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ABA Model Sustainability Policy and Implementation Guidelines
For Law Organizations

(Note: This document has been approved by the ABA Section of Environment, Energy and Resources (SEER) and is supported by the ABA Standing Committee on Environment Law as well as the Law Practice Management Section,. It will be submitted to the ABA House of Delegates with a recommendation for approval at the August 2009 ABA meeting.)

Checklist of Implementation Ideas

Below is a list of practices being used by law firms and other service-type organizations to fulfill their economic, social and environmental responsibilities—the so-called Triple Bottom Line of sustainability. This list is offered to law firms and other law organizations as examples of how they might implement their own sustainability programs. Note that some of the listed practices may not be appropriate for particular law organizations. For example, some practices are only relevant to firms that own their own office or have a cooperative landlord. Others may not be workable for small firms. Bear in mind this list is not exclusive; there are many other practices not listed here that may be better suited to particular firms. Firms that have adopted other sustainability practices are urged to share them with the ABA’s Climate Change, Sustainable Development and Ecosystems Committee, which will be updating this list from time to time.

1. Economic success: the wise use of financial resources

a. Organization’s Economic Prosperity

- Business Strategy.** Develop and implement strategies and tactics to strengthen the business over the short and long terms. Identify how sustainability can impact the organization’s financial goals and profitability.

b. Community’s Economic Prosperity

- (1) Donations.** Participate in charitable and/or economic development activities that strengthen the community.
- (2) Voluntary Deductions.** Create a voluntary opportunity for employees to select a social or environmental cause and donate to it through automatic payroll deductions.
- (3) Local Suppliers.** Use local suppliers and contractors whenever practicable.
- (4) Fairtrade Items.** Buy fairtrade or “sustainable” coffee and other products for use by the organization.

2. Social responsibility: respect for people

a. Respect for Employees

- (1) Communication with Management.** Encourage employees to offer constructive feedback to management through meetings, surveys, focus groups, suggestion boxes, anonymous email, websites and/or other means; communicate management’s response.
- (2) Employee Development.**
 - (a) Continuing Education.** Encourage and support continuing legal education for lawyers and paralegals, and appropriate annual training for other staff, as well.
 - (b) Performance Reviews.** Provide all employees regular performance reviews and personal development plans.
 - (c) Mentoring.** Establish a mentoring program for new attorneys and other employees and interns.
 - (d) Supervisor Training.** Provide training for partners and senior associates on how to supervise and coach younger attorneys and other employees.
- (3) Fair Compensation.**
 - (a) Compensation.** Provide employees with competitive compensation and benefits.
 - (b) Severance.** Make fair provisions for the payment of attorneys and staff in the event the organization is dissolved or there is other termination of employment not for cause.
- (4) Safety and health.**
 - (a) Ergonomics; Safety Training.** Ensure employees have ergonomically appropriate equipment, furniture, and workstations (including lighting), and the training to do their jobs safely.

- (b) Electrical Safety.** Periodically assess the office for compliance with good electrical safety practices and correct any problems noted.
- (c) Travel Safety.** Provide training on safety related to travel, as relevant (e.g., responding to hotel fires, avoiding street crime, safety in airplanes, food safety, obtaining medical care).
- (d) Back Safety.** Provide back-safety training for employees who often lift boxes of records or other heavy items.
- (e) Exits.** Periodically check exits to assure they are properly marked and not blocked or locked so as to prevent emergency egress.
- (f) Emergency Response.** Establish emergency response procedures that cover fires, explosions, workplace violence and other hazards, and that include evacuation procedures and contacting emergency response authorities. Have the entire staff conduct a drill annually and evaluate the results.
- (g) Harmful Exposures.** Have the offices evaluated for the presence of the following, and, if present in potentially harmful quantities, manage these materials appropriately to prevent harmful exposures:
 - (i) Friable asbestos
 - (ii) Harmful mold
 - (iii) Radon
 - (iv) Lead paint (for older properties)
- (h) Indoor Air Pollution.** Ensure that office air is safe and comfortable.
- (i) Wellness.** Arrange for proactive wellness consultation or programs on topics such as smoking cessation, proper nutrition, diabetes and blood pressure screening, and fitness.
- (5) Employee Privacy.** Establish procedures for maintaining the privacy of employee records.
- (6) Work-life Balance.** Adopt measures to help assure the proper work-life balance of employees, including as appropriate, the following:
 - (a) Child care benefits
 - (b) Early or late work hours to avoid traffic congestion
 - (c) Telecommuting, where practicable
 - (d) Sabbatical program
 - (e) Retention of temporary help during times of heavy workloads
 - (f) Maternity and paternity leave policy
 - (g) Opportunities for part-time work and job-sharing
 - (h) Clear communication of work priorities and deadlines to subordinates
 - (i) Competitive (and mandatory) vacation policy
 - (j) Policy on overtime for hourly workers

b. Diversity, Fair Hiring Practices

- (1) Selection Criteria.** Include diversity as important criteria in the hiring of employees, as well as suppliers, consultants, and other retained firms.
- (2) Proactive Search.** Contact targeted professional associations, schools, other organizations, websites and forums that can help identify qualified candidates that meet your diversity and business needs.

