



Tuesday, October 21
4:30 pm-6:00 pm

704 Legally Green: Lower the Environmental Impact of Your Law Department

Carolyn S. Kaplan
Counsel and Chief Sustainability Officer
Nixon Peabody LLP

Bruce Lymburn
General Counsel and Secretary
Clif Bar & Company

Kelly O'Donnell
Attorney
Southern California Edison

Faculty Biographies

Carolyn S. Kaplan

Carolyn Kaplan serves as chief sustainability officer for Nixon Peabody. In that role she identifies opportunities to better service and partner with clients and others on joint sustainability initiatives and she works closely with the firm's chief administrative officer to reduce the firm's carbon footprint and green its supply chain. She also co-chairs the renewable energy team in the firm's energy and environmental practice group, which is composed of attorneys experienced in the development, construction, financing, and operation of renewable energy facilities. She has assisted clients on a variety of renewable energy projects, including siting of land based and offshore wind energy facilities.

Ms. Kaplan's legal experience and skill is complemented by her prior work as an environmental consultant with ICF Inc. in Fairfax, Virginia, where she provided regulatory advice and technical support to the US EPA.

Ms. Kaplan serves actively on the American Wind Energy Association's Siting Committee and Offshore Wind Working Group and co-managed the drafting of AWEA's Wind Energy Siting Handbook. She also participates in several state wind energy working groups. Ms. Kaplan has been recognized as a "Super Lawyer" in environmental law based on a peer-review survey by *Massachusetts Super Lawyers* magazine.

Ms. Kaplan earned her JD, cum laude, from Boston College Law School and her BA from Cornell University.

Bruce Lymburn

Bruce Lymburn is the general counsel and secretary of Clif Bar & Company, the maker of great-tasting energy bars and other foods.

Mr. Lymburn has spoken extensively on the subject of sustainable law office practices. He is also currently is the co-chair of the California State Bar's Task Force on Sustainable Law Practice.

He received his undergraduate degree from the University of California at Santa Cruz, and his law degree from the University of California, Berkeley School of Law.

Kelly O'Donnell

Kelly O'Donnell is an attorney at Southern California Edison. She is part of the environmental, property, and local governance section of the law department.

Previously, she was an associate at O'Melveny & Myers LLP, where she practiced environmental law and white-collar criminal defense. She represented corporations and individuals in civil and criminal litigation and government investigations.

She is a member of the executive committee of the environmental section of the Los Angeles County Bar Association, where she chairs the web site committee. She also served on the California State Bar Task Force on Sustainable Practice, which created a set of voluntary standards for environmentally sustainable law practice. She volunteers at the Pasadena Humane Society and as a tutor for a charter school.

She graduated from the University of Michigan Law School and UCLA.

HOW GREEN IS MY LAW DEPARTMENT

Bruce Lymburn
General Counsel and Secretary
Clif Bar & Company

INTRODUCTION

- ✓ A WALK IN IRELAND AND WHAT I LEARNED FROM CLIF BAR....
- ✓ THE NATURAL STEP

The Green Law Firm Or Law Department In 2002: A Harder Sell In The Pre- "Inconvenient Truth" Era....

- How Much Will This Cost Me/Us?
- Are You Trying To Change Me Into A Democrat?
- My/Our Clients/Supervisors Will Think Our Firm/Department Has Turned Into A Bunch Of Hippie Flakes Waving Chairman Mao's "Little Red Book."

The LOHAS Consumer

LOHAS is an acronym for Lifestyles of Health and Sustainability, a market segment in which consumers (1) value environmental quality, health and fitness, personal development, sustainable living, and social justice, and (2) "vote with their wallets" for goods and services that reflect those values.

Companies that have appealed to the LOHAS consumer generally have done very well.

See <http://www.lohas.com/> for more information.

WHAT WE DID – WENDEL ROSEN'S PROCESS

- ✓ Appealed to altruism and case for economic reward
- ✓ Hired Natural Step consultant who emphasized the science of sustainability
- ✓ Built a committee from across the firm, to (1) analyze consumption and waste, (2) develop recommendations/plan to reduce both, and (3) implement the plan.
- ✓ Followed Bay Area Green Business Program.
- ✓ Held Open House with "Petting Zoo."

Definition of Sustainable Development

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

United Nations. 1987. [Report of the World Commission on Environment and Development](#). General Assembly Resolution 42/187, 11 December 1987. Retrieved: 2008-07-24

Sustainability -- Science And Economics

First And Second Laws Of Thermodynamics: Matter And Energy Cannot Be Created Or Destroyed, And Tends To Disperse (When You Throw Something Away, There Is No "Away")

Shortages Of Materials, Natural Disasters, Bad Publicity, Employee Health And Loyalty Problems – All Are Expensive

Conditions Of Sustainability

In a sustainable society, nature is not subject to systematically increasing:

1. Concentrations of substances extracted from the Earth's crust.
2. Concentrations of pollutants from synthetic (manmade) substances, or
3. Over-harvesting and displacing natural systems.

And in that society:

4. Human needs are met worldwide.

Air Quality

- ✓ Encouraged use of mass-transit by offering employees "**Commuter Checks**," enabling purchase of transit passes with pre-tax income.
- ✓ Joined "**Spare-the-Air**" to receive e-mail alerts to circulate throughout office.
- ✓ Required carpet-cleaning contractors to use an environmentally friendly cleaning product.
- ✓ Posted a **ride-share board** to encourage car pooling.
- ✓ Required painters to use only **paints** and sealants with low-VOCs (Volatile Organic Compounds).

Energy -- Lighting

- ✓ Posted "**Turn Off Lights**" reminders on all switches in the office. **Timers** automatically turn off all lights at 7:00 p.m.
- ✓ Switched to **T-8 Energy Efficient Bulbs**, using about 62% less electricity than fixtures with older T-12 bulbs.
- ✓ Installed sensors in add-on space to turn lights on and off automatically.

Energy Efficiency

- ✓ **Set computer monitors** to energy-efficient “stand by” mode after 15 minutes, consuming 90% less energy than regular operational mode.
- ✓ Set all **printers and copiers** to enter energy-saving “stand by” mode after 20 minutes of non-use.
- ✓ Began to replace all electronics (printers, copiers, A/C units) with “**Energy Star**” certified devices.

