Entrepreneurship to support their #ReAct program, which provides legal advice to local businesses impacted by the Covid-19 crisis. Our involvement, which targets local SMEs, made us realise that during these troubled times, an additional dose of solidarity can be of great help and is much appreciated. Our Brussels office is associated with a similar initiative launched by AVOCATS.BE, the Belgian Bar Association. NautaDutilh Brussels also supports two Belgian start-ups participating in the accelerator programme of Impact Hub Amsterdam.

Pro bono versus commercial work

The most noteworthy pro bono cases on which we worked in the past two years are the Urgenda climate case and the case involving the children of Dutch IS fighters in Syria, both of which ended up before the Supreme Court of the Netherlands. These cases had an impact not only on society but also on our firm. They increased awareness of our duty, as a law firm, to ensure access to justice and defend the rule of law. They made our people proud to be part of a law firm committed to investing in noncommercial - and political sensitive - cases. At the same time, the political context of these cases fueled internal discussion about green washing and the potential impact they could have on our 'regular' clients. While we endeavour to distinguish our pro bono work from our commercial practice, we realise it is sometimes a fine balance. Nonetheless, we believe this is part of the role we wish to play in society and that it is important to continue the discussion and be transparent about it. •



Robert van Galen
Partner, Insolvency Law
Amsterdam office

The rights of children of Dutch IS fighters in Syria

'This pro bono case was about whether the Dutch government had an obligation to repatriate the children of IS fighters, and possibly their mothers, from Syria. The circumstances in which they were being held were appalling and posed a direct threat to their health and safety. This case gave rise to a great deal of debate, not only in society but also within our firm due to its sensitive political nature. After carefully weighing various arguments, we decided to represent the children and their mothers primarily on humanitarian grounds. We think that if we want to play an important role in society we should do so in our line of work, and this case was a good fit.'

- These cases increased awareness of our duty, as a law firm, to ensure access to justice and defend the rule of law

Our society Facts & figures

4,565
of pro bono hours
in 2019 and 2020

73
pro bono cases in
2019 and 2020

180
of our employees worked on
pro bono cases in 2019 and 2020

35
percent of our pro bono
hours were referred to us
by Pro Bono Connect

5
pro bono partnerships
firmwide

Our community

05

'One of my dreams is to establish a NautaDutilh impact fund which would enable us to increase our impact on the communities in which we live', says Managing Partner Petra Zijp, when asked about the role law firms can play in their communities. 'I see a lot of enthusiasm within the firm when it comes to community engagement, ranging from positions on the supervisory boards of cultural organisations to coaching children in need. We encourage our employees to contribute their time and resources to such worthy causes. The CSR Sabbatical and ND Verdubbelaar are great examples. We also value these types of contributions in our annual assessments. An impact fund, serving as an 'umbrella' for all our community outreach initiatives, would help us to create more awareness and visibility, motivate more employees and connect with civil society in the areas where we can make the biggest difference.'

Access to education

We believe that (access to) good education (SDG 4) is an important step towards achieving equality of opportunity and a prerequisite for empowering today's youth to become tomorrow's leaders.

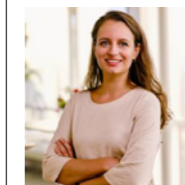
NautaDutilh offers a full-time four-month training programme for starting lawyers, the NDinstitute. Participants learn how to handle cases, clients and responsibilities. We realise, however, that not everyone has access to quality education. Therefore, we have joined forces with various NGOs which empower children from underprivileged backgrounds with the skills, knowledge and guts they need to find a place in a society that matches their capabilities.

We have been a partner of IMC Weekendschool and JINC for many years. IMC Weekendschool provides schooling on Sundays for children (aged 10-14) who grow up in socioeconomically disadvantaged

environments. Each year, we organise a four-day law course in which we teach children about the legal profession. JINC arranges mini-internships for primary school students to familiarise them with the different professions within, for example, a law firm. The idea is to show them the importance of all jobs at a law firm, from secretary to lawyer and from the mailroom to the boardroom. Through our partnership with Be.Face, several colleagues have mentored students to prepare them for entry to the workforce and improve their chances of finding employment. Finally, in cooperation with Welcome, every other month we organise a Welcome lunch between newcomers to the Netherlands (mainly refugees) and our employees to create greater understanding and forge connections with newcomers and the local community so as to contribute to their integration.

