

GREENING

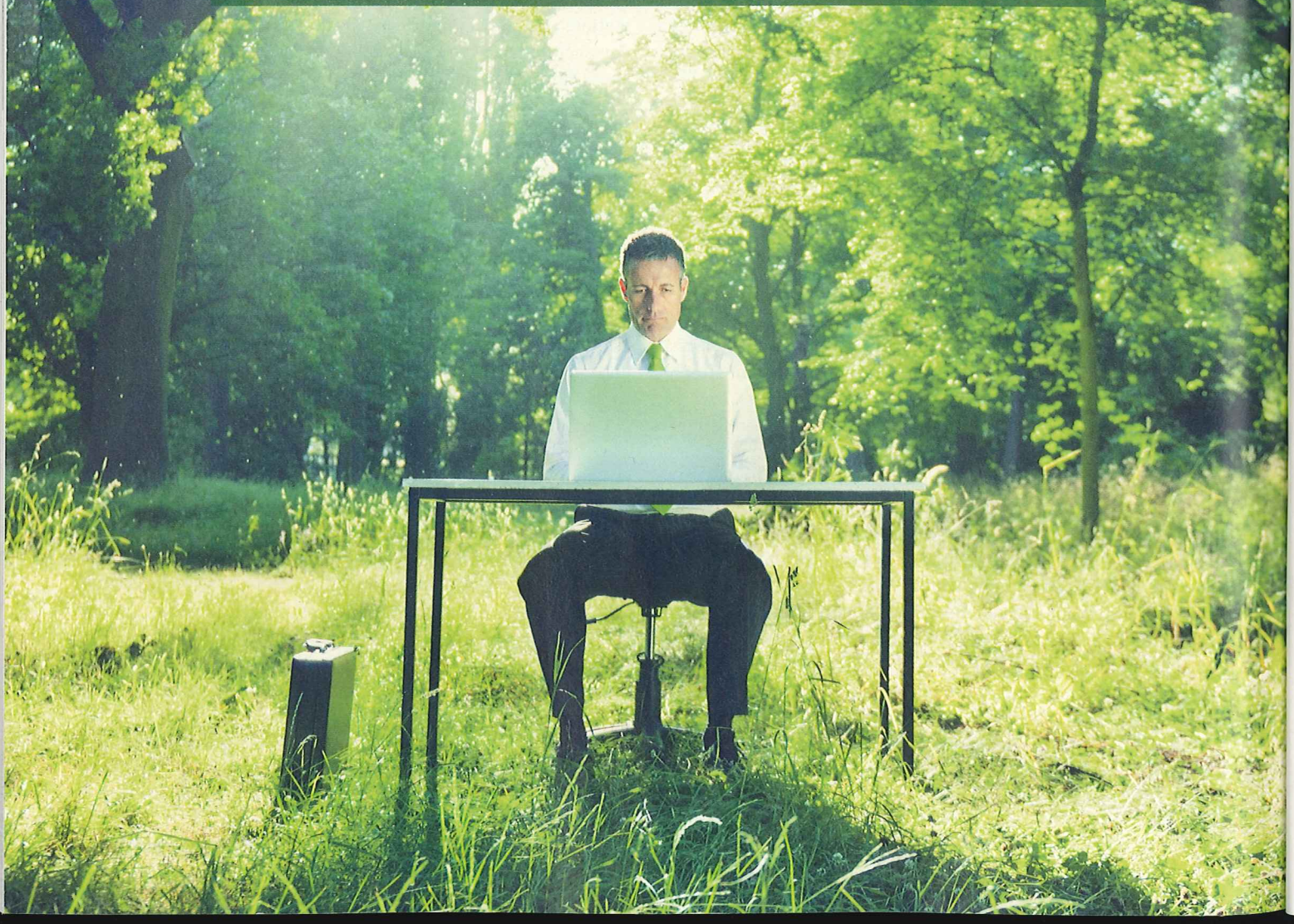
Practical Steps Toward

YOUR

Responsible Environmental Stewardship

PRACTICE

BY CARTER E. STRANG



It has been said that “[o]ur only choice, whatever our dogma, is to protect the Earth. This is our common progress or our common ruin. There is nothing in between.”¹

It is incumbent upon attorneys to help protect the Earth because we are part of the problem. The typical attorney uses between 20,000 and 100,000 sheets of copy paper alone per year, much of it wastefully, resulting in environmental harm and unnecessary expense.²

Something as simple as resetting printers to print documents double-sided results in significantly less waste as well as cost savings. One firm that followed this practice reduced its paper use by 1,760,135 sheets, which saved 150 trees and 61,604 gallons of water and prevented the release of 97 tons of CO₂ emissions. It also resulted in a yearly savings of more than \$13,000, a true “win-win” for the firm and the environment.³

Discussed in this article are practical steps you can take to “green” your legal practice—be it a firm, in-house legal department, nonprofit, or public entity—and in so doing, reduce office waste and costs.

