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LEGAL TECH

The Greening of America's Law Firms

Global and national economic pressures influence firms to go green

By Susan L. Ward

U.S. law firms are beginning to be confronted with questions regarding their implemented environmental policies. On the other side of the pond, firms in the United Kingdom have dealt with these issues for some time. "Pro bono work and charitable programmes have been around pretty much for ever," said Tom Page, partner at the London office of CMS Cameron McKenna. "Green initiatives are newer, but our firm, which is probably fairly typical, has had some form of green policies for a long time, long before RFPs started including them in their requirements." In practice, Page said, one merely checks the appropriate box on a form. However, some U.S. firms are asked to provide substantial review of manufacturing recycling programs as well as business environmental programs.

Several U.S. firms have adopted internal practices to reduce their carbon footprint by saving energy, reducing paper usage, and engaging in extensive recycling programs. Others, after complying with ABA-EPA Law Office Climate Challenge Waste Wise, Green Power Partnership, and Energy Star Programs, and LEED (Leadership in Energy and Environmental Design) certification, developed by the U.S. Green Building Council, are positioning their firms and their environmental and relat-

ed practice areas strategically in legal markets.

The greening of America's law firms has not reached critical mass, but the tipping point may come soon. Global and national economic pressures affect law firms, and as consumer concerns about global warming influence corporate strategy, law firms must adapt and respond to the same sustainability challenges as their corporate clients.

Additionally, firms find themselves in the worst legal market since 2001, under the cloud of a countrywide recession. Now is the time for management, technology and marketing departments to join forces and establish green initiatives that cut expenses, lessen greenhouse gas emissions and promote corporate social responsibility. As *New York Times* columnist Thomas Friedman said, "Green is the new red, white and blue."

Green corporate responsibility isn't completely altruistic, although the most recent McKinsey report addressing consumer concerns about climate change focuses on the trust gap between the public and business. In three recent global surveys, McKinsey reports that corporate executives and consumers express equal concern about climate change and other environmental issues, and 80 percent of global executives expect climate change regulations within five years. The other side of the coin is profitability: the reduction of expense

by eliminating wasteful practices and adopting clean energy use coupled with the creation of growth opportunities.

"The movement is evolving," said Zacharie Mondel, co-founder and operating officer of the Florida-based Global Green Energy Consortium (GGEC), an organization which promotes sustainability certification and vendor interoperability between 4,600 companies in all industries. "We are at the beginning of a major growth era," Mondel said. "The U.S. has not ratified the carbon-credit/carbon-offset movement. It is a huge global movement in Europe and the Far East. A lot of states are looking into caps on trading carbon emission plans." With the U.S. refusal to ratify the Kyoto treaty, attempts to legislate carbon fees have failed at the municipal or state government level.

For example, the San Francisco Bay Area Air Quality Management District recently proposed charging carbon fees for greenhouse gas emissions, which would offset the costs of the Climate Protection Program in that district. But in a document released in early March, the Environmental Protection Agency said that greenhouse gas emissions were not unique to California and that the entire country is affected by global warming.

Several states, including New Jersey, were poised to follow California's lead in reducing GHG emissions. Mondel believes restrictions will remain voluntary in the U.S. with its layers of federal, state and industry standards. "There is a lot of confusion in the marketplace among companies that want to be in compliance," he said.

Ward is marketing and communications director at Carlin & Ward in Florham Park and the former chair of the Legal Marketing Association Membership Committee.

The business community wants to engage with someone who has experience: How green are we? How can you help us? What makes you the expert? Still, businesses and law firms can't simply "greenwash" their environmental practices with empty slogans and marketing programs. Trust is demonstrated by walking the walk before staking a claim in green practices.

Alvidas Jasin, director of business development at Thompson Hine, is one of 1,000 individuals chosen to advocate Al Gore's Climate Project. Jasin recently addressed members of the New York chapter of the Legal Marketing Association. Jasin, who volunteers his time and speaks frequently on the topic of global warming, urged marketers to work with firm management and their IT departments to create awareness and reduce energy consumption.

