

ABA TECHSHOW[®] 2 0 0 8

PRESENTED BY THE



LAW PRACTICE MANAGEMENT SECTION

MARKETING • MANAGEMENT • TECHNOLOGY • FINANCE

Meeting the ABA/EPA Law Office Climate Challenge

Presenters:
Lara Pearson
Arthur Harrington

Conference: March 13-15, 2008

Expo: March 13-14, 2008

Hilton Chicago, Chicago, IL

www.techshow.com

When asked to write an article to accompany my TECHSHOW presentation on the ABA/EPA Law Office Climate Challenge (“Challenge”), I was conflicted. Isn’t it contrary to the very spirit of the Challenge to produce yet more paper regarding it? Would it not be more profound to provide a single page containing solely the website of the Challenge: <http://www.abanet.org/enviro/climatechallenge/home.shtml>, from which all relevant information can be obtained either directly or through a link? Despite my reservations, and perhaps based on my desire to please the organizers, this article will address how law offices can meet the Challenge, in addition to providing a checklist of steps we all can take to reduce the damage that we cause to the natural environment.

The U.S. Environmental Protection Agency (“EPA”) along with the American Bar Association’s (ABA’s) Section of Environment, Energy, and Resources and Section of Law Practice Management launched the ABA/EPA Law Office Climate Challenge in March, 2007 in hopes of encouraging law offices to improve their environmental and energy stewardship. It is important to note that Challenge is directed to “law offices”, rather than “law firms”, as participation is determined on a physical office level. Thus, a large firm with offices in several locations can participate on multiple levels.

Law offices that meet the minimum requirements in at least one of the three EPA programs, and/or those that adopt best practices for office paper, qualify as an ABA Law Office Climate Challenge Partner. Law offices that excel in at least one of the EPA programs qualify as an ABA Law Office Climate Challenge Leader. All participating firms are listed alphabetically on the internet at: <http://www.abanet.org/enviro/climatechallenge/partners.shtml>, and a listing of the participating offices and their status as a Partner or a Leader is available from a link on this page. The ABA also is using the Challenge to track the carbon emissions avoidance of the participating law offices, which information the ABA will make publicly available.

Law offices in all jurisdictions and of all sizes and practice areas can succeed in the Challenge simply by adopting more sustainable habits, many of which also are beneficial economically. Law offices may complete the challenge by joining at least one of three EPA partnership programs –

Office paper management (WasteWiseSM);

Energy Star® appliances & settings; and

Renewable energy credits

Office Paper Management

It’s no mystery that law firms use, and therefore waste, an inordinate amount of paper. However, the extent of a law firm’s paper waste is not limited to how much paper it discards! In order to reduce paper waste, one also must take into account the nature of paper that is used, preferably using chlorine free, 100% post-consumer recycled paper. Reduction in paper waste also requires printing as infrequently as possible and printing double-sided whenever possible. Law offices also should endeavor to re-use paper as often as possible, such as for taking notes, outlining motions or even doodling (just be careful to re-use only non-privileged documents). Law offices should consider that,

according to the EPA, the life-cycle of one ton of office paper, from production to disposal in a landfill, results in the release of about 11 tons of carbon dioxide and equivalent gases, which is a significant, and preventable, contribution to global climate change.

The ABA will recognize as a Law Office Climate Challenge Partner any Law Office that implements at least two of the following three “best practices” for office paper management:

- 1) Assure that at least 90 percent of all types of copier, printer, letterhead, and bond paper; as well as envelopes (including manila envelopes) purchased have, in total, at least 30% post-consumer recycled content;
- 2) Recycle at least 90 percent of discarded mixed office paper (defined as all types of white paper (copier, printer, letterhead, bond, and note paper), colored paper, file folders, and envelopes (including manila envelopes)); and
- 3) Adopt a policy of double-sided copying and printing for drafts and internal documents, including taking reasonable steps to enable copiers and printers to conduct double-sided copying and setting double-sided copying as the default mode on those machines.

The ABA also encourages firms to participate in the EPA’s WasteWise program.

