



How Green Is My Law Firm?

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Introduction

In the legal profession, is green the new black? Quick to see the possibilities, marketers may respond with a resounding yes, but the answer is more gray. There is no question but that law firms are increasingly embracing the concept of environmental sustainability. Prodded by environmentally conscious partners, associates and staff, law firms are being persuaded that going green fits their social responsibility and their clients' needs. That it can save them money in certain cases makes it even easier to get onboard. But before marketers get too excited about new opportunities to promote their firms, they might consider that when it comes to the environment it is important to do good in order to do well.

Dick Roy, a former partner at Stoel Rives and now the Co-Director of the Center for Earth Leadership, notes that law firms are actually relative latecomers to the issue of environmental sustainability. He cites Earth Day 1990 as helping to spark a greater sense of environmental urgency in the United States, first among privately held companies and then among state governments and publicly traded corporations. Until relatively recently, most of what was occurring in law firms was informal efforts to promote recycling and energy conservation. Max Miller, Jr., a partner at Tonkon Torp, says it was like being part of a "guerilla organization" in the early days before the firm developed an official sustainability policy in 2006.

According to Roy, within the professional services community, architecture firms were among the first to take a serious interest in sustainability. The U.S. Green Building Council began development of its well-known Leadership in Energy and Environmental Design (LEED)® ratings system in the mid-1990s. Wendel Rosen was one of the early leaders in the legal profession, but it was in 2003 that it became the first law firm in the United States to be certified as a green business, a distinction that put it well ahead of most of its peers.

But as concerns over climate change mounted, and Al Gore went from "ozone man" to Nobel Prize winner, the legal community began to respond in a more formal way. In 2006, Dick Roy was instrumental in creating Oregon Lawyers for a Sustainable Future, an organization whose guidelines for sustainable policy can be found in the Appendix of this report. That same year, Arnold & Porter's informal survey of law firms indicated that an individual attorney uses anywhere from 20,000 to 100,000 sheets of paper a year. On average that works out to about 1000 pounds of paper per attorney and

an eco-footprint of approximately 4.5 tons of carbon dioxide-equivalent gases.

The results of Arnold & Porter's survey were used to develop the ABA-EPA Climate Challenge, which established targets for law firms in the areas of paper management, green power use and energy reduction. Although interest built slowly during the first year, there was a jump in enrollees around Earth Day 2000, and more than 100 law firms and organizations have signed up as of September 30. According to Daniel Eisenberg, an associate at **Beveridge & Diamond** who is the ABA contact for the program, three or four firms are joining every week. The list of participating firms and organizations can be found at the ABA-EPA Climate Challenge website: <http://www.abanet.org/environ/climatechallenge/overview.shtml>

So as interest in environmental sustainability is becoming more widespread within the legal community, it's a good time to take stock of what is happening, what it means and where it may be going. This report is based on interviews with attorneys and staff at firms that are among the profession's leaders in this area. These firms developed sustainability policies because they decided it was the right thing to do and because they wanted to keep up with their clients. They have discovered that there are other advantages as well, one of which is enhancing the firm's reputation.

The experiences of these leading firms can help guide other firms that are looking to develop and implement their own sustainability policies. After a review of some reasons for law firms to go green and advice on how to get started, this report goes through the primary target categories—paper, energy and waste—and gives examples of what different firms are doing. There are also a number of useful guidelines that any interested firm should consult. Links to this information are included in the Appendix, which also contains sustainability policies and other materials that were generously provided by several of the individuals who were interviewed for this report.

As the carbon footprint of law firms is relatively modest compared to that of many other enterprises, significant reductions in the environmental impact of the firm's operations are not onerous. There are some cost-intensive measures such as purchasing green power that may not be practical for many firms. But becoming green should not be difficult for any firm that wants to do so. **Dan Krainin, a partner at Beveridge & Diamond**, advises "it doesn't take a major commitment of resources to get involved with sustainability." Although there

is no accepted standard (though, as in the Bay Area, there are certifying agencies for green businesses), the ABA-EPA Climate Challenge is a reasonable “floor,” and as Nicole Kibert, an associate at Carlton Fields, says, “it provides a framework” people can use.

There are good reasons to expect that the legal profession will embrace the concept of environmental sustainability. The prospect that RFPs from major corporations will include questions about a firm’s sustainability policy seems compelling in itself. At present, it is unclear whether firms derive any competitive advantage from their green commitment. Respondents agree that although having a green reputation by itself does not bring in new business, it certainly doesn’t hurt. Tom Jensen, a partner at Sonnenschein Nath & Rosenthal, expects that “[environmental sustainability] will become a norm in our business in premium markets with leading companies.”

In many respects, law firms are catching up to clients who are dealing with the challenges and opportunities involved in responding to climate change. Right now, much of what law firms are doing to become green is focused on their internal operations. There is a common sentiment that firms need to “walk the talk” and demonstrate that their values are aligned with those of their clients. But in the future, the focus of what it means to be green will increasingly shift to developing the skills and integrating the necessary practice areas to deliver the legal services that clients require.

Finally, a quick note about terminology. In a report of this kind, informal expression can enhance readability provided it does not promote confusion. It is accurate but awkward to introduce and distinguish among terms such as carbon dioxide emissions, greenhouse gas emissions, carbon dioxide equivalency and equivalent carbon dioxide as the context requires. Instead, following shorthand used by Lester Brown in *Plan B 3.0*, the minimal discussion of greenhouse gas emissions that occurs here simply uses the phrase carbon emissions. Likewise, although there are important distinctions between being “green” and being “sustainable,” such distinctions are for the most part elided here. It is important to note that sustainable is the better and more encompassing term. The challenges we face go well beyond a casual nod toward being green and require that we embrace sustainability. The Brundtland Commission, convened by the United Nations in 1983, notably defined sustainable development as that which “meets the needs of the present without compromising the ability of future generations to meet their own needs.” For a graphic representation of the dimensions that define such

development, see http://upload.wikimedia.org/wikipedia/commons/7/70/Sustainable_development.svg

Reasons To Adopt a Sustainability Policy

The most straightforward reason to work toward environmental sustainability comes from the unprecedented challenge posed by climate change and the scale of the response that is required. James Hansen, Lester Brown and others think we may have only a decade in which to prevent the process of global warming from causing irreversible climate change. Left unabated, the projected increases in sea levels and average temperatures would displace millions of people and have catastrophic effects on plant and animal life. Brown advocates reducing global carbon emissions by the year 2020 by 80%, or almost 7.5 billion tons, from the 2006 level. To put that in perspective, remember that the estimated carbon emissions associated with the average annual paper use per attorney in this country is 4.5 tons. With some 1.1 million attorneys in the United States, cutting paper use in half could save nearly 2.5 million tons of carbon emissions. Although that seems impressive, it is only about .03% of what Brown recommends.

There are two ways of looking at that calculation—the amount is so small relative to what is needed that its impact is trivial or the scale of the problem is so large that no effort is too small. To put the issue in terms that lawyers are more familiar with, Dick Roy raises the question of whether the “concept of justice should be expanded to include the rights and opportunities of future generations.” Given the projected effects of global warming on future generations, is there a moral responsibility to adopt policies that promote environmental sustainability?

Law firms that have chosen to become green have done so for a number of reasons, but one of the most basic is the sense that it is the right thing to do. In making that judgment, such firms elected to expand the scope of their social responsibility.

Social responsibility. Law firms have long embraced a commitment to pro bono work and diversity as part of their social responsibility as a profession. Environmental sustainability is increasingly being seen as a similar obligation. Alvidas Jasin, Director of Business Development at Thompson Hine, observes that the “culture in most law firms is oriented to giving something back to the community.” Jon Furr, senior counsel at Holland + Knight, says part of the reason his firm started

its Green Office Initiative was to be a “good corporate citizen.” Tom Jensen says Sonnenschein was “refocusing on pro bono, community service and leadership in the legal community” and decided that environmental sustainability should be part of that commitment. According to Jonathan Martel, a partner at Arnold & Porter, his firm also saw the opportunity to “play a leadership role” by surveying law firms on their paper use.

The law firms that are joining the sustainability movement do more than simply lead by example. They are also thought leaders in the legal community and beyond. Attorneys and senior staff regularly speak at conferences, write articles or serve as information resources for their colleagues and clients. In doing so, they help expedite the profession’s adoption of environmental sustainability.

Business development. There are a number of business development reasons that make it attractive for a law firm to embrace sustainability in its internal operations. While it is difficult to demonstrate that becoming green creates a clear competitive advantage in today’s market, there is a widespread sense among firms that doing so is good for client relations and for their image. And given the likelihood that environmental sustainability will increasingly figure in RFPs, firms are more inclined to see becoming green as an investment for the future. Finally, the notion that firms should walk their talk is acquiring additional importance as firms develop sustainability practice groups to deliver integrated legal services to clients.

CLIENT RELATIONS. Many of the early firms that made the decision to become more sustainable had reservations about how some of their clients might react. To the degree that the decision to become green was client motivated, it was largely to indicate that the firm shared (some of) its clients’ commitment to the environment. There was not a great deal of emphasis on creating a green brand image because the market appeal of such an image was not broadly evident. At Wendel Rosen, the relationship with Clif Bar, a purveyor of natural and organic energy bars, was instrumental in motivating the firm to become a green business itself. Lydia Bednerik, marketing director at Wendel Rosen, describes this as illustrating the importance of “relationships and trust” within the legal profession. Other firms may have had more pragmatic motivations as evident in Furr’s observation that “Clients want to work with attorneys that are conversant in areas that are important to them.” Martel thinks that because lawyers “sell by reputation,” becoming green is “good for client relations.”

Whatever the motivation, firms that were leaders in going green all had clients that were dealing with environmental issues in their business. Furr says Holland + Knight was responding to the needs of clients in real estate and government. Morford notes that Stoel Rives had clients engaged in developing renewable energy and green marketing claims. **Krainin mentions a food industry client that Beveridge & Diamond helped to go organic,** and Jensen at Sonnenschein describes extensive work his firm was doing with clients who were developing renewable energy and green technologies and products. Cooley Godward counted a number of green entrepreneurial start-ups and solar energy companies among its clients. Nixon Peabody responded to the rapid growth in wind, solar and other renewable energy projects among clients who were developers or investors. This increasing salience of environmental issues in different practice areas has helped create conditions for firms to market themselves as being green.

MARKETING. As the green sector of the economy expands, many law firms are trying to differentiate themselves on the basis of their commitment to sustainability. In addition to creating the first chief sustainability officer position in a U.S. law firm, Nixon Peabody has trademarked its “Legally Green” brand. Eric Jensen says that Cooley Godward took the unusual step of putting solar panels on the roof of its building in part as a “visible symbol of its commitment” to sustainability. Similar to Wendel Rosen, and with their advice, Farella Braun + Martel also became a certified green business. Many firms are now posting their sustainability policies on their websites.

Through marketing efforts to publicize what they have done to reduce their eco-footprints, firms signal their corporate good citizenship and commitment to the environment in the hopes of attracting new clients. As more companies embrace environmental responsibility and look for their suppliers and vendors to do the same, Jasin says that firms will find that from a “competitive standpoint, it’s good to be green.” Jensen at Sonnenschein predicts, “Environmental performance and sustainability will be seen as indicators of quality [and attributes] of a well-managed enterprise.”