Recycling

- ✓ Met with building management to review waste policies and procedures. Verified that wet/dry **waste was separated and that paper, plastic, glass and aluminum cans are recycled.**
- ✓ Eliminated plastic liners from office wastebaskets.
- ✓ Provided employees **mini-trash cans** to separate garbage from recyclables.
- ✓ **Donated** old office furniture and equipment to non-profits for reuse.
- ✓ Gave **purchasing preference** to items with high recycled content and minimal packaging.
- ✓ Recycled **batteries.**

Paper

- ✓ Switched from 30% to **100% post-consumer content recycled, non-chlorine bleached paper**, producing annual savings of:
 - 250 mature trees;
 - 40,000 pounds of greenhouse gases;
 - more than 24,000 gallons of water; and
 - 31,450 kilowatts of electricity.
- ✓ Converted many inter-office memos and all financial reports to **e-mail** instead of paper.
- ✓ Set default to **double-sided copying printing and copying where possible**.

Paper (cont'd.)

- ✓ Required double-sided **printing** for lengthy documents.
- ✓ Cleaned up internal **mailing lists** to eliminate duplication and stale addresses.
- ✓ Used **continuous circulation envelopes** for inter-office mail.
- ✓ Ordered office supplies by **phone and Internet**.
- ✓ Circulated **scratch paper** pads made from backside of old printouts.
- ✓ Replaced all **paper products with highest recycled, chlorine-free content as available**, such as napkins, paper towels and toilet paper.

Food and Related Items

- ✓ Shifted to only organic "**Fair Trade**" certified coffee.
- ✓ Replaced disposable plastic **eating utensils** with metal and corn starch "plastic" substitute.
- ✓ Replaced disposable paper and plastic cups with reusable **glass mugs** and water glasses.
- ✓ Replaced **paper plates**, napkins and paper towels with highest recycled content, unbleached product available.

Bar Sustainability Initiatives

- ✓ ABA/EPA
- ✓ Oregon
- ✓ Massachusetts
- ✓ California

American Bar Association

Defending Liberty, Pursuing Justice

Search: This Entity [Advanced Search Topics A-Z](#)



Section of Environment, Energy, and Resources

The Premier Forum for Environmental, Energy, and Natural Resource Lawyers

The ABA-EPA Law Office Climate Challenge

The ABA-EPA Law Office Climate Challenge

Conserve energy. Support renewables. Stop wasting all that paper. Do something about global warming. Take the ABA-EPA Law Office Climate Challenge.

The ABA Section of Environment, Energy, and Resources (SEER) and the U.S. Environmental Protection Agency (EPA) have designed a program to encourage law offices to take simple, practical steps to become better environmental and energy stewards. Your law office (including law firms, government offices, citizens groups, courts, law schools and other law-related entities) can participate by implementing best practices for office paper management or by joining at least one of three EPA partnership (that is, voluntary) programs that encourage better office paper management, the use of renewable energy, and better energy management. The ABA Law Practice Management Section (LPM) is co-sponsoring this initiative.

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

- **Best practices for office paper management:** Switch to double-sided printing and copying to reduce the amount of paper you use; buy paper with recycled content; and increase recycling.
- **WasteWise:** Join this EPA program, adopt best practices for office paper management, and quantify the benefits.
- **Green Power Partnership:** Join this EPA program and support the growing field of renewable energy. Buy some - or all - of the amount of electricity you use from renewable sources such as solar cells or wind farms.
- **ENERGY STAR:** Join this EPA program, adopt an energy management plan designed for law offices, and set a goal to reduce your electricity use by at least 10%.

Whether your organization is large or small; whether you own or lease; whether your office is in the city, the suburbs, or a rural area, this program will help you become a better environmental and energy steward and, depending on what you choose, save you costs in the bargain.

If you take any of these steps - which you'll find quite reasonable - you'll be recognized by the ABA as a Law Office Climate Challenge Partner and, if you join one of the EPA programs, you'll be recognized by EPA as well. And if you can achieve certain identified goals - which you'll continue to find quite reasonable - then the ABA will recognize you as a Law Office Climate Challenge Leader.

Now is the time for law offices to become leaders in the national movement towards sustainability and climate protection.

So, enroll today. We challenge you.

For more information about the Climate Challenge, please see: [Climate Challenge Overview](#), [Office paper and WasteWise](#), [Green Power](#), and [ENERGY STAR](#).

When you are ready to enroll, fill out the [Climate Challenge Enrollment Form](#).

Please note that this program was initially titled the ABA-EPA Law Office Eco-Challenge, but was renamed the ABA-EPA Law Office Climate Challenge in May 2007.



American Bar Association | 321 N. Clark St. | Chicago, IL 60654-7598 | 800.285.2221
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<http://www.abanet.org/environ/climatechallenge/home.shtml>

OREGON LAWYERS FOR A SUSTAINABLE FUTURE

Model Law Office Sustainability Policy

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Firm management intends to establish sustainable office practices consistent with its overall commitment to provide excellent legal services to clients. This policy is adopted to implement that intent.

The best-known definition of sustainability is contained in a 1987 report *Our Common Future* commissioned by the UN World Commission of Environment and Development:

Sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs.

We recognize that all human activity, including the operation of a law office, has an impact on the environment and the natural world. Within the firm we make daily choices in performing work that can either reduce or increase that impact. As a firm we seek to reduce the impact.

Education. Because the daily actions of each person in the firm will contribute to the success of this policy, this policy includes a provision for education of all new lawyers and staff on sustainability matters. In the long run, the initiative of each individual will be the key to the success of the policy.

Sustainability Coordinator. One person shall be designated as the Sustainability Coordinator for the firm. The time allocated for work as Coordinator shall be determined by the [Firm Administrator] [Managing Partner]. The Coordinator shall organize and lead the Sustainability Team, be responsible for training all employees in an understanding of sustainability, make recommendations to firm management to implement the policy, and keep awareness of this policy at a high level in the firm.

