RESOLVED, That the American Bar Association urges law firms and other law organizations to adopt the ABA-EPA Law Office Climate Challenge.
1. Introduction

In August 2003, the American Bar Association’s House of Delegates endorsed “the internationally accepted concept of sustainable development, as recognized by the United Nations Conference on Environment Development and subsequent international conferences: simultaneous achievement of environmental protection, economic development, social development, and peace, at the same time, for present and future generations.” The House of Delegates also agreed to “promote the principles of sustainable development in relevant fields of law” and “encourage governments … as well as businesses, nongovernmental organizations, and other entities, to promote sustainable development, including by adopting and implementing appropriate measures with respect to their own facilities and activities.”

In February 2008, the House of Delegates, recognizing the serious risks to human health and well-being that are presented by climate change, urged “the United States government to take a leadership role in addressing the issue of climate change through legal, policy, financial, and educational mechanisms.”

In the wake of these resolutions, numerous law firms and other law organizations sought flexible tools through which they could demonstrate their commitment to addressing sustainable development (or sustainability) and climate change in their own operations. In many cases, the organizations sought this not only as a reflection of their personal values, but also to better align with major clients that were also undertaking significant action in these areas and looking to their suppliers and service providers to do the same.

To carry out these resolutions, and meet the demands for such tools within the legal community, the Section of Environment, Energy, and Resources, with the assistance of the ABA Law Practice Management Section, the ABA Standing Committee on Environmental Law and other groups, developed the ABA-EPA Law Office Climate Challenge. As of December 3, 2008, over 140 law firms and other law organizations were using this tool.

2. Overview of ABA-EPA Law Office Climate Challenge

Law offices can impact climate change through the paper they use; the energy they consume for lighting, heating, cooling; and the operation of computers and other equipment. With modest efforts, firms and other law organizations can reduce the greenhouse gas emissions associated with their energy and paper use, thereby demonstrating their commitment to environmental responsibility while saving costs as well.

Law offices tend to be paper-intensive, which leaves a meaningful carbon footprint because the production and disposal of paper consumes substantial amounts of energy and generates significant quantities of greenhouse gas emissions. An informal survey by
Arnold & Porter of eight small-to-large law firms around the country found that copier/printer paper use ranged from about 20,000 to about 100,000 sheets per attorney at those firms during 2006. This amount corresponds to about 10-50 sheets per work hour (assuming 2,000 work hours per year). The high end of this range – 100,000 sheets per attorney – amounts to a half-ton of paper use per attorney per year. The life-cycle of a ton of paper, from production to recycling, results in the generation of about 9 tons of carbon dioxide (CO2) - equivalent greenhouse gas emissions. (Disposal in a landfill can result in two more tons of such emissions per year.)

Acknowledging the impact that law offices can have on climate change, in March 2007, the ABA Section of Environment, Energy, and Resources (SEER), launched the Law Office Climate Challenge tool in cooperation with the U.S. Environmental Protection Agency (EPA). This tool is designed to encourage law offices to take specific steps to conserve energy and resources, as well as reduce emissions of greenhouse gases (which cause global climate change) and other pollutants.

Specifically, a law office can enroll in the Climate Challenge by taking at least one of the following actions:

- Adopt at least two of three best practices for office paper management: Switch to double-sided printing and copying to reduce the amount of paper used; 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 implement an effective paper recycling program.
- Join EPA’s Green Power Partnership [http://www.abanet.org/environ/climatechallenge/greenpower.shtml], by buying 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.
- 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, among other things, the purchase of ENERGY STAR-designated equipment and implementation of better energy management practices. A document entitled Law

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

3. Conclusion

This resolution is timely and important to the ABA because more and more law organizations and their clients recognize the importance of sustainable development and climate change, and are seeking concrete opportunities to show that they too are doing their part in addressing these serious issues. This resolution is necessary because, as the House of Delegates recognized in its previous resolutions of 2003 and 2008, both issues demand action and the legal profession has a critical role to play.

Respectfully submitted,

Claudia Rast, Chair  
Section of Environment, Energy, and Resources

Howard Kenison, Chair  
Standing Committee on Environmental Law

February 2009
1. **Summary of Recommendation(s).**
The American Bar Association urge law firms and other law organizations to consider adopting the ABA-EPA Law Office Climate Challenge.

2. **Approval by Submitting Entity.**
Approved by the Section of Environment, Energy, and Resources Council on November 14, 2008. Approved by the Standing Committee on Environmental Law the week of November 10, 2008.

3. **Has this or a similar recommendation been submitted to the House or Board previously?**
A resolution on sustainable development in the practice of law was prepared by the Law Practice Management Section for the August 2008 House of Delegates meeting, but was tabled. The present proposal is narrower in scope than the prior resolution, and the accompanying report answers questions about the prior resolution that were raised by the House of Delegates.

