

	Discussion Group 1 - Mitch Burack	Discussion Group 2 - Alex Dunn	Discussion Group 3 - Dustin Ordway	Discussion Group 4 - John Dernbach (numbers in this column reflect priority based on multiple votes)
<b>PRIORITIES</b>				
Educate ourselves	√ - e.g. stakeholder engagement/ADR	1	√	Forum on specific Issues such as international aspects.
Educate our clients	√ - especially smaller companies. See Education, below.			
Educate lawyers across and outside ABA (e.g., Mid-Year, Annual Meeting CLE programs)				
Information-sharing			√	
Develop and recommend positions on public policy				√
Participate in Other (non-ABA) Dialogues				E.g., ISO
Develop and/or Participate in Marketplace Dialogue	√ See comments re (1) research needed to support needed regulatory reform (Regulatory Reform, below); and (2) public/private dialogues needed (Education items #3,4,6, below)		√	E.g., about trading opportunities
Define our role (w/in process)	√ To what extent will SD issues be handled in-house, by consultants, or by outside counsel? Seems to depend very much on the company/client and the circumstances.	2		
Create SD Toolkit		3		
<b>DEFINITIONS</b>				
CSR				
Smart Growth				√
SD				
<b>ISSUES</b>				
Aquifer & GwWater Mgmt				√ 1
Biodiversity				√
By-Product Synergy			√	
Clean-up / Remediation			√	√
Climate Change		√		√ 2
Corporate Reporting		√ Still a developing awareness and skill.	√	√ 3

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Dispute Resolution	√ We need to develop new ADR contexts, but not just mediation. Early "conflict management" is important through effective stakeholder engagement and consultation at the beginning (planning stage) of projects, including land use and also CERCLA/RCRA project planning -- and in settlement approaches in environmental litigation, including but not limited to enforcement, cost allocation, and toxic tort situations. Also see Education & Stakeholder Engagement, below.		√	
Enforcement / SEPs			√	
EJ	√ Clients and counsel need to understand bottom-line profit motives for incorporating EJ into policies and procedures. Client education should focus on a fuller understanding about SD concepts and principles, including bottom-line profit motives (in addition to "Green is good" PR value), to incorporate social issues such as Env Justice into their advance planning. See Education ## 1, 2 below.			
Green Buildings		√		
How to incorporate SD into regulatory structure	√ See Regulatory Reform above, and Education below			√
How to incorporate SD into business model	√ Remedy selection processes would benefit from early stakeholder engagement, instead of a process that puts remedy selection before public comment. Also see Regulatory Reform and Dispute Resolution, above.			√
Land Use	√ Recycling, stormwater, CSO, EIS. See Education, below.	√ (1) Brownfields / institutional controls / redevelopment. (2) Bio-solids land applications	√	
Management Re-Engineering (Cradle to Cradle)		√		

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Municipal	(1) Brownfields including e.g., former industrial sites; former gov't (e.g., DOD) sites, airports: energy and NR efficiencies; transportation; water mgmt issues. (2) Developers & EIS - see Education, below; (3) CERCLA: though focus often is backward looking (re cost allocation), there is increasing attention to finding land use that take into account various environmental issues -- it could be helpful if the remedy selection process were to incorporate stakeholders earlier in the process instead of selecting a remedy and then going to public comment (see Regulatory Reform above, and Stakeholder Engagement below).			
NR Resource Restoration				√
Pollution Prevention / Source Reduction				√
Product Labeling				√
Product Stewardship	√ Environmental consultants in the group—SD is about avoiding future mistakes: need to anticipate and plan product and chemical use or marketing.			
Product Substitution		√	√ AND raw material substitution	
Recycling & Reclamation			√	√ 4