Sustainability Team. The Sustainability Team will meet on a regular basis to evaluate current practices, determine priorities in carrying out this policy, and educate and motivate lawyers and staff to move toward sustainable practices. Anyone with ideas for improving the firm's performance is encouraged to contact a member of the Sustainability Team. The Sustainability Team will make periodic reports to the firm management regarding the progress the firm is making toward sustainability.

Purchasing. *Sustainability* shall be considered in the purchase of supplies, equipment, and services. Examples of sustainability criteria are recyclability, biodegradability, recycled content, waste minimization, hazardous-chemical free, energy conservation, resource conservation, locally manufactured, and organic.

Waste Reduction and Recycling. Subject to security and other requirements, policies shall be established that minimize the use of paper in data storage, printing and copying, internal and external communications, and mailing. Systems will be established to minimize disposables and packaging, reuse equipment and supplies where feasible, and maximize recycling of all items that can be recycled in this region.

Energy. Policies shall be established that encourage energy conservation and efficiency in heating/cooling, lighting, and equipment. This may involve negotiations with the building manager to seek best practices.

Travel. The Sustainability Team shall consider means for reducing business travel, including teleconferencing options, and strategies for reducing the impact of travel, including fuel efficiency, Flex Car, and carbon offsets.

Commuting. The firm management shall establish commuter incentives to encourage use of mass transit, carpooling, and bikes.

Carbon Credits/Green Power. The firm will consider the purchase of carbon credits to offset all or a portion of the greenhouse gas emissions associated with our operations and the purchase of green power to encourage alternatives to fossil fuels.

Tenant Improvements. When tenant improvements are made, the firm shall specify materials that are the least hazardous and most natural and give preference to those that are high in recycled content, recyclable or biodegradable, certified sustainable, and durable.

Implementation and Measuring Success. In implementing this policy, firm personnel shall consider three documents prepared by Oregon Lawyers for a Sustainable Future and available on its Web site (www.earthleadershipcenter.org/OLSF/office_practices): (1) Sustainable Practices of the Law Office, (2) Best Practices of Office Building Management, and (3) Guidelines for Tenant Improvements. Where practicable, baselines shall be established for practices that can be measured--such as paper used, recycled content of supplies, disposables purchased, percentage of office waste that is recycled, and electricity used--and progress shall be reported to the firm at least annually.



*Oregon Lawyers for a Sustainable Future is a project of the Center for Earth Leadership.
319 SW Washington, Ste 400, Portland, OR 97204 • info@earthleaders.org • (503) 227-2315
The law office tools are located at www.earthleaders.org/olsf/office_practices.*

GREEN GUIDELINES

The Massachusetts Bar Association has created these GREEN GUIDELINES to assist lawyers to:

- A**ssess current environmental practices.
- C**ommit to adopting more sustainable practices.
- T**read more lightly on the Earth.

Sustainable practices are defined as using a resource so that the resource is not depleted or permanently damaged.

The MBA Energy and Environment Task Force recognizes that each lawyer's ability to implement these **MBA GREEN GUIDELINES** may depend on a number of factors. Some may have a greater ability to implement these guidelines than others and some may be able to institute measures that go far beyond the scope of the **MBA GREEN GUIDELINES**. We encourage everyone to use their **BEST EFFORTS** to implement the **MBA GREEN GUIDELINES** to the extent reasonably feasible and make them your own. Inspiring and educating yourself and others will ensure environmentally sustainable practices. Thank you for your participation. Together, we will make a difference.

ECO-CHALLENGE PARTNERS:

- 1 Designate one person in your organization as the environmental liaison.
- 2 Adopt and implement the **MBA GREEN GUIDELINES**. Make them your sustainability policy or customize them to your practice.
- 3 Educate co-workers about the policy and integrate it into new employee training. Educate attorneys with whom you share office space about these **MBA GREEN GUIDELINES**.
- 4 Implement a check system that regularly monitors this policy.
- 5 Encourage your landlord to review his or her sustainable practices.
- 6 Renew your pledge and commitment at the beginning of each year with the MBA.

As an **Eco-Challenge Partner**, action is needed in the following areas:

- ✳ Energy conservation
- ✳ Paper reduction
- ✳ Recycling
- ✳ Greenhouse gas reduction
- ✳ Environmentally conscious purchases
- ✳ Sustainable practices
- ✳ Education
- ✳ Support for environmental conservation

Visit MassBar.org/ecochallenge for more information.

1 ENERGY CONSERVATION

LIGHTS

- ✦ Turn off the lights when you leave.
 - ⌚ If you have cleaning staff, verify that they will turn off the lights when they leave your office.
 - ⌚ Install motion detectors if you cannot verify the lights are being turned off.
- ✦ Substitute inefficient, older light bulbs with compact fluorescent light (CFL) or Light Emitting Diode (LED) bulbs
 - ⌚ The CFL bulb needs 60 percent less energy than a conventional light bulb.
 - ⌚ The LED bulb lasts up to 60,000 hours and can use as little as two watts of energy.
- ✦ Replace old, inefficient light fixtures.

Why Take Action?

According to Energy Star, if every American home replaced just one light bulb with an Energy Star-qualified bulb, we would save enough energy to light more than 3 million homes for a year and more than \$600 million in annual energy costs. This would prevent greenhouse gas emissions equivalent to those of more than 800,000 cars.

Where To Buy

CFLs can be purchased at any local hardware or home improvement store. Visit EnergyFederation.org for more information.

COMPUTERS

- ✦ Mandate the use of screen savers for computers.
- ✦ Require attorneys and staff to turn off computers after work and when idle for more than 30 minutes.

Why Take Action?

Businesses spend \$1.7 billion in energy costs and cause 14.4 million tons of CO₂ emissions from computers left on after work, according to a PC Energy Awareness Report.

COPY MACHINES

- ✦ Ensure shared copy machines and printers are put in standby mode when not in use or turned off at the end of each day.

LANDLORDS

- ✦ If utility costs are included in your lease, work with your landlord to save energy and maximize building systems performance. For example, encourage your landlord to install compact fluorescent light bulbs (CFLs).
- ✦ Encourage your landlord to review their sustainable practices.
- ✦ Network and encourage co-tenants in your building to get involved in lowering energy costs by also supporting the **Tenant Environmental Request to Landlord**, available at MassBar.org/ecochallenge.
- ✦ Encourage landlord to buy green power. Visit EPA.gov/greenpower.
- ✦ Contact your local utility to request a free energy audit and educate landlord of results.
- ✦ Encourage your landlord to install a green roof. Visit GreenRoofs.org.
- ✦ Promote sustainable building practices used by the U.S. Green Building Council LEED program. Visit USGBC.org.

