

AGENDA ITEM

MARCH 142

Creation of a State Bar Task Force on Sustainable Practice

Date: February 15, 2008

TO: Board of Governors
Board Planning, Program Development, & Budget Committee

FROM: Staff

SUBJECT: Creation of a State Bar Task Force on Sustainable Practice

This memorandum is in response to the President’s request to provide background for creation of a State Bar Task Force on Sustainable Practice.¹ The State Bar Task Force on Sustainable Practice’s primary goal would be to increase the environmental sustainability of law office practices in California with secondary goals of educating California bar members about environmental sustainability and improving environmental performance of California courts. A tertiary goal is recommending standards for incorporating sustainability by other rulemaking bodies.

Background

In order to fulfill the primary goal, of increasing the environmental sustainability of law office practices in California, the task force would seek to establish voluntary standards for environmentally sustainable law practice; build on/improve upon existing protocols (e.g., ABA “climate challenge”); and disseminate voluntary standards and encourage adoption by California law offices.

To accomplish its secondary goals of educating California bar members about environmental sustainability and improving environmental performance of California courts, the task force would develop and provide MCLE-eligible sustainability training to members of the California bar; design model Standing Order on Sustainability (possibly, with state and federal variants) for potential adoption by individual judges in California, and propose rule changes to improve environmental performance of California state court practice in such areas as: increasing recycled-content percentage requirement for paper used in court filings (see Cal. Rule of Court 2.101); allowing filing of double-sided copies of certain documents (e.g., non-chambers copies); increasing e-filing and e-service of court documents; and increasing use of court calls in lieu of in-person hearings for nonsubstantive items (e.g., certain status conferences).

¹ Business and Professions Code section 6029 provides: “The Board may appoint such Committees, officers and employees as it deems necessary or proper, and fix and pay salaries and necessary expenses.”

To fulfill the tertiary goal, development of standards for other rulemaking bodies to address sustainability issues, the task force would examine California laws through the lens of sustainability, and recommend reforms as appropriate (see, e.g., recent reform of Oregon corporate law, through the work of Oregon Lawyers for a Sustainable Future, at: www.earthleaders.org/olsf/hb2826)

Composition

The State Bar Task Force on Sustainable Practice would be comprised of eight to ten members with one staff liaison (based in San Francisco).

- A. Balance: The Task Force will aim for representation of private law firms and government and corporate law offices, will seek input from solo practitioners and nonprofit law firms whether or not they are formally represented on the task force, will include Bar members from Northern and Southern California, and will aim for gender balance and racial/ethnic diversity.
- B. Core members: This interdisciplinary group of environmental lawyers, sustainability professionals, and others with relevant technical expertise will develop the voluntary standards.
- C. Outreach members: These additional members will be added towards the end of the standards development process, and will focus on publicizing the standards and promoting their adoption.

The Task Force would convene 4-6 times in 2008 to achieve, at minimum, its primary goal. After 2008, Task Force members will report to the State Bar President regarding the utility of continuing the Task Force in its current form, altering its projects or membership, or disbanding it.

Fiscal Impact

A recommended \$5,000 would be allocated to the 2008 State Bar Budget as a supplemental appropriation from an existing general fund balance. This is not a budget augmentation. The allocation reflects probable cost associated with implementation of the Task Force on Sustainable Practice's three goals as described above. The Task Force will maximize use of telephone and video conferencing to reduce vehicle miles traveled and cost.

Recommendation/Resolution

Committee Resolution

If the Board Planning, Program Development, and Budget Committee concurs with the President's request, adoption of the following resolution would be in order.

RESOLVED, that the Board Planning, Program Development, and Budget Committee recommends creation of a Task Force Sustainable Practice and that \$5,000 be allocated to the 2008 State Bar Budget as a supplemental appropriation, such appropriation to be provided from the existing general fund balance.

Board Resolution

If the Board concurs with the recommendation of the Board Planning, Program Development, and Budget Committee, adoption of the following resolution would be in order.

RESOLVED, that upon the recommendation of the Board Planning, Program Development, and Budget Committee the Board creates a Task Force Sustainable Practice and that \$5,000 be allocated to the 2008 State Bar Budget as a supplemental appropriation, such appropriation to be provided from the existing general fund balance.