




Going Green and the Sustainable Law Practice

Does operating more sustainably provide a marketing edge for those practicing environmental law?

By Ellen Freedman



Law firms have traditionally had a relatively large carbon footprint when compared to other office environments. Law practices are notorious for the volume of paper consumed. Long work hours and weekend workers increase power consumption for lighting, heating, ventilation, air conditioning and equipment. A little more than a decade ago some forward-thinking lawyers started wondering whether they could practice law in a more environmentally friendly way.

The law firm of Wendel, Rosen, Black & Dean LLP, with offices in Oakland and Modesto, Calif., is a leader in law-firm sustainability. It began investigating how to “go green” in 2003, when a group of the firm’s attorneys approached management expressing the desire to establish environmentally friendly initiatives. It was unclear how much impact a midsize law firm might have when Wendel, Rosen investigated the steps necessary to become a sustainable organization. Four months later the firm became a certified green business — the first law firm in the country to do so.

Aside from reaping the feel-good benefit of being environmentally responsible, a sustainable law firm can save significant dollars and even build a practice. In the case of Wendel, Rosen, which already had a solid real estate practice, it was able to build a substantial “green building” practice group.

In Pennsylvania, Montgomery County-based environmental law firm Manko, Gold, Katcher & Fox LLP may not have been the first certified green law firm, but it was most definitely ahead of the curve in sustainability practices. John S. Kirk, the firm’s longtime, soon-to-retire chief operating officer, shared the history of the firm’s practices with me.



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From Manko, Gold's inception in 1989, sustainability was part of its culture. As an environmental-law boutique, the firm was determined to "walk the walk." It started with simple initiatives such as switching from yellow legal pads to those using recycled content. When the U.S. Environmental Protection Agency introduced the Green Lights Program in 1991, Manko, Gold pilot-tested new energy-efficient lights. In 1994, the firm went forward with an investment of \$20,000 to retrofit all its fluorescent fixtures. The payback came in just 24 months: Energy usage was reduced by \$10,000 per year.

As the firm expanded its office space, it made additional small upgrades such as installing occupancy or motion sensors in conference rooms and offices that automatically turned lights on and off. New equipment purchases had to be ENERGY STAR-rated.

Kirk allows that in the first few years it was more difficult for the firm to purchase equipment. However, most manufacturers quickly jumped on board, permitting the firm to choose equipment that was both economical and energy efficient. The firm even pressured the landlord to retrofit all external lighting to accommodate more energy-efficient bulbs. The property manager realized the benefit — or, as Kirk



wryly comments, “drank the sustainability Kool-Aid” — as energy costs dropped dramatically and lessened the tenant’s cost for common-area expenses as well.

When the firm expanded to occupy another floor, it decided to go green in designing the additional floor in order to earn Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council.

Kirk points out that a firm must be willing to spend some extra money in order to meet the LEED standard. Some of the build-out requirements include more efficient heat pumps, low-flow water fixtures, ENERGY STAR-rated appliances and equipment, energy misers on vending machines to power them off at night, more glass walls to let in natural light and occupancy sensors throughout. Did it pay off? Kirk proudly responds that the firm’s “green floor” consumes 48 percent less energy than its other floor.

Even a small firm can improve its environmental impact. Small changes really add up. Consider implementing any of the following at your firm:

- Two-sided printing; smaller margins.
- Dishes, flatware and mugs instead of disposable paper and plastic products.
- Filtered water instead of plastic water bottles.

- Nightly powering off of computers and other equipment.
- Recycled-content office supplies: stationery, business cards, copy paper, legal pads, envelopes.
- Locally sourced goods and repurposed materials.
- Client bills in PDF sent by email.
- Paper independence: avoiding printing whenever possible and maintaining digital copies of client files.

Allegheny County-based solo environmental-law attorney Harry F. Klodowski Jr. doesn’t make a big deal out of his sustainability practices. He views awards such as those offered by the American Bar Association as “marketing puffery.” He provides his favorite Ben Franklin quote: “Waste not, want not.” Klodowski says, “It’s just about using only what you need.”

During the 35 years he has been in practice, Klodowski has implemented changes designed to save money and be environmentally responsible. For example, he prints and maintains two-sided client files, at least 80 percent in digital format. He has eliminated the library in favor of electronic research and uses programmable lights and thermostats.