WasteWise

WasteWise is an EPA program commenced in 1994, whose aim is the reduction of municipal solid waste (such as corrugated containers and office paper) and select industrial wastes (such as batteries and ink cartridges) by organizations of all types and sizes. According to the WasteWise website, <http://www.epa.gov/wastewise/>, WasteWise is a free, voluntary, flexible program that allows any U.S. organization to design a waste reduction programs that is tailored to its own needs. The site also states that, “[w]aste reduction makes good business sense because it can save your organization money through reduced purchasing and waste disposal costs.”

WasteWise focuses on six means by which organizations can reduce their waste: i) office supplies/paper; ii) packaging materials; iii) recycling; iv) food/yard waste; v) electronics; and vi) purchasing/manufacturing recycled products. WasteWise encourages its participants (“Partners”) to engage in the following activities, among others: using recycled products; printing double-sided; purchasing items in bulk; recycling; composting; and donating used equipment. WasteWise also suggests four progressive steps for its Partners to take when joining the program: (1) establish commitment to and oversight of the program by a management team; (2) conduct a waste assessment of the office’s current level of waste to establish a baseline and your office’s specific reduction goals; (3) implement internal education and external press regarding your office’s participation in WasteWise; (4) Encourage continual support and improvement of your firm’s office waste practices.

In addition to the environmental and economic benefits of participating in the WasteWise program, the EPA created several other benefits for WasteWise Partners. For example, there are the annual WasteWise awards, which are given to organizations in several categories, including business, government, and educational sectors. The EPA also

gives annual awards for the "Challenge Partner of the Year" and the "Endorser of the Year". Further, the EPA conducts Partner Forums, which are hour-long teleconferences where WasteWise Partners can discuss effective strategies and initiatives, as well as Regional Forums, which are in-person meetings the purpose of which is to recognize successful Partners and encourage / welcome new members. WasteWise Partners also are encouraged to use the EPA's WasteWise logo:



Not surprisingly, WasteWise Partners are encouraged to submit their annual data to the EPA electronically to save time, money and the environment. In addition to participating in WasteWise, the ABA encourages members to purchase Energy Star® rated products.

Energy Star®

The Challenge also includes a voluntary law office energy management program that many law offices can use to reduce their energy, with the goal of reducing such usage by at least ten percent. A law office that achieves the 10% amount of energy reduction will be recognized as a Law Office Climate Challenge Leader in the Energy Star® category. Law offices that participate in ENERGY STAR but achieve less than a 10% reduction qualify as Law Office Climate Challenge Partners.

To become an Energy Star® partner, a law office must sign and submit a "[partnership letter](http://www.energystar.gov/index.cfm?c=business.bus_commit)" (form available at: http://www.energystar.gov/index.cfm?c=business.bus_commit) indicating that the law office will:

- 1) Baseline, track, and benchmark its energy performance by using Energy Star® tools;
- 2) Develop and implement a plan to reduce energy use across its facilities and operations by following the energy management strategy provided through Energy Star®; and
- 3) Educate its staff and the public about its partnership in Energy Star®, and highlight its achievements with recognition offered by Energy Star®.

The EPA and ABA also created a Law Office Guide to Energy Efficiency, which is available at: <http://www.abanet.org/environ/climatechallenge/lawofficeguide.pdf>. Some of the key actions to take to meet the 10% energy reduction goal are: only purchase Energy Star® certified electronics; set electronics to "sleep" after a reasonable period of time, e.g., 10 minutes; replace old light bulbs with compact fluorescent light bulbs; unplug unused appliances, like desk lamps, shredders, microwave and toaster ovens; turn lights off in rooms that are not in use; use energy efficient power strips and use programmable thermostats that are set to turn down the temperature at night and on weekends. There also is an Energy Star Building Upgrade Manual for law firms that own their own buildings and those that want to encourage their landlords to make

environmentally sound renovations:

http://www.energystar.gov/index.cfm?c=business.bus_upgrade_manual. Only after a law office has evaluated and reduced its energy consumption as much as possible, should it consider purchasing “carbon offsets” to counteract the energy consumption that it cannot avoid.