c. Responsible Governance; Professional Courtesy

- (1) Ethics Training.** Provide initial and periodic refresher training to employees on the relevant codes of ethics and disciplinary rules. Communicate to employees that adherence to these codes and rules is a condition of employment.
- (2) Routine Communications.** Regularly communicate to employees about the importance of honesty and integrity in business practices.

d. Dealing With Clients

- (1) Awareness of Rules.** Ensure employees are aware of the client-related rules on ethics, privacy and confidentiality of information, and work-product and attorney-client privileges.
- (2) Confidentiality.** Establish methods for securing the confidentiality of client hard copy and e-information as required.
- (3) Client Feedback.** Institute periodic surveys or other regular measures to collect feedback on client satisfaction with services; respond as appropriate.

- (4) Advertising.** Ensure that the advertising and promotional practices of the organization conform with ABA guidance and local rules.

e. Awareness and Advice

- Employee Awareness.** Use training sessions or other techniques to raise awareness of employees about the sustainability policy and the sustainability issues in the primary fields of your legal practice.

f. Well-being of Stakeholders

- Voluntary Initiatives.** Enhance the well-being of others through pro bono services or other voluntary efforts or sponsorships for environmental, educational, medical, or poverty projects or groups or other community or charitable causes.

3. Environmental responsibility: respect for life; the wise management and use of natural resources

a. Resource and Energy Conservation

(1) ABA-EPA Law Office Climate Challenge. Assess the greenhouse gas impact (“carbon footprint”) of your office energy and paper use and travel, and reduce that impact through practices encouraged under the 2007 ABA-EPA Climate Challenge Program. Specifically, a law office can enroll in the Climate Challenge by taking at least one of the following four actions:

- (a) Paper Management Practices.** Adopt at least two of three best practices for office paper management:

- (i) Double-sided printing.** Switch to double-sided printing and copying for drafts and internal documents. Use printers with an automatic option for double-sided printing and set that as the default.

- (ii) Buy recycled paper.** Buy paper with at least 30 percent post-consumer waste to satisfy 90% of the office’s paper needs for copying and printing; and/or

- (iii) Paper recycling.** Recycle discarded mixed office paper.

- (b) WasteWise Program.** Join EPA’s WasteWise program (<http://www.abanet.org/environ/climatechallenge/wastewise.shtml>) by adopting best practices for office paper management as noted immediately above, and quantifying the benefits.

- (c) Green Power.** Join EPA’s Green Power Partnership (<http://www.abanet.org/environ/climatechallenge/greenpower.shtml>) by buying from your energy supplier or others at least some minimum amount of electricity from renewable sources, such as solar cells or wind farms. The required minimum amount is calculated by reference to a percentage of the organization's annual electricity use, and ranges from 10% if the organization's annual electricity use is relatively low to 2% if overall electricity use is relatively high. EPA recognizes organizations that buy at least the minimum amount as "Green Power Partners." Partners who purchase additional green power in specified amounts or more qualify for membership in the Green Power Leadership Club.

- (d) Energy Star Program.** Join EPA’s Energy Star™ program (<http://www.abanet.org/environ/climatechallenge/energystar.shtml>) by adopting an energy management plan designed for law offices, and set a goal to reduce electricity use by at least 10%.

Law offices can reduce energy use through the following practices, among other things:

- (i) Energy Star™ Equipment.** Purchase personal computers and other electrical devices bearing the Energy Star™ certification label from the US Department of Energy, which is granted to energy-efficient items. Activate the power management feature on the computers.

- (ii) Good energy management practices.** Implement better energy management practices, such as those mentioned in the *Law Office Guide to Energy Efficiency* provided on the Climate Challenge Web site at <http://www.abanet.org/environ/climatechallenge/lawofficeguide.pdf>.

- (iii) Energy-efficient systems.** Use energy-efficient light bulbs and lighting and heating, ventilating and air conditioning systems. If the building is shared, try to arrange to have the electricity usage for your portion metered separately.

- (iv) Energy audit.** Conduct and implement an energy-saving audit of the office, where cost effective.