The ABA Section of Environment, Energy, and Resources and the EPA designed a program to encourage law offices to take



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PBA PLUS Program for Law Office Sustainability

In 2009, in response to requests from within the PBA Environmental and Energy Law Section (EELS), the section formed a committee to develop a program through which Pennsylvania attorneys and law firms could demonstrate their commitment to environmental sustainability in their professional practices. That effort, titled the Pennsylvania Lawyers United for Sustainability or PLUS Program, was modeled after similar programs established by state bar associations in California, Oregon, Massachusetts and Washington.

By action of the PBA House of Delegates meeting May 14, 2010, the PBA adopted the PLUS Program. Information, including links to program guidelines and to the pledge form for indicating a law firm's commitment to the program, is located in the EELS section of the PBA website at www.pabar.org/public/sections/ENV10/plusprogram.asp.

The Law Firm Sustainability Network ... now counts more than 50 registered members and plans to become "the go-to source" for all things sustainable in the legal industry.

simple, practical steps to become more sustainable. The ABA-EPA Law Office Climate Challenge (www.americanbar.org/groups/environment_energy_resources/public_service/aba_epa_law_office_climate_challenge.html) encourages law firms of all sizes and in all locations to participate. By doing so, a firm receives recognition as a Law Office Climate Challenge Partner. If the firm joins one of the EPA programs, it'll be recognized by the EPA as well. More than 250 law firms have risen to the challenge.

If your firm is interested in joining an organization devoted to sustainability, consider the Law Firm Sustainability Network (www.lfsnetwork.org). Originating with a dozen or so law firms in 2011, the nonprofit network now counts more than 50 registered members and plans to become "the go-to source" for all things sustainable in the legal industry. Many of the members are Am Law 100 or 200 firms. While allowing for the purest of motives for joining, it's inescapable that, as the network claims, "participants from member firms have played key roles in the ABA, state and local bar sustainability programs," thereby cementing their role as experts in the field.

Obviously, lots of lawyers and law firms in practice areas other than environmental

law endeavor to operate in an environmentally friendly manner — and for no motive other than to be socially responsible. However, I focused my research on environmental-law firms for two reasons. First, I assumed that most would know of and attempt to implement best practices from a client-relations standpoint. Second, I wanted to know the current state of the marketplace for those practicing environmental law and what best practices are being employed for client development and retention.

What I discovered is somewhat of a mixed bag, at least in Pennsylvania. Not all lawyers and law firms practicing environmental law are doing well economically. Some are still doing well but have experienced declines in revenue.

Environmental-law practices tend to be structured in one of two ways. One is an industry-solution structure in which lawyers tend to develop niche practices within one or more industries. Their areas of knowledge within environmental law are often broader in order to deal with the various challenges of their clients. That means that there is often more time spent “catching up” (for example, in nonbillable learning time) on issues they haven’t had to deal with in a while. Some of these practices are in distress, depending on the industry being served. For example, the U.S. manufacturing sector has been in recession for some time. There has been a continuing trend of de-industrialization and offshoring. Environmental-law practitioners who previously had strong books of business in manufacturing are now struggling to fill the pipeline of business.

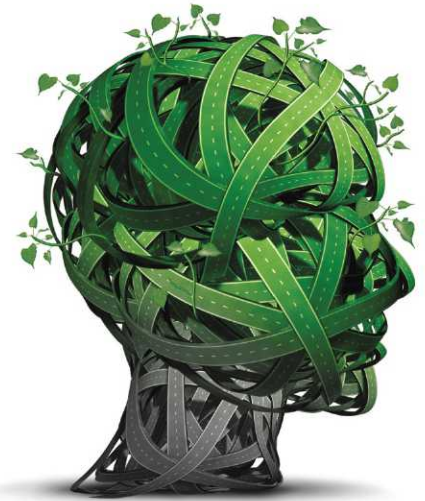
Industry focus can be particularly hard on environmental-law attorneys with local or regional practices. Chester R. “Chip” Babst III, founder and managing partner of Allegheny County-based Babst Calland Clements and Zomnir PC, acknowledges that environmental issues cycle over time,

His firm’s national environmental-law practice is not structured by industry but by “environmental media” such as water, air and waste. This way the firm is not impacted by down cycles in particular industries.

