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Our Sustainable Future and the Greening of the Profession

By Lisa C. Goodheart

Over its long history dating back to John Adams, the Boston Bar Association has earned an enviable reputation based on principled positions and important policy initiatives. In considering that history, I am impressed by the extent to which the BBA's initiatives reflect a clear recognition of our shared responsibility to build a strong and sustainable future. Our commitments to equal rights and access to justice can certainly be understood in those terms, as can our commitments to diversity and inclusion in the profession, to supporting new lawyers entering the profession, and to public service, pro bono work and community involvement. The BBA is a community with a great tradition of investing in the future of the things we value. This tradition has shaped our community in fundamental ways.

I was personally introduced to the BBA many years ago through the network of environmental lawyers in Boston. My opposing counsel in a large environmental insurance case, Mary Ryan (who later became a BBA President), invited me to attend a lunch meeting of the Environmental Litigation Committee. I went, had fun, learned some useful things and made some new connections. Starting with that introduction, I became more and more involved in the BBA over time. All of us who have benefited from this sort of mentoring should likewise make the effort to encourage other lawyers, including
those who are less experienced but offer new energy and different perspectives, to come on up to 16 Beacon Street and participate in the BBA. Doing so is an important personal investment in the future of our legal community and the continued vitality of our Association.

For environmental lawyers, of course, the concept of a sustainable future has a very specific connotation, of fairly recent vintage. These days, environmental sustainability is most urgently considered in light of the threat of climate change due to greenhouse gases, and the impacts of development activities on natural resources and ecosystems. But even for environmental lawyers, this is just one aspect of a more fundamental concept. As noted by the Climate Change, Sustainable Development, and Ecosystems Committee of the American Bar Association, “[s]ustainability’ is not only synonymous with green measures related to recycling, energy and climate change, but describes a broader concept of sustaining the long term well being of organizations through values-based management.”

At the BBA, our commitment to a sustainable future, broadly understood, has prompted us to consider environmental sustainability, in particular, in the context of our legal community. To help with that consideration, this year I have asked Ben Ericson of the Massachusetts Department of Environmental Protection and Michelle O’Brien of Mackie, Shea and O’Brien to lead a new BBA task force on environmental sustainability for lawyers. The BBA’s Environmental Sustainability Task Force has a specific charter to do three things. First, the Task Force will examine and gather useful information about the best practices for practicing law in an environmentally sustainable way across all kinds of workplace settings. Second, the Task Force will look for opportunities for lawyers to provide community service in ways that highlight and promote environmental sustainability. And finally, the Task Force will seek to identify and develop pro bono opportunities for lawyers who wish to provide services to clients engaged with environmental sustainability issues or challenges.

My hope is that the Task Force will enable the BBA to engage more deeply in the developing conversation about environmental sustainability in the practice