



Starting to Go Green

By Lisa Granite

*Some Pennsylvania law firms
are beginning to implement
environmentally friendly practices*

A Texas oilman announces that wind power is the energy of the future. What's that, a bad joke? Nope.

It's a summer 2008 headline. And crusty billionaire oilman T. Boone Pickens really is building a 4,000-megawatt wind farm in Texas, extolling the virtues of wind power to all who will listen.

Gone are the days when having a recycling bin put you on the cutting edge of eco-friendly. Everything is suddenly carbon footprint this, sustainable energy that and greenhouse gases in between. The American Bar Association embraced the green trend in March 2007 with the launch of its Law Office Climate Challenge program (www.abanet.org/enviro/climatechallenge/overview.shtml) in cooperation with the U.S. Environmental Protection Agency (EPA). On its site, the ABA points to law firm Arnold & Porter's 2006 survey of eight differently sized law firms to illustrate why lawyers should green their consciences. The survey found that those lawyers used a range of 20,000 to 100,000 sheets of copier and printer paper per year; making and disposing of all that paper produces a range of 1 to 4.5 tons of greenhouse gas emissions. And that's before you add in another 6 tons from electricity usage and 3 tons from commuting, based on national averages. One lawyer creating 13 tons of pollution is a hefty carbon footprint — the EPA estimates that the average two-person household produces about 41,000 pounds of carbon dioxide per year.

The Climate Challenge program aims to help get lawyers involved in saving energy by offering four guideline programs for law offices:

- Adopt Best Practices for Office Paper Management (reducing paper usage, buying paper with recycled content or increasing paper recycling);

- Participate in the EPA WasteWise Program (reducing waste to save energy);
- Participate in the EPA Green Power Partnership (purchasing energy from renewable sources); and
- Participate in the EPA Energy Star Program (purchasing Energy Star-designated equipment, implementing better energy management).

Law offices that participate in any of the four programs are recognized on the ABA Web site. While the commonwealth generally seems to be anywhere from five to 10 years behind national trends (which is often a good thing), Pennsylvania does have three firms represented in the ABA Climate Challenge: Exelon Legal Department; Manko, Gold, Katcher & Fox L.L.P.; and Nixon Peabody L.L.P., all from the Philadelphia region. Considering that only about 250 law offices nationwide are participating at this point, with the lion's share coming from California, Pennsylvania at least looks interested.

Of the Pennsylvania pioneers, Bala Cynwyd-based Manko, Gold has made environmental consideration part of its firm consciousness since its inception 19 years ago — it even helped the ABA pilot test the Climate Challenge program. In one sense it is almost expected that the firm would make conservation a part of its culture, as it is an environmental and energy law boutique.

"I wanted to be the best at what we did in an area that I thought was going to have a future," said founding partner Joseph M. Manko. "Our first few meetings were just us [Manko and partners Mark Gold and Bruce Katcher] and our secretaries. Someone was in charge of buying pencils and someone was in charge of buying legal pads, but they had

to be white, not yellow with yellow dye. And we used recycled paper, so we just built that in from the beginning."

As the firm grew (it now has a staff of 52, 26 of whom are lawyers), it continued to develop and expand its green practices. Light fixtures were retrofitted for energy-efficient bulbs, and motion sensor switches were installed as the firm followed the EPA Green Lights Program. Two-sided printing and copying and more electronic imaging and e-mailing conserved more paper. As appliances were upgraded, their replacements were Energy Star compliant; old computers, monitors and printers, and printer and copier cartridges are sent to be recycled. The firm also e-mails periodic eco-friendly tips, includes an environmental footer in all e-mails ("Please consider the environment before printing this e-mail.") and has replaced the office candy dish with locally grown fruits and vegetables.

Manko, Gold takes part in all ABA Climate Challenge programs except the EPA Green Power Partnership. Leasing in a multi-tenant building makes it difficult

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for the firm to meet the partnership program requirements, but John S. Kirk, the firm’s director of administration, says he keeps pushing the landlord to make green power changes.

“Every so often I’ll sort of jab them a little bit in a good-natured way,” Kirk said. “I’ll say, ‘Look, the roof of the building is perfect. It faces south, it’s flat and it would be a great place for solar panels.’ They just kind of look at me and roll their eyes, but every couple of months I bug them anyway.”