Green Power

The Challenge encourages law offices to cover at least part of their electricity usage with the purchase of power from renewable energy sources, known as green power.

Specifically, to participate in the Green Power part of the Challenge, a law office must agree to purchase a minimum amount of megawatt hours generated by certain types of renewable energy, such as solar, wind, geothermal, biogas, biomass, and low-impact small hydroelectric sources. The purchase of green power also is referred to as “carbon offsetting”, as it is intended to offset the carbon emissions created by consumption of petroleum-based energy by creating a pre-calculated “comparable” amount of renewable energy.

Organizations that buy at least the minimum amount (between 2-10% of all energy use) are recognized by the EPA as "Green Power Partners." Those who purchase additional green power above the stated minimums qualify for membership in the Green Power Leadership Club. The ABA will recognize a law office that achieves recognition as a Green Power Partner or a member of the Green Power Leadership Club as, respectively, a Law Office Climate Challenge Partner or a Law Office Climate Challenge Leader.

It is important to note that carbon offsets have come under intense scrutiny from many members of the environmental community, since they risk being used as a guilt-free way to negate one’s polluting activities (whereby one continues to pollute with impunity and simply offsets the resulting damage). It also is important to investigate the company from which you intend to purchase offsets, as they are not all equally efficient. Although the Challenge does not address it, it is this author’s opinion that carbon offsets should be the last step in a multi-faceted environmental sustainability initiative; only after all reasonable efforts have been made to reduce a firm’s energy consumption and waste should carbon offsets be calculated.

Simple Steps to Save the Natural Environment

Here are some things that you can do TODAY to begin to green your law office or legal department --

- Print only essential documents
- Print double-sided (using both sides of the paper)
- Purchase recycled and recyclable products
- Recycle everything you can
 - Paper
 - Cardboard / Paperboard
 - Aluminum

Plastics
Toner cartridges
Electronic equipment like cell phone batteries and cell phones

- Purchase chlorine-free paper with a high percentage of post-consumer recycled content
- Send e-mail correspondence (in lieu of fax or mail) whenever feasible
- Consent to service by e-mail in formal legal proceedings
- Use only re-useable plates, serving utensils, etc. in your lunch room & take them home to wash them if you don't have a dishwasher on-site
- In warmer climates, compost food scraps
- Turn off lights in rooms that are not occupied
- Use low-energy [compact fluorescent bulbs](#)
- Unplug as many appliances as possible after each use
- Turn off appliances that should not /cannot be unplugged, e.g., computers
- Set all computers & monitors to "sleep" after 10 minutes
- Purchase Energy Star® qualified products
(See: http://www.energystar.gov/index.cfm?fuseaction=find_a_product)
- Provide incentives for employees who drive hybrids, walk, bike or take public transportation to work
- Telecommute whenever possible
- Only use your building's heating and cooling systems as a last resort -- wear layers, shed as needed
- Set your thermostats to between 65 to 69 degrees Fahrenheit (18 to 21 degrees Celsius) during daytime working hours
- Purchase products from local vendors whenever possible to minimize the distance products must be shipped to reach you
- Use environmentally safe, non-toxic cleaning products
- Only patronize vendors that demonstrate a strong commitment to protecting the natural environment, see: www.greenpages.org; www.greenbiz.ca.gov; www.onepercentfortheplanet.org; www.betterworldshopper.com
- Donate to environmental non-profit organizations
Perform pro-bono legal services

Donate funds

Implement a matching program to match employee's donations

Join 1% for the Planet (see: www.onepercentfortheplanet.org)

- Conclude all correspondence, as I do, with the following statement: "E-mail correspondence is preferable in the interest of time and preservation of the natural environment." Ninety nine percent of the time, it works; hopefully, in more ways than one!

Lara Pearson is the Leader of the Law Office of Lara Pearson, Ltd. ("LOLP). LOLP was the first law firm in Nevada, and among the first 15 in the nation, to meet the ABA/EPA Law Office Climate Challenge. LOLP is a member of Co-Op America and 1% for the Planet. Lara may be reached at Lpearson@secur-ip.com.