

WITHDRAWN

AMERICAN BAR ASSOCIATION

SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES
STANDING COMMITTEE ON ENVIRONMENTAL LAW

REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

- 1 RESOLVED, That the American Bar Association adopts the Model *Sustainability Policy*
2 *and Implementation Guidelines for Law Organizations*, dated August 2009; and
3
4 FURTHER RESOLVED, That the American Bar Association urges law firms and other
5 law organizations to adopt the *Model Sustainability Policy and Implementation*
6 *Guidelines for Law Organizations*, dated August 2009.
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1 **Model Sustainability Policy and Implementation Guidelines**
 2 **for Law Organizations***
 3 **(August 2009)**

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 5 **Model Sustainability Policy**

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 7 **Vision:** It is in the best interests of our law organization and society as a whole that our
 8 organization move along the path to sustainability, that is, the so-called Triple Bottom Line of
 9 social, economic and environmental responsibility. To that end, we will strive to achieve the
 10 following vision of performance, publicly communicate this commitment, and periodically report
 11 our progress and challenges in fulfilling it:
 12

13 **1. Economic success: the wise use of financial resources**

- 14 a. Organization's Economic Prosperity. Our organization will be positioned to survive and
 15 prosper economically.
 16 b. Community's Economic Prosperity. We will help our community survive and prosper
 17 economically through the taxes, salaries, and suppliers we pay, and through our civic and
 18 philanthropic efforts.

19 **2. Social responsibility: respect for people**

- 20 a. Respect for Employees. We will treat our employees in a respectful, fair, non-exploitative
 21 way, especially with regard to compensation and benefits; promotion; training; open,
 22 constructive dialogue with management; involvement in decision-making; working
 23 conditions that are safe, healthy and non-coercive; right of privacy; employment-
 24 termination practices; and encouraging wellness and work-life balance.
 25 b. Diversity, Fair Hiring Practices. We will promote diversity and use hiring practices that are
 26 fair, responsible, non-discriminatory, and non-exploitative for our employees, management
 27 board, and suppliers.
 28 c. Responsible Governance; Professional Courtesy. We will manage our risks properly, use
 29 our economic power responsibly, and operate our organization in a way that is ethical and
 30 legal. We will treat with due respect others who are involved with us in the discussion of
 31 legal issues and resolution of legal claims.
 32 d. Dealing With Clients. We acknowledge that our primary legal and ethical duty is to serve
 33 our clients honestly and effectively. We will compete fairly for their business, respect their
 34 privacy and confidentiality, and provide them efficient and effective services under the
 35 conditions we promise.
 36 e. Awareness and Advice. We will help raise the awareness of our employees about
 37 sustainability issues in the primary fields of our legal practice, and include consideration of
 38 such issues in the advice we provide our clients.
 39 f. Well-being of Stakeholders. We will work collaboratively with our communities and other
 40 stakeholders to enhance the well-being of others through pro bono services, other voluntary
 41 efforts, philanthropy, and/or other ways.

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

- 44 a. Resource and Energy Conservation. We will conserve our use of natural resources and
 45 energy to the extent practicable.

* *Law Organizations may adopt substantially similar versions of this Policy to meet their own specific needs and circumstances.*

- 46 b. Waste and Pollution Prevention and Management. We will reduce to the extent practicable
 47 the quantity and degree of hazard of the wastes we generate from our operations, and
 48 handle them in a safe, legal, and responsible way to minimize their environmental effects.
 49 We will also reduce to the extent practicable the direct and indirect emissions of
 50 greenhouse gases and other harmful air pollutants from our operations and travel.
 51 c. Reduction of Supply Chain Impacts. We will work with others in our supply chain to help
 52 ensure adverse environmental impacts and risks associated with our operations are reduced
 53 and properly controlled, and environmental benefits optimized.
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55 Implementation Guidelines

