

Law firms demonstrate sustainability leadership by piloting new draft ABA model policy

BY WILLIAM R. BLACKBURN

Seven U.S. law firms are demonstrating that they “walk the talk” on environmental, social, and economic responsibility by conducting pilot programs to implement the new draft *Model Sustainability Policy for Law Organizations* (Model Policy). The Model Policy was developed by the American Bar Association Section of Environment, Energy, and Resources’ Climate Change, Sustainable Development, and Ecosystems Committee.

By committing to pilot the Model Policy and its supporting tools, these seven firms—Levenfeld Pearlstein; Ballard Spahr Andrews & Ingersoll; Manko, Gold, Katcher & Fox; Schwabe Williamson, & Wyatt; Holland + Knight; McMahon DeGulis; and Giarmarco, Mullins & Horton—have promised to (1) adopt a sustainability policy similar to the Model Policy, (2) use the checklist of implementation ideas accompanying the Model Policy to evaluate the current status of their sustainability programs, (3) develop an action plan for improving those programs, and (4) periodically report on their progress. The checklist of implementation ideas draws on a number of existing initiatives, including the ABA-EPA Law Office Climate Challenge.

The Climate Change, Sustainable Development, and Ecosystems Committee, with support from the SEER Council, is further reviewing and developing the Model Policy and supporting tools with the help of these law firms, other ABA committees and sections, and state bar associations. The Model Policy initiative is also supported by the Standing Committee on Environmental Law. The Model Policy is scheduled to be completed in May 2008, and, once approved by the SEER Council, it will be submitted as part of a proposed resolution for consideration by the ABA House of Delegates, the ABA’s policymaking body, at the ABA Annual Meeting in August 2008. The ABA Law Practice Management Section is preparing, and SEER is prepared to co-sponsor, the proposed resolution encouraging law organizations to promote sustainable development and to adopt the Model Policy.

Background

Sustainability is not new to the ABA. As far back as 1992, the ABA made a commitment to sustainable development, reaffirming that commitment by formal resolution in 2003.

Sustainable development carries many definitions, the most common of which was articulated by the United Nations’ 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. Sustainability 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. It soon became apparent, however, that national and international governments alone could not meet the difficult challenge of achieving economic development while protecting the environment and improving conditions of society. Since then, many businesses, governments, nongovernmental organizations, and academic institutions have realized they have a role to play in the march toward sustainability. More recently, taking a clue from their clients, some law firms have begun to ask what sustainability means to them. The *Model Policy* is intended to answer that question.

The Model Policy shows how sustainable development relates to lawyers and their firms, corporate law departments, and other law organizations. It is designed to allow these entities to demonstrate in a meaningful way what they are doing to be good organizational citizens. The adoption and implementation of the Model Policy should strengthen not only a firm’s reputation or “brand,” but also its efficiency, productivity, and employee recruitment and retention. It should more closely align the firm with the growing legions of current and potential clients who are now embracing sustainability, thereby enabling the firm to better understand and reflect the values of such clients and provide more effective counsel. Moreover, implementing the Model Policy should help 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 implementation of the Model Policy by many ABA members should show others that the ABA, which has long supported sustainability, is willing to demonstrate its commitment to this concept and enhance the reputation of the U.S. legal profession as responsible, caring contributors to the public good.

The Model Policy, as well as the supporting tools discussed above and contact information for the seven law firms, may be found at www.abanet.org/environ/.



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