

SUSTAINABILITY— GREENING THE LAW FIRM FROM INSIDE

Leslie A. Gordon

“We needed to walk the walk.”

“We have to practice what we preach.”

“We had to understand what our clients are going through.”

Without exception, every single law firm interviewed about going-green efforts made these exact comments. As law firms are increasingly counseling businesses about how to be environmentally responsible, going green is a business imperative for lawyers who want to be perceived by their clients as progressive and as leaders of business trends.

But going green means different things to law firms—it can include simple but impactful measures like printing on both sides of paper and eliminating plastic water bottles in conference rooms. Hanson Bridgett, for example, contracts with a dry cleaner that uses environmentally safe processes, and employees can pick up and drop off dry cleaning at the firm’s front desk. Hanson Bridgett also buys lunch for every employee who volunteers at events for environmental causes like cleaning the Bay Area coastline.

Going green can involve much broader measures—and greater expense. Still, as law firms seek to be leaders on business issues, forking out money to preserve the environment is, as we also heard every law



Brophy Christensen

firm say, “just the right thing to do.”

At O’Melveny & Myers, for example, corporate finance partner Brophy Christensen was put in charge of the build-out of the firm’s new San Francisco office, a project on which he spent a thousand hours during the last eighteen months. The custom-designed, 120,000-square-foot office space in Two Embarcadero Center

is expected to achieve at least silver certification under the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Green Building Rating System, the nationally accepted benchmark for the design, construction, and operation of green buildings. O’Melveny is among the first law firms to achieve LEED certification for refurbished space in an existing building. The

firm’s goal in greening the new San Francisco office was to reduce environmental impact, promote water and energy efficiency, increase indoor environmental quality, and use green building materials, furniture, and techniques.

For instance, the furniture, terrazzo floors, and carpets were made from recycled materials. During construction, dust was contained through cutting



booths; 75 percent of waste was diverted from landfills. To promote commuting alternatives, the office design included a space for bikes and shower access. Even the move itself was green, using crates instead of banker's boxes.

The six-floor overhaul was a challenge, according to Christensen, because the Embarcadero Center was built in the 1970s when sustainability wasn't even a twinkle in Al Gore's eye. Fortunately, the project had the support of landlord Boston Properties, which enthusiastically agreed to improvements like low-flow bathroom fixtures.

The O'Melveny project is considered "an unqualified success," says Christensen, who expects future office build-outs to be at the same standard. Because greening the San Francisco move cost O'Melveny "not an insignificant amount of money," according to Christensen, the firm's "true commitment" to sustainability is obvious. "It's not just words."

Specifically, going green cost 5 percent of the total budget to build out the new San Francisco office, according to David Cartwright, who manages O'Melveny's internal real estate. Given that the project cost \$12 a square foot over 120,000 square feet, 5 percent is "a big number," he says.

"The argument is that you will achieve savings over time," Cartwright explains. "You will either come out even or make money. I won't get into the politics of this because we would do [the build-out in a green manner] anyway.



Matthew Adams

knowledges, "if going green would have cost 20 percent of the project, who knows?"

A primary lesson firms should take from the O'Melveny example, Cartwright adds, is that the age of the building should not determine the sustainability strategy. It may cost more to green an older office, but it's still doable.

Viewing costs in a more holistic way may make sustainability more palatable to firms. Some sustainability measures are pricey, while others are cheap, says Matthew Adams, an associate at Sonnenschein Nath & Rosenthal in San Francisco. "Paper with higher recycled content is more expensive," he explains, "but it balances out if you take steps to use less paper. Although sustainability is now

We had to be willing to take the risk that we won't recover the cost. We wanted to be a leader." Potential return on the investment could consist of intangibles like increases in recruiting and client development, Cartwright adds.

The San Francisco project encountered surprisingly little pushback from the firm's management, Cartwright says. "But," he ac-



Photo by: Grace Image/Jeni Fing

O'Melveny & Myers' "green" offices in Two Embarcadero Center

an important consideration in the firm's budget, the firm is not doing it to save money. The real motive is it's the right thing to do."

As with most capital outlays, the investment should pay off, according to Adams, who serves on both the hundred-person, firmwide sustainability committee and the San Francisco office's committee. Sonnenschein's clients, especially those in the environmental and real estate groups, have noted the firm's efforts, such as the San Francisco office's being named a "Climate Action Leader" in 2007 by the California Climate Change Registry because the office's emissions met the registry's standards related to electricity, transportation, and heating and cooling usage. The firm also purchases paper with high recycled content and has switched to green cleaning supplies.

"Individually, these steps seem small, but together they do have a big impact," says Adams, an environmental lawyer. Sonnenschein is also reexamining long-standing practices. "People are used to serving their clients in very particular ways. With business travel, for example, we may need to rethink business as usual."