ENERGY CONSERVATION (cont.)

THERMOSTATS

- ✦ Calibrate thermostats to adjust for seasonal changes. Adjust your thermostat up two degrees in the summer and down two degrees in the winter.

MEASURE YOUR PROGRESS

- ✦ Create a record-keeping system to measure your program's effectiveness. One simple way to do this is to keep track of your energy bills.

**FOR MORE INFORMATION ON ENERGY CONSERVATION,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE.**

2 PAPER REDUCTION

- ✦ You can reduce your environmental impact substantially by choosing to use 100 percent recycled paper. You will ensure that no forests were destroyed in the production of that paper. In most cases, you and your copy machine will not even know the difference.
- ✦ Ensure your copiers and printers have an automatic duplex option. Encourage use of both sides of the paper on lengthy documents.
- ✦ Whenever possible, use Internet court and agency filing procedures.
- ✦ Electronically route faxes, interoffice memoranda and reports throughout office.
- ✦ Utilize the Internet to send documents when feasible.
- ✦ Process documents electronically using the scan option on a copier when appropriate, rather than printing hard copies.
- ✦ Refrain from printing e-mails when feasible.
- ✦ Create note pads from used paper printed on one side.
- ✦ Print documents in small fonts, with wide margins and reduced spacing.
- ✦ Use letter-sized paper, files and pouches rather than legal sized items whenever possible.
- ✦ Keep mailing lists up-to-date so as not to waste paper.
- ✦ Get off mailing lists. Go to 41pounds.org.
- ✦ Assess archive inventory to determine whether documents are ripe for recycling.
- ✦ Encourage sharing of phone and reference books (e.g., dictionaries, statutes) or use of online sources.

Safety Note — Always be sure to make computer backups when relying on electronic documents and e-mails.

Why Take Action?

Lawyers use 10 times more paper than the average office worker. Specifically, a lawyer will use a ton of paper each year which equates to approximately 24 trees cut each year per lawyer. There are over 1 million lawyers in the U.S. which means over 24 million trees are destroyed each year just to meet lawyers' demands for paper.

**FOR MORE INFORMATION ON PAPER REDUCTION,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE.**

3 RECYCLING

- ⊕ Be an avid recycler. Strive to recycle 100 percent of all paper, cardboard products, bottles, cans, etc.
- ⊕ Install recycling bins at each workstation, copier, fax machine and kitchen/cafeteria.
- ⊕ Provide recycling for bottles and cans.
- ⊕ Provide a procedure for recycling items not accepted in standard recycling, such as Tyvek envelopes, batteries, plastic bags and computers.
- ⊕ Work with town or city officials to set up a recycling program for small businesses and firms to recycle bottles, cans, newspapers, cardboard and magazines.

For help on this section, visit Earth911.org.

Recycling Makes A Difference

There are literally hundreds of reasons to recycle. Here are a few:

- ③ Recycling helps us reduce our reliance on foreign oil by saving energy. To that end, costly wars over natural resources including oil, minerals and timber have killed millions of people.
- ③ Recycling eases the demand for resources. A 30 percent recycling rate would reduce greenhouse gas emissions comparable to removing approximately 25 million cars from the road. In just one year of recycling, Stanford University saved the equivalent of 33,913 trees and the demand for 636 tons of iron ore, coal and limestone.
- ③ Recycling benefits the air and water by creating a net reduction in 10 major categories of air pollutants and eight major categories of water pollutants.
- ③ Recycling prevents habitat destruction, loss of biodiversity and soil erosion associated with logging and mining.

**FOR MORE INFORMATION ON RECYCLING,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE.**

4 GREENHOUSE GAS REDUCTION

The Problem

Human actions such as burning fossil fuels (coal, oil and natural gas) and land clearing are generating more greenhouse gases. These additional greenhouse gases trap more heat and raise the Earth's surface temperature, which causes global warming.

- ⊕ Encourage and utilize public transportation and carpooling.
- ⊕ Encourage reducing the need for business travel by working from home, teleconferencing and other strategies.
- ⊕ Provide a subsidy of at least 50 percent, preferably 100 percent, for using public transportation. This subsidy has great tax incentives for you and the members of your firm.
- ⊕ Encourage personnel traveling on business to rent fuel-efficient cars.
- ⊕ Avoid providing free parking for any personnel if alternative modes of transportation exist.
- ⊕ Walk often. Join National Walk to Work Day. Go to Walking.About.com.
- ⊕ Provide incentives for bike commuters such as financial, storage space and gym membership support. Participate in Bike to Work Week. Visit BikeLeague.org/programs/bikemonth.
- ⊕ Purchase a car-sharing membership or set up a ride-share bulletin board.
- ⊕ Purchase a hybrid vehicle.

5 ENVIRONMENTALLY CONSCIOUS PURCHASES

Conscious Consuming

Before making a purchase, do a quick self-check:

- ⊗ Do I really need this product?
- ⊗ Is the product I need eco-friendly?
- ⊗ Is there another product I can purchase that will use less of the Earth's resources?

OFFICE ITEMS

- ⊕ Purchase computers that are rated highly by the Electronic Product Environmental Assessment Tool (EPEAT). Visit EPEAT.net.
- ⊕ Purchase Energy Star office equipment and appliances and give preference to equipment with an energy-saving device when replacing equipment. Go to EnergyStar.gov.
- ⊕ Purchase fair trade coffee that is organic and shade grown.
- ⊕ Purchase coffee, sugar, creamer, salt and pepper in bulk rather than in single-servings.
- ⊕ Purchase computer monitors and printers that have an energy efficient "standby" mode, consuming 90 percent less energy than regular mode.
- ⊕ Purchase dishwashing liquid, hand soap and automatic dishwashing detergent free of phosphates, triclosan, chlorine or other antibacterial ingredients.