West Coast firms are leading the way. Wendel, Rosen, Black & Dean, the first law firm in the country to be certified as a green business, has practice groups dedicated to green businesses in areas such as organics, fair trade, renewable energy and climate change. Marketing director Lydia Bednarik considers the firm's green activities to be an important component in marketing and networking efforts. "When it comes down to it, firms still need to be top notch," she said, "but if they also share the values of their clients, they may have a leg up in the decision-making to hire."

Farella Brun & Martel was the first law firm to be Green Certified by the city of San Francisco and the second firm tracking air emissions with California's Climate Action Registry. Being "green" is considered one of the firm's core values. The firm established a Green Task Force and implemented programs to recycle paper, batteries, computers, supplies and furniture, among other initiatives.

Nixon Peabody rebranded the firm with a campaign and service mark, "Legally Green." Following a corporate model, the firm appointed the first Chief Sustainability Officer in a law firm, and

integrated existing practice areas into broad groups, under the headings Clean Tech, Green Buildings and Sustainable Development, Renewable Energy, Climate Change and Green Investing. The firm made strides by greening its culture, securing LEED certification in their San Francisco office, improving recycling practices, and compliance with its own supply chain.

Portland, Ore.'s Tonkin Torp launched a Sustainability Practice Group leveraging the firm's renewable energy, forestry, and green building practice areas. The firm also publishes the Sustainability Law Blog; a recent post titled, Regional Climate Initiatives Move Forward with Emissions Trading Mechanisms discusses both the Regional Greenhouse Gas Initiative and the Western Climate Initiative, and their timelines for GGE credit trading mechanisms.

Andrew Cooper, a partner at Washington, D.C. based Dickstein Shapiro, said an attorney took the initiative of forming an Environmental Committee, comprised of attorney and staff members, to look at their carbon footprint. The committee encouraged paper recycling and double-sided printing, replaced disposable cups with reusable ones made from 100 percent corn plastic, and increased environmental awareness firm-wide. "As an attorney whose own practice is entirely in environmental law, I am pleased to let clients know that our firm is undertaking its own green initiative," he said.

There are approximately 900 LEED certified office buildings, according to the U.S. Green Building Council, a non-profit trade organization, and that number is expanding at the rate of 100 per week. Drummond Woodsum, a 45 lawyer firm in Portland, Me. is designing 30,000 square feet of office space in a new building with recycled carpeting and ceiling tiles, cork flooring, and energy-efficient lighting fixtures, according to marketing manager Ruth Wentzel. "One of the most effective ways to become more environmentally efficient is to move to a greener building, fol-

lowed by reducing paper consumption and traveling less," said Gastón Bilder, whose blog Derecho y RSE en América Latina focuses on law and corporate responsibility in Latin America.

"I think that 'green initiatives' can and should encompass much more than being the tenant in a green building," said Lincoln Hobbs, owner of Hobbs & Olson, a small firm in Salt Lake City. "Our profession has a long and adverse reputation for burning through paper and energy and other wasteful practices." Indeed, each attorney in the U.S. consumes the paper equivalent of one ton of wood per year, making the legal profession the single biggest user of paper. The life-cycle of one ton of office paper, according to the ABA Section of Environment, Energy and Resources, releases nine tons of carbon dioxide equivalent gases, from wood production to recycling processes.

Susan Jacobs, marketing director at All State Legal, one of the biggest suppliers of law firm stationery, paper and related products, recently announced that the company became the first nationwide engraver to achieve the Forest Stewardship Council Chain-of-Custody certification. The company offers "tree free" 100 percent cotton fiber paper among its products.

"At the end of the year, when your managing partner is evaluating your value to the firm, your answer should hopefully be in terms of dollars and clients, not in wattage, gallons and reams," advised Rachel Loper, Industry Team Manager at Nixon Peabody. Still, a firm needs to know something about its carbon size to calculate how much energy and money can be saved. To champion green initiatives, firms can get started with the ABA-EPA Waste Wise Program and implement three simple practices: purchase office paper with 30 percent recycled content, recycle office paper and use double-sided copying and printing for drafts and internal documents. Get going, get green, and please don't copy or print this page. ■