Some of the landlord’s hesitation may stem from cost concerns. Kirk explained that the upfront costs for some green changes are generally made up in the energy savings that follow. When the firm made its lighting retrofit, a three-year payback was predicted. Expenses were actually recouped in only two.

“I did a comparison of our office against a similarly sized office in this building that is not a Green Lights office,” Kirk said. “My estimate is that we’re saving about \$10,000 a year compared to them. It’s a good chunk of money.”

In Manko’s view, conservation is a way of life — saving money is just a bonus. The 69-year-old has always volunteered his time to champion various environ-

mental causes. Currently a board member of the Fairmount Park Commission, the Fairmount Park Conservancy and the Philadelphia Zoning Board of Adjustment, he is about to begin serving as co-chair for the Philadelphia Sustainable Advisory Council, which will implement the city’s sustainability plan. In addition to serving on numerous environmental committees for the PBA and the Philadelphia Bar Association, he is past chair of the Pennsylvania Environmental Council and director emeritus of the Lower Merion Conservancy.

Manko was appointed by then-Gov. Tom Ridge to serve on the Pennsylvania 21st Century Environment Commission and has served as Gov. Ed Rendell’s designee chairing the Pennsylvania Infrastructure Investment Authority board. He also served as commissioner of Lower Merion Township from 1980 until 2006 (“We had mandatory recycling before it was mandatory,” he points out.); this year, the Lower Merion Environmental Advisory Council honored his community “environmental endeavors” by creating the Joseph M. Manko Lifetime Achievement Award.

“The law firm, to me, just offers another way to express what I think all of us believe,” Manko said. “I always remind people to ‘think globally but act locally.’ ”



In the vein of that philosophy, Manko recommends that lawyers looking for ways to be greener should “look at what they buy and who they buy from, and I would look at whether or not their building recycles and is energy efficient.”

“In a way, it’s sort of monitoring your own greenhouse gas emissions from your law firm as a building and as an operation,” he continued. “I think you can take it out into your community as well, whether it’s your church or your synagogue or your civic association or wherever else you go. There are a whole lot of things you can do to be more energy efficient and in the process become more environmentally sensitive.”

Tricia J. Sadd, an associate with Philadelphia’s Montgomery, McCracken, Walker & Rhoads L.L.P, says she has always “kind of had an environmental education bent to my disposition.” She took an intensive semester-long course on environmental education at Penn State while a freshman there. While her studies took her toward the law, she maintained her interest and is now co-chair of her firm’s newly established sustainable business practice. She is also a Leadership in Energy and Environmental Design (LEED) accredited professional.

The U.S. Green Building Council (USGBC) is a nonprofit that promotes sustainable building practices through programs and education. Its LEED Green Building Rating System is a useful rating tool for green building design, offering standards and certification for “sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality.” According to the USGBC Web site (www.usgbc.org), more than 50,000 people are LEED accredited professionals; the accreditation process requires the individual to learn all about green building standards and the LEED certification process.

According to Sadd, being a LEED accredited professional is helpful both in her new role at the firm and her volunteer work.

“I’m a volunteer for the Sustainable Business Network of Greater Philadelphia and a member of the Delaware Valley Green Building Council, and I also work with a local church I attend to help them get grants for some PV [photovoltaic] cells — there’s a committee of us doing that, it’s not just me alone,” she said.

Sadd is particularly energized about her firm’s sustainable business practice, seeing it as “a tremendous growth opportunity.” She offered some statistics from McGraw Hill Construction estimating that 82 percent of corporate America will “green” at least 16 percent of their real estate portfolios by 2009 and that the value of green buildings will increase by \$60 billion by 2010.

“What that says to me is that there is going to be definite growth in this area,” she said. “With the energy prices where they are, people are thinking about energy efficiency in ways they haven’t before. The way I see it, the increase in energy costs makes the payback timeline shorter. ... If you have to recoup your investment over 20 years, you’re reluctant to do it because chances are you’re not going to be in that business for 20 years. But if your time horizon is shorter, people are going to be more apt to make the decision to go green.”