PAPER

- ⊕ Strive to purchase copy paper that is 100 percent post-consumer recycled content, but at least 30 percent post-consumer recycled.
- ⊕ Always give preference to products with recycled content whenever available.
- ⊕ Purchase file folders that have a minimum of 30 percent post-consumer recycled content.
- ⊕ Strive to purchase letterhead, envelopes and legal pads with 100 percent post-consumer recycled content, or at least 30 percent post-consumer recycled.
- ⊕ Purchase small-sized paper towels with 100 percent post-consumer recycled content and that are perforated in half sizes.
- ⊕ Notify your suppliers that you have adopted these green **MBA GREEN GUIDELINES**.

PREFER SUSTAINABLE SERVICE PROVIDERS

- ⊕ Give preference to vendors that use sustainable practices.
- ⊕ Notify suppliers about firm's desire to purchase sustainable products.
- ⊕ Encourage the use of lunch caterers that minimize disposables and purchase locally grown organic food.
- ⊕ Encourage hiring event planners who have expertise in sustainable events.
- ⊕ Specify soy-based ink for outsourced printing jobs.

**FOR MORE INFORMATION ON ENVIRONMENTALLY CONSCIOUS PURCHASES,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE**

6 SUSTAINABLE PRACTICES

CONSERVE WATER

- ⊕ Establish a regular maintenance protocol to check for and repair leaks in sinks and toilets.
- ⊕ Post signs encouraging water conservation at sinks.

ELIMINATE DISPOSABLES

- ⊕ Provide durable plates, cups, glasses and utensils for the kitchen and conference rooms rather than disposable items.
- ⊕ Provide pitchers with filtered water, rather than bottled water, in conference rooms.
- ⊕ For more information about solid and hazardous waste disposal in Massachusetts, visit the Massachusetts Department of Environmental Protection at Mass.Gov/dep.

REDUCE TOXIC PRODUCTS

- ⊕ Purchase unbleached paper towels and napkins.
- ⊕ Purchase kitchen cleaners with low toxicity and high biodegradability or clean with products such as baking soda, white vinegar and club soda.

REUSE EQUIPMENT AND SUPPLIES

- ⊕ Arrange for your supplier to pick up old cartridges for reuse or recycle old ink cartridges.
- ⊕ Create an internal reuse center for supplies such as binders, file folders, large envelopes, etc.
- ⊕ Donate old office equipment, furniture and supplies.
- ⊕ Purchase remanufactured cartridges for laser printers.

FOR MORE INFORMATION ON SUSTAINABLE PRACTICES,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE.

7 EDUCATION

- ⊕ Educate all employees about the program and recognize their participation.
- ⊕ Invite and promote educational speakers on sustainability to be part of the firm training.
- ⊕ Read, *A Healthy Environment Starts at Home*, a guide published by the Massachusetts Water Resources Authority. MWRA.state.ma.us/index.html.

8 SUPPORT FOR ENVIRONMENTAL CONSERVATION

- ⊕ Implement a workplace giving program that supports environmental nonprofits. Employers should consider matching employee donations.
- ⊕ Support local environmental organizations.

FOR MORE INFORMATION ON ENVIRONMENTAL CONSERVATION,
VIEW THE GREEN RESOURCES AT MASSBAR.ORG/ECOCHALLENGE.

INSPIRE

Although climate change is a serious issue, make these [MBA GREEN GUIDELINES](#) a positive experience for you and the members of your office. Enthusiastic participation will encourage eco-friendly habits. Take these practices with you at home. We encourage you to write in and tell us your success stories and/or suggestions.

ATTACHMENT B

CALIFORNIA STATE BAR LAWYERS ECO-PLEDGE AND LAW
OFFICE SUSTAINABILITY POLICY

The day-to-day practice of law has significant environmental impacts. The legal profession uses enormous amounts of paper, energy, water and other natural resources, and generates a vast stream of waste products. The consumption of natural resources and its associated waste stream has a substantial impact on climate change and environmental quality, and has a significant impact on the quality of life for present and future generations.

The State Bar recognizes that environmental protection, climate change and related environmental and social issues are urgent problems that require global action. However, the solution to these problems also must include efforts by individuals, businesses and organizations – including the legal profession – to reduce their environmental impacts.

Accordingly, the undersigned pledges to establish and implement sustainable law office practices consistent with his/her/its overall commitment to provide excellent legal services to clients. Specifically, the undersigned pledges to do the following:

1. Assign a person or persons within the law firm or department to implement this Policy.
2. Take as many of the specific steps and actions set out in the attached Law Office Sustainability Guidelines as the member, firm or department may determine in good faith taking into account its individual circumstances.
3. Commit to educate all members of the firm or department about the Policy.
4. Encourage the law firm premises owner/landlord to implement sustainable practices.
5. Review the Policy and its implementation at the beginning of each year.

The State Bar recognizes that State Bar members practice in widely varying circumstances, including solo practitioners with home offices, firms with thousands of lawyers in multi-tenant high-rise offices without sub-metering, and non-profit organizations with limited resources. Accordingly, the ability of various members of the legal profession to implement the Sustainability Policy will vary and not all measures will be applicable or feasible. Nevertheless, the State Bar encourages and challenges its members to use their best efforts to achieve the sustainable practices set out in the Sustainability Policy.

MODEL LAW OFFICE SUSTAINABILITY GUIDELINES

Implementation of the Model Law Office Sustainability Guidelines below will help State Bar members minimize the environmental impacts of law practice.

EDUCATION

- Educate all new and existing employees and firm members about the sustainability policy.
- Invite and promote speakers on sustainability and conservation during firm training.
- Maintain communication with the building owner regarding sustainable management of the office building.
- Monitor and record rates of water and energy use and solid and hazardous waste generation for analysis and comparison.
- Inform customers of the office's efforts to run a green business.
- Provide option for employee giving through Earth Share or other organizations dedicated to promoting sustainable practices, especially if the firm has a workplace donation program.

