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Going Green

Lawyers Do Their Part for Our Environment

BY MICHAEL B. HAYES, KIM R. JESSUM
AND SOPHIA LEE



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It's easy to be

green





By Michael B. Hayes, Kim R. Jessum and Sophia Lee

One of Chancellor Scott F. Cooper's most important initiatives for his year in office is the Philadelphia legal community's impact on the environment. "We have all heard about the potential effects of global warming on our environment. But few among us have given serious thought to how this trend impacts us locally – and professionally. The legal profession often sees itself as unrelated to environmental issues. But we are very connected," Cooper told Bar members back in December.

Cooper set forth an initiative to minimize the legal community's impact on the environment. The first step in the initiative was to establish a Green Ribbon Task Force comprised of members from various sized firms and legal departments. The goals of this Task Force are to encourage the Bar Association, law firms, legal departments and courts to become more "green" and to educate attorneys in their firms and as individuals as to how they can better impact the environment.

Thus far, the Green Ribbon Task Force has gathered information about what the Bar Association, law firms, and other organizations are doing. This article summarizes what the Task Force has learned to date.

Bar Association Green Efforts


The Task Force was happy to find that the Bar Association has already undertaken significant steps to reduce the environmental impact of its own day-to-day operations. Based on interviews with staff members, the Task Force discovered that the Bar Association recently began utilizing partially recycled paper for copying and for its monthly *Philadelphia Bar Reporter* newspaper. In addition, the Bar Association has cut down its paper usage by nearly 30 percent over the past five years; much of which can be attributed directly to the Association's increased utilization of e-mail notices and "blasts" in lieu of paper mailings. To be sure of receipt, the Association still mails certain invitations and notices to its members, but the frequency and number of those mailings have been substantially reduced.

The continuing evolution and expansion of the Bar Association's website, coupled with its

development of the Bar Reporter Online and Upon Further Review electronic newsletters, as well as the Bar's new presence on social media sites, including Facebook® and Twitter®, leave no doubt that the Association intends to connect with its members in ways that are relevant and environmentally conscious. In fact, the Green Ribbon Task Force has its own web page on the Bar Association's website (www.philadelphiabar.org/page/green).

In addition, the Bar Association's offices at 1101 Market St. utilize single-stream recycling with clearly marked recycling containers in each of its meeting areas. For the unfamiliar, single-stream recycling begins with a single recycling receptacle for paper, plastic, metal and glass waste – all of which are later separated and then individually recycled for re-use. In fact, the entire building that houses the Bar Association utilizes single-stream recycling – which reflects the City of Philadelphia's commitment to the pursuit of more environmentally responsible behavior.

As anyone who has had significant involvement with a Bar Association board, section or committee knows, a lot of meetings take place at the Association's offices, and most of them involve breakfast or lunch. As a result, the Green Ribbon Task Force has initiated a dialogue with Bar



Association staffers to determine whether and how its catering policies can be made more environmentally conscious. The Task Force and Association are discussing the use of water-filtration systems, glasses and mugs instead of styrofoam cups, and staffers have been taking a serious look at more recyclable alternatives to the plastic utensils and plates provided at Bar Association meetings.

Finally, the Task Force spoke with Bar Association staffers about their electricity and other office energy usage and discussed relatively easy methods they can employ to reduce energy consumption. Although the Bar Association does not yet have a formal energy policy in place, Bar staffers already turn off their monitors, printers, copiers, and office lights overnight and on weekends, and utilize ambient sunlight in lieu of electric lighting when reasonably possible. The Task Force anticipates working with the Bar Association to develop formal guidelines around office energy use, but in the meantime, the Association has already taken common-sense steps to reduce its consumption.