In the absence of generally recognized standards determining what it means to be green, however, there are concerns about whether the benefits of appearing to embrace sustainability will lead firms to engage in green washing or making exaggerated claims about the environmentally friendly impact of their actions. The current “gold standard” of sustainable practices, the ABA-EPA Climate Challenge, operates on an honor system rather than a formal audit by an outside entity. Friedland says

this was deliberate as the organizers intended to make it easy for firms to participate. He thinks that after the two-year pilot period ends in 2009 there will be a move to consider “how to provide accountability.” Bednerik cautions that “people with passion for these issues are wary about green washing,” and she counsels that firms need to operate with “transparency, credibility and authenticity.” A common view at this point is that the competitiveness of the market will invite scrutiny of firms’ claims and exaggerators will be weeded out. Dick Roy is optimistic that “green washing will be undermined by its lack of accuracy.”

CONSISTENCY WITH SUSTAINABILITY PRACTICE GROUP.

By now there are companies in virtually every sector of the economy that are dealing with the challenges and opportunities presented by the prospect of climate change. Far from being just a concern of green-oriented businesses such as renewable energy producers or organic farmers, environmental sustainability exerts a wide-ranging claim on the attention of enterprises engaged in growing food, producing and distributing energy, manufacturing products, transporting goods, constructing buildings, arranging finance, insuring against disasters and selling to consumers. And all of this is happening before a federal regulatory regime to price carbon emissions has even been created. Incorporation of the social cost of carbon emissions into relative prices for goods and services will transform production, distribution and consumption patterns across the economy.

Forward-looking law firms are developing new practice groups to integrate the legal services clients will need as these changes occur. Pamela Elkow, a partner at Robinson & Cole, says, “sustainability is interdisciplinary” and notes that her firm is “formally integrating a new climate change and sustainability practice group” that draws on its existing strengths in environmental and land use areas. As firms move toward adopting a baseline of internally green operations, it seems likely that the next phase of going green will concentrate on the expertise firms can bring to bear on the issues their clients must face.

Recruitment/retention. Firms have found that having a commitment to sustainability is attractive to potential new associates. Bednerik says “It’s a huge recruiting tool for us.” **Daniel Eisenberg at Beveridge & Diamond** agrees that sustainability “can be a very important recruiting tool” and says that in any event he “can’t imagine it being a drawback.” Holland + Knight highlights its green initiative as part of its recruitment efforts, and Jon Furr says the firm brings summer associates in on its green team meetings.

And it’s not just associates that respond positively to firms doing the right thing environmentally. Alvidas Jasin notes, “All research indicates workers . . . [prefer] to work for an eco-friendly company.” Several respondents indicated that firm morale was boosted by the decision to implement a sustainability policy. **David Friedland, a principal at Beveridge & Diamond**, was impressed by the “verve and vigor of non-lawyers” in their participation in the firm’s sustainability effort. Kaplan, Nixon Peabody’s CSO, says that “being on the Green Team is a way that staff can shine above and beyond their typical job responsibilities.”

Getting Started

Over the last couple of years, U.S. law firms of all sizes have developed and implemented sustainability policies. This body of practical experience can be of great benefit to other firms that are considering similar policies. While guidelines such as the ABA-EPA Climate Challenge or the checklists produced by Oregon Lawyers for a Sustainable Future are excellent resources, there is no best way to design and implement a sustainability policy. Not only do different firms face different circumstances, but the partnership structure itself can also create certain challenges to decision-making. **Friedland at Beveridge & Diamond** likens “do[ing] something new at a large law firm” to “moving a large elephant.” Having examples of what different firms have done may therefore provide a richer context for decision-making than guidelines alone.

With the increasing profile of the issue—and the endorsement of the goal by the ABA—management committees may be more open to the idea of going green than before. But even the most receptive committee will still have concerns about the scale of the endeavor, the attorney and staff time it will require and the money it will cost. Firms have addressed these concerns in a variety of ways. In some cases, a formal policy has grown organically out of efforts that were already occurring in different offices. At the other end of the spectrum, some firms have brought in consultants to assess their operations and develop comprehensive recommendations.

Although the process of adopting a sustainability policy can be fairly fluid, it is helpful to think of it as occurring in three stages: initiation, development and implementation. In the first and most informal phase, the firm’s management committee okays the idea of setting up a task force to develop policy recommendations. In the second phase, a firm can either develop recommendations on its own or hire a consultant for

advice and assistance. And once the initial focus and goals of a sustainability policy have been approved, the implementation phase begins.

Getting the go ahead. In general, some combination of three basic arguments is likely to be sufficient to get the management committee's support: adopting a sustainability policy is the right thing to do, it will be important to some of the firm's clients and it can save the firm money. Miller and his colleagues at Tonkon Torp won the management committee's backing in part by providing it with estimates of cost savings from readily achievable measures such as reducing paper use. These savings can be persuasive. Phil Moran, the sustainability manager at Stoel Rives, estimates that the switch to double-sided printing saved his firm \$200 per lawyer per year. Gina Maciula, the executive director at Wendel Rosen, calculates that her firm's comprehensive paper reduction policy now saves \$1000 per year per attorney.

While such projections may be quite helpful in getting a green light to develop policy recommendations, it is worth noting that the broader issue of cost savings can get somewhat complicated. There are a number of energy-saving options, such as buying compact fluorescent light bulbs or installing motion-sensitive sensors, that cost money initially but which produce savings over their lifetime of use. If the law firm does not own its building or is not sub metered, however, it may not see any reduction in its electricity bill.

Developing policy recommendations. Most firms develop their sustainability policies by themselves, which has become easier to do with the various guidelines that are now available. Other firms have hired consultants, which makes it easier to get a more comprehensive evaluation of the firm's operations. But whichever way a firm decides to go, there is some general advice from firms that have adopted sustainability policies that should be kept in mind.

"One sure way to fail is to take on too much." Kibert, at Carlton Fields, cautions firms to be realistic about their initial goals. By now it is fairly easy to acquire information about what a firm can do to reduce its carbon footprint. But realizing these goals is often another matter—particularly if it requires people to change established patterns of behavior. Kibert suggests firms evaluate their operations, set priorities and then take a "staged approach" by "focus[ing] on issues one at a time." Carlton Fields began its sustainability effort with a green procurement plan, and a generic version of this plan is included in the Appendix.

Starting small means different things to different firms of course. James Bruslan notes that Levenfeld Pearlstein began its sustainability policy by joining the Chicago Climate Exchange to purchase carbon offsets for the firm's greenhouse gas emissions. Bruslan's advice about starting a sustainability effort is "don't be so fearful that it will cost so much and [require you to] transform your firm."

"Need a champion with clout." This advice from Mark Morford, the chair of Stoel Rives' Sustainability Committee, was echoed in one form or another by several interviewees familiar with what is required to guide the process of developing and implementing a sustainability policy. At some firms, the idea of adopting a formal policy raised concerns about possible client reactions. Even without that kind of resistance, persuading a partnership to devote time and resources to a green initiative can be difficult. Having a "champion with clout" in charge serves two purposes. By virtue of the person's (formal and informal) position within the firm, he or she can effectively build support, provide direction and make decisions. But choosing a high-profile leader also signals to the entire firm, including the staff, that the management committee is committed to the new policy. This signaling can be important for generating the broad participation the initiative will require.

There is an external dimension to this kind of high profile signaling as well. Kaplan says Nixon Peabody created its CSO position because the firm "recognized the growing relevance of sustainability in today's economy and to our clients and determined that appointing a CSO was the best way to demonstrate our commitment and understanding of related issues." She notes that in taking this step the firm was following the lead of several Fortune 500 companies that had already created such a position.

"Identify key people with the knowledge needed." Kibert's advice in this regard is more germane to firms that are developing recommendations on their own, though it is still relevant to consultant-led processes. In the absence of outside consultants, the firm must draw on its own resources for assessing its operations and identifying possible reforms. Attorneys with clients who are already dealing with sustainability issues are often a great source of information. Tom Jensen says one of the best parts of developing Sonnenschein's initiative was "finding several dozen people from around the firm who are genuinely expert in various [issues]."

In addition to well-informed attorneys, the group charged with developing recommendations should include personnel from

each of the major departments: IT, human resources, finance, administrative services, the library and marketing. Just as the effort needs a partner as champion, there should also be a senior administrative person with a broad view of the firm's operations. This role becomes even more important in the implementation phase when, as Martel notes, "there is a lot of researching and fine tuning that takes a fair amount of time but shouldn't take a lawyer's time."

"Package measures that save money with measures that cost money." Morford's recommendation is good advice for building consensus on the firm's sustainability goals. Lydia Bednerik, the marketing director at Wendel Rosen, notes that the "business case must be made or [the policy] is not sustainable." Morford doesn't advocate strict revenue neutrality for his firm's sustainability policy but says he "promote[s] decisions that as a package have sound business reasons." Stoel Rives' initial purchase of renewable energy credits (RECs) came out of the firm's marketing budget as it was decided that the marketing benefit was a sufficiently "sound business reason" to justify the expense.

General process observations. With the foregoing advice in mind, a stylized description of the process firms have used to develop recommendations may be helpful. Details about the actual measures firms have adopted to reduce their eco-footprints are in the "Green Targets" section below.

(i) Developing recommendations without a consultant. With the help of guidelines and within the limits of the firm's resources and internal capacities, evaluate the firm's operations to understand how (and how much) paper is being used, energy is being consumed and trash is being generated. Identify reforms for each area and categorize them by impact, immediacy, ease of implementation and estimated cost. Based on that information, determine initial goals for the sustainability plan, list reforms for each goal and select baselines to measure so progress can be tracked. Kibert recommends that firms alternate between high visibility (turning off the lights) and high impact (purchasing carbon offsets) measures to help reinforce people's behavior as they get used to the changes required to implement the new policy.

(ii) Working with consultants. Both Schwabe, Williamson & Wyatt and Wendel Rosen used consultants to help them develop their sustainability policies. At Schwabe, a group of consultants audited the firm's operations over a three-month period and developed across-the-board recommendations covering everything from paper use and recycling to catering,

energy conservation, purchasing, climate credits and travel. The firm's board of directors agreed to the recommendations, and the consultants presented the plan at an all-firm meeting using videoconferencing. Dick Templeton, Schwabe's Director of Operations, thinks the cost was worthwhile and says there is a real advantage to having "someone with fresh eyes who will focus on your entire operations." His advice is "if you can swing it, bring a consultant in." A list of the firm's sustainability accomplishments is included in the Appendix.

At Wendel Rosen, the consultant began what was a four-month process with a presentation on global environmental and economic conditions to create a context for understanding the importance of sustainability. The firm made attendance mandatory as a way of creating a shared perspective and energizing its people to participate in developing and implementing the new initiative. A group of about 20 volunteers—partners, associates and staff from all departments—came together in a series of consultant-facilitated meetings to review the environmental impacts of the firm's operations. The group assigned reforms to three categories: those that could be implemented directly, those that would require phasing in over time, and those that would be part of a wish list for the future. The reforms that Wendel Rosen implemented led to the firm being certified as a green business by the Bay Area Green Business Program.

