

May 12, 2009, Rev. 13: Final
ABA Model Sustainability Policy and Implementation Guidelines
For Law Organizations

(Note: The views expressed herein have not been approved by the House of Delegates of the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association. 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.)

C. Implementation Guidelines

(1) **Flexible Implementation.** Each law organization should implement its sustainability policy in a practical way, in a way that is most suitable to its resources, location, structure, values, culture, and nature of operations, and services. The resources mentioned in the References section of this document (see below) can be used to help identify measures to be taken. In addition, a document entitled *Shared Ideas for Implementing the ABA Model Sustainability Policy* is provided on the SEER website. It is not expected that the organization adopt all of the practices listed there; indeed, other practices may be just as effective for the organization, if not more so. Also, given the breadth of the policy, it is expected that organizations will prioritize and pace their efforts toward implementation over time.

(2) **Systematic Approach.** A simple management system approach, though not essential, may prove helpful in fulfilling the policy. This entails a sequential process of planning, implementing the plan, reporting and evaluating performance, adjusting the approach, and periodically repeating these steps for continual improvement. Here are some more specific steps that may be worth considering, too, especially for larger organizations:

- (a) **Secure Buy-in.** Discuss with employees what you are trying to accomplish by adopting this sustainability initiative and why you think the organization should do it; secure employee buy-in.
- (b) **Adopt and Post Policy.** Adopt and sign the model sustainability policy, or one substantially like it that covers the Triple Bottom Line of social, economic and environmental responsibility. Post it in one or more prominent places in your office area.
- (c) **List with ABA:** Notify the ABA Climate Change, Sustainable Development and Ecosystems (CCSDE) Committee within the Section on Environment, Energy and Resources (SEER), and ask that your organization be listed on the ABA website as one that has adopted the model policy or a substantial equivalent.
- (d) **Appoint Coordinator, Support Group.** Identify a sustainability coordinator to oversee your implementation of the policy, and track and report progress. A small steering committee of key supporting managers may be useful for providing guidance, oversight and policy decisions.
- (e) **Assess Status.** Assess the current status of your organization's fulfillment of its adopted policy. In this regard, it may be helpful to review the ABA and state bar tools and other resources mentioned in the References section, below, as well as the *Shared Ideas for Implementing the ABA Model Sustainability Policy and Implementation Guidelines* provided on the SEER website. Other firms and resources may also provide useful suggestions.
- (f) **Create Plan with Goals.** Establish a plan for implementing the sustainability policy in a way that makes sense for the organization. One way to do this is to have teams propose the objectives, metrics, and goals, and then a leadership group can select the priorities and spread them across a number of years so that progress is steady but not overwhelming. Employees should be encouraged to suggest ideas for improvements, too. Part of the plan may involve reviewing and updating existing policies and procedures. Large organizations will need to resolve what they want to adopt as firm-wide initiatives or goals, while still leaving local offices with enough flexibility to address local conditions. Some firms create a list of optional actions and assign points to them, then set levels of recognition for individual offices based on points achieved.
- (g) **Identify Implementation Leaders.** Assign people within the organization to lead the implementation of each key objective or goal. An implementation team may also be useful in some cases.
- (h) **Evaluate and Report Progress.** Starting one year after implementation, evaluate and report progress and challenges at least every two years via the web or in other ways. Report internally first, then publicly. This is most credibly done when noteworthy achievements and best practices are conveyed along with a description

of challenges, shortcomings, and plans for further improvement. Sometimes firms find it easiest to pull together information on their environmental, pro bono, diversity and other sustainability topics that has already been published in a variety of documents. A public report may also take the form of a brochure or other publication for clients. Or it may entail posting a simple progress report on the website of the organization and linking that to SEER's website. You may contact the CCSDE Committee at the ABA to arrange for posting.

(i) Recognize Achievements. Celebrate success; recognize exceptional performance; have some fun.

(j) Adjust and Repeat Process. Adjust the objectives as appropriate, and repeat the process for continual improvement. Eventually meld the process into the organization's regular business planning. Make this part of the organization's culture.

(k) Tell Others. Share your experience with others outside the organization (clients, new recruits, other law organizations, communities, media, etc.); inspire others to pursue sustainability.

(3) Sole Practitioners. A simplified version of the policy can be adopted by very small law organizations, even sole practitioners. In the case of the latter, irrelevant provisions in the model policy, such as those on employees, can be eliminated. A sole practitioner's progress report might, for example, cover paper reduction and recycling practices as well as energy conservation achieved through the use of compact fluorescent bulbs, using conference calls in place of travel, converting to a high fuel efficiency vehicle and purchasing carbon offsets for air travel. The report could also talk about the preference and use of green hotels and fairtrade coffee. Social matters might include continuing legal education, pro bono legal services and other voluntary community work, and donations. The progress report could be published in a simple self-published single-page brochure or posted on the lawyer's website.