Law Firms and Gov. Legal Departments

In March 2007, the American Bar Association (ABA) Section of Environment, Energy and Resources, in cooperation with the U.S. Environmental Protection Agency (EPA), announced the ABA-EPA Law Office Climate Challenge. The Climate Challenge provides law offices with specific methods to conserve energy and resources and reduce emissions of greenhouse gases and other pollutants. According to its website, “Law offices may meet the Climate Challenge simply by undertaking best practices for office paper management or by participating in one or more of three EPA partnership (i.e., voluntary) programs.” “Best practices” for office paper management include reducing paper usage, purchasing paper with increased recycled content, and increasing recycling. The three EPA partnership programs include the EPA’s WasteWise program, which encourages firms to save energy by reducing waste; EPA’s Green Power Partnership program, which encourages firms to purchase energy from renewable sources to cover at least a portion of electricity usage; and EPA’s Energy Star program, which encourages firms to reduce energy use by at least 10 percent by purchasing Energy Star-designated equipment and by implementation of better energy management practices.

In order for law firms to participate, an application must be completed. Any law office that adopts the “best practices” program or meets the minimum requirements for participation in an EPA program, will be recognized as a Law Office Climate Challenge Partner. Law offices that reach a higher

level of participation in at least one of the EPA programs qualify as a Law Office Climate Challenge Leader. Qualifying law offices will be recognized, and, for those that participate in EPA programs, the amount of greenhouse gas emissions avoided by their actions will be posted on the ABA’s Law Office Climate Challenge website.

Firms have already met many of the requirements by buying recycled paper products, printing double-sided copies, providing public transportation incentives, purchasing Energy Star appliances, shutting down computer equipment at the end of each work day, reducing toner settings on printers and recycling toner cartridges, purchasing “green” office supplies, and replacing communications via paper by using more electronic communications. Philadelphia legal organizations that are participating in the Climate Challenge include Cozen O’Connor; Dechert LLP; Duane Morris LLP; Exelon Legal

Department; Gibbons P.C.; Hanglely Aronchick Segal & Pudlin; Klehr, Harrison, Harvey, Branzburg & Ellers LLP; and Reed Smith LLP.

Philadelphia legal offices are also participating in local “green” initiatives. One such local initiative is the Greater Philadelphia Green Business Program (GPGBP), launched last April. “The GPGBP is a program that focuses on the ‘greening’ of operational practices in office environments and was created to fill the ‘office niche’ left by other green programs such as LEED for new buildings and renovations and EPA and DEP regulations for manufacturing facilities,” said Dan Reilly of Drinker Biddle & Reath LLP, chair of the Marketing and Outreach Committee of the GPGBP.

As stated on the GPGBP website, organizations “are making a public promise to change their daily business practices to reduce impacts on the environment.” To participate, organizations commit to designating a green committee or advocate and

meeting seven mandatory requirements and 20 elective measures chosen from a long list. “Current membership in the GPGBP is approaching 100 companies/firms and includes numerous law firms, such as Drinker; Morgan Lewis & Bockius LLP; Duane Morris LLP; and Manko, Gold, Katcher & Fox LLP,” Reilly said.

Last April, Mayor Michael Nutter, through Philadelphia’s Office of Sustainability, released a comprehensive plan, known as Greenworks Philadelphia, to make Philadelphia the greenest city in America by 2015. Greenworks Philadelphia considers sustainability through five areas: energy, environment, equity, economy and engagement. Among the targets are lower city government energy consumption by 30 percent; reduce citywide building energy consumption by 10 percent; retrofit 15 percent of housing stock with insulation, air sealing and cool roofs; purchase and generate 20 percent

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- Chancellor Scott F. Cooper

of electricity used in Philadelphia from alternative energy sources; reduce greenhouse gas emissions by 20 percent; improve air quality toward attainment of federal standards; divert 70 percent of solid waste from landfills manage storm water to meet federal standards; provide park and recreation resources within 10 minutes of 75 percent of residents; bring local food within 10 minutes of 75 percent of residents; increase tree coverage toward 30 percent in all neighborhoods by 2025; reduce vehicle miles traveled by 10 percent; increase the state of good repair in resilient infrastructure; and double the number of low- and high-skill green jobs.

The plan has already been implemented in many city government offices. For example, city attorneys' offices have lighting with motion sensors and computers that shut down after a certain amount of time of idling. Double-sided printing is also required in some offices.