The firm has also coordinated its pro bono program to align with its sustainability program, focusing on so-called environmental justice, which centers on how climate change disproportionately affects some communities more than others.

Like Sonnenschein, Pillsbury Winthrop Shaw Pittman is taking a long-term view of going-green costs. The firm's energy bill is \$2 million a year, according to environmental partner Christopher McNevin, so scaling back energy use by 10 percent is a huge savings. But that is offset by the purchase and installation of motion detectors for lights, another environmentally responsible practice.



"We have more than seven hundred lawyers," McNevin says. "It's the responsible thing to do, and we're a model for other firms that don't have the resources."

The firm also pays for attorney and staff membership in Zipcar, a car-sharing service that, he says, has been "getting a tremendous response." Pillsbury also offers commuter incentives for carpoolers.

Measures like these may pay off for the firm, not just the environment. Clients like to see firms at the forefront of new trends, McNevin says, though he hasn't yet had a client request a delineation of sustainability efforts in a request for proposal. "But it'll come," he says. Before long, "Fortune 500 clients won't engage lawyers who don't operate in a sustainable manner."

At Nixon Peabody, the project finance group landed at least two new assignments because it is a green firm, says San Francisco partner Robert Anderson. Clients want to see their legal counsel "buying into [sustainability] in a very real way," and it will continue to grow in importance to clients, he adds. Like O'Melveny, last year's office build-out at Nixon Peabody in San Francisco achieved LEED certification. It features few columns and high partitions, office doors with frosted glass, furniture without formaldehyde, and carpets without toxic glue.

"This office is a much more pleasant place to work because it's green," Anderson says. "The air is fresher; it's lighter. People didn't think about these things ten to fifteen years ago, but they do now." The firm has also retooled its supply chain to support other green businesses.



Robert Anderson

Nixon Peabody clients are building wind farms and financing geothermal and solar projects, and at least a hundred attorneys—spanning practice areas as diverse as private equity, real estate, clean technology, and environmental law—are advising clients on sustainability efforts. Exposure to these issues led the firm to hire its own chief sustainability officer, apparently the first law firm to create such a position. “It was a natural evolution to move in that direction,” Anderson says.

At Davis Wright & Tremaine, Allison Davis cochairs a “Green Team” composed of lawyers and staff who meet regularly and host an internal Web site devoted to sustainability. Simple changes have included composting waste, eliminating bottled water, plastic utensils, and Styrofoam, and working with the firm’s landlords to reduce electricity and air conditioning. These measures, Davis explains, “help us gain insight into the advice we’re giving” to clients.

Davis Wright is also using internal and external challenges to further its efforts to go green. For example, the firm ran a contest to see which of its offices could recruit the most employees to switch to electronic autodeposit pay stubs, a move that saves thousands of sheets of paper. (The Anchorage office won.)

Davis Wright is also facing off against another law firm—Holland & Hart—in a carbon footprint reduction contest. The firms jointly hired an expert to research and compare them on everything from electricity to commuting. So far, the contest has involved “a lot of smack talk” and a brainstorming about prizes, which, Davis says, will certainly be tongue-in-cheek. The challenge is meant to “bring us outside ourselves” and focus on additional ways the firms can help the environment.

Law students are one group taking notice of law firms’ sustainability efforts, says Davis, who believes sustainability efforts will positively affect Davis Wright’s recruiting. “Young lawyers more and more prioritize what they’re doing with how it affects the earth.”

SUSTAINABILITY— Check Out These Programs

Law firms and businesses interested in learning more about the sustainability movement, including tips for going green, should investigate these programs.

ABA-EPA LAW OFFICE ECO-CHALLENGE

(abanet.org/enviro/ecochallenge/overview.shtml)—A joint program of the Environmental Protection Agency and the American Bar Association’s Section of Environment, Energy, and Resources, this challenge encourages law offices to conserve energy and resources and reduce greenhouse gas emissions and other pollutants. This site links to an enrollment form as well as a law office guide to energy efficiency. You can even listen to a podcast about the program.

B LAB

(bcorporation.net)—A nonprofit organization, B Lab certifies what it calls B Corporations: businesses that have achieved high levels of sustainability and transparency in their operations. San Francisco’s Hanson, Bridgett was the first law firm to be certified as a B Corporation. Other B Corporations include Waldeck’s Office Supplies and Watershed Capital.

BAY AREA GREEN BUSINESS PROGRAM

(greenbiz.ca.gov)—A partnership of government agencies and utilities that verifies when businesses meet higher environmental performance standards. The program’s Web site includes links to green businesses throughout the Bay Area as well as loads of resources for greening.

SAN FRANCISCO GREEN BUSINESS PROGRAM

(sfgreenbiz.org)—A network of city agencies that promote, recognize, and support local businesses operating in an environmentally responsible way. This site features a handy map of green businesses (everything from hotels to dentists to grocery stores to, yes, law firms) and links to upcoming local green events.