REDUCE PAPER USE

- Use 100% post-consumer, chlorine-free recycled paper in all copiers and printers.
- Change the default option for all copy and print jobs to double-sided printing, and direct internal and external copying services to automatically copy double-sided as well.
- Direct employees to save paper printed on one side for use in printing drafts, making note pads, or other purposes when appropriate.
- Place boxes for paper used only on one side next to central printers. Employees can gather this paper to use in their desktop printers, for notes, or for other purposes.
- Eliminate legal-sized paper, pouches, and files and replace with letter-sized items.
- Implement data and document software, such as iManage Documents, Interwoven Worksite, or MDY FileSurf, to store documents electronically. Train employees in the use of such programs to maximize their effectiveness.
- Keep electronic pleading clips and files through the use of scanned documents.
- Tailor court and agency filing procedures to use the least paper that courts allow and file electronically whenever possible.

- Conduct correspondence via electronic means whenever possible.
- Receive and route faxes electronically.
- Process documents electronically whenever possible, using the scan option on copier when appropriate, instead of printing hard copies.
- Keep mailing lists up-to-date.
- Encourage sharing of phone and reference books (e.g., dictionaries, statutes) or use of online sources.
- Distribute hard copies of phone directories only upon request.
- Use only toilet paper and paper towels that have at least 50% post-consumer recycled content. The label "post-consumer" signifies that the material has been used by a consumer and then returned for recycling; without that qualifier, "recycled" materials could be manufacturing scraps that never in fact left the plant.
- Direct janitorial staff not to replace toilet paper rolls before they are completely empty.

ELIMINATE DISPOSABLES

- Provide durable, non-disposable plates, cups, glasses, and utensils in kitchen and conference rooms.
- Provide pitchers with tap water, rather than bottled water, in conference rooms.

REUSE EQUIPMENT AND SUPPLIES

- Establish an internal reuse center for supplies such as binders, red wells, and file folders.
- Purchase remanufactured cartridges for laser printers and send old cartridges for reuse.
- Sell or donate old office equipment, furniture, and supplies for reuse.
- Arrange for vendors to take old equipment and furniture when it is replaced and donate it to schools or non-profits or give it to a local recycler.
- Select flooring materials that allow for worn or damaged areas to be replaced/refurbished without replacing flooring for the entire space.
- Salvage or recycle building materials, fixtures, and furnishings removed from the site.

REDUCE TOXIC CHEMICALS

- Purchase kitchen cleaners of low toxicity and high biodegradability.

- Use cleaning supplies certified by Green Seal or meeting the US EPA's Design for the Environment standard. Some conventional cleaners contain chemicals that can harm humans upon inhalation or aquatic life after water treatment.
- Train janitorial staff regarding the benefits of non-toxic cleaners.
- Use only architectural sealers, primers, and paints meeting Green Seal requirements, found at www.greenseal.org/certproducts.htm#paints.
- Use interior adhesives and sealants that have low levels of toxic emission and meet the volatile organic compound ("VOC") limits of the South Coast Air Quality Management District, Rule #1168.
- Avoid polyvinyl chloride (PVC) or vinyl in floor or wall coverings. (The components, additives, and byproducts of PVC (vinyl chloride, phthalates, and dioxins) may cause cancer.)
- Avoid composite wood products if possible. If not, try to use Greenguard certified (www.greenguard.org) products or obtain a "no-urea-formaldehyde" statement from the manufacturer.
- Install low-emitting carpet and carpet padding bearing a CRI Air Quality Plus label, indicating compliance with Carpet and Rug Institute standards for thirteen potentially toxic chemicals.
- Stock unbleached paper towels, napkins, and restroom paper products for at least 50 percent of supply. Paper bleached with chlorine may contribute to dioxin in waterways.
- Purchase bathroom soap containing no antimicrobial agents. With proper hand washing, these agents do not increase cleaning, but they may contribute to the production of antibiotic-resistant bacteria.
- Use organic fertilizers and pesticides for landscaping.
- Encourage use of two-stroke engine equipment for landscape maintenance. Instead, utilize propane, electric, or manual equipment wherever possible.

REDUCE WATER USAGE

- Use faucets with aerators (1 gpm or less) and low-flow showerheads (2.5 gpm or less).
- Install low-flush (1.6 gallons per flush) or dual flush toilets. For comparison, conventional toilets require 4.5 gallons per flush.
- Install waterless urinals or urinals using no more than 1.0 gallons per flush.
- Do not water the lawn. Grass will re-sprout in the spring.

- For landscaping, use plants that require no watering, or use low volume drip irrigation.
- Capture rainwater for reuse in irrigation or toilets.

REDUCE ENERGY USAGE

- Sub-meter your office for electricity use. Generally, a tenant does not its electricity consumption and sub-metering provides that information.
- Purchase kitchen appliances with the EPA Energy Star label or equivalent energy efficiency features. All other products purchased are Energy Star qualified, when applicable.
- Turn off individual computers and printers daily.
- Turn off, or put in standby mode, all shared copiers and printers at the end of each day.
- Install timers or create procedures for turning off lights when not needed.
- Install an individualized lighting control system in office areas and organize hallway lighting in banks of switches, so sections of lighting can be turned off as needed.
- Adjust ambient light levels in offices to 1.4 watts per square foot by eliminating bulbs or lowering their wattage, and offer task lighting to provide adequate light where necessary.
- Upgrade linear fluorescent lighting to T-5s or T-8s with electronic ballasts.
- Install compact fluorescent lights where appropriate.
- Light exit signs with LED or cold cathode (neon) technology.
- Purchase blocks of new wind energy for at least 6 percent of electrical usage. When customers purchase these blocks, the utility will use the revenue to purchase green tags. The generator that sells electricity from the new wind turbines into the grid along with regular power can also sell the green tags, thus receiving a premium for green power.
- Upgrade windows and window-shading devices to minimize winter heat loss and summer heat gain.
- Install occupancy-based controls for heating and cooling.
- Discourage or limit use of air conditioning after hours.
- Carefully test, adjust, and balance the HVAC system to verify that it is functioning as designed, and upgrade if necessary to a variable air volume system and/or an economizer. Select only filters with a MERV (minimum efficiency reporting value) rating of 8 or higher for the HVAC distribution system.

