

Illinois State Bar Association Model Environmental Policy

The Illinois State Bar Association (ISBA) has developed the following model environmental policy for use by its members and others in the Illinois legal community. The policy is a natural extension of the ISBA's purposes, as set forth in its Charter, to "promote the general welfare of the members of the Association" and to "establish and maintain the honor, standards and dignity of the legal profession." This policy will have a positive environmental impact on all ISBA members as well as the greater community which they serve. In addition, in the face of an ever growing number of green certifications and programs, this policy: provides law firms a readily understandable framework to incorporate environmentally beneficial actions into their practices; provides an express and objective statement of environmental stewardship to legal consumers who wish to base, at least in part, their selection of legal counsel upon the environmental practices of the firm; is an extension of the legal profession's long-standing practice of self-regulation; and is an expression of lawyer leadership on important community issues.

Since ISBA members have unique and varied interests and work environments, this Model Policy is written to maximize flexible implementation.¹ This Model Policy is accompanied by a brief explanation of goals, implementation guidelines, and resources. The Model Policy itself has no requirements. Instead it sets forth positive environmental *goals* in several categories. This includes a detailed explanation of the various categories to help lawyers interpret the Model Policy's goals. Next, specific *guidelines* are set forth to implement a successful environmental policy, much as there are specific steps to trying a case or closing a transaction,. Finally, a *resources* section provides examples of what has been done by others and also provides a jumping off point for more creative efforts. The resources section is not exhaustive nor is it intended to constrain implementation. Members are encouraged to be creative in their efforts to meet the Model Policy's goals and to share them with the ISBA and other ISBA members. This Model Policy is largely based upon the environmental component of the American Bar Association Section of Environment, Energy and Resources Sustainability Framework for Law Organizations in order to assist integration for firms wishing to adopt both policies.

I. Model Policy Goals

The decisions we make as individuals and as an organization have an impact on the quality of our environment, our clients' environment, and our community's environment. In order to make a positive impact, we resolve to take the following actions:

Resource and Energy Conservation: We will conserve our use of natural resources and energy to the extent practicable.

¹ This policy has been written for attorneys in any work setting (e.g., solo practitioners, non-profit legal offices, firms of varying size, and government legal offices), but for the sake of simplicity this document will use the term law firm to refer to all arrangements.

Waste and Pollution Management: We will reduce to the extent practicable the quantity and relative environmental impact 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 also reduce to the extent practicable the direct and indirect emissions of greenhouse gases and other harmful air pollutants from our operations and travel.

Reduction of Supply Chain Impacts: We will work with others in our supply chain to the extent practicable to reduce adverse environmental impacts and risks associated with our operations and to optimize environmental benefits.

II. Explanation of Policy Goals

What are “Resource and Energy Conservation,” “Waste and Pollution Management,” and “Reduction of Supply Chain Impacts?” While the goals within the various categories are largely self-explanatory, the following points should be kept in mind. First, the Model Policy encourages flexible implementation tailored to a law firm’s unique situation over rigid implementation. The goals are meant to help the law firm move forward in assessing its unique operations and to identify where to take action. They are not designed or intended to be a generic checklist that serves only as a well intentioned reporting device. Second, in large part because of the first point, there is substantial overlap in these categories and any one action may have positive impacts in two or even all three categories.

A. Resource and Energy Conservation

As with any business, a law firm directly and indirectly consumes resources and energy. Direct resource consumption includes office supplies, computers, printers, promotional products and water among others. Direct energy consumption includes electricity to power the office, natural gas to heat the office, and the transportation fuel for business trips. The range and extent of these resource and energy impacts, as well as the firm’s ability to control these impacts, varies according to the law firm. A law firm that owns its office space has more control and, therefore, a greater ability to influence the environmental performance of the building than a law firm which leases its office space. A law firm servicing the local community and located across the street from the courthouse has already taken steps to reduce its energy consumption, while the attorneys of a law firm with a broader geographic range may travel much more. The law firm also indirectly consumes resources and energy. For example, clients may provide the firm legal documents and correspondence in hard copy, and personnel and clients consume fuel traveling to and from the office.