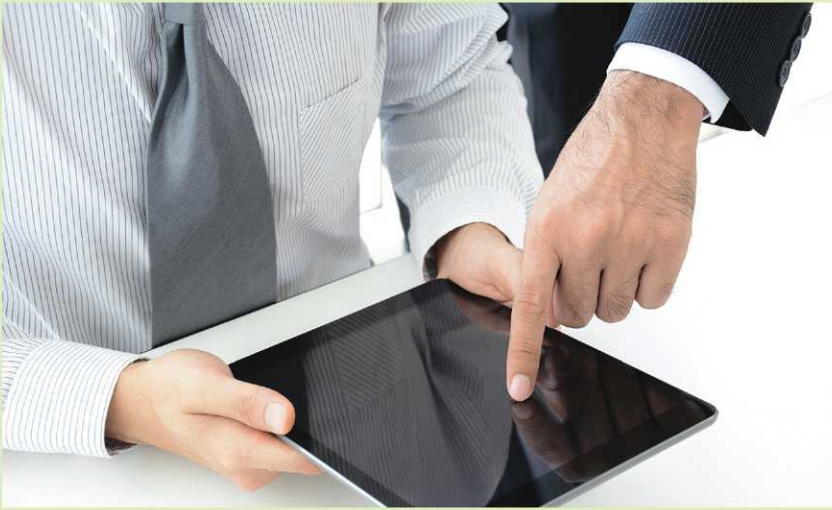
Babst differentiates his firm’s lawyers from those who “call themselves” environmental lawyers at other firms. Babst Calland’s lawyers are not “jacks of all trades” who focus on any number of areas of environmental law. According to Babst, each of the firm’s 24 environmental regulatory attorneys focuses on one or two environmental media. “When environmental law contracts a bit,” says Babst, “those lawyers who do a bit of it are the ones who get hurt the most. In periods of contraction, clients tend to go where the highest-quality expertise is.” Kirk confirms that Manko, Gold lawyers also build their practices focused on environmental media rather than industry. Like Babst Calland, Kirk’s firm is thriving.

Large national law firms frequently have environmental-law practice groups established to serve the firm’s top business clients. Firms with a varied roster of clients across a multitude of industries will fare better in the long term than those focused on a specific industry.

Area of practice usually dictates the marketing strategies that will be most successful. Marketing an environmental-law practice calls for a strong presence in trade and advisory groups and active participation in committees of bar associations and chambers of commerce. Advertising in special industry supplements is a necessary accommodation, similar to program-book ads in other practice areas. Tightly focused target marketing in well-defined business sectors helps to communicate a firm’s differentiating factors, whether it be breadth of experience, economical rates or deeper focus. Education-based marketing is particularly beneficial for this practice area,



Environmental practices tend to be structured in one of two ways: by an industry-solution structure [and] by “environmental media” such as water, air and waste.



Are You Getting the Most Help Possible from Your iPad?

Locations: Pittsburgh, Wed., July 27, 2016
Philadelphia, Thurs., Aug. 25, 2016

Register: www.pbi.org

Carry Your Practice in Your Pocket

Paul Unger and Brett Burney will walk you through a busy day and how your iPad can be used to help you survive the countless meetings and emails. They will discuss how to maintain your calendar on your iPad as well as how to manage email, contacts and tasks on the go.

Juggle Your Digital Documents Effectively

Learn how to create or open existing documents in Microsoft Word, Excel and PowerPoint. Here is your chance to learn how to handle PDFs and other files on your iPad. At your next meeting, you will begin taking notes directly on your iPad and file them for easy retrieval. You will understand the hardware and apps you will need to present effectively using your iPad.

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including speaking at distinctive forums and contributing articles to industry and scholarly publications, as is positioning oneself, as noted above, to play a key role in ABA, state and local bar sustainability programs and in legislative development to demonstrate that an individual is on “top of the heap.”

Astonishingly, a Google search for “going green law firm” produces more than 63 million results. Is the name of your law firm included? While operating your practice more sustainably won’t necessarily get you clients, think of it as the price of admission to call yourself an environmental-law attorney and a responsible citizen of planet Earth. ☞

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