- Conduct an energy audit that includes lighting systems and HVAC systems. Alternatively, enlist local electricity provider to conduct a “scoping walkthrough” to identify energy efficiency opportunities.
- Encourage reduction of business travel through promotion of teleconferencing and other strategies. For unavoidable business travel, encourage reduction of carbon emissions through the use of high-mileage cars, for example.
- Participate in the ABA Eco-Challenge Energy Star program. From the ABA website:

Energy Star is a joint EPA-DOE (Department of Energy) program that encourages energy conservation by improving the energy efficiency of a wide range of consumer and commercial products, enhancing energy efficiency in buildings, and promoting energy management planning for businesses and other organizations. A law office may enroll in this program and qualify for recognition as an Energy Star Partner by committing to implement an energy management strategy. A law office that participates in Energy Star qualifies as a Law Office Climate Challenge Partner. A law office that achieves the 10 percent amount of reduction will be recognized as a Law Office Climate Challenge Leader.

To join as a partner, the law office must sign and submit a “partnership letter” that indicates the law office will specifically:

- Baseline, track, and benchmark our organization’s energy performance by using tools such as those offered through Energy Star;
- Develop and implement a plan to reduce energy intensity;
- Educate its staff and the public about its partnership in Energy Star, and highlight its achievements with recognition offered through Energy Star.

Participation in the Energy Star program and the use of Energy Star resources is free-of-charge. Furthermore, participating as an Energy Star Partner will present an opportunity for some law firms to receive recognition from EPA if they demonstrate significant reductions in their energy use.

When it has achieved measurable reductions in energy usage, the law office should report those reductions to Energy Star. The ABA will recognize as a Law Office Climate Challenge Leader a law office that achieves at least a ten percent reduction in energy, in the case of an organization that owns its own building, or electricity, in the case of a tenant organization. (See <http://www.abanet.org/environ/climatechallenge/energystar.shtml>.)

PURCHASE SUSTAINABLE PRODUCTS

- Use copy and printer paper and file folders that contain a minimum of 30 percent post-consumer recycled content.
- Use letterhead, envelopes, and legal pads contain 100 percent post-consumer recycled content.
- Use paper towels contain 100 percent post-consumer recycled content.
- Develop a system whereby products with recycled content are automatically purchased whenever available, without needing approval from management, at a cost of up to 15 percent more than the same item without recycled content.
- Buy only organic, shade-grown coffee. These requirements ensure the growers have not used pesticides and forests were not razed to grow the coffee beans.
- Purchase coffee, sugar, creamer, salt, and pepper in bulk, rather than in single-serving containers.
- Purchase only Energy Star qualified office equipment when available.
- Use building materials and furnishes made of durable (15-year life minimum) natural materials. Natural materials include wood, ceramic tile and terrazzo, linoleum, and wool carpet.
- Use wood that has been either salvaged, certified by Forest Stewardship Council, or harvested from a rapidly renewable species such as bamboo or cork.
- Avoid purchasing synthetic carpet, ceiling acoustical panels, drywall, or insulation. If that is unavoidable, ensure they have the highest recycled content available.
- Build only with materials manufactured, assembled, or harvested within 500 miles of the office location.
- Notify suppliers about the firm's purchasing policy.

USE SUSTAINABLE SERVICE PROVIDERS

- Require soy-based ink, which emits fewer pollutants than petroleum-based ink, for outsourced print jobs.
- Maintain policy regarding caterers:
 - Hire event planners that have expertise in sustainable events.
 - Use organically grown food to protect soil health and prevent synthetic fertilizers and pesticides from entering streams and groundwater.

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- Use locally grown food when available to save transportation fuel, support local farmers, and avoid chemicals that prolong shelf life.
- All packaging should be reusable, recyclable, or biodegradable.
- Serve lunch family style on a non-disposable platter.
- Serve lunch in brown paper bags with some recycled content and no print. Paper bags use fewer resources than rigid boxes. Brown paper avoids the dioxins created from bleaching. No print avoids unnecessary dyes. Recycled content reduces the amount of virgin fiber needed and bags can be recycled with mixed paper when emptied.
- If individual food items need to be wrapped, use paper rather than plastic. Paper wrap and bags free of food can be recycled with mixed office paper. Additionally, they are biodegradable.
- Include no disposable plastic utensils.
- Include only unbleached napkins, made of 100% post-consumer recycled content.
- The firm provides washable utensils, pitchers of water and washable cups, and recycling containers for cans, bottles, and mixed paper.

RECYCLE

- Enlist technical assistance, which is sometimes provided by metro-area cities, in designing a business recycling and waste reduction system.
- Recycle fluorescent lights, batteries, old paint, and scrap metal including wire, as they contain heavy metals which can be harmful if released into the environment.
- Compost organic materials.
- Create a plan for recycling waste generated by tenant improvements and recycle at least 60 percent of tenant improvement construction waste.
- Make arrangements with the garbage hauler to collect all the items it is required to collect upon request and provide space for short-term storage of those items.
- Establish a procedure for recycling any recyclable items not accepted by the garbage hauler, such as Tyvek envelopes, batteries, and plastic bags.
- Provide recycling boxes at each workstation.
- Make available containers for bottles, cans, newspapers, magazines, and cardboard, and implement a system for their recycling.

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PROVIDE COMMUTER INCENTIVES

- Provide a subsidy of at least 50 percent for bus passes.
- Provide monetary incentives for bike commuters, such as annual bike maintenance service, bike storage lockers, and/or shower facilities up to the cost of the bus subsidy.
- Permit employees to charge firm for cab fare when working beyond public transportation commute times.
- Do not provide free parking for any personnel.
- Purchase one or more car-sharing memberships.

DEVELOP SUSTAINABLE INFORMATION/TECHNOLOGY PRACTICES

- Adopt "No Landfill" policy with the disposal of all IT assets: remarket, donate, and/or recycle.
- Purchase desktop and notebook computers from manufacturers who meet the minimum requires of the Electronic Product Environmental Assessment Tool (<http://www.epeat.net/>).
- Purchase low voltage processor for standard desktop, notebook and servers.
- Make sure power saving setting are enabled on all IT assets if there are now auto power down options.