Bar Association Programs

An ideal way to green your law firm is to take advantage of an existing bar association program. Various programs exist at the national, state, and local bar levels.⁴

Participation in a local (municipal or county) bar association green program is particularly advantageous because of the enhanced ability to work closely with bar staff and local attorneys in a way that enhances the local community. One such program, offered through the Cleveland Metropolitan Bar Association (CMBA), is profiled below.

Should participation in a bar association program not be practical, you can still implement into your legal practice any of the bar or individual firm green initiatives discussed in this article.

Cleveland Metropolitan Bar Association Green Initiative

Launched in 2008, the Cleveland Metropolitan Bar Association’s (CMBA) Green Initiative may well be the most comprehensive local bar program of its type in the United States.⁵ The program is coordinated by the CMBA’s Green Initiative Committee, composed of a broad cross section of bar association members employed at law firms as well as non-lawyer affiliates (e.g., court reporting firms). The core mission of the committee is to promote sustainable environmental practices at law firms. The capstone is the Green Certification program, which certifies law firms that adopt environmentally responsible practices. More than 50 Cleveland area firms are now certified. The CMBA Green Certification criteria include firm recycling, responsible paper use, and energy-saving efforts.⁶

Recently, the CMBA added a Green+ Certification level for those firms that demonstrate a commitment to the environment above and beyond that required for basic certification.⁷ Green Certified firms proudly display the “CMBA Green Certified” or “CMBA Green Certified+” logo on their websites and other marketing materials.

The Green Initiative Committee also holds an annual “Greener Way to Work Week.”⁸ During that week, all bar asso-

ciation members and affiliates are encouraged to take green commutes to work (public transportation, carpooling, biking, etc.) and participate in “green themed” events, including presentations on green retrofitting of office and homes and local bicycling initiatives. The week concludes with a luncheon program held to honor those who are green certified and to present awards to firms engaged in exemplary green practices.⁹ The luncheon includes participation by green vendors (e.g., recycling companies) which are provided booths in return for financial support of the luncheon. Local governmental entities have embraced the event, including the local mass transit authority, which has provided discounted mass transit tickets to those attending.

The CMBA committee also created a Carbon Footprint Calculator for legal services organizations, which can be used to determine the carbon footprint per hour of legal services rendered. The CMBA published the calculator along with other useful information—including recycling information—in the bar journal and posted it on the committee website.¹⁰

The Green Initiative Committee has also partnered with local organizations and companies to promote green activities. One such effort focused on a significant environmental hazard: e-waste. Through a partnership with two local companies that refurbish computers for donation to local urban schools, the CMBA encouraged local law firms to donate their unwanted computers toward that effort and assisted in collecting them.¹¹

Firm Green Initiatives

Law firms and offices are required—as part of the CMBA Green Certification program—to create their own green committees to implement the CMBA certification requirements and serve as a liaison to the CMBA Green Initiative Committee.¹²

The firm green committees have served as incubators of sustainable office practices which go beyond the CMBA certification requirements and are worthy of duplication by other firms.¹³ Below are some examples of firm initiatives:

- Earth Day programs, featuring speakers, green vendors, raffles, and prizes for those that bicycle, carpool, or take public transportation to work that day. One law firm featured local grown/organic wine and appetizers at its program.
- Bicycle clubs that promote recreational bicycling and the use of bicycling as transportation to work. One law firm arranged for the free use of showers for its participants.
- Green programs in collaboration with other tenants of the same office building and the building owner. One firm’s efforts led to a buildingwide recycling program and a green fair in the building lobby.
- Screen savers for firm computers that remind personnel to turn off their computers at the end of the day.
- Compost programs for coffee grounds and leftover office food.
- Discontinuance of disposable cups and water bottles.
- Adoption of a “single stream” waste-handling program wherein all non-food office waste is put in the same container and is separated later by the waste handling company.
- Green giveaways—such as reusable grocery totes with the firm logo, BPA-free water bottles, solar calculators, and flashlights made from recycled materials—along with information about the beneficial impact of their use.