Implementation. Just as sustainability is an evolving goal, implementation is a continuous process. But the first phase—organizing people, assigning tasks and actually changing how things are done—is materially different from the more incremental process that follows. While the firm's sustainability policy may have targets for its general goals of reducing paper and energy use and increasing recycling, the policy is likely to be short on details about how these targets will be reached in practice. A task force is needed to organize the effort and enlist everyone's cooperation with the new practices being implemented. Morford says it took Stoel Rives six to nine months to get staff assigned and engaged before the process settled down into tackling "bite-sized increments." His experience and that of his counterparts at other firms yields some advice for others beginning this process.

Demonstrate support from the top. Successful implementation depends upon widespread participation. Even the simplest elements of a sustainability policy—turning off lights and equipment and separating recyclables from the trash—require consistent changes in people's behavior. Some policies, such as working with electronic versions of documents instead of hard

copies and switching to double-sided printing and copying, may take a bit of time for people to get used to. It is therefore critical at the outset that the firm's leadership demonstrates its clear commitment to the new policy. The cliché about having only one chance to make a first impression has some bearing here. In introducing the new policy and explaining why it is being adopted, the firm's leaders need to send the message that they are in full support of the effort. A lukewarm endorsement of the idea of going green will not spark people's enthusiasm toward making the changes the new policy entails.

Mobilize enthusiasm across the firm. Morford at Stoel Rives recommends creating a campaign-style event to kick off the new policy. Templeton at Schwabe says they held an all-firm meeting via videoconference for the consultants to present and explain the plan. Creating a festive event demonstrates the firm's support of the policy and can help develop a shared understanding of why the goals are important. People are more likely to become enthusiastic participants if they understand the relevance of the changes they are being asked to make.

It is also important to continue to encourage participation once the policy has begun to be implemented. Many firms have chosen to do something special on Earth Day, such as screen *An Inconvenient Truth* for everyone to see. To celebrate becoming a certified green business and to launch its green business practice group, Wendel Rosen held an open house for its clients. The event not only showcased the changes the firm had made to become more sustainable, it also served as a mini-trade show for Wendel Rosen's clients, who could display and discuss their green products.

Empower the task force. The sustainability task force or "green team" is likely to be a subset of the people who came together to develop the initial recommendations for the sustainability policy. As the new group has the responsibility of actually carrying out these recommendations, the time each member spends on these tasks should be recognized as part of their official duties. It is not feasible to have the green team operating on a voluntary basis particularly during the first phase of implementation when there are so many details to hash out. Many firms begin with monthly meetings where task force members set priorities, review procedures and report progress. It makes sense for a senior administrative person to play a leadership role at this stage. Stoel Rives reclassified its administrative services manager as the sustainability manager. Phil Moran says his new position takes up about 25% of his time at present although he expects his responsibilities will

continue to grow as the firm's policy expands over time.

Work with landlords, vendors and local governments. Law firms do not go green in isolation. Most of them do not own the building they are in, they have nowhere near the buying clout of a company such as Walmart and they cannot compel actions in the manner that governments can. Law firms rely on these other actors for green options that are economical and efficient. Firms work with their landlords on everything from recycling and lighting to installing showers for bike commuters and making sure that the building's janitorial service uses green cleaning products. Although the situation has improved over the last couple of years, many firms had to work closely with vendors to find affordable eco-friendly choices for post-consumer content paper, kitchen supplies and packaging materials. Local governments can play essential roles in promoting recycling and composting and recognizing green practices.

Develop communication strategies and ways to reinforce the message. It is important for information and ideas to flow freely from the task force to the rest of the firm. Many firms create an information resource page on the firm's intranet and periodically email updates, reminders and green tips. Roy, at the Center for Earth Leadership, recommends that firms include material on their sustainability policy in their new employee orientations. Some firms bring in speakers such as Jasin, from Thompson Hine, to give presentations on a range of sustainability issues. Earth Day events and green-themed holiday parties also provide occasions for sharing information and encouraging participation in the new policy.

It takes time and plenty of reminding to get people to consistently adopt even simple measures. Jasin, at Thompson Hine, says, "Every firm I've given a presentation to [about sustainability] still has a problem with people leaving at the end of the day leaving their printer, computer and lights on." Firms have devised all manner of low-key and amusing reminders such as giving "no penalty" tickets for infractions (Levenfeld Pearlstein) and leaving "mints for minutes" (Schwabe) to reward people for turning off their lights and computers. Other firms encourage friendly competitions between floors or offices to see who can be the most green.

In thinking about how to encourage participation in the sustainability policy, firms should not lose sight of how important it is to be inclusive. People are more apt to become involved with something that they have the opportunity to contribute to and take ownership of. Pamela Elkow, a partner at Robinson

Cole, stresses the importance of “getting ideas from everywhere.” She says “not only do you get better ideas but more people get involved as well.”

Green Targets

Following the rule of three, the main target areas for law firms to concentrate on in reducing their eco-footprints are paper, energy and waste. And for each area, there are three guidelines that basically advise: use less, use different and dispose of better. Within each target area and under each guideline there are a myriad of options and possibilities. But whatever policy targets a firm starts with, it should anticipate a further rule of three: in pursuing sustainability, firms will need to encourage participation, evaluate choices and expand goals.

Although the general point was made earlier, it is important enough to restate and develop it a bit here: becoming sustainable is a dynamic process along several dimensions. At the outset, once a firm has established protocols on paper use, energy consumption and recycling, it faces the task of getting everyone to abide by the new procedures. Some people will more readily take to some measures than others will, so the firm has to continue to encourage participation over time to get more and more people on board. Second, in working with its vendors, a firm will find more economical ways to move up the scale toward using more environmentally friendly products and options. Changes in the market for green products and technologies continue to reduce costs and improve quality in everything from post-consumer recycled content paper and compact fluorescent light bulbs to videoconferencing options and the availability of green power alternatives. And finally, the concept of sustainability itself is being progressively redefined as the interactions among climate change, energy use, population growth, fresh water availability and food production become clearer. Law firms may find that their sustainability goals need to be expanded to meet these challenges.

Paper. The three general guidelines for paper management are: reduce the amount used; use paper with a high(er) percentage of post-consumer recycled content; and recycle paper after use.

Reduce paper use. With its simple calculability of projected savings, the move to double-sided printing and copying tends to get the most attention when it comes to reducing paper use. But it is arguably more important to review the firm’s routine use of paper. After all, not printing something out in the

first place saves more paper than printing documents on both sides. Once they take a look at it, many firms find that they had been using a lot of paper unnecessarily. Andrea Lewis, the business services manager at Farella Braun + Martel, says that secretaries at the firm were “printing and filing emails.” Similarly, anecdotal examples abound of attorneys who resist editing documents onscreen and choose to print them out instead.

The key to reducing paper use is simply to take advantage of the options that existing technology makes available. Documents can be scanned and saved electronically, and closing binders can be stored on CDs and shared with all parties to a transaction. Intranets or extranets can make documents available electronically to staff or clients. Even holiday cards can be sent electronically.

Double-sided printing and copying greatly reduces paper usage and provides an easy metric for estimating cost savings. But it can take some getting used to, and firms may find that it comes at some initial expense. Martel, at Arnold & Porter, notes that the “move to duplex printers firm wide was a substantial cost.” While double-sided printing and copying has quickly become the norm among sustainability-oriented firms for drafts and internal materials, many firms still choose to send documents to clients that are printed on only one side.

Use paper with a high percentage of post-consumer recycled content. In addition to the double-sided printing of drafts and internal documents, the ABA-EPA Climate Challenge recommends that firms use paper with at least 30% post-consumer recycled content. As the price and quality of recycled paper has improved, firms are finding that this standard is not hard to meet or even exceed. [Krainin at Beveridge & Diamond](#) says the cost of using “recycled content paper [was] offset by double-sided [printing].” Tom Jensen at Sonnenschein thinks “paper is easy to manage,” and he says the “move to using mostly 50% post-consumer content [was] done in a month and cost virtually nothing.” Lewis at Farella Braun + Martel notes that “moving from 30% to 100%” post-consumer recycled content copy and printer paper cost the firm “25% more.” Wendel Rosen now uses only 100% post-consumer recycled content paper even for its marketing pieces. Bednerik says her firm’s commitment extends to working with reprint services to ensure that they use recycled paper although this sometimes results in a surcharge.

Recycle paper after use. Paper recycling has been around for quite awhile, but there are a few points to make about its use in law firms. Kibert at Carlton Fields thinks it's "tough to figure out recycling" in part because the "effective participation rate is hard to measure." As part of Carlton Fields' sustainability policy, she designed and conducted a firm wide survey to measure what people felt, did and knew about environmental issues. Kibert found, as expected, that people's concern for the environment is not matched by their actions or knowledge. She intends to repeat the survey next year as a way to gauge the effect of the firm's sustainability policy. Somewhat more prosaically, Jasin at Thompson Hine advises firms to check that the shredding companies they use recycle rather than incinerate the shredded paper.

Energy. There are three general guidelines for energy: use less energy; use green power; and purchase carbon offsets for the energy used.

Use less energy. Firms have found a multitude of ways to reduce their overall energy usage. Most of their attention has focused on electricity use, but videoconferencing, telecommuting and subsidizing mass transit have enabled some firms to reduce travel-associated energy consumption as well.

REDUCING THE AMOUNT OF ELECTRICITY USED.

The basic strategy for reducing electricity usage is to turn off, turn down and embrace efficiency.

(i) Turn off. Campaigns reminding people to turn off lights and equipment are probably the most ubiquitous policy associated with reducing electricity use. Many firms find they need to change a cultural practice whereby people leave lights on in their office as a way to indicate they are still around. Furr at Arnold & Porter bluntly advises people to "turn off computers and lights—you're not fooling anyone and no one cares." Until that perspective becomes routinely accepted, firms will need to choose from any of several approaches to tackling the problem. As noted, firms such as Levenfeld and Schwabe have opted for a light-hearted touch. Stoel Rives and Farella Braun + Martel have made reducing electricity usage a contest between offices or floors. Other firms have invested in a technological solution and installed motion-sensitive lighting. While these work well in areas such as file rooms and computer rooms, some very focused attorneys have been disconcerted to discover themselves in the dark after a period of prolonged concentration.

(ii) Turn down. The use of LEED standards for either new building construction or retrofitting existing space can significantly reduce the amount of electricity needed to heat, cool or illuminate buildings. Firms can also save electricity by asking their landlords to adjust the HVAC settings for their offices. Even something as simple as raising the temperature setting of the firm's refrigerators, an idea contributed by a staff member at **Beveridge & Diamond**, can have an impact.