USE AND ENCOURAGE OTHERS TO USE GREEN MEETING GUIDELINES

- Analyze the venue's practices and work with them to improve.
- Minimize use of paper by using electronic correspondence and CDs.
- Provide recycling bins for paper, plastic, and other materials.
- Print paper advertising and other materials on recycled stock.
- Use locally sourced foods and beverages, minimize use of disposable flatware and cups and bottled water; take leftovers to local food shelters when possible.
- Encourage exhibitors to avoid wasteful printed matter and giveaways. When necessary, opt for products made of recycled content for giveaways.
- Consider making the event carbon neutral by enabling attendees to purchase offsets or purchase an offset on their behalf.

- Facilitate car-pooling and ridesharing via a message board or other means since the largest impact is typically due to attendees traveling to the event by car or by air.
- Educate attendees about the steps that have been taken to green the event and encourage them to take the same steps in their personal and professional lives.

PARTICIPATE IN PROGRAMS THAT ENCOURAGE BEST PRACTICES

- Gain certification from or comply with guidelines of the Bay Area Green Business Program or similar local organization. From the BAGBP website:

To be a green business, first you must bring your operations into compliance with all environmental regulations. Then go beyond compliance to meet the general practices and targeted resource conservation and pollution prevention measures summarized below.

1. Monitor and record rates of water and energy usage and solid and hazardous waste generation.
2. Provide three on-going incentives or training opportunities to encourage management and employee participation.
3. Inform your customers about your business' efforts to meet the Green Business Standards.
4. Assist at least one other business in learning about the Green Business Program and encourage them to enroll.

Water Conservation

1. Conduct an indoor/outdoor water balance or assessment.
2. Implement all applicable simple conservation measures.
3. Implement 3 of the suggested or industry specific water conservation measures.

Solid Waste Reduction & Recycling

1. Conduct a waste reduction assessment of solid waste streams.
2. Implement solid waste reduction and recycling measures:
 - Reduce paper waste in 5 different ways.
 - Incorporate waste reduction methods into your business in 5 ways.
 - Segregate and recycle or reuse 5 types of materials from your solid waste streams.
 - Purchase 3 recycled or used materials/products for your business.

Energy Conservation

1. Have your local energy utility or an energy service company conduct a commercial energy assessment.
2. Perform regular maintenance on heating, ventilation and air conditioning (HVAC) system.
3. Implement 2 alternative technologies and 5 behavioral changes.

Pollution Prevention

1. Conduct an assessment of your facility to identify pollution prevention opportunities.
2. Implement pollution prevention measures:
 - Implement 6 good housekeeping and operating practices.
 - Implement 3 material, product, technology or process changes.
 - Reuse or recycle hazardous materials/wastes in 3 ways.
 - Prevent contamination of storm water and runoff by implementing 4 measures.
 - Implement at least 3 measures with the goal of reducing vehicle emissions.

There is great flexibility in how the standards can be achieved. The Green Business Program Checklists provide additional information and suggested implementation measures. Measures previously implemented will be considered towards achievement of standards. Participants can request alternatives or exemptions for measures which are not feasible for their company.

[<http://www.greenbiz.ca.gov/BGStandards.html>]

- Participate in the ABA Eco-Challenge "best practices" for paper management. From the ABA website:

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.

Law offices can undertake simple and effective best practices to improve office paper management, including:

- Assure that at least approximately 90 percent of all types of copier, printer, letterhead, and bond paper, as well as business and manila

envelopes purchased have at least 30 percent post-consumer recycled content. As a practical matter, a law office can implement this practice by adopting a policy that 100 percent of its future purchases of copier/printer paper have at least 30 percent post-consumer recycled content.

- Recycle at least approximately 90 percent of discarded mixed office paper (defined as all types of white copier and printer paper, bond and letterhead paper, note paper, colored paper, and envelopes). As a practical matter, a law office can implement this practice by establishing an office-wide policy of recycling these materials and assuring that all office personnel have ready access to recycling bins.
- Institute a policy of double-sided printing and copying for drafts and internal documents. As a practical matter, a law office can implement this practice by setting copiers and printers on double-sided as the default mode and by making reasonable acquisitions of software and attachments as needed to enable double-sided as the default mode.

A law office that adopts at least two of those three best practices will qualify as a "Law Office Climate Challenge Partner."

Law offices may choose to participate in the Law Office Climate Challenge by adopting generally the same best practices for office paper management as described above, or by doing so through participation in EPA's WasteWise program, which in turn offers benefits of additional recognition and technical assistance. WasteWise is a voluntary program that encourages organizations to reduce municipal solid waste, including paper waste.

To participate in WasteWise, an office must register with WasteWise and then adopt policies to implement at least two of the following three best practices for office paper management:

- Purchase office paper with at least 30 percent recycled content
- Recycle discarded office paper
- Use double-sided copying and printing at least for drafts and internal documents.

Offices that do so will be recognized by the EPA and ABA and will garner further recognition if their programs result in significant decreases in paper usage and waste. For more information, see <http://www.abanet.org/environ/climatechallenge/overview.shtml> and <http://www.abanet.org/environ/climatechallenge/wastewise.shtml>.

- Participate in EPA's Green Power Partnership Program. From the ABA website:

A law office can participate in Green Power by agreeing to purchase a minimum amount of megawatt hours of green power products, which are electric power products generated by certain types of new sources of renewable energy. 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 the organization's annual 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. Any organization can participate in Green Power, regardless of whether renewable energy is available through that organization's utility provider.

The ABA will recognize a law office that achieves recognition as a Green Power Partner or a member of the Green Power Leadership Club as either a Law Office Climate Challenge Partner or a Law Office Climate Challenge Leader, respectively. In addition, the ABA will recognize as a Law Office Climate Challenge Leader a law office whose electricity usage is too small to allow the office to qualify as a member of the Green Power Leadership Club, but that covers a sufficiently high percentage of its electricity usage with a green power purchase.

[<http://www.abanet.org/environ/climatechallenge/greenpower.shtml>]

LESSONS LEARNED FROM FIVE YEARS AS A GREEN LAW FIRM

1. SCIENCE, SCIENCE, SCIENCE
2. KEEP POLITICS OUT OF IT
3. ACCEPT THAT NOBODY'S PERFECT
4. GET THIRD PARTY CERTIFICATION (IF POSSIBLE)
5. TRUST THE SECRETARIES & STAFF – THEY KNOW WHAT TO DO