Access to water

We believe that (access to) water and sanitation (SDG 6) is at the core of sustainable development, critical to the survival of people and the planet and thereby instrumental in empowering the next generation. >



Else Bavinck
[Associate, Administrative Law](#)
[Amsterdam office](#)

Speaking up together with Lawyers for Lawyers

'We live in a world where, unfortunately, human rights violations are still widespread. All around the world, people are fighting to put an end to these abuses and stand up for those affected. Lawyers, too. However, many of them get into trouble for doing so, despite the protection they (should) enjoy when practicing their profession. To me, it is essential that we, as lawyers, speak up on this issue. I will continue to do so until it is no longer necessary, and I am hopeful since practice has shown several times already that speaking up pays off!'

In order to better understand this issue and determine how we can best contribute, we entered into a partnership with IHE Delft Institute for Water Education, the world's largest international graduate water education facility. Last year, two of our partners participated as panelists in the Institute's 6th International Symposium on Knowledge and Capacity for the Water Sector.

Raising awareness is another area in which we believe we can contribute, even if we start small. In 2019 we added the Nairobi water bottle to our business gifts offering. The purchase of these bottles supports Join the Pipe. For each water bottle we purchase, a bottle is donated to a child in Africa. People from our London office have volunteered at the Whitechapel Mission, a centre that provides food and shelter to the homeless in East London. We also supported one of our associates in Belgium who, together with Belgian Lawyers for Africa, raised € 12,500 from their network for an orphanage in Malawi, by spreading the message 'It's legal to care'. Our firm donated via the ND Verdubbelaar an additional € 2,500. This amount was used, amongst other things, to drill boreholes to provide reliable sources of clean water.

Access to justice

Making legal advice and the legal system more accessible to all (SDG 16) is not only a key part of our CSR efforts but essential to who we are as a law firm.

Our most significant contribution to ensuring access to justice is without a doubt our pro bono work, which we actively promote and in which many of our colleagues participate. For more information, see the chapter of this report entitled Our society. In addition, we are actively involved in Lawyers for Lawyers (L4L), a Dutch foundation that promotes and protects the independence of the legal profession through supporting and empowering lawyers facing reprisals, interference and restrictions for simply doing their job. Last year, we organised, together with L4L, a webinar on LGBT+ rights in Uganda, during which we interviewed human rights lawyer and LGBT+ rights defender Shibolo Awali Sean.

An offshoot of the My Human Rights Hero exhibition was displayed at our Amsterdam and Rotterdam offices. This exhibition, co-sponsored by the NGO Justice & Peace, celebrated 70 years of human rights and called attention to the fact that 'many human rights heroes risk their lives questioning wrongdoings and abuse'. Joost Italianer, one of our partners, was featured in the exhibition as a human rights hero. ●



Camille Degrave
Associate, Corporate Law
Brussels office

Kickboxing for change

'Many non-profit initiatives have an intellectual approach that doesn't appeal to youngsters. Road to Glory fills this void by engaging youngsters in kickboxing. We teach them basic principles such as discipline and introduce them to a buddy who trains with them and helps them with simple problems (e.g. how to get access to a pro bono lawyer). Youngsters who participate for a longer period can attend courses such as a resume workshop. For buddies and other help, we rely on sponsor partners such as NautaDutilh. After COVID, we hope to find more buddies within NautaDutilh and team up for the provision of courses. We have big plans for the future. The next step is to expand nationally. R2G is an idea and a way of working based on creating a positive environment. We believe this blueprint can be applied to many other areas.'