(iii) Embrace efficiency. Although they require some initial costs, replacing equipment with Energy Star appliances (as encouraged by the ABA-EPA Climate Challenge) and switching to compact fluorescent lighting are straightforward ways to reduce electricity use by increasing efficiency. According to Miller, upgrading and improving the efficiency of Tonkon Torp's servers significantly reduced the heat they produced and the resultant strain on the air conditioning. **Eisenberg at Beveridge & Diamond** advises firms to "invest in energy-efficient technologies upfront if you have the resources." Some utility companies and other agencies conduct energy audits, which can be very useful for identifying ways to become more efficient. For example, Lewis at Farella Braun + Martel notes that the local utility, PG&E, offers classes in energy-efficient computing. Her firm is also participating in a study that PG&E is conducting of "low ambient and task ambient lighting for commercial offices."

CUTTING DOWN ON TRAVEL-ASSOCIATED ENERGY USE.

Firms reduce energy use associated with traveling by either traveling less or using less energy to travel.

(i) Videoconferencing. Firms are much more inclined to purchase renewable energy credits to offset the carbon footprint of their business travel than they are to use videoconferencing to "meet" with their clients. Although Furr says Arnold & Porter "encourages videoconferencing," he thinks "travel is inelastic." Most firms primarily use videoconferencing for internal meetings across offices, although some use the technology for CLEs as well. Stoel Rives is tracking its use of videoconferencing, and the tool is one of the items in its key technology plan.

(ii) Telecommuting. The nature of the work flow in law firms has long been conducive to some degree of telecommuting by attorneys and senior staff, and of course the ubiquity of laptops, BlackBerrys and wireless internet access has made the process that much easier. Stoel Rives is among the firms that are considering "4-10s" (four-day-a-week/ten-hours-a-day schedules) for some of its administrative staff as a means of

reducing the firm's carbon emissions and potentially helping to ease traffic congestion. Jensen at Sonnenschein says his firm is integrating its sustainability and HR policies, and he thinks that "telecommuting will be a test" of how well this integration can be achieved.

(iii) Promoting alternative means of transportation. Some firms are changing their employees' transportation incentives by eliminating parking subsidies, encouraging ride sharing and subsidizing mass transit alternatives. DLA Piper gives \$2000 to any non-partner attorney or staff member who purchases a hybrid car. The firm also offers \$250 to anyone who commits to a more environmentally friendly means of commuting (such as carpooling, biking or walking) for 60 days. Stoel Rives launched an alternative transportation commute challenge that resulted in 100,000 miles of travel by alternative means over a six-week period. Portland-based firms such as Tonkon Torp and Stoel Rives also encourage commuting by bicycle. Tonkin Torp joined the Bicycle Transportation Alliance in 2004 and had the good fortune to be in a building that already had showers. Stoel Rives convinced its landlord to build 120 indoor bike stalls and provide access to shower facilities for commuters.

Use green power. Use of the term "green power" is restricted here to mean the actual use of energy derived from renewable sources such as wind, solar or biomass. However, it is often the case that carbon offsets such as RECs are also included as examples of green power. Given some of the certification issues concerning RECs, this topic is handled separately for expository ease.

With that distinction in mind, most law firms do not use an appreciable amount of green power. Cooley Godward, with solar panels on the roof of its leased building, stands out as an exception. Eric Jensen estimates that the panels generate a bit less than 10% of the firm's annual electricity usage. He credits the firm's close association with entrepreneurs, investors and solar energy producers as the inspiration for taking this step. Jensen recommends that other interested firms should work with their landlords and assess the "jurisdictional subsidies" that are available to make small-scale solar projects economically feasible. Tom Jensen, at Sonnenschein, notes that his firm also has "a number of clients [who] develop renewable energy," and he expects the firm will collaborat[e] with [them] to develop and use green energy."

For more information about green power, visit the U.S. Department of Energy's Green Power Network website at <http://apps3.eere.energy.gov/greenpower/about/index.shtml>

Purchase carbon offsets. RECs, renewable energy certificates or "Green tags" are an innovative way for individuals or businesses to offset some or all of the carbon emissions associated with particular activities. The details can be complex, but the basic idea is fairly simple. An entity that wants to engage in a green activity, such as a reforestation project, will offer to sell certificates representing the reduction in carbon emissions that the project realizes. Individuals or businesses use a carbon footprint calculator (e.g., <https://climatefriendly.com/>) to estimate the carbon emissions associated with the activity they want to offset (such as air travel) and then purchase the certificates (generally through a broker) needed to do so.

There are a couple of essential provisions to this arrangement if it is to have its desired effect. The certificates the entity issues should represent only the additional amount of carbon emission reductions that the selling of the certificates makes possible. If the reforestation project was going to happen anyway, regardless of the revenue raised by selling the certificates, then the purchase of such certificates is not related to a new or additional reduction in carbon emissions and therefore they should not be used to offset carbon emissions from some other activity. The other provisions are that the renewable energy certificates cannot overstate the amount of carbon emissions involved and they cannot be resold.

Given the difficulties in ensuring that these provisions are met and that representations by different parties to these transactions are all accurate, it is little wonder that Templeton at Schwabe says there's "a bit of the Wild, Wild West" to the REC market. As a guide to the issues, he recommends the following website, <http://www.cleanair-coolplanet.org/ConsumersGuidetoCarbonOffsets.pdf>

Opinions vary, both across society and within the legal space, about the relative value of purchasing RECs. They have been called a modern-day form of indulgences that allow people to buy a clean (and green) conscience without altering their behavior. Kibert at Carlton Fields describes the practice as a "pay-to-play option" for going green. Roy thinks that "carbon credits [are] okay as a first order of business" but that firms "must reduce energy use." Jensen at Sonnenschein regards RECs as "a last resort" and thinks firms should "buy green power and reduce consumption first."

Regardless of these reservations, the purchase of RECs is quite popular among many of the leading law firms concerned with sustainability. Both Arnold & Porter and Holland + Knight offset all of their business travel with RECs. Based on its consultant's calculations, Schwabe purchases enough RECs to offset all of its electricity usage although the firm is not sub metered. Wendel Rosen, in the same situation, has chosen not to purchase RECs to offset its electricity use, but the option is currently under review. Beverage & Diamond and Stoel Rives use RECs to offset 60% of the carbon emissions associated with their electricity usage. RECs are the most expensive element of **Beveridge & Diamond's** sustainability policy, and Stoel Rives has used RECs to completely offset a lawyer recruitment event.

Levenfeld Pearlstein has taken the further step of joining the Chicago Climate Exchange (CCX). As Bruslan notes, the CCX is a trading association among members who agree to an "absolute binding legal commitment to reduce emissions," which means members "can be sued if [they] don't live up to [their] agreement." In addition to this binding constraint, the CCX also provides third-party verification of the terms of transactions among its members. Levenfeld Pearlstein has committed to buy enough offsets to cover all of its electricity usage and business and commuting travel.

Waste. The overall goal in this area is to create less waste. The three general guidelines for doing so are: use less packaging; use more non-disposable items; and recycle or compost as much as possible. Waste is sort of a catchall category in that it can be defined to include all of the environmental harms not considered under paper and energy use. Certainly the recycling of building materials and debris as required by LEED standards is germane to this category. But so too are devices that reduce water use, such as low-flow faucet aerators, products such as paints and carpets that have low concentrations of volatile organic compounds and cleaning supplies that are less harmful to the environment.

Use less packaging. The decades-long generation of our "throwaway society" has helped to produce an attitude that takes packaging and its disposal for granted. The result has been mountains of waste that damage the environment and drive up landfill costs in communities across the country. Better options are becoming more available, and this is an area in which it pays to work closely with suppliers and vendors. Templeton at Schwabe says that his firm's office supplies are now delivered in reusable plastic totes. The consultant Schwabe hired to develop its sustainability policy informed

the firm's vendors of Schwabe's interest in sustainable options, which was the catalyst for the vendors coming up with alternatives.

Use more non-disposable items. Many of the changes in this area have occurred in the kitchen. Firms are using reusable plates, flatware, glasses and mugs instead of disposable items. Pitchers and glasses have replaced individual bottles of water. Schwabe determined that its attorneys and staff ran through some 140 cups a day down at the Starbucks in the building. The firm gave everyone a Schwabe mug that Starbucks agreed to use instead. Firms are also being more selective about their marketing giveaways and gifts. Nixon Peabody distributes reusable grocery bags made of 100% recyclable materials that promote a "Green is Good" message. Thompson Hine chooses eco-friendly staff appreciation gifts such as cups and canvas tote bags, and Tonkon Torp also gives out sustainable holiday gifts.

Recycle or compost. Quite a few firms have developed extensive recycling policies and have worked with their landlords, vendors and caterers to ensure that materials can be recycled or composted. **Beveridge & Diamond's** interest in recycling at its Baltimore office led to the landlord's decision to implement a recycling policy for the entire building. Stoel Rives pioneered paper recycling in its Portland office some 20 years before its landlord adopted the idea. The firm also started working with a vendor 20 years ago to handle its used laser printer cartridges, and Moran estimates Stoel Rives saves more than 40% of the cost of new cartridges by using recycled ones.

All along the front end of the supply chain, firms are finding better options for office products that are partially made of recycled materials. Some of this requires working with landlords, such as ensuring that the janitorial staff supplies the firm with paper towels and toilet paper that have a high percentage of post-consumer recycled content. Firms have also sought to make sure that environmentally friendly cleaning materials are being used. Lewis at Farella Braun + Martel initially brought in green cleaning supplies at her own expense before the firm's landlord agreed to make the switch. Although vendors and landlords have become increasingly cooperative, it's still a good idea to keep in mind the old saying, "if you don't ask for it, you won't get it." Nixon Peabody realized that the cleaning crew in its Washington DC office regularly discarded the half empty rolls of toilet paper that they had swapped out for full rolls. The firm now collects and donates these half empty rolls to a local shelter.

At the back end of the supply chain, firms are now recycling plastics, batteries, Tyvek envelopes and cardboard in addition to paper, glass and aluminum cans. This practice is made easier by clearly labeling recycling bins to clarify what can and cannot be recycled. Furr at Holland + Knight also recommends that firms use “good-looking bins in conference rooms.” Many firms also collect and donate cell phones or eyeglasses on a regular basis in addition to periodically donating reusable office equipment, computers and furniture to local nonprofit organizations.

“Some might say law firms generate a lot of compost.” (Phil Moran, Administrative Services Manager, Stoel Rives) Composting is largely a West Coast phenomenon though a number of firms use cups and utensils that are biodegradable. (Bednerik at Wendel Rosen has a well-told story about the time a spoon made from cornstarch dissolved in a partner’s cup of hot soup.) The city of Portland has official guidelines for composting, and Stoel Rives began its composting program in April 2007. The firm took all the trashcans out of individual offices in its Portland location and implemented a comprehensive policy of recycling and composting instead. Moran says the firm’s vendors and caterers have been responsive about using compostible food containers and other materials, although this has come at some additional cost. Lewis at Farella Braun + Martel shares a lesson learned when she recommends that firms use “compost containers that are pedal operated and have metal lids” because otherwise “people won’t use them.” Metal lids are important because the labels identifying what can be composted will stick to them better.