Participating law offices receive recognition from the ABA, and those that join the abovementioned EPA programs will also receive recognition from EPA, in accordance with those program requirements. Specifically, a law office that simply adopts two best practices for office paper

management or that meets the minimum requirements for participation in at least one of the EPA programs, qualifies for recognition as an ABA Law Office Climate Challenge Partner. A law office that achieves a higher level of participation in at least one of the EPA programs qualifies as an ABA Law Office Climate Challenge Leader. Qualifying law offices will be recognized, and, for those that participate in EPA programs, the amounts of greenhouse gas emissions avoided by their actions will be posted on the ABA's Law Office Climate Challenge Web site.

- (2) Efficient Transportation.** Subsidize or otherwise encourage employee use of car pooling, energy-efficient vehicles, car-sharing programs (e.g., FlexCar, I-Go, Zipcar), mass transit, or bikes, or take other measures to reduce the energy consumed by employee commuting and other travel.
- (3) Lights-Out Policy.** Adopt an internal policy that encourages employees to turn off lights, computers, and other equipment at the end of the workday and otherwise when not likely to be in use.
- (4) e-Conferencing.** Adopt guidelines on the use of teleconferencing and other means to avoid travel and associated carbon emissions whenever possible.
- (5) Tap Water.** Use filtered tap water instead of bottled water.
- (6) Reusable Dinnerware.** Use reusable plates, cups, glasses, and utensils in the kitchen and conference rooms.
- (7) Recycling Cartridges.** Recycle printer cartridges and buy recycled cartridges.
- (8) Recycling Other Materials.** Recycle the following to the extent practicable:
 - (a) Glass bottles
 - (b) Aluminum cans
 - (c) Batteries
 - (d) Plastic bags
 - (e) Tyvek envelopes
 - (f) Cardboard
- (9) Re-use Center.** Establish a re-use center for binders, file folders, and other items.
- (10) Used Equipment.** Sell or donate old office equipment, furniture, and supplies that can't be reused internally.
- (11) Paper Reduction.** Adopt the following practices whenever possible:
 - (a) Route faxes electronically; use e-communications in lieu of paper documents.
 - (b) Narrow the margins on documents to conserve paper unless prohibited by courts or agencies.
 - (c) Use paperless court and agency filing procedures.
 - (d) Reuse one-sided non-confidential paper documents for drafts or notepads.
 - (e) Use letter-sized paper, files and pouches instead of legal-sized.
 - (f) Develop a policy on data and document storage to minimize the use of paper (e.g., Imanage Documents, Interwoven Worksites, or MDY FileSURF).
- (12) Grounds Watering.** Conserve the use of water for grounds watering, where applicable.
- (13) Green Building.** Adopt "green building" features and practices, such as those encouraged under the Leadership in Energy and Environmental Design (LEED) program of the US Green Building Council or under the guidelines of the Oregon Lawyers for a Sustainable Future.
- (14) Thermostat Settings.** Alter the settings on the thermostat to reduce the use of heating and air conditioning equipment.
- (15) Fix Leaks.** Seal air leaks around doors, windows, electrical outlets and other wall openings.
- (16) Insulation.** Enhance insulation in ceilings, walls and floors and around pipes and water heaters, as appropriate. Install storm windows or windows with better insulating properties.
- (17) Green Products.** Buy furniture, carpets and paints that do not emit harmful chemicals from adhesives or finishes. Buy products that are reusable rather than disposable. Favor those made of plant-based materials. Give preference to products certified by reputable authorities as environmentally superior (e.g., FSC-certified recycled paper and wood products).

b. Waste and Pollution Prevention and Management

(The adoption of many of the practices mentioned above will also prevent waste and pollution.)

- (1) Carbon Offsets.** Buy carbon credits to offset the greenhouse gases from travel and electricity usage.
- (2) Nontoxic Cleaners.** Use cleaners that have low toxicity and high biodegradability.
- (3) Natural Landscaping.** Use natural landscaping and minimize the use of chemical fertilizers, herbicides and pesticides, to the extent lawn maintenance is within the control of the organization.

c. Reduction of Supply Chain Impacts

- (1) **Responsible Caterers.** Use caterers that minimize disposables and provide healthy foods.
- (2) **Nontoxic Inks.** Specify the use of soy inks and paper with recycled content for all print jobs
- (3) **Office Supplies.** Encourage office supply vendors and equipment suppliers to provide items and services that minimize the adverse environmental impacts and risks and maximize the beneficial ones.
- (4) **Collaboration with Landlord.** If the office is leased, work with the landlord and office building manager to minimize the adverse environmental impacts and risks of the operations and maximize the beneficial ones.
- (5) **Office Improvements.** Incorporate environmental criteria in the design and construction of office improvements.
- (6) **Green Hotels.** Select hotels with “green” practices for conference sites and regular use.