The resources section below provides links to a variety of legal and business organization materials designed to reduce the environmental impact of an office-based business. As such, the resources contain numerous ways of reducing the amount and impact of paper and ink consumption. While not exhaustive, a law firm may choose to

use electronic forms; make duplex printing the default setting; use recycled paper; correspond only electronically (e-mail and video conferencing) with willing clients; use lower quality print settings for drafts; and use vegetable based inks. A law firm may lessen its energy consumption and associated environmental impact by purchasing renewable energy; using power saving settings on printers, computers, and kitchen appliances; decreasing the energy consumption of its lighting and HVAC system; encouraging public transportation and alternative work arrangements; and purchasing offsets for business travel and renting fuel efficient vehicles.

B. Waste and Pollution Management

In many respects waste and pollution management is achieved by resource and energy conservation measurements: the best way to handle waste and pollution is not to generate it in the first place. Nevertheless, waste is often unavoidable. That being said, whether something is waste is a matter of perspective and law firms should keep in mind the old adage that one person's garbage is another person's treasure. Can old office furniture or computers be donated to a non-profit or some other worthy organization? Can left over food from a firm meeting or event be donated to a local food kitchen?

If the waste cannot be eliminated or the waste cannot be repurposed, the original products should be chosen to maximize recyclability, to minimize the waste generated, and to minimize the inherent environmental harm associated with a product that will ultimately be discarded. Again, the resources section below provides links to a variety of legal and business organization materials designed to minimize the volume and environmental impact of office waste.

C. Reduction of Supply Chain Impacts

Consumers rarely know the history of the products they are using yet two otherwise identical products, regardless of whether it is an office machine or catered food, may have vastly different histories and environmental impacts. One product may have traveled 50 miles and another may have traveled 5,000 miles in the process, accounting for different levels of fuel consumption and air pollution. A supplier may carry functionally identical products, while one was manufactured according to a certified green process and the other was manufactured under less stringent environmental requirements. Third-party certifications and suppliers are making it increasingly easy for consumers to identify the supply chain impacts of their products.

The resources section below provides a link to a variety of relevant resources. In addition, many government agencies are now required to account for these factors and have made their data publicly available.

III. Implementation Guidelines

ISBA encourages law firms to advertise its participation in this program and to post the law firm's policy as well as its achievements on its website or in a place visible to its clients.

A baseline assessment of a law firm's performance is the foundation of a successful environmental policy. It allows a law firm to determine areas in which it may improve, set specific performance goals, and ascertain whether these goals have been met. An internal baseline assessment can be conducted by collecting information such as amount of electricity consumed and an inventory of the computers, printers, copiers and other devices drawing power. Likewise, the law firm can collect information about the quantity and environmental characteristics of office supplies. The broader the scope of the initial baseline, the more options the law firm has available. This Model Policy does not require the law firm to take actions in all of these areas, instead it allows the firm to choose the options that best meet its desired policy outcomes (e.g., most cost-effective options, limiting air pollution).

The information generated by a baseline assessment allows a law firm to establish goals uniquely tailored to the law firm's location, resources, resource consumption patterns, and other factors. Goals may be either qualitative or quantitative in nature, or in many cases both. For example, a law firm may wish to address the environmental impact of its printing. The law firm may set qualitative goals such as requiring the use of paper with a certain amount of recycled content, encourage duplex printing when possible, or using environmentally friendly inks. Alternatively, the law firm could set a qualitative goal of reducing total paper consumption by 15% from the baseline assessment. A law firm could even undertake a more complicated quantitative goal such as reducing its carbon foot print or greenhouse gas emissions by a specific amount. Finally, a hybrid goal could be developed in which, for example, the law firm's goal is to use paper with recycled content when possible and to reduce paper consumption by 15% from the baseline assessment, with duplex printing being one of the strategies to achieve that goal.

The success of a written policy is dependent upon its implementation. The law firm must secure the approval and buy-in at every level starting in the initial planning stage. The individual law firm policy should also be implemented by a committee that draws from both attorneys and staff. In fact, many law firms who have implemented these policies have found the office manager and other staff's input invaluable. This ensures a variety of viewpoints which will encompass all aspects of the law firm and hence all opportunities to maximize the law firm's performance. The policy and the measures that the law firm plans to undertake should be formally adopted and announced by the firm and posted throughout the office.

