

April 22, 2008, Rev. 8: Final
ABA Model Sustainability Policy and Implementation Guidelines
For Law Organizations

(Note: This document has not yet been reviewed or approved by the ABA Board of Governors or House of Delegates and therefore does not yet represent the formal policy of the American Bar Association. It will be submitted to the HOD in May 2008 with a recommendation for approval at the August 2008 ABA meeting.)

A. Why a Sustainability Policy for Law Organizations?

This Model Sustainability Policy and Implementation Guideline shows how sustainable development relates to lawyers and their individual firms, corporate law departments, and other law organizations (“firms”). The tool is designed to allow such entities to demonstrate in a meaningful way what they are doing to be good organizational citizens. The adoption and implementation of the policy should not only strengthen a firm’s reputation or “brand,” but its efficiency, productivity and employee recruitment and retention. It will more closely align the firm with the growing legions of current and potential clients who are now embracing sustainability. Such alignment should enable the firm to better understand and reflect the values of such clients and provide more effective counsel. Moreover, the tool should improve the firm’s appreciation for the critical social, environmental and economic issues that lie ahead for society as a whole, and ultimately, for its clients and itself. Finally, the adoption and implementation of the policy by many ABA members should show others that the association, which has long supported sustainability, is willing to “walk the talk” and enhance the reputation of the US legal profession as a responsible, caring contributor to the public good.

B. Background

Sustainable development carries many definitions, the most common of which was articulated by the UN’s Brundtland Commission in 1987: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” From the perspective of organizations, the goal of sustainable development—often referred to in the shorthand as *sustainability*—entails meeting the “Triple Bottom Line” of economic, social and environmental responsibility. It is about fostering respect for people and other living things while at the same time wisely using and managing environmental and economic resources. It calls for a careful balancing that takes into account the interests of key stakeholders—employees, clients, suppliers, investors, governments, and others—the very parties whose support is critical to the success of any organization.

Twenty years ago, sustainability was generally considered the province of the United Nations and member countries. But it soon became apparent that the difficult challenge of achieving economic development while protecting the environment and improving conditions of society could not be met by national and international governments alone. Since then, many businesses, cities, non-governmental organizations, and academic institutions have realized they have a role to play in the march toward sustainability. Taking a clue from their clients, more recently, some law firms have begun to ask what sustainability means to them. This model policy and guideline is intended to answer that question.

Sustainability is not new to the ABA. As far back as 1992, the association made a commitment to sustainable development, reaffirming that commitment in a formal resolution adopted in August 2003. A year before the resolution, ABA President Robert Hirshon wrote Secretary of State Colin Powell expressing the ABA’s desire that the US support the ideas of domestic good governance and the application of the rule of law in negotiations at the then-upcoming World Summit on Sustainable Development in Johannesburg. Indeed, as noted in the report supporting the 2003 resolution:

“Laws and effective governance are central to sustainable development. Because governance is based largely on law, sustainable development raises profound challenges—and opportunities—for the rule of law and for lawyers.”

The report went on to say:

“Applying sustainable development from a legal perspective means understanding, developing, and applying legal mechanisms that are relevant to the complex relationships among economic, social, and environmental priorities. This suggests a cross sectional approach...that integrates a variety of legal specialties, including environmental, labor, property, tax, corporate, finance, international trade, and risk management.”