Although many law firms have not joined a specific initiative, such as those offered by the ABA and the GPGBP, they are still implementing "green" policies. Fox Rothschild LLP has established an Environmental Committee, and according to its website, "the firm is committed to reducing its impact on the environment and promoting environmental stewardship." Similarly, Stradley Ronon Stevens & Young, LLP has a Green Committee with a proposed mission to identify and implement ways to mitigate the firm's impact on the environment. In cooperation with its landlord, Stradley provides bins for commingled recyclables that accept clear and colored glass, aluminum cans, bi-metal tins, and #1 and #2 plastics. The firm also has changed from serving water in plastic bottles to providing pitchers of water for on-site meetings and became a business member of PhillyCarShare™.

Further, Drinker Biddle has implemented a wide variety of green measures, including low-cost items, such as using pitchers of ice water instead of bottled water for meetings and purchasing compostable cups, and higher cost items, such as replacing traditional light switches with motion sensors. Even though the replacement of switches had an initial cost, it has resulted in a reduction of approximately \$1,800 per month in energy costs. According to Reilly, Drinker has also installed recycled wastebaskets for conference rooms and coffee areas; recycled carpeting; purchased custom furniture made of wood from the green certified forests registry; used eco-friendly low VOC paints during a recent renovation; held light bulb drives; implemented a battery recycling policy; provided bike racks for commuting; and installed filtered water systems in kitchenette areas.

Corporate Legal Departments

Companies wanting to be good corporate citizens are constantly looking for opportunities to engage in sustainable business practices. Going green as a means to avoid wasteful practices is one such strategy that is not only good for the environment, but can also ultimately benefit the bottom line by eliminating wasteful spending. Corporate legal departments are a critical part of the success of such a business strategy.

According to the ABA Section of Environment, Energy and Resources, an informal survey of law firms found that lawyers use up to a half-ton of printer and copier paper over

the course of a year. That figure did not include the use of special papers, nor did it account for paper consumption in connection with use of copying services or for trial preparation. To put that volume of paper use into perspective, the life cycle of one ton of office paper releases nine tons of carbon dioxide equivalent gases, from wood production to the recycling process.

Corporate legal departments no doubt recognize that much of the printer and copier paper use by law firms is for the benefit of keeping the corporate counsel client informed of the status of matters for which the law firm has been retained. Corporate counsel are often sent paper versions of correspondence, status reports, summaries and enclosure letters attaching copies of legal filings (with exhibits), deposition transcripts (with exhibits), expert reports (with exhibits) and copies of document productions from opposing counsel, just to name a few examples.

Some corporate legal departments have implemented outside counsel policies and procedures that require electronic transmission of documents to the greatest extent possible. And, to the extent that there is IT capacity to manage such a process, some corporate legal departments require that outside counsel submit all invoices via an electronic billing system, thereby eliminating the need to send paper invoices and multiple pages of receipt attachments that often accompany the invoice. Furthermore, some companies have capacity to transfer funds electronically in payment of the invoice, which eliminates the need to send a paper check in a paper envelope.

Internally, corporate law departments are helping to reduce greenhouse gas emissions by purchasing recycled paper for use in copiers and printers, requiring that all printers default to the double-sided print option and eliminating the use of banner pages for print jobs. Internal business meetings are often conducted without the distribution of numerous copies of paper agendas and documents, but by use of a single company-issued laptop containing the materials necessary for the meeting connected to a conference room screen for view by all of the attendees.

Despite the green efforts that have already been made by the different legal entities, the legal community still needs to do more. As stated by Chancellor Cooper, "Regardless of size, any law office – whether a private firm, nonprofit or government agency, or law school clinic – can take steps to reduce energy use and waste, thus creating less to be disposed of in landfills and less demand for energy production with its environmental impacts." For further information on how law firms, legal departments and individual attorneys can make an impact, please visit the Green Ribbon Task Force website at www.philadelphiabar.org/page/green. ■

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