

ABA-EPA Climate Challenge

Arnold & Porter LLP helps define goals of a new law firm program.

By Jonathan Martel

As a partner in the environmental practice group at Arnold & Porter LLP, I regularly work with corporate clients who are increasingly committed to addressing their organization's environmental impact. I'm based in the Washington, D.C. office of our firm, which has 600 lawyers, and 570 support staff, and operates six offices in the United States and two abroad. Our general practice covers everything from antitrust/competition to white collar defense.

I concentrate my practice on Clean Air Act matters, environmental litigation and counseling, and I served for three years at the Office of General Counsel of the U.S. Environmental Protection Agency.

Jonathan Martel is a partner at Arnold & Porter LLP, based in its Washington, D.C. office. E-mail: Jonathan.Martel@aporter.com. A&P partner Matthew Heartney (who will speak at the "Green Law: A Leadership Challenge" panel at LegalTech West Coast on June 20) and paralegal Toccarra Gates assisted in the preparation of this article.



Along the way, I've been very active with the American Bar Association. I serve as vice-chair of the Air Quality Committee of the ABA's Section of Environment, Energy, and Resources, and I've contributed chapters to the recent ABA book, *Global Climate Change & U.S. Law*, and a chapter for the *Clean Air Act Handbook*.

In late 2005, I reached out to various committees within the ABA, to secure co-sponsorship for a law office sustainability pro-

gram. The Law Practice Management section jumped on board, and helped us move forward. Initial proposals emphasized energy conservation, which is a valid component, but I believed we needed to expand the focus to encompass reduction in the resource obviously most associated with our profession — paper.

Indeed, the spark for my effort came from one of our clients, when I was asked to review "green" policies it wanted to adopt for its back office operations — and I was struck by the similarities with law firms, in terms of paper usage and office protocols.

Over several months, I worked with others in the ABA and the U.S. Environmental Protection Agency to develop a program that would help law firms consider their environmental impact and begin addressing their sustainable practices. After continued correspondence, they agreed to include our program to reduce paper usage. Soon after, the ABA-EPA Law Office Climate Challenge (née ABA-EPA Eco-Challenge) was released in March 2007. This program encourages firms "to take specific steps to conserve energy, and re-

sources, as well as reduce emissions of greenhouse gases.”

I was particularly excited about the Climate Challenge because I saw an opportunity not just to make a difference in our firm, but to be able to set an example for other firms, and to encourage participation throughout the profession.

But the first step was to attend to our own firm’s program. Legal assistant Tocarra Gates took the helm, and researched options, and then worked with our administrative team to test paper options. Gates’ efforts fueled the transition of our Arnold & Porter policies from general ideas to a reality.

The Climate Challenge has three components that center on three corresponding EPA voluntary programs: WasteWise (modeled on Arnold & Porter’s pilot paper reduction plan); the Green Power Partnership, and Energy Star.

WASTEWISE

The legal services industry consumes a substantial amount of resources, and we quickly identified paper consumption as our most significant potential area for improvement. Based on our experience at Arnold & Porter, as well as preliminary results of informal surveys the firm is conducting on behalf of the ABA-EPA Climate-Challenge, we estimate that U.S. lawyers consume between 20,000 and 100,000 pages of paper per year, per lawyer (which comes to between 10 and 50 pages per billable hour.). With approximately 1 million lawyers, that’s between 20 and 100 billion pages a year. Producing paper is so energy-intensive that — according to figures compiled by the ABA and EPA (and

depending on certain assumptions about office paper disposal) — production of that amount of paper results in the release of between about 1 million and 4.5 million tons of global-warming causing carbon dioxide per year (not to mention consuming millions of trees.)

We conducted tests to evaluate:

- Conversion of printer and copy paper and other paper products to at least 30 percent recycled stock.
- Equipping all printers and copiers with duplex printing capability and programming all printers to default to duplex.
- Reduction of default toner settings to reduce the dots-per-inch.

We found little resistance to the 30 percent recycled paper. Our lawyers actually preferred, in many cases, to print double-sided to ease carrying larger volumes of documents. Overall, we expect these steps to have an additional benefit: reduced costs.

Based on our work, the ABA and EPA structured the WasteWise component of the Climate Challenge to encourage law firms to adopt office paper management through double-sided copying and printing, purchasing paper with recycled content, and recycling.

GREEN POWER

The Green Power Partnership encourages participants to cover at least part of their electricity usage by purchasing “green power” — power that is generated from renewable energy sources.

Many law firms — including ours, lease space and do not pay for utilities directly. But they can participate by purchasing “renewable energy certificates,” commonly known as “green tags.”

Payments for green power support the emerging field of renewable energy resources, diminishing the need for power generated from coal-fired or other non-renewable resources, the ABA reports.

ENERGY STAR

The third component of the program is based on the EPA’s Energy Star plan, and encourages firms to reduce energy usage by at least 10 percent. Our largest office (Washington, D.C.) is housed in a new building, and many energy efficient tactics were integrated at the time of construction. Because our property is occupied by several tenants, and we do not have separately metered spaces, we have focused on purchasing and using Energy Star-designated office equipment, such as computers, laptops, monitors, printers, and refrigerators. Our property management team has been attentive in monitoring HVAC and lighting to make advances when possible. We plan to continue working with our property management team to devise a system that will allow us to track our energy consumption.

Law firms can enroll in the program by visiting (www.abanet.org/enviro/ecochallenge). Participants will be recognized by the EPA and/or the ABA when they meet program requirements.

The site also contains further details (and a podcast) about the Climate Challenge, EPA programs, as well as what you can do at home as well as the office. **LTN**