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Looking To Go Green? Here's How It Can Work For Your Firm

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Law360 (April 19, 2019, 4:45 PM EDT) -- As another Earth Day arrives, environmental consciousness is on the minds of many in the legal industry, and despite a number of challenges, going green is not only a possibility but an opportunity as well.

It's no secret that law firms tend to use a large amount of resources, including paper and paper products, food and plastic, as well as the energy that powers the lights and computers, but many are looking to reduce their environmental footprint.

There are a number of factors that can prevent law firms from implementing sustainability initiatives, including cost concerns, uncertainty about where to begin and a lack of buy-in from staff and management. But it is possible to climb these hurdles and start on a path toward environmental consciousness.

First, it's important to remember the implementation of sustainability measures is an investment with the potential to create benefits, fiscal and otherwise, down the road. Especially with the advent of new and emerging technologies, going green is more affordable than ever.

"There is a mindset that we're still a business and we always need to be mindful of cost," said Kevin J. Bruno, a Blank Rome LLP partner involved in the firm's sustainability efforts. "Years ago that was certainly something that needed to be overcome. I do think over these last few years the ability to identify projects that in the short term and certainly in the long term will save money has greatly assisted any of us who have been promoting sustainability."

With respect to short-term solutions, there are a number of policies that can help law firms not only become more sustainable, but can help save money as well.

One method already employed by a number of firms is switching a computer's default printing setting to double-sided, which cuts down on paper consumption across the board. Less paper use overall has clear financial and environmental benefits, and by making double-sided the automatic setting, adoption of this policy is easier.

In the same vein, a move to recycled paper is another sustainability-conscious switch that won't break the bank.

"Ten years ago [recycled paper] was a lot more expensive," Bruno said. "What's happened is the cost difference between the two is negligible at best."

Kitchens are another area where short-term solutions are possible with minimal cost, or even as a way to implement cost-saving measures. Firms like Blank Rome have for the most part done away with the expense and environmental issues associated with single-use plastic straws, while Fried Frank Harris Shriver & Jacobson LLP in 2018 provided reusable "keep cups" for lawyers and personnel in all of its offices, in addition to providing some glassware and other dishes to use.

For Fried Frank, the results couldn't have been clearer: The firm found paper cup usage in its New York office decreased by more than 50% after the introduction of the "keep cup" option.

While these short-term initiatives are good policies to implement, ramping up a sustainability program could be a daunting task if there is no clear path for where to start. But one of the best ways to begin is to simply find like-minded people at the firm and talk to them about what changes can be made.

"When you have that kind of excitement and enthusiasm from people, that makes it a lot easier, so find people who are interested and organize," said Fried Frank partner Andrea Gede-Lange, the chair of the firm's sustainability committee. "Set up meetings, set up a committee, or start talking about goals you have, whether that's starting a policy or implementing a plan."

Firmwide, one way to get started on a path toward sustainability is to reach out to the various organizations that provide assistance and tools to law firms and other professional organizations.

One such organization is the Law Firm Sustainability Network, which provides advice on best practices for sustainability, as well as analytical tools that help firms understand their environmental impact and realize opportunities for improvement. The American Bar Association has its own environmental section as well, in addition to a number of committees dedicated to sustainable energy and natural resources.

Another option for law firms is to bring in consultants who can examine resource expenditures, including recyclable materials, energy usage and compositing options. These services can provide a road map toward more sustainable workplaces and provide recommendations for initiatives like energy-saving light sources, timers on computers and light switches and other programs and policies designed to decrease firms' carbon footprint.

Independent examinations can be beneficial as well. Latham & Watkins LLP, for example, has implemented an energy management program to better understand the impact of its greenhouse gas emissions and the overall effect on energy consumption on operating costs.

"It goes back to the old axiom of you can't manage what can't measure," said Kristina Wyatt, senior counsel and senior manager of Latham's sustainability programs. "We really need to have a clear understanding of what our energy consumption patterns are in different offices so we can start to get a better understanding of where we have opportunities to reduce energy consumption."

While these initiatives and policies are a great way for firms to go green, arguably the largest hurdle is the requirement that staff must actively participate in order for change to come.

A report released in January by the LFSN found that more than 50% of respondent firms said employee engagement was the No. 1 challenge to successfully implementing sustainability initiatives. This sentiment is echoed by Richard Cook, manager of sustainability services for advisory firm Great Forest, who said changing ingrained organizational culture can be a tough nut to crack.

"You can put in a recycling bin, but actually engaging people to want to recycle and do the right thing is the biggest challenge because of human nature," Cook said.

According to Cook, the most effective method of achieving buy-in from employees is to develop tailored communications and develop messaging behind the sustainability initiative that speaks to people on a personal level. This individualized messaging is especially important when it comes to firm management, who may have reservations about making a move toward sustainability programs from a fiscal standpoint.

But the reality is that environmental consciousness is becoming increasingly important to those who matter most, namely law firm clients, who are more frequently looking at firms' sustainability practices. In fact, 85% of law firms responding to the LFSN survey said they have in the past received at least one request for proposal or request for information on sustainability policies or values, while nearly 20% said sustainability came up in a majority of all requests.

Swaying management by touting the benefits from a personnel standpoint may also have an impact as well.

"There's certainly an employee morale benefit for people who are already at the firm, and a recruiting benefit for people who maybe have a number of options, and this is one way to differentiate and give some objective markers in terms of firm culture," said Daniel M. Krainin, principal at environmental law firm Beveridge & Diamond PC.

Regardless of how the implementation of sustainability practices takes hold, it's important to remember that such a program will always be a work in progress, and that there is always more work to be done. Trying to change everything at once is likely to create more problems than it solves, so a measured approach is best.

"It's going to be a continuing process of improvement as we find new ways we can improve our operations and take advantage of evolving technologies as they come along," Wyatt said.

--Editing by Alanna Weissman.

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