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Regulatory Reform	√ Regulatory structure should be reformed (1) to be more flexible, in order to “internalize externalities,” i.e. to achieve sustainable solutions in relevant economic, social, and ecosystems, for example; watershed permitting, air emission trading; (2) to meet SD goals, not blind enforcement of numbers; (3) to encompass performance indicators other than penalties, to encourage proactive (not just reactive) corporate efforts. Research is needed to support regulatory reform, including market place dialogue to demonstrate SD benefits and to allow environmental agencies to feel comfortable trying new things; (4) to utilize EIS as vehicle to promote SD (problem of bureaucracy - see Education, below); (5) CERCLA - it could be helpful if the remedy selection process were to incorporate stakeholders earlier in the process instead of selecting a remedy and then going to public comment (see Land Use and Stakeholder Engagement below).	√ Adapt current regulatory regimes to accommodate SD -- including holistic permitting approaches		Enforcement penalty alternatives
SEC Disclosure	√ many companies -- perhaps especially smaller ones -- are not linking long-term liabilities with social and environmental performance indicators. Also see discussion about smaller companies in "Education" -- as a priority, above, and also below.			√ 2
Smart Growth		√		
Stakeholder Engagement & Consultation	√ Remedy selection in siting, regulatory enforcement, and litigation settlement processes would benefit from early stakeholder engagement, instead of a process that puts remedy selection before public comment. Also see Regulatory Reform and Dispute Resolution above.	√ Know why and how to set up collaborative transparent structures & partnerships		
Sustainable Agriculture				√
Trading		√		
Trading - Air Emissions	√			
Trading - Holistic		√		
Waste Management - Long-Life Wastes		√		

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Waste Management - Radioactive		√		
Water - Reuse		√		
Water - Surface				√
Watershed - Permitting		√		
<b>EDUCATE LAWYERS</b>	√ Educate ourselves & our clients on topics 1-10, below (not prioritized)	√ Educate ourselves about SD concepts, principles, developments (Priority 1) & Develop SD toolkit (Priority 3)	√ Including vocabulary; understanding of concepts & principals; understanding market driven supply chain pressures, and also the context of broader social pressure for change	√
<b>EDUCATE OUR CLIENTS</b>	(1) business clients in general (& smaller companies especially) need better understanding of SD's competitive market implications to move past perceptions that it is just more "public invasion of company space" that leads to project interruptions, delays, schedule and budget busts, and project failures -- i.e., clients need to understand bottom-line profit motives for incorporating EJ and historical preservation, for example, into their policies and procedures.	√ Ensure that client is aware of SD climate	√ Including vocabulary; understanding of concepts & principals; understanding the context of supply chain and broader social pressure for change	
	(2) Land Developers, who may focus on SD issues to some extent, because land use approval processes may force attention to cross-cutting issues such as the need for open space, stormwater management, need a fuller understanding about SD concepts and principles, including bottom-line profit motives (in addition to "Green is good" PR value), to expand their focus to include energy efficiency, recycling, advance planning strategies that take social issues such as Env Justice, and historical preservation. <b>Market place dialogue is needed to educate business and government.</b>		√ Identifying opportunities	

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	(3) Smaller Companies, which tend to be reactive instead of proactive (i.e., focused more on achieving compliance today than on future planning) could benefit from a market place dialogue to help expand their awareness and understanding of bottom-line competitive value available through SD-savvy long-term planning re Air - Water - Waste (i.e., they to view SD as a vague concept and need more awareness, understanding, and profit-based incentives to learn more about SD; several practitioners in the group also feel that way personally, saying we need to develop more specific parameters, which might impact legal advice on Recycling, and incineration activities.			
	(4) Regulatory Authorities - need for market place dialogue, see Regulatory Reform).			
	(5) ADR -- need for lawyer and client education about stakeholder engagement and consultation methodologies in transactional, enforcement, and litigation settlement contexts, see Dispute Resolution, above.			
	(6) public/private dialogue: public has different view of SD than does typical US corp (for example, with respect to national and international issues in mining, project financing).			
	(7) gov't, public, and business sectors (lawyers and their clients) all need SD education to overcome failure to recognize the potential of EIS as vehicle to promote SD (problem of bureaucracy - see Regulatory Reform).			
	(8) Remedy selection in siting, regulatory enforcement, and litigation settlement processes would benefit from early stakeholder engagement, instead of a process that puts remedy selection before public comment.			

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	(9) Corporate reporting and disclosures - many companies do not consider SD in evaluating long term corp value or corp liabilities.			
	(10) Advocacy proceedings -- toxic tort, permits, municipal, corporate litigation, enforcement.			
<b>LAW PRACTICE MGMT ISSUES</b>	√ Identifying opportunities	√ LPM: know how to form and participate in MDP teams		
		√ Define our role (Priority 2). For example, "advise and counsel" - not just dispute advocacy. Help client analyze risks, and see possibilities, e.g., "cradle to cradle" management strategies, product redevelopment alternatives, BPS profit opportunities.		
		√ Understand client's business goals and stakeholder drivers		
		√ Help client analyze risks and see possibilities		
		√ Develop SD toolkit (Priority 3)		