Looking Ahead

“Green development is on the horizon for all development. ... We will get to the point very soon that any real estate lawyer who doesn’t have green development skills will not be able to fully provide the client with all the services they need.” Jeff Lesk, LEED-accredited Nixon Peabody partner. http://www.abajournal.com/magazine/becoming_legally_green/

The above quote will soon apply to virtually all practice areas in terms of the sustainability-oriented skills attorneys will need to provide high-quality services to their clients. If green is the new black, it is not because it is the fashion of the moment. Rather, it is because being green is what it will take for firms to be in the black.

Many firms have made substantial progress in retooling their internal operations to become more sustainable. But the task is unfinished, and there are serious challenges ahead. Recall the earlier discussion of sustainability as a dynamic process along three dimensions. Firms still need to reduce their carbon footprints; they need to develop the interdisciplinary legal skills to meet their clients’ needs; and as a profession, firms need to consider more deeply how they can provide leadership in meeting the unprecedented and potentially devastating challenges posed by global warming.

Internally Green

Dick Roy, from the Center for Earth Leadership, has suggested that “a law firm today [that] wishes to be at the forefront of sustainability” should have the following three characteristics in place:

- A law office sustainability policy approved by its management committee
- An ongoing sustainability team with lawyers and staff
- An education program for employees that includes discussing the firm’s sustainability policy with them during orientation

Lest anyone think that this doesn’t seem to set the bar very high, it should be noted that these characteristics are descriptive rather than prescriptive. Roy believes that “the profession hasn’t even gotten started yet” on what it should really be doing. His perspective is considered in more detail below.

This report has hopefully provided a useful overview of what leading firms are doing to become internally green. Beyond continuing to improve upon existing efforts to reduce paper and energy consumption and limit waste production, the next step might be, in Furr’s words, to develop “a more systemic method of tracking everything firm wide.” This is an objective that Jensen says Sonnenschein is pursuing.

He says the firm’s goal is to be carbon neutral, and the first area of focus is on business travel and commuting. Sonnenschein will conduct a firm-wide survey of all its travel. But the ambition is more far-reaching than simply calculating the firm’s travel-associated carbon emissions. Jensen says Sonnenschein wants to develop a management tool to “model the environmental impacts of travel choices” so it can “empirically evaluate the environmental, economic and job performance

tradeoffs” of different choices. This information would help integrate the firm’s sustainability policy with its HR policies about telecommuting or working a four-day-a week/ten-hours-a-day schedule. Jensen says the “goal is to create a tech ap to allow managers of the firm’s business to make intelligent choices to reduce [Sonnenschein’s] carbon footprint.”

It is unclear at this point what this effort will produce. But the broader idea underlying its ambition is consonant with the ABA’s Model Law Firm Sustainability Policy Project, which is currently in the pilot stage with 10 firms across the country. Sonnenschein, Holland + Knight, Schwabe, Levenfeld Pearlstein and Robinson Cole are among these participating firms. Broadly speaking, this project expands the scope of the Climate Challenge to include other aspects of law firms’ social responsibilities both as employers and members of the community.

More information on the project can be found here: <http://www.abanet.org/environ/committees/climatechange/Model-Law/about.shtml>

And to learn how Levenfeld Pearlstein has approached its commitment to the project, see this paper written and delivered by Brusslan at the 37th Environmental Law Conference:

<http://www.abanet.org/environ/committees/climatechange/ModelLaw/suppinfo/ABAKeystoneJDBPaper.pdf>

Externally Green

As law firms are “walking the talk,” they are also developing sustainability practice groups to better market their expertise and serve their clients. Lesk’s quote about green development

skills underscores the importance of LEED accreditation for environmental, land use, development and real estate attorneys. Brusslan, at Levenfeld Pearlstein, says LEED-accredited attorneys “can figure out how to meet requirements in ways that ensure economic viability.” Furr, at Holland + Knight, notes that his firm is training 50 attorneys to become LEED accredited.

These developments are for the most part too new to discuss in much detail at present. It is still too early to determine whether these new practice groups are conferring any competitive advantages on the firms that are creating them. But such an assessment might make an interesting topic for some future white paper.

Globally Green

Consideration of what the legal profession’s response might be to the global challenges posed by climate change is just a bit outside the scope of this report. But some attorneys and some firms are clearly thinking about the subject. Roy says “lawyers understand intellectually the scale of the problem but economic incentives make it hard” to take far-reaching action. He observes “partnerships have too many decision makers, making it hard to invest resources that don’t have an economic purpose.” Even within these limits, law firms can play valuable leadership roles in promoting sustainability with their clients, in their thought community, and among their employees. But Morford asks a far-reaching question that gets to the heart of what it might mean for law firms to be globally green: “Are there ways in which we can use our position in the community to influence the market rather than just those with whom we have direct relationships?”

Appendices

Guidelines: Law Firms and Climate Change

ABA-EPA CLIMATE CHALLENGE

<http://www.abanet.org/environ/climatechallenge/overview.shtml>

CENTER FOR EARTH LEADERSHIP: SUSTAINABLE PRACTICES IN THE LAW OFFICE,
OREGON LAWYERS FOR A SUSTAINABLE FUTURE.

http://www.earthleaders.org/olsf/office_practices

EPA RESOURCE CONSERVATION CHALLENGE (RCC)

<http://www.epa.gov/rcc/priorities/green.htm>

GREEN POWER PARTNER PROGRAM

<http://epa.gov/greenpower/index.htm>

MASSACHUSETTS BAR ASSOCIATION, GREEN GUIDELINES

<http://www.massbar.org/about-the-mba/initiatives/lawyers-eco-challenge/green-guidelines>

CLEAN AIR-COOL PLANET GUIDE TO CARBON OFFSETS

<http://www.cleanair-coolplanet.org/ConsumersGuidetoCarbonOffsets.pdf>

Resources

This section contains examples of law firm sustainability policies, green business and procurement plans and achievements.

Nixon Peabody Sustainability Commitment

In implementing the firm's Legally Green Initiative, firm management intends to establish and implement sustainable office practices consistent with its overall commitment to provide excellent legal services to clients. We recognize that all human activity, including the operation of a law office, has an impact on the environment and the natural world. Within the firm we make daily choices in performing work that can either reduce or increase that impact. As a firm we seek to reduce our impact.

Nixon Peabody has established a Green Operations Steering Committee to lead this effort. The Green Operations (Green Ops) Steering Committee is comprised of the Chief Sustainability Officer, the Chief Administrative Officer, a representative group of Office Administrators, the firm's Director of Purchasing and our Information Technology groups' Local Operations Director. The Green Ops Steering Committee shall meet at least monthly. The Green Ops Steering Committee shall focus its attention on the following areas for potential improvements and/or new internal procedures in sustainability:

- Construction;
- Education and outreach;
- Energy conservation;
- Paper reduction;
- Purchasing;
- Travel and commuting; and
- Waste reduction and recycling.

The Green Ops Steering Committee shall identify and sanction those improvements and new procedures that will be implemented on a firm-wide basis. In making those determinations the Green Ops Steering Committee shall consider the potential for enhanced sustainability, cost, and impact on internal and external client service. Where practicable, baselines shall be established for practices that can be measured and progress shall be reported to the firm at least annually.

Each office shall establish a local sustainability team comprised of volunteer attorneys and staff and chaired by the local Office Administrator. These teams shall include representatives from the following areas: housekeeping and hospitality, office services, library, accounting, marketing, and information technology. The local sustainability teams are charged with identifying potential improvements in office practices that, if implemented, could result in enhanced sustainability. These teams are also intended to serve as the office and firm's "eyes and ears" to ensure compliance with our sustainability commitments. The local sustainability teams shall meet on a regular basis. The Office Administrator shall report the team's suggestions and findings to the Green Ops Steering Committee for the firm's broader consideration. Anyone with ideas for improving the firm's performance is encouraged to contact their local sustainability team or Office Administrator.

Nixon Peabody is developing internal procedures and policies to be implemented by each office, as applicable (Sustainability Procedures). Additionally, Nixon Peabody has pledged to follow certain published standards, guidelines, and challenges, and has incorporated other published standards and guidelines into the firm's Sustainability Procedures without making a specific pledge (Third-Party Sustainability Standards & Guidelines). The level of commitment is listed below.

All attorneys and staff should review the Sustainability Procedures and Third-Party Sustainability Standards/Guidelines and use their best efforts to implement them. Please report areas for potential improvement to your Office Administrator.

THIRD-PARTY SUSTAINABILITY STANDARDS & GUIDELINES

National Standards & Guidelines

- **ABA/EPA Law Firm Climate Challenge.** Nixon Peabody is participating in the ABA-EPA Law Office Climate Challenge in several ways. First, we have adopted Best Practices for Office Paper Management, committing to purchase office paper with at least 30% recycled content and to recycle mixed office paper firm-wide. As an added measure, we are working towards adopting procedures for double-sided printing for at least drafts and internal documents to reduce the amount of paper we use.

Second, Nixon Peabody has become a “Green Power Partner” in EPA’s Green Power Partnership program by agreeing to purchase a percentage of our annual electric power usage from new sources of renewable energy.

Regional and Local Standards & Guidelines

Nixon Peabody has also incorporated portions of the following regional standards and/or guidelines into the firm’s Sustainability Procedures but has not signed a specific pledge.

- **Green Guidelines, Massachusetts Bar Association.**
- **Sustainable Practices in the Law Office, Oregon Lawyers for a Sustainable Future.**

This list will be updated as appropriate by the Green Ops Steering Committee.

Stoel Rives LLP Sustainability Policy

Adopted by Executive Committee April 13, 2007

Excellence, stewardship and commitment to our communities have sustained Stoel Rives for more than one hundred years. The attorneys and staff of Stoel Rives remain committed to meeting the needs of today without compromising those of tomorrow. We commit to be a leader among law firms and within the larger business community in reducing our Earth impacts and in serving clients who pursue sustainability goals.

COMMITMENT TO OUR CLIENTS

Stoel Rives enjoys a strong client base of sustainable industries, such as renewable energy and forest industries, and has a national reputation for its expertise in energy, environmental, natural resources and construction law. In order to better serve our clients, we will:

- Develop and maintain cutting-edge expertise in the legal and business aspects of sustainable development, environmental responsibility, conservation, renewable resources and clean technologies;
- Contribute to the advancement of laws that support sustainability efforts; and
- Support sustainability efforts in our communities.

COMMITMENT TO SUSTAINABLE BUSINESS PRACTICES

Stoel Rives has been an innovator in pursuing sustainability goals for more than a decade. In order to more directly reduce the Earth impact of our own operations, we will:

Purchasing

Apply sustainability criteria in the purchase of supplies, equipment, and services.

Waste Reduction and Recycling

Continually improve practices that minimize the use of paper in data storage, printing and copying and communications. Continually seek to improve systems to minimize disposables and packaging, reuse equipment and supplies where feasible, and maximize recycling.

Energy

Further reduce energy consumption and improve efficiency in heating/cooling, lighting and equipment. Each office will purchase at least 10 percent of its energy from green tag sources to encourage alternatives to fossil fuels.

Travel

Reduce business travel where feasible and reduce the impact of necessary travel by improving fuel efficiency, using alternative fuels, providing Flex Car availability and purchasing carbon offsets.

Commuting

Expand the commuter incentives we currently offer to our staff and lawyers to encourage use of mass transit, carpooling, walking and bicycles.