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 57 (1) Flexible Implementation. Each law organization should implement its sustainability policy in
 58 a practical way, in a way that is most suitable to its resources, location, structure, values, culture,
 59 and nature of operations, and services. The resources mentioned in the References section of this
 60 document (see below) can be used to help identify measures to be taken. In addition, a document
 61 entitled *Shared Ideas for Implementing the ABA Model Sustainability Policy* is provided on the
 62 SEER website. It is not expected that the organization adopt all of the practices listed there;
 63 indeed, other practices may be just as effective for the organization, if not more so. Also, given
 64 the breadth of the policy, it is expected that organizations will prioritize and pace their efforts
 65 toward implementation over time.
 66
 67 (2) Systematic Approach. A simple management system approach, though not essential, may
 68 prove helpful in fulfilling the policy. This entails a sequential process of planning, implementing
 69 the plan, reporting and evaluating performance, adjusting the approach, and periodically repeating
 70 these steps for continual improvement. Here are some more specific steps that may be worth
 71 considering, too, especially for larger organizations:
 72 (a) **Secure Buy-in.** Discuss with employees what you are trying to accomplish by adopting this
 73 sustainability initiative and why you think the organization should do it; secure employee buy-
 74 in.
 75 (b) **Adopt and Post Policy.** Adopt and sign the model sustainability policy, or one substantially
 76 like it that covers the Triple Bottom Line of social, economic and environmental responsibility.
 77 Post it in one or more prominent places in your office area.
 78 (c) **List with ABA:** Notify the ABA Climate Change, Sustainable Development and
 79 Ecosystems (CCSDE) Committee within the Section on Environment, Energy and Resources
 80 (SEER), and ask that your organization be listed on the ABA website as one that has adopted
 81 the model policy or a substantial equivalent.
 82 (d) **Appoint Coordinator, Support Group.** Identify a sustainability coordinator to oversee
 83 your implementation of the policy, and track and report progress. A small steering committee
 84 of key supporting managers may be useful for providing guidance, oversight and policy
 85 decisions.
 86 (e) **Assess Status.** Assess the current status of your organization's fulfillment of its adopted
 87 policy. In this regard, it may be helpful to review the ABA and state bar tools and other
 88 resources mentioned in the References section, below, as well as the *Shared Ideas for*
 89 *Implementing the ABA Model Sustainability Policy and Implementation Guidelines* provided on
 90 the SEER website. Other firms and resources may also provide useful suggestions.
 91 (f) **Create Plan with Goals.** Establish a plan for implementing the sustainability policy in a
 92 way that makes sense for the organization. One way to do this is to have teams propose the
 93 objectives, metrics, and goals, and then a leadership group can select the priorities and spread
 94 them across a number of years so that progress is steady but not overwhelming. Employees
 95 should be encouraged to suggest ideas for improvements, too. Part of the plan may involve

96 reviewing and updating existing policies and procedures. Large organizations will need to
 97 resolve what they want to adopt as firm-wide initiatives or goals, while still leaving local
 98 offices with enough flexibility to address local conditions. Some firms create a list of optional
 99 actions and assign points to them, then set levels of recognition for individual offices based on
 100 points achieved.

101 **(g) Identify Implementation Leaders.** Assign people within the organization to lead the
 102 implementation of each key objective or goal. An implementation team may also be useful in
 103 some cases.

104 **(h) Evaluate and Report Progress.** Starting one year after implementation, evaluate and report
 105 progress and challenges at least every two years via the web or in other ways. Report internally
 106 first, then publicly. This is most credibly done when noteworthy achievements and best
 107 practices are conveyed along with a description of challenges, shortcomings, and plans for
 108 further improvement. Sometimes firms find it easiest to pull together information on their
 109 environmental, pro bono, diversity and other sustainability topics that has already been
 110 published in a variety of documents. A public report may also take the form of a brochure or
 111 other publication for clients. Or it may entail posting a simple progress report on the website of
 112 the organization and linking that to SEER's website. You may contact the CCSDE Committee
 113 at the ABA to arrange for posting.

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

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

119 **(k) Tell Others.** Share your experience with others outside the organization (clients, new
 120 recruits, other law organizations, communities, media, etc.); inspire others to pursue
 121 sustainability.
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123 (3) **Sole Practitioners.** A simplified version of the policy can be adopted by very small law
 124 organizations, even sole practitioners. In the case of the latter, irrelevant provisions in the model
 125 policy, such as those on employees, can be eliminated. A sole practitioner's progress report
 126 might, for example, cover paper reduction and recycling practices as well as energy conservation
 127 achieved through the use of compact fluorescent bulbs, using conference calls in place of travel,
 128 converting to a high fuel efficiency vehicle and purchasing carbon offsets for air travel. The
 129 report could also talk about the preference and use of green hotels and fairtrade coffee. Social
 130 matters might include continuing legal education, pro bono legal services and other voluntary
 131 community work, and donations. The progress report could be published in a simple self-
 132 published single-page brochure or posted on the lawyer's website.