- Green newsletters and websites that include profiles of committee members and green activities, discussion of green practices in the home, and interactive postings. One firm posted a “freeboard,” where unwanted personal items are offered at no cost for anyone that wants them (bikes, furniture, etc.), reducing solid waste disposal. The same firm also had an interactive posting site for ride sharing.
- Workplace contests that promote green practices.
- Educational environmental DVDs using firm personnel. One firm created a series of DVDs that promoted recycling and reductions in energy use, both at the office and at home. The DVDs utilized firm personnel as actors in humorous but thought-provoking skits. The DVDs were shown at firm functions and posted on the firm website.
- Merging wellness health initiatives with green initiatives, such as firm support of a local bike ride for charity, resulting in fewer visits to the doctor and possibly lower firm insurance premiums.
- Reusing/repurposing/recycling litigation/trial binders. One firm instituted a program to reuse as many binders as possible, repurpose those not suitable for firm reuse by sending them to local urban schools, and recycle those no longer in usable condition.

A suggested best practice for a law firm green committee is to include representatives from each occupational group (partners, associates, counselors, paralegals, IT personnel, and legal secretaries). Staff members in particular appreciate being included in a decision-making part of the firm. If your firm has multiple offices, include representatives from each office on the committee and conduct meetings via videoconferencing.

Finally, remember that keeping committee events fun and interesting will increase interest and participation.

Conclusion

“Green” your legal practice and become part of “our common progress” rather than “our common ruin.” Adopting just a few of the ideas discussed above will help protect the Earth and improve your bottom line as well. ☉



Carter E. Strang is a partner in the Cleveland offices of Tucker Ellis LLP. He is listed in the Top Rated Lawyers Guide to Energy, Environmental, and Natural Resources Law. He is a past president of the Cleveland Metropolitan Bar Association and the Federal Bar Association, Northern District of Ohio Chapter. He founded the CMBA Green Initiative, served as chair of its Green Initiative

Committee, and currently serves as a member. He also founded the Tucker Ellis Green Initiative Committee, upon which he also serves. Tucker Ellis received the NOACA “Commuter Choice” Silver Award in recognition of its promotion of green commuting options; it was the first recipient of the CMBA Green Innovation Award, and it has been CMBA Green and Green+ Certified. © 2015 Carter E. Strang. All rights reserved.

Endnotes

¹The quotation is attributed to Barbara Ward, economist and author.

²ABA-EPA LAW OFFICE CLIMATE CHALLENGE WASTEWISE PROGRAM

FAQ, referencing an Arnold & Porter informal study of eight law firms of various sizes (small to large) and locations.

³Squire Sanders (US) LLP (now Squire Patton Boggs) reported the statistics for savings at its office in Cleveland, Ohio.

⁴The ABA-EPA Law Office Climate Challenge and the ABA SEER Sustainability Framework for Law Organizations are national bar programs. The Massachusetts Bar Association Lawyers Eco-Challenge and Oregon Bar Association Sustainability Future Section are examples of state bar programs.

⁵See www.clemetrobar.org/committees/green_initiative/green_initiative_committee/ for information regarding the CMBA’s Green Initiative Committee.

⁶The CMBA Green Certification criteria are as follows:

A.) Use paper responsibly. Firm must comply with two of the following four criteria:

1. Purchasing office paper with at least 30% recycled content.
2. Using double-sided copying and printing, at least for drafts and internal documents.
3. Recycling discarded office paper.
4. Purchasing office paper only from paper manufacturers with sustainable forestry management practices.

B.) Reduce office energy use by 10 percent in the first year of certification (the CMBA website provides an exhaustive list of tips for accomplishing this criterion).

C.) Create a firm program for recycling glass, plastic, and e-waste products (toner cartridges, computers, etc.).

D.) Create a firm Green Committee or designated administrator to implement the program, interface with the CMBA, and generally encourage environmentally responsible practices among staff members.

⁷CMBA Green+ Certification requires firms to quantify their successes. Along with the standard recycling and energy savings requirements, the Green+ criteria requires a firm to document another 10% energy savings after its year of initial certification. Considered but not yet part of the Green+ Certification is a green supplier criteria, which requires that firm suppliers meet certain requirements, such as use of recycled materials.

⁸The event’s full name is the “David Webster Greener Way to Work Day,” named in honor of a CMBA officer who served on the CMBA Green Initiative Committee.

⁹The Green Innovation Award is one such award, which is made of entirely recycled materials by a local artist.

¹⁰Doug McWilliams, a Squire Patton Boggs partner and former CMBA Green Initiative chair, is primarily responsible for creation of the Carbon Footprint Calculator.

¹¹For additional information about the Green Computing program, see the CMBA Green Initiative Committee website link, note 5.

¹²Solo practitioners and small-firm attorneys can designate an attorney as the firm representative, rather than create a committee.

¹³See www.tuckerellis.com/social_responsibility/green_initiatives for information about the Tucker Ellis LLP Green Initiative Committee.