

ATTACHMENT 3

STATE BAR OF CALIFORNIA 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. Additionally, implicit in the concept of sustainability is the notion that using fewer resources such as paper and energy will lower the costs of legal services, thereby making these services more affordable and accessible to clients.

The State Bar recognizes that environmental protection, climate change and related environmental and social issues are urgent problems that require action. The solution to these problems 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 and cost-effective 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.
- Discourage 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 in a multi-tenant building does not directly monitor 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.

- 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.

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 it 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>]