Having established the baseline performance of the law firm and selected goals, the law firm needs to measure whether goals have been met. The law firm should conduct a follow up assessment or at least measure its performance in the areas in which it chose to take action at least annually. This feedback allows the law firm to fine tune its performance or, having met its goals, to tackle new issues. It is also a great opportunity for the law firm to publicize its success.

IV. Resources*

Illinois

Chicago Green Office Challenge

www.chicagogreenofficechallenge.org/pages/take_the_challenge_/6.php

www.icleiusa.org/climate_and_energy/green-business-challenge

Illinois Green Governments Coordinating Council

www.standingupforillinois.org/green/govdb.php

Illinois Green Business Association

<http://www.illinoisgba.com/>

ABA

ABA-EPA Office Climate Challenge Program

www.abanet.org/environ/climatechallenge/home.shtml

ABA-EPA Law Office Guide to Energy Efficiency

www.abanet.org/environ/climatechallenge/lawofficeguide.pdf

ABA Section of Environment, Energy, and Resources

www.americanbar.org/groups/environment_energy_resources/resources.html

WasteWise Program

www.americanbar.org/groups/environment_energy_resources/projects_awards/aba_epa_1aw_office_climate_challenge/office_paper_wastewise.html

One Million Trees Project - Right Tree for the Right Place at the Right Time

http://www.abanet.org/environ/projects/million_trees/home.shtml

Legal Organizations

State Bar of California

Lawyers Eco-Pledge and Law Office Sustainability Policy and Guidelines

environmental.calbar.ca.gov/EnvironmentalLaw/Sustainability.aspx

Massachusetts State Bar Association

Green Guidelines

www.massbar.org/about-the-mba/initiatives/lawyers-eco-challenge/green-guidelines

Columbus Bar Association (Ohio) *Green Initiative*

www.cbalaw.org/committees/service/green-initiative/

Oregon State Bar Association

Office Practices

<http://osbsustainablefuture.org/home/office-practices/>

Barry Woods, “Advancing the New Economy—Oregon Lawyers Embrace Sustainability,” *Oregon State Bar Bulletin*, Oct. 2009

<http://www.osbar.org/publications/bulletin/09oct/newecon.html>

Oregon Lawyers for a Sustainable Future

Law Office Sustainability Tools

www.earthleaders.org/olsf/office_practices

State Bar of Texas

Green Star Program

www.texenrls.org/ENRLSSBOTGreenStarCertification.cfm

US EPA

Guidance on Green Office Supplies

www.epa.gov/oaintrnt/practices/supplies.htm

Environmentally Preferable Purchasing

www.yosemite1.epa.gov/oppt/eppstand2.nsf

US EPA and DOE’s Energy Star™ certification program for energy-efficient equipment

www.energystar.gov/

Guide to Purchasing Green Power

www.epa.gov/greenpower/documents/purchasing_guide_for_web.pdf

Miscellaneous

Environmental Paper Network

www.calculator.environmentalpaper.org/

William Blackburn Consulting, Ltd.

www.wblackburnconsulting.com/

Electronic Product Environmental Assessment Tool (EPEAT)

www.epeat.net/Criteria.aspx

The Carbon Trust Carbon

www.carbontrust.com/resources

Ceres

<http://www.ceres.org/resources>

B Lab

<http://www.bcorporation.net/>

United States Green Building Council

www.usgbc.org/

www.usgbc-illinois.org

Rachael Loper and Robert Loper, “How Green is My Law Firm,” White Paper for The Legal Marketing Association, Nov. 2008

www.carltonfields.com/files/upload/Going%20Green%20-%20FINAL%5B1%5D.pdf

The Greater Philadelphia Green Business Commitment—Tenant Checklist and Owner Checklist www.phillygreenbiz.com/the-checklist

Green Cities California

www.greencitiescalifornia.org/

Portland Green Office Guide

www.oregon.gov/ENERGY/CONS/BUS/docs/Green_Office_Guide.pdf

Columbus, OH GreenSpot Program

<http://www.columbusgreenspot.org/>

Kyle Schoppmann, Mindee Metz, and Sally R. Wilson, “Law Firms Build a Case for Green,” CB

Richard Ellis Special Report (2010)

http://marketing.cbre.com/corpcomm/misc/LFPG_Sustainability_Report_ONLINE.pdf

* All links current as of December 14, 2012. Please visit the ISBA Environmental Law Section website at <http://www.isba.org/sections/environmentallaw> for updated and additional links.