Office Space

Utilize our working space more efficiently in order to reduce our footprint in proportion to the number of professionals. Specify materials that are high in recycled content, recyclable or biodegradable and durable.

Education

Establish an education and incentive program to encourage each person in the firm to contribute to the success of this policy. This education and incentive program also will address opportunities for individuals to incorporate sustainability concepts into their personal lives.

Community Outreach

As a sustainability leader in the legal community, share our policies, ideas and actions for sustainable business practices and our progress assessments with other law firms and the bar generally. Encourage our attorneys to be active in bar committees that encourage sustainable business practices.

Sonnenschein Nath & Rosenthal LLP

FIRM-WIDE POLICY ON ENVIRONMENTAL SUSTAINABILITY & INITIAL IMPLEMENTATION PLAN

Approved by Policy & Planning Committee
April 18, 2008

POLICY ON ENVIRONMENTAL SUSTAINABILITY

STEWARDSHIP OF NATURAL RESOURCES
REDUCTION OF ADVERSE ENVIRONMENTAL IMPACTS

- A. **Resource and Energy Conservation.** We will strive to substantially reduce our consumption of non-renewable natural resources and energy associated with our activities. We will strive on a continual basis to meet and, where possible, exceed best practices for energy and natural resource conservation in an office environment.
- B. **Waste and Pollution Prevention and Management.** We will reduce, to the maximum extent practicable, the quantity and degree of hazard of the wastes we generate from our operations, and handle them in a safe, legal, and responsible way to minimize their environmental effects. We will reduce, to the maximum extent practicable, the direct and indirect emissions of greenhouse gases and other harmful air pollutants from our operations and travel and will vigorously pursue opportunities to become carbon-neutral.
- C. **Reduction of Supply Chain Impacts.** We will work with others in our supply chain to help assure adverse environmental impacts and risks associated with our operations are minimized and properly controlled, and environmental benefits optimized.
- D. **Integration and Synergy.** We will administer this policy in a manner that seeks to enhance and complement our commitments to client service, diversity, pro bono, community service and social responsibility.
- E. **Continual Improvement and Leadership.** We will administer this policy in a manner that seeks to place and maintain our Firm in a position of leadership in our profession and communities. We will seek opportunities to innovate and to test leading-edge programs. We will review our policy and practices on a regular basis, always seeking to improve our performance.

INITIAL IMPLEMENTATION PLAN

POLICY ON ENVIRONMENTAL SUSTAINABILITY

1. FIRM-WIDE COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY

- A. **Committee Structure—**A Committee on Environmental Sustainability (“Committee”) will be established for this initiative by the Chairman. The Committee will be led by a partner in the Firm and the vice-chair will be a senior administrative professional. The Chair and Vice-Chair will be responsible for overseeing implementation of the Policy and, with the assistance of the Committee, will track and report progress. The Committee will include, at a minimum, one attorney or non-attorney professional and one administrative employee from each of the Firm’s offices. The standard term of membership on the Committee shall be two years, subject to adjustment by the Chairman.
- B. **Purpose—**The Committee will be the guiding force for implementation of the Policy.
- C. **General Duties—**The Committee will be responsible for:
 - 1. Development of firm-wide and office-specific plans to implement the Policy, including recommendations for changes in Firm systems and practices.
 - 2. Annual evaluation of the implementation of the Policy, including financial benefits and costs.
 - 3. Periodic internal and external communications about the Firm’s progress in implementing the Policy.
 - 4. Twice-yearly status report to the Chairman.
- D. **Personal Responsibility—**The Committee members will be expected to be good role models for the behavior expected of all Firm personnel with respect to implementation of the Policy.

- E **Budget**—A budget of expenditures related to implementation of the Policy will be proposed by the Committee each year and submitted to the Chairman for consideration. The Committee will be expected to quantify cost savings and expenditures related to implementation of the Policy.
- F. **Initial Duties of Committee**—In its first six months of activity, the Committee will:
1. Oversee energy-savings and emission audits of each office and establish benchmarks for future comparison and measurement.
 2. Evaluate various methods to achieve, and the feasibility, including costs and other factors, of achieving carbon neutrality for Firm operations and, if feasible, recommend a target date for reaching that goal, taking into account individual office circumstances. In carrying out this task, evaluate the feasibility of using greenhouse gas emission offsets, with particular focus on assuring the effectiveness and value of any offsets potentially acquired by the Firm or its personnel.
 3. Make a presentation about the Policy and Implementation Plan to all practice groups, office leaders, and groups of staff constituencies.
 4. Coordinate with each office in the development of office-specific plans to implement the Policy. Each such plan should:
 - (a) Propose an office-specific committee or other appropriate structure for implementation of the Policy.
 - (b) Propose specific measures to improve substantially the Firm's performance with regard to:
 - (i) Efficiency of resource use
 - (ii) Reducing emission of greenhouse gasses
 - (iii) Recycling
 - (iv) Reducing use of hazardous or unhealthy products
 - (v) Procuring goods and services, including office space, that help us implement the Policy
 - (vi) Educating and engaging Firm personnel and stakeholders on environmental sustainability so as to elicit and encourage support from every member of the Sonnenschein family for the Policy.
- (c) Evaluate, and to the maximum extent practicable and prudent, propose specific measures to carry out actions listed in Appendix 1 - *Menu of Potential Implementation Actions*.
 - (d) Propose specific measures to integrate implementation of environmental sustainability measures with the Firm's pro bono, diversity, and community service activities.
 - (e) Propose specific measures to integrate implementation of environmental sustainability measures with the Firm's clients' activities and interests.
 - (f) Propose measures to use the Portal to support information sharing within the Firm useful to implementation of the Policy.
 - (g) Propose measures to use the Firm's other resources, programs and activities to promote implementation of the Policy.

2. COMMUNICATIONS FROM FIRM LEADERSHIP

- A. The Chairman will send a written communication through the Firm's internal communications systems briefly describing the Policy, and adding the fact that the Policy & Planning Committee supports the effort on a strategic basis and expects to establish, at an appropriate time, a means to incorporate each person's contribution to the Policy into annual performance evaluations.
- B. The Chairman will conduct meetings regarding the Policy to secure buy-in from key leaders in the Firm, including practice group, office, and administrative unit leaders. Such meetings will be organized with a view toward demonstrating implementation of environmental sustainability practices.
- C. The Marketing Department will be tasked to work with the Committee to conduct an appropriate internal and external marketing campaign. The Firm's outside publications to clients should describe the Policy, the reasons the Firm is embracing it and provide updates as to the Firm's progress in implementation. Marketing materials and techniques

should themselves demonstrate implementation of the Policy.

- D. The Policy and Implementation Plan, and progress reports as issued, will be included on the Firm's website with appropriate messaging.
- E. The Firm will notify the American Bar Association and ask that the Firm be listed on the ABA website as one that has adopted a substantial equivalent of the model policy on environmental sustainability and is participating in the ABA-EPA Law Firm Climate Challenge.
- F. The Human Resources Department will develop and use materials to familiarize job candidates and new employees with the concepts set forth in the Policy and Implementation Plan. Materials and techniques used should themselves demonstrate implementation of the Policy.

3. IMPLEMENTATION SCHEDULE

The Committee will follow this schedule:

- Commencement/Announcement of Policy: April 22, 2008
- Delivery of Firm-wide Implementation Plan to the Chairman: October 15, 2008
- Implementation Plan Fully Mobilized: April 22, 2009

SONNENSCHN NATH & ROSENTHAL LLP:

APPENDIX 1

MENU OF POTENTIAL IMPLEMENTATION ACTIONS

1. Purchase energy from renewable resources and offset emissions from non-green power purchases.
2. Procure energy-efficient office equipment, including but not limited to devices bearing the Energy Star certification label from the US Department of Energy or comparable certifications for other jurisdictions.
3. Use energy-efficient lighting and heating, ventilating and air conditioning systems (to the extent this can be decided or influenced by the Firm).
4. Develop a capital program within the Firm to install motion-sensing switches to turn off lights when employees are not present.
5. Adopt and follow an internal policy that encourages employees to turn off lights, computers, and other equipment at the end of the workday and otherwise when not likely to be in use.
6. Adopt "green building" features and practices, such as those encouraged under the Leadership in Energy and Environmental Design (LEED) program of the US Green Building Council, to the extent that they can be decided or influenced by the Firm, and include LEED certification or its equivalent as a primary criterion in future office leasing/construction decisions.
7. Assure that all office paper ("mixed office paper") has at least 30% post-consumer recycled content (ideally, a much higher proportion) or is derived from properly certified sustainable forest sources.
8. Institute double-sided copying for at least 75% of all drafts and internal documents.
9. Use durable plates, cups, glasses, and utensils in the kitchen and conference rooms.
10. Use filtered tap water instead of bottled water.
11. Route faxes electronically; maximize the use of e-communications in lieu of paper documents.
12. Use paperless court and agency filing procedures.
13. Use letter-sized paper instead of legal-sized.
14. Develop and implement a policy on data and document storage to minimize the use of paper.
15. Use effective cleaners that have low toxicity and high biodegradability, to the extent that can be decided or influenced by the Firm.
16. Adopt guidelines on the use of teleconferencing and other means to avoid unnecessary travel and associated carbon emissions, and to offset emissions from travel.
17. Encourage employee use of car pooling, energy-efficient vehicles, car-sharing programs (e.g., FlexCar, I-Go, Zipcar), mass transit, bicycles or other measures to reduce the energy consumed by employee commuting. Encourage employee purchase of greenhouse gas offsets for personal commuter travel.
18. Recycle printer cartridges and buy recycled cartridges.
19. Recycle the following to the extent practicable:
 - Glass and plastics
 - Aluminum cans and other metal
 - Batteries
 - Plastic bags
 - Tyvek envelopes
 - Cardboard
 - Mixed office paper
20. Establish a re-use center for binders, file folders, and other items.
21. Sell or donate old office equipment, furniture, and supplies that can't be reused internally, and assure proper final disposal of those items when no longer useful.

22. Use caterers that minimize disposables; purchase organic and/or locally grown fresh food products.
23. Encourage office supply vendors and equipment suppliers to provide items and services that minimize the adverse environmental impacts and risks and maximize the beneficial ones (e.g., energy conserving vending machines; EnergyStar appliances and equipment; green transportation of people and goods).
24. Work with landlords and office building managers to help minimize the adverse environmental impacts of Firm operations and maximize the beneficial ones.
25. Use out-of-office meeting venues with “green” practices for conference sites or other regular use.
26. Take other actions, as may be identified by the Committee, that are useful and appropriate to implement the policy on environmental sustainability.

Initial Greening Your Business Plan

Source: Nicole C. Kibert, Carlton Fields, P.A.

1. COMMUNICATION

- A. Identify champions in each office (at least 1 attorney and 1 staff member) that can explain existing and new initiatives as they are rolled out. This may be something that could be done through an existing committee rather than creating additional bureaucracy.
- B. Start with a survey of each office to identify what good actions your company is already doing for the environment—what is recycled? Are your shredding vendors recycling the shredded paper? Are you recycling your printer cartridges? What is your technology group's policy on electronics disposal? Do you distribute all firmwide communications (management reports, billing sheets, calendars, newsletters, promotional samples, etc.) electronically rather than by hardcopy?
- C. Communicate to your employees about those good actions your company is already doing for the environment.
- D. Create a section about your greening initiative on the company intranet which explains existing and new policies/programs as they are rolled out.