● We believe that good education is an important step towards achieving equality of opportunity and a prerequisite for empowering today's youth to become tomorrow's leaders

Our community Facts & figures

4

Sundays per year our Rotterdam office hosts IMC Weekendschool students

4

JINC mini-internships during which groups of primary school students work on a real-life case with our lawyers

15,000

meals donated to Food Bank For New York City

3,264

hours spent on CSR activities in 2019 and 2020

Our SDG focus

SUSTAINABLE DEVELOPMENT GOALS



We use the United Nations Sustainable Development Goals, which define global priorities and aspirations for 2030 to address economic, social and environmental challenges, as a starting point for actions under the five pillars of our CSR policy. We focus on SDGs 4, 5, 13 and 16. Through these actions and choices, we also have an impact on other SDGs. A selection is included in this overview. We are committed to reducing the potential negative impact of our choices and to increasing our potential positive impact in terms of achieving the Sustainable Development Goals.

SDG 4 Access to education is a key element of our community involvement initiatives.

SDG 5 Our commitment to gender equality - and to equality in general - is reflected in the employment conditions for our people as well as in the pro bono work we do for our society and in our community involvement projects.

SDG 7 Our Benelux Energy & Natural Resources Team is actively involved in the energy transition, both through work for our clients as well as through pro bono work for our society.

SDG 8 Decent working conditions are part of our ESG due diligence questionnaire for our clients.

SDG 13 We are committed to making our operations more sustainable. The climate is a focus of both our client work and our pro bono work for society at large.

SDG 16 As a law firm, contributing to access to justice for all is at the heart of the pro bono work we do for our society.

SDG 17 We forge partnerships in order to better our society and contribute to our community.

Our CSR ambitions 2021

General

- ▷ To further develop the five pillars of our CSR policy with concrete targets and activities
- ▷ To develop a management cycle for our CSR policy
- ▷ To increase cooperation on CSR issues between our offices
- ▷ To develop a stakeholder consultation system

01 Our clients

- ▷ To further strengthen our Sustainable Business & Climate Change Team by continuing to develop our ESG portfolio, increasing ESG dialogue with clients and seeking partnerships with stakeholders
- ▷ To create more awareness and expertise amongst our lawyers and business support professionals through (internal) training sessions on climate legislation, business human rights and responsible business practices

02 Our people

- ▷ To further develop our I&D policy and strategy
- ▷ To continue I&D training within the firm
- ▷ To integrate CSR aspects into fringe benefits
- ▷ To provide further training on soft skills
- ▷ To implement a post-pandemic teleworking policy which will help contribute to reducing our carbon footprint

03 Our operations

- ▷ To develop a firmwide sustainable procurement policy
- ▷ To perform a firmwide carbon footprint measurement and develop a roadmap for CO₂ reduction
- ▷ To achieve greater coordination and cooperation on sustainability between our various offices
- ▷ To develop a sustainable firmwide mobility plan

04 Our society

- ▷ To implement the new pro bono policy firmwide and create a professional pro bono climate in which we encourage our lawyers to contribute to society through the provision of pro bono legal assistance
- ▷ To expand our pro bono partnerships with a select group of non-profit organisations

05 Our community


- ▷ To establish a NautaDutilh impact fund to help professionalise our efforts, motivate and support our employees and communicate about our CSR activities

Contact with our CSR Specialist

We hope to encourage dialogue with you regarding our CSR performance. If you have questions or comments about this CSR Report, please contact Shirley Justice.

E-mail Shirley.Justice@NautaDutilh.com



 Would you like to hear more from our Agents of Change?

You can listen to the podcasts of the interviews with Harm Kerstholt, Eefje Tjong Joe Wai and Freerk Vermeulen in Dutch at www.nautadutilh.com/en/csrapodcasts

Colophon

No part of this publication may be reproduced or transmitted in any form or by any means without the express consent of NautaDutilh N.V. | **Authors** Saskia Bijl de Vroe, Shirley Justice, Kim Libosan, Laura Walburg | **Author interviews** Loeka Oostra | **Podcast interviews** Louis Bijl de Vroe, Club Groeneveld | **Editing podcasts** Marcel Tjepkema, Club Groeneveld | **Editing** Wendy Belder, Esmée Meijers | **Translation** Katherine Raab | **Project management** Vera van der Heijde | **Special thanks to** All colleagues that contributed to this report | **Art direction + Design** Sue Cowell, Atomo Design | **Photographer interviews** Maurits Giesen | **Printer** Jubels | **Published** May, 2021

This report is printed in a limited edition. We have offset the carbon emissions by planting trees via Trees for All.

