

Press Coverage | May 26, 2026

## 'In Praise of Litigation': US Offshore Wind Lawyer Urges Strong Sector Defence

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Josh Kaplowitz, counsel in Troutman Pepper Locke's Environmental + Natural Resources Practice Group, was quoted in the May 26, 2026, *Recharge News* article, "['In Praise of Litigation': US Offshore Wind Lawyer Urges Strong Sector Defence.](#)"

Renewable energy litigator Josh Kaplowitz begs to differ.

"There's a widely held belief within the renewable industry that there's sort of this fork in the road, this choice between confrontation and collaboration, and that lawsuits feel provocative, and that they undermine the ability to collaborate and persuade," the offshore wind attorney with law firm Troutman Pepper Locke said.

"This is a false choice," he said during a panel at the Pacific Offshore Wind Summit in Long Beach City, California last week.

"I come here in praise of litigation as really an indispensable tool for the offshore wind industry and its allies to use offensively to protect this industry," he said.

"Being willing to sue and to protect your rights shows that you're a real industry that is ready to go to the mat to defend your projects," he said, noting that fossil fuels, healthcare, financial services, and many other sectors "don't hesitate to go to court" to protect themselves.

"Developers pretty much had an expectation that if they proposed a project and it got permitted, they were going to get a lawsuit," said Kaplowitz. "It's essentially a cost of doing business in the United States."

The good news, Kaplowitz added, "is that offshore wind has won all of those suits, so far, really a virtually unbroken win streak."

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Those victories reflect the strength of the underlying permits, Kaplowitz said.

But with the start of Trump's second term, "the federal government essentially switched teams," said Kaplowitz.

The projects "were permitted at really the most rigorous level of any industry in the country, and so their permits held."

Instead of defending permits it had previously issued, the government “embarked on a relentless, and I would say lawless effort to target an American industry.”

Kaplowitz attributed offshore wind’s initial reluctance to take on the administration in court partly to its “ethos of working together to solve to problems” and to the European roots of many developers.

In Europe, “they just don’t have the kind of adversarial lawsuit-happy culture that we have in this country”.

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“Because we won the lawsuit, and got it vacated across the board, those efforts to cancel the permits are going to fail. So, these wins really matter,” he added.

Kaplowitz argued that court victories do more than keep individual projects alive. They bolster the sector’s public standing, have enabled what will likely be nearly 6GW of operating capacity by the end of next year and, critically, “reassure investors”.

“When we talk about looking forward to 2029 [post-Trump], investors looking to finance projects need to feel like the rule of law still matters in this country, and winning lawsuits helps facilitate that.”

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