2. PROCUREMENT

- A. Review your company's procurement policies and make company wide decisions to include products that are good for the environment. Consider adopting a green procurement policy.
 1. Buy environmentally-friendly and recycled products.
 - (a) Look for «post-consumer waste» products, including stationery, packaging materials, paper towels and other kitchen and bathroom supplies. This keeps waste from ending up in landfills.
 - (b) The market for non-toxic supplies has exploded, giving you more affordable choices in items such as cleaning supplies, inks, and other materials.
 - (c) Identify materials for throw away products such as plates/cutlery that

are made of materials that will quickly breakdown in a landfill such as those made from cornstarch rather than plastic.

- (d) Purchase paper, letterhead and promotional materials with post-consumer recycled material. Consider printing letterhead with non-toxic ink. Add a tagline advertising the environmental aspects of the letterhead.

2. Surplus Products

- (a) Find innovative uses for excess inventory or waste or recycle: such as electronics that are being updated, etc. by partnering with local trade schools to practice on old electronics
- (b) Ask employees to come up with ways to turn that waste into something useful. Sponsor office challenges to encourage sustainable use of resources.

3. REDUCE ENERGY CONSUMPTION/ RESOURCE USE

- A. Turn off lights that are not being used (culturally need to work to eliminate “face time” issues with leaving lights on) and appliances when not being used.
- B. Replace high-energy-use light bulbs, fixtures, and equipment.
 - (a) The quickest thing you can do is to switch to low-energy use light bulbs. Check with property managers about what bulbs are currently being used and see if there is a more efficient alternative.
 - (b) Next, if you have old equipment, it may be time to upgrade. And there may be money available to help. Check with your local utility company for rebates, loans, or grants to enable you to transition to energy-efficient equipment.
- C. Conduct more of business online such as transmitting documents via e-mail rather than by delivery service.

- (a) Make sure you can easily strip meta-data away and PDF documents to clients.
- (b) Brainstorm with employees for additional ways to do things electronically.

4. LIFESTYLE ORIENTED CHANGES

- A. Reduce commutes. For most businesses the biggest energy impact comes from commuting. Encourage carpooling.
- B. Encourage reuse rather than waste—i.e. have employee bring their own coffee cup/water bottles rather than using 10 Styrofoam cups/day. To make this work, you may need to have dishwashing in each break room for drying dishware or addition of dishwashers.
- C. Paper and can/glass recycling in all office—the biggest resource a law firm wastes is paper so that should be your primary concern but also think about can/glass/plastic recycling too.

5. INVESTMENT POLICIES

- A. Include sustainable fund choices in 401-K and pension funds.

6. OFFICE SPACE

- A. Be sure to review your leases to identify recycling services that are to be provided in your CAM charges and take advantage of building wide activities or encourage other tenants in your building to participate in the greening initiative.
- B. If you are building out space or constructing a new office, be sure to ask your architect about green building options and installation of energy saving devices.

7. RESOURCES

- A. ABA Website for Sustainable Law Offices: http://www.abanet.org/publicserv/environmental/sustainable_law_office.shtml
- B. EPA Wastewise: <http://www.epa.gov/wastewise/>
- C. Energy Star: www.energystar.gov/smallbiz

Example Green Procurement Policy

Source: Nicole C. Kibert, Carlton Fields, P.A.

1. PURPOSE AND INTENT

By adopting a “Green Procurement Policy” your company will help expand markets for the use of recovered materials by establishing preferences for products made with such materials, consistent with the demands of efficiency and cost-effectiveness.

Your company will also play an important role in reducing waste generated by your business and work practices by:

- A. reusing discarded materials;
- B. recycling our waste products, when feasible and cost-effective; and
- C. also purchasing, whenever possible, feasible and cost-effective, recycled products for use in the delivery of our services.
- D. striving to purchase items composed of recovered material (also known as recycled content products).

Also, you should consider joining EPA’s WasteWise Program (<http://www.epa.gov/wastewise/about/reg.htm>) in order to receive technical assistance for implementing your Green initiative in a manner that will give you measurable data to track our progress and maximize our waste prevention activities.

2. DEFINITIONS

- A. “Environmentally Preferable Products” means products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation and/or disposal of the product.
- B. “Practical” means sufficient in performance and reasonably available at a reasonably competitive cost

- C. “Recycled Content Products” are products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste (material that has served its intended end-use and been discarded by a final consumer), industrial scrap, manufacturing waste and/or other waste that otherwise would not have been utilized. When practical, all paper products shall contain a minimum of 30% post-consumer recycled content.
- D. “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.
- E. “Waste Prevention” means any action undertaken by an individual or organization to eliminate or reduce the amount or toxicity of materials before they enter the municipal solid waste stream. This action is intended to conserve resources, promote efficiency, and reduce pollution.

3. POLICY ELEMENTS

- A. By adopting this procurement policy, your company will purchase and use recycled content products and environmentally preferable products whenever possible to the extent that such use does not negatively impact operational efficiency.
- B. Each office manager and the individual(s) responsible for procurement in their office shall examine the office purchasing specifications and, where feasible, restructure them to include the use of products which contain recycled content, are reusable, or are designed to be easily recycled.
- C. Each office manager and the individual(s) responsible for procurement in their office shall request information

regarding recycled content products from their vendors for use in developing purchasing specifications.

For offices that order from Office Depot, please request a copy of their Green Book, Green Book™, their catalog of environmentally preferable products. You also can ask your Office Depot account representative to suggest green alternatives to your current products. Ask for similar information from other vendors.

- D. Whenever feasible, recycled content paper shall be purchased and used in all copy machines and for printing purposes.
- (a) From Office Depot's website (<http://www.community.officedepot.com/top20list.asp>):
1. In the past, recycled paper may have been of poorer quality than non-recycled. But now, Office Depot recycled papers are just as bright and work just as well in printers and copiers as our non-recycled papers. We know this is true; we use 35% PCR content paper for internal operations.
 2. If you're not convinced, do a test -- try out some PCR paper and see if you can tell the difference. Click here to buy our top-selling EnviroCopy recycled paper containing 35% Post-Consumer Recycled content.
 3. According to Conservatree, in 2004, over 90% of all printing paper contained no recycled content. By buying recycled paper, you are leading the way. If you don't want to pay a small premium for EnviroCopy or other high PCR paper, then consider Office Depot's «Red Top,» available here. It contains 10% Post Consumer Recycled content and is one of the least expensive papers on the market.
- E. When recycled content products are used, it is encouraged to label those products to indicate their recycled content. The use of the "recycled content" symbol on letterhead stationary and business cards shall be encouraged, whenever possible.
- F. Wherever feasible and appropriate, life cycle cost analysis should be used to assist in selecting products and services. Cost shall be calculated over the life of the item and should consider final disposal and replacement costs, and not just initial, up-front costs. When comparing alternative products, the initial cost of the acquisition, as well as lifetime maintenance costs, operational costs, etc., should be considered in the analysis.
- G. Positively consider the selection of other recycled-content and renewable materials, products and supplies over their non-recycled-content and non-renewable alternatives in cases where availability, fitness, health and operational efficiency, quality safety, and price of the recycled product is otherwise equal to, or better than the non-recycled-content and/or non-renewable alternative.
- H. All offices are encouraged to purchase energy-conserving products when possible and to encourage employees to engage in energy-conserving behaviors such as turning lights off, turning computers off and using powerstrips with switches to minimize power consumption when appliances are not in use.
- I. Each office manager is encouraged to collaborate with their property manager and other tenants to develop a comprehensive, consistent, and effective recycling effort intended to stimulate the market for recycled products, reusable products, and products designed to be recycled.
- J. When tenant improvements or build-outs occur, each office manager is encouraged to discuss environmental aspects of such improvements with the property manager and contractors to include energy conserving measure such as motion lights, and use of environmentally friendly building materials.

4. DATA TRACKING AND ANNUAL REVIEW

- A. Task Force members will confer with procurers in each office on an ongoing basis to ensure that these buyers are aware of and follow the Green Procurement Policy in the development of purchasing specifications and procurement decisions.
- B. The Task Force and each office manager will work together cooperatively to design and implement a cost-

effective system for recording the purchase or recycled content products in order to document the performance of this policy.

- C. The Task Force will report, on an annual basis, regarding the results of the Green Procurement Policy, including recommendations for improvements to the policy, as appropriate.

American Bar Association: Section of Environment, Energy, and Resources

HOW LEVENFELD PEARLSTEIN LLC IS ADAPTING AND IMPLEMENTING THE ABA MODEL POLICY ON SUSTAINABILITY

*James D. Bruslan
Levenfeld Pearlstein, LLC
Chicago, Illinois*

*37th Environmental Law Conference
Keystone, CO
March 13-16, 2008*

Levenfeld Pearlstein (“LP”) is a Chicago-based law firm founded in 1999. It has grown to about 80 attorneys with core practices in real estate and finance, corporate and litigation. As a midsized firm, LP quickly implements innovative ideas, including the draft American Bar Association Model Commitment to Sustainability for a Law Organization, which the Firm adopted in October 2007. LP’s approach to sustainability is attached. LP provided the document to all Firm personnel. It includes the following subsections:

- I. Introduction
- II. Timeline
- III. Vision and Commitment
- IV. Implementation and Communication Plan
- V. Checklist of Implementation Tasks

The following outlines some of the specific steps that LP has taken to implement its commitment to sustainability.

Joined Chicago Climate Exchange as Associate Member - In April 2007, LP became the first Chicago-based law firm and third law firm in the world to join the Chicago Climate Exchange (CCX) and offset its greenhouse gas (GHG) emissions. LP is now “carbon neutral.”

As a member of the CCX, LP is legally required to calculate its office electricity use and corporate travel, and using a formula provided by CCX, determine its total GHG emissions.

The Firm has agreed to offset these emissions by purchasing GHG credits from other CCX members. GHG credits (known as carbon financial instruments) are generated by members who have reduced their own emissions beyond one percent per year, as well as offset providers, that sequester, destroy or reduce GHGs. The Firm has a monetary incentive to reduce its electricity use and corporate travel. The smaller the carbon imprint, the less money the Firm pays to offset its emissions, in addition to saving on electricity and corporate travel. LP anticipates purchasing about \$10,000 in GHG credits this year to offset its GHG emissions.

Established Environmental Task Force – LP’s environmental task force meets every few weeks and discusses and implements environmentally friendly measures. These measures include the following:

- (a) Mandatory paper recycling and use of paper from sustainable forests;
- (b) Requirement to turn off lights in conference rooms and offices when not in use and placards on walls explaining policy;
- (c) Policy to avoid excess paper use or excess disposable cups. The Firm has provided each employee with coffee cups stating “Levenfeld Pearlstein, Always Thinking Green” (copy attached);
- (d) Firm no longer supplies bottled water.