4. **What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?**
This resolution would further a series of resolutions adopted by the House of Delegates in recent years. In 1993 the Association adopted a resolution supporting NAFTA and procedures and institutions for the conduct of trade in North America. In 1995 the ABA adopted a resolution promoting meaningful and effective involvement of all affected stakeholders and interest through the public participation provisions of environmental laws, international environmental agreements and treaties. In 2003 the Association adopted a policy resolution reaffirming the ABA’s 1991 commitment to sustainable development, and further encouraging governments, businesses and nongovernmental entities to promote sustainable development and recognizing that good governance and the rule of law are essential to achieving sustainable development. In August 2007, the ABA adopted a resolution urging governments, businesses, nongovernmental organizations and other organizations to integrate and consider Rule of Law Initiatives with global environmental issues. In February 2008, the House of Delegates, recognizing the serious risks to human health and well-being that are presented by climate change,
urged “the United States government to take a leadership role in addressing the issue of climate change through legal, policy, financial, and educational mechanisms.”

5. What urgency exists which requires action at this meeting of the House?
In the wake of the above mentioned resolutions, numerous law firms and other law organizations sought flexible tools through which they could demonstrate their commitment to addressing sustainable development (or sustainability) and climate change in their own operations. In many cases, the organizations sought this not only as a reflection of their personal values, but also to better align with major clients that were also undertaking significant action in these areas and looking to their suppliers and service providers to do the same. To carry out these resolutions, and meet the demands for such tools within the legal community, SEER developed the two tool covered by the current resolution. As of December 3, 2008, over 140 law firms and other law organizations were using this tool. Support for the Law Office Climate Challenge will enhance its visibility and credibility, and indicate a means by which law organizations can act in furtherance of the resolutions described under Item 4 above.

6. Status of Legislation. (If applicable.)
Not applicable.

7. Cost to the Association. (Both direct and indirect costs.)
The tool that would be endorsed by this resolution is already described and promoted on the ABA Web site, which includes a list of participating law organizations. This resolution will not impose costs on the Association beyond those already being incurred, except for the minor administrative effort of posting additional names of law organizations on the Association Web site.

8. Disclosure of Interest. (If applicable.)
The cosponsoring entities hold an active interest in and engage in activities that will foster sustainable development and address climate change generally, such as CLE programming, provision of ABA activities information to governments, NGOs and others, and development of policy resolutions. No individual associated with this resolution will benefit personally from adoption of this resolution.

9. Referrals.
The tool which this resolution endorses is already widely known and used within the Association. It has been reviewed extensively by the SEER Council, the Standing Committee on Environmental Law and the Law Practice Management Section, and has been approved by the Board of Governors.

10. Contact Person. (Prior to the meeting.)
Claudia Rast, Chair, ABA Section of Environment, Energy, and Resources, Pear Sperling Eggan & Daniels PC, Ann Arbor, MI, phone: (734) 665-8788; email: crast@psedlaw.com
11. **Contact Person.** (Who will present the report to the House.)

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EXECUTIVE SUMMARY

1. Summary of the Recommendation

This recommendation urges law firms and other law organizations to consider adopting the ABA-EPA Law Office Climate Challenge.

2. Summary of the Issue Which the Recommendation Addresses:

The House of Delegates has adopted resolutions urging law organizations to support sustainable development in their own facilities and activities (2003), urging support for the rule of law as a basis for environmental protection and sustainable development (2003, 2007), and urging the United States government to take a leadership role on climate change through “legal, policy, financial, and educational mechanisms.” In the wake of these resolutions, numerous law firms and other law organizations sought flexible tools through which they could demonstrate their commitment to addressing sustainable development (or sustainability) and climate change in their own operations. In many cases, the organizations sought this not only as a reflection of their personal values, but also to better align with major clients that were also undertaking significant action in these areas and looking to their suppliers and service providers to do the same.

3. Explanation of How the Proposed Policy Position Will Address the Issue:

To carry out these resolutions, and meet the demands for such tools within the legal community, SEER developed the tool covered by the current resolution. This recommendation provides a means by which law organizations can take specific steps in furtherance of resolutions previously adopted by the House of Delegates.

4. Summary of Any Minority Views or Opposition Which Have Been Identified:

A resolution on sustainable development in the practice of law was prepared by the Law Practice Management Section for the August 2008 House of Delegates meeting, but was tabled. The present proposal is narrower in scope than the prior resolution, and the accompanying report answers questions about the prior resolution that were raised by the House of Delegates. The tool that would be supported by this resolution has been widely circulated within the Association, and has been endorsed by the ABA Board of Governors. At this time, the sponsors have not received opposition or minority comments.