
Law Office Sustainability— The Next Generation

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Environmental, energy, and natural resource lawyers spend a good part of their professional lives advising clients on how to be more environmentally sustainable—how to resolve environmental problems, lessen environmental footprints, and, ideally, go beyond regulatory compliance to minimize the environmental impact of their operations. A growing number of law offices are now turning their environmental sustainability gaze inward in an effort not only to talk sustainability with their clients but also to “walk” it within their own firms. This article briefly discusses the “what,” the “why” and the “how” of law office environmental sustainability, and explores what we believe to be a key “next generation” sustainability resource, the American Legal Industry Sustainability Standard (ALISS).

At its core, the “what” of law office sustainability is about conserving energy and resources, and decreasing the environmental impacts that can be traced to a law firm’s operations. Many firms begin with programs that focus on improving energy efficiency and conservation; reducing paper usage; increasing recycling and minimizing waste; purchasing supplies made from recycled materials; and promoting alternative energy or off-setting emissions associated with energy consumption (for example, by purchasing renewable energy certificates). Indeed, these goals are at the core of the ABA-EPA Law Office Climate Challenge (www.americanbar.org/groups/environment_energy_resources/public_service/aba_epa_law_office_climate_challenge.html). The Climate Challenge began several years ago and its growth since then—with nearly 300 law firms and law departments participating in one or more of its programs today—is proof positive of the rise of sustainability efforts within the legal profession.

The reasons “why” law firms implement sustainability measures are numerous and varied, but a few common themes emerge. First, sustainability programs may promote a firm’s values and “culture.” A commitment to sustainability—just like commitments to providing pro bono legal services and to promoting diversity and inclusion in the workplace—can be a tangible way for a firm to express and act on its corporate social responsibility values.

Second, the growth of sustainability programs and measures at law firms mirrors that in society as a whole. As more and more corporations report publicly on their sustainability efforts and progress, they are increasingly giving preference (through Requests for Proposals, surveys or audits, and other mechanisms) to service providers and partners that make similar environmental commitments.

Third, sustainability programs can save money by making firm operations more efficient. A change from single-sided to double-sided printing and copying, for example, can dramatically reduce a firm’s paper consumption costs. Efforts to maximize paperless workflows can reduce paper consumption that much more. Likewise, making changes that increase energy efficiency and conservation can lead to lower electricity bills.

Finally, a law office sustainability program—to the extent it reflects the values of firm employees and potential new

hires—can help increase firm morale and serve as a recruiting tool.

Environmental law practitioners likely understand the “what” and the “why” of law firm sustainability better than most lawyers. The big question then is “how”—How can I get my firm to initiate or expand its sustainability program beyond the initial steps many have already taken?

The good news is that a number of resources exist for firms looking to increase their sustainability efforts. As noted above, the ABA-EPA Climate Challenge offers a terrific starting point, with programs focused on office paper management, energy conservation and efficiency, and renewable power. ABA’s Section of Environment, Energy and Resources (SEER) has also developed the Sustainability Framework for Law Organizations (www.americanbar.org/groups/environment_energy_resources/public_service/model_law.html), which includes a flexible model policy that can be customized to fit the goals and values of participating firms. In addition, many state and city bar associations now have sustainability programs of their own to which member firms may subscribe. (Among others, state bar associations in California, Massachusetts, Oregon and Pennsylvania have such programs.)

Newer to the arena is the Law Firm Sustainability Network (LFSN) (www.lfsnetwork.org), a growing network of firms designed to foster knowledge-sharing and collaboration, establish key performance indicators and benchmarks, document best practices, and recognize innovative sustainability efforts. The LFSN holds monthly roundtables and webinars with member firms, and sustainability experts and business people to share experiences, discuss ideas and help solve problems. The group also provides resources to its member through a case study library, knowledge bank and forthcoming quick tip guides. LFSN seeks to harness the power of networks by allowing member firms to build upon each other’s experiences—both successes and failures—to improve their environmental performance.

The signature initiative of the LFSN, and what we consider to be a big part of the “next generation” of law office sustainability resources, is the American Legal Industry Sustainability Standard (ALISS). ALISS is a self-assessment tool that is designed to help law firms measure their environmental sustainability efforts and provide guidance regarding potential areas for improvement. ALISS will recognize law firms that demonstrate environmental leadership by awarding points for the sustainability actions that firms undertake. Those points will translate into award levels that participating firms may display on their websites and in marketing materials as recognition for their efforts.

ALISS, which is currently being tested in a pilot phase by approximately one dozen LFSN member firms, is organized around five main sustainability categories: (1) Internal Stakeholder Engagement (participation by firm leaders and employees in sustainability activities), (2) External Stakeholder Engagement (engaging others—such as suppliers, clients, and the community—to promote sustainability), (3) Internal Sustainability Activities (actions firms are taking to reduce environmental impacts in their operations), (4) Measuring and Reporting (quantifying the environmental impact of firm operations and setting targets for improvement), and (5) Innovations and Challenge (encouraging novel or creative initiatives or solutions).

In short, not only does ALISS allow firms to measure objectively how they are doing on certain key sustainability indicators and to chart their progress over time, it offers a

roadmap for additional steps firms can take to improve their sustainability. It is the hope of LFSN and its member firms that ALISS will become for law firms the equivalent of “LEED” certification for commercial building developers.

For ALISS to achieve such a lofty goal—and, more importantly, for sustainability to become embedded in law firm operations as a matter of course—will require leadership and active participation from those lawyers who are closest to environmental issues. Just as environmental bar groups such as SEER provide a forum and resources to help members become better environmental lawyers, we believe that LFSN, ALISS and the other sustainability programs mentioned in this article provide a forum and resources for law firms to become better environmental stewards—to take sustainability to the next level.

Climate change and sustainability are likely to be increasingly important issues for society in general, and for environmental law practitioners in particular, in the coming years. Whether your clients are heavy industry, state and

local governments, or environmental NGOs, as awareness about sustainability continues to grow, the people hiring you to advise them on *their* environmental issues may start asking more frequently what you have done lately to address *your own* environmental issues. Rather than only telling clients or others what they can and should be doing to improve their environmental performance, we encourage all environmental lawyers and their firms to also put some energy into what they can do themselves. Figuring out how to get started or take the next steps is often the hardest part, but we believe with the resources described above your firm can be well on its way to more sustainable operations in no time! 🌳

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