The Firm enforces these policies in a light-hearted way via tickets (attached) distributed to each violator. Though the tickets do not assess penalties, they have raised awareness and facilitated compliance.

Other measures taken by the task force include:

- (a) Provides fluorescent light bulbs to each employee to encourage employees to start thinking about taking steps at home to conserve electricity and see how easy it is to reduce their carbon footprint without impacting their lives.
- (b) Uses an email trailer on all outgoing correspondence stating “Levenfeld Pearlstein is committed to our environment. Please join us and consider not printing this e-mail unless necessary.”
- (c) Showed *An Inconvenient Truth* to employees.
- (d) Encourages employees to take a “Five-Point Environmental Pledge” (attached) sponsored by the City of Chicago in their everyday lives. The pledge outlines simple measures that each employee can take to save energy, water, our air quality and land, and reduce waste.
- (e) Informs employees and clients about how they can reduce their carbon imprint in newsletters (attached).
- (f) Encourages its real estate clients to employ green building techniques. The lead article in a recent client newsletter to clients informed real estate firms that the time to go green is now. http://www.lplegal.com/job_env_apr07/. The Firm has a Green Development Initiative, which encourages government officials and real estate developers to work together to implement green policies.

Firm Communications—The Firm’s Chairman sent the following written communication to all employees explaining LP’s goals in adopting the sustainability initiative:

I am proud to announce that the Firm’s Executive Committee has made Levenfeld Pearlstein the first law firm in the country to adopt and implement the American Bar Association’s Model Commitment to Sustainability for a Law Organization. The Sustainability Policy sets forth specific written commitments by the Firm to accomplish economic prosperity, while at the same time caring about each other, helping our community and preserving the earth’s resources. Implementation of the Sustainability Policy - which is now posted on the intranet - not only strengthens our Firm’s reputation or “brand,” but the Firm’s efficiency, productivity and employee recruitment and retention. It more closely aligns the Firm with the growing legions of current and/or potential clients who are now embracing sustainability. Moreover, this tool is consistent with the Firm’s continued appreciation for the critical social, environmental and economic issues that lie ahead for society as a whole, and ultimately, for our clients and the Firm itself. We will

be discussing how we can all help to implement the Policy in the future, but in the meantime, please take a few minutes to review it. The Policy is posted on the Firm’s intranet. Additionally, the Environmental Task force has met with each practice group to explain the Commitment and seek input from Firm employees.

Charitable Contributions—In 2007, LP established a formal grantmaking program. The Firm’s 2007 contributions included funding the employment of a licensed clinical social worker at an inner city elementary school, and an early intervention program to combat autism for children of low-income teenage parents.

Diversity— In addition to encouraging diversity in its work force, in 2007, LP announced the establishment of the Levenfeld Pearlstein Diversity Scholarship, to be awarded to a first-year student of the Chicago-Kent College of Law. The scholarship will be available to a student with financial need, whose personal or family background, life, cultural, or ethnic experience contributes to a more diverse environment at Chicago-Kent and in the legal community.

Winning Habits—LP has initiated a program that rewards employees who participate in activities conducive to good health. LP’s vision of wellness encompasses six dimensions: physical, emotional, social, spiritual, intellectual and occupational health. Each month, Winning Habits participants fill out a form (copy attached). When employees achieve certain goals, the Firm awards them with gift certificates at healthy restaurants, movies and spas.

Levenfeld Pearlstein is also the first Chicago law firm to join the Chicago Sustainable Business Alliance. The CSBA is a consortium of Chicago businesses committed to integrating sustainable business principles to generate a more profitable, environmentally respectable, and socially responsible Chicago economy. LP also works with clients to prosecute suits under federal environmental laws and publishes articles on how clients can comply with environmental legal requirements. Levenfeld Pearlstein plans to evaluate its Commitment to Sustainability on an annual basis and make changes as necessary.

JAMES D. BRUSSLAN

James D. Brusslan is head of Levenfeld Pearlstein’s Environmental Law Practice Group. He has extensive experience

prosecuting RCRA and other environmental citizen suits, CERCLA cost recovery matters and environmental property damage class actions. He has practiced with the Chicago office of the United States Environmental Protection Agency and currently counsels and litigates matters for real estate and other clients relating to all environmental matters. He is the Chairman of the Firm's Environmental Task Force and serves on its Green Development Initiative. Mr. Bruslan has authored several articles on citizen suit and CERCLA litigation published in BNA's Environment Reporter, as well as local and national publications. He has appeared on ABA panels on citizen suits.

He earned his J.D. from University of California at Los Angeles and his B.S. from Tufts University. He is admitted for the Bar of Illinois, the Seventh Circuit and the U.S. Supreme Court. Mr. Bruslan is the Levenfeld Pearlstein contact and sustainability leader and can be reached at 312-476-7570 or jbruslan@lplegal.com.

For more information on Levenfeld Pearlstein's approach to sustainability, see:

<http://www.abanet.org/environ/committees/climatechange/ModelLaw/suppinfo/ABAKeystoneJDBPaper.pdf>



Schwabe, Williamson & Wyatt: Sustainability Accomplishments

- All-office Sustainability Kickoff in Metolius Room
- Oregon Natural Step Lunchtime Presentation.
- Organic Farming Lunchtime Presentation
- Alternative Energy Lunchtime Presentation
- Developed Sustainability Best Practices list for the firm
- Carpool Pairing Resource added to SchwabeNet
- Applied for and received City of Portland “Blueworks” sustainability certification
- Converted copy machines and most printers to double-sided image default
- Initiated battery recycling program
- Initiated Tyvek envelope recycling program
- Initiated DVD, CD and VHS recycling program
- Have ongoing cell phone recycling program
- Have ongoing paper, plastic and metal recycling program
- Increased post-consumer waste percentage in copy paper from 30% to 50%
- Increased post-consumer waste percentage in bond paper from 0% to 100%
- Converted to all environmentally safe cleaning products
- Installed motion sensor lighting in satellite copy rooms, file rooms and tax library
- Now use metal silverware instead of plastic ware
- Now use ceramic washable plates instead of paper plates in conference center
- Restricted office supply deliveries to two days per week.
- Worked with supply vendor to convert from corrugated packaging to reusable totes for all supply shipments
- Upgraded to a hybrid Toyota Prius for the firm automobile
- Coordinating with firm caterers to minimize packaging and where possible, to use packaging that is recyclable
- Marketing materials are printed on recycled paper with soy based ink
- Send used computers, monitors and other electronic gear to Free Geek with donation to re-use or recycle.
- Use “virtual” servers where possible, reducing heat and HVAC requirements in server rooms.
- Purchased greenhouse gas offset credits from Climate Trust to offset over 2,600,000 pounds of carbon emitted through Portland office electrical use
- Use carpet tiles, low VOC paints and low energy lighting in office remodel
- Evaluate amount of recycled materials and recyclability of office supplies and furnishings prior to purchase
- Installed compost bins in lunchroom kitchen and at all coffee stations
- Used coffee grounds are offered to employees as compost
- Established re-usable mug program with downstairs Starbucks store
- Participated in the Westside Transportation Alliance Carefree Commuter Challenge
- Participated in City of Portland “SmartTrips Downtown” program.
- Eliminated plastic liners on wastebaskets by providing pitch cans for recycle boxes.
- Eliminated paper pay stubs by providing online payroll information

General Information

CONSUMER SITES

Ass'n of Home Appliance Mfrs.....	http://www.aham.org
Buy Energy Efficient.....	http://www.buyenergyefficient.org
Calculate Your Carbon Footprint.....	http://www.carbonfootprint.com
Energy Calculator	http://www1.eere.energy.gov/consumer/calculators/homes.html
For Kids.....	http://www.meetthegreens.org
Freecycle.....	http://www.freecycle.org
Fuel Costs	http://www.fueleconomy.gov
Junk Mail solutions	https://www.dmachoice.org
National Geographic Green Guide	http://www.thegreenguide.com
NRDC Green Living Toolbox	http://www.nrdc.org/greenliving/toolkit.asp
Recycling Center Locator (Earth 911)	http://earth911.org

GOVERNMENT SITES

DOE's Energy Guide.....	http://www.eere.energy.gov
EPA Climate Change Resources.....	http://www.epa.gov/climatechange

GREEN BUSINESS NEWS

BNA World Climate Change Report	http://climate.bna.com
City Business Journals Green	http://green.bizjournals.com
Climate Biz	http://www.climatebiz.com
Climate Change News Digest	http://www.climatechangenews.org
Environmental Capital (WSJ blog)	http://blogs.wsj.com/environmentalcapital

Environmental News Network	http://www.enn.com
Green Business News	http://www.businessgreen.com
GreenBiz.com.....	http://www.greenbiz.com
Greenwire.....	http://www.eenews.net/gw

ENVIRONMENTAL ORGANIZATIONS

Conservation International	http://www.conservation.org
Environmental Defense Fund	http://www.edf.org
Global Green USA	http://www.globalgreen.org
Natural Resources Defense Council.....	http://www.nrdc.org
Nature Conservancy	http://www.nature.org
Pew Center on Global Climate Change.....	http://www.pewclimate.org
Sierra Club	http://www.sierraclub.org
World Wildlife Fund.....	http://www.panda.org

ENERGY AND RELATED TRADE ASSOCIATIONS

American Council on Renewable Energy	http://www.acore.org
American Wind Energy Association	http://www.awea.org
Business Council for Sustainable Energy	http://www.bcse.org
Cleantech Venture Network	http://www.cleantech.com
Forest Stewardship Council	http://www.fscus.org
Geothermal Energy Association.....	http://www.geo-energy.org
National Hydropower Association	http://www.hydro.org
Ocean Renewable Energy Coalition.....	http://www.oceanrenewable.com
Renewable Fuels Association	http://www.ethanolrfa.org

Solar Energy Industries Association <http://www.seia.org>

U.S. Green Building Council <http://www.usgbc.org>

OTHER RELATED ASSOCIATIONS

Alliance to Save Energy <http://ase.org>

American Council for an Energy-Efficient Economy <http://www.aceee.org>

Chicago Climate Exchange <http://www.chicagoclimatex.com>

Consortium for Energy Efficiency <http://www.cee1.org>

Council for an Energy-Efficient Economy <http://www.aceee.org>

European Climate Exchange <http://www.europeanclimateexchange.com>

International Energy Agency <http://www.iea.org>

UN Environment Agency <http://www.unep.org>

About the Authors



RACHAEL LOPER

Rachael Loper is Industry Teams Manager at Nixon Peabody LLP. Prior to going in-house, she was the Director of Marketing and Business Development at Greenfield/Belser, the leading design firm for the legal industry. She is the author of “It’s All About Who Knows Whom,” published in the March 2008 issue of ILTA’s Marketing Technologies magazine. Her article on collaborating with the library function within law firms, titled “Evolve, Evolve, Evolve,” appeared in the Fall 2008 issue of AALL’s PLL Perspectives magazine.



ROBERT LOPER

Robert Loper is a freelance writer and editor with clients in both the for-profit and non-profit sectors. In the legal space, he has written for The Brand Research Company, Nixon Peabody LLP and Legal Times among other organizations.