Montgomery, McCracken is engaged in some green practices, with more sustainable ventures in development. The firm uses a shredding service that recycles its paper. It replaced the water cooler with a water filtration system. It has an HVAC system that shuts off during low usage times. And it encourages the use of public transit through a 10 percent discount to all nonpartner staff.

Continued on page 25

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Continued from page 21

“The biggest thing that we’ve been able to do is negotiate separate metering for our building space,” Sadd explained. “Before, it was folded into our lease payments and we didn’t have much incentive to be energy efficient. By separately metering, our energy costs are billed directly to us, and now we have a very good reason to think about energy efficiency and usage.”

Plans are underway to install motion sensor light switches, convert to compact fluorescent lights and install more efficient fixtures. Computer upgrades will be Energy Star-compliant and old computer equipment will be donated. The firm has also asked its suppliers and contractors to use more sustainable products, and its cleaning service is working to provide green cleaning products.

Last year, under Sadd’s leadership, the firm started a new green tradition: performing a day of service at Fairmount Park. About 100 people joined together to clean up debris, raise money for the park and plant trees.

“We’re making progress — it’s not perfection,” Sadd said. “In all situations, it’s a matter of progress. I’m a firm believer in continuous quality improvement, in this area as in any other area of my life.”

Pennsylvania’s only LEED-certified law office is in Exton, and Fox Rothschild L.L.P. holds the honor. Philip L. Hinerman, a partner at the Philadelphia office, calls LEED certification “the gold standard for environmentally responsible buildings.” The firm is also working on a detailed conservation protocol with specific goals to be met in all offices.

Construction on the Exton building was completed in November 2006. Going beyond the typical office recycling plan, it was actually built with 22 percent recycled materials. In addition, 78 percent of the construction waste materials were recycled and many of the building materi-

als were purchased within 500 miles of the building, saving on transport costs. The interior walls and floor coverings are specially designed for low toxin release. Other eco-friendly features include water-saving bathroom facilities and, of course, Energy Star-rated computers and office machines.

To get a building LEED certified, a member of the USGBC must visit the building and analyze the various categories of sustainability using the LEED Green Building Rating System. Points are awarded for energy savings in each category, and there are silver, gold and platinum levels of certification. There are different types of certification as well; criteria for new buildings are different than for pre-existing ones. The Exton office received LEED certification in the categories of commercial interiors and core and shell.

An admitted environmental enthusiast (“I have always loved the science involved.”) who also serves as vice chair of the PBA Environmental, Mineral and Natural Resources Law Section, Hinerman says one of the most exciting things he got to do last year was attend the USGBC Annual Meeting in Chicago.

“Five years ago, [USGBC] had their first annual meeting in San Francisco,” he said. “It was all of 200 people. Last year in Chicago, 25,000 people. The growth, the interest and the vitality in this sector are just amazing. There has been a sea change in attitude in the past several years, and people are starting to get it.”

Hinerman pointed to the recently unveiled Comcast Center in Center City Philadelphia as an example of how green building is expanding. The 975-foot tall skyscraper was designed as a sustainable building with the goal of achieving LEED certification. Hinerman said that research was carried out to determine how much more it would cost to build the center green versus conventional. The



“You can incorporate [green concepts] in your business today and you’re going to save some money.”

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answer was one-half of 1 percent, and the cost is expected to be recovered in the first few years.

A founding member of the Delaware Valley Green Building Council (www.dvghbc.org), which promotes sustainable building in the area, Hinerman is also on the boards of the Pennsylvania Environmental Council (www.pecpa.org) and the Pennsylvania Resources Council (www.prc.org), the latter of which focuses on environmental education, including educating children.

"I think it's very important to get the word out to people to let them know what they can do," Hinerman said.

"I think people say to themselves, 'It sounds like a great idea, but what can I do?'"

He said there still seems to be some misunderstanding as to what constitutes green practices and stressed that there are many things lawyers can do that don't involve official LEED certification.

"You can call yourself green and you don't have to be certified," he said. "You can take the concepts that are on the USGBC site and incorporate those in your business today and you're going to save some money. And there are common sense things you can do, too, like stop using plastic and Styrofoam cups. Use a ceramic cup and wash it. Turn off your computers at night. Reduce the amount of trash. It's really easy." 🌱

Lisa Granite is editor of the PBA's Pennsylvania Bar News.

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