Miller & Chevalier

Joanne Roskey Comments on DOL ESG Rule Win in Law360

"4 Takeaways For Benefits Attys After Judge Clears ESG Rule"

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Joanne Roskey, a former Division Chief in the Department of Labor's (DOL) Employee Benefits Security Administration (EBSA), Office of Enforcement, commented on a Texas federal judge's recent decision granting DOL a summary judgment win in a lawsuit from a coalition of 26 Republican attorneys general, that a DOL socially conscious investing rule finalized in November 2022 did not violate the Employee Retirement Income Security Act (ERISA) or the Administrative Procedure Act (APA). Roskey said she was looking out for the court's analysis on *Chevron*. "But I think the court was pretty conservative in its analysis. ... I don't think this raises any significant appellate issues on the *Chevron* doctrine," Roskey said, adding "It didn't really take any kind of novel approach, or make any novel statements with respect to the application of *Chevron*." She noted, "I don't think it's going to have any significant impact on [EBSA's upcoming fiduciary rule] rulemaking, or subsequent legal challenges that will come with a new fiduciary rule." But Roskey agreed it was a significant victory for the DOL at a time the agency is under greater public scrutiny. "I think it goes to show that there was a lot of hype and rhetoric around the rule and the lawsuit when it got filed, and the judge was able to see through that, and address the issues on the merits, as they were presented. ... I'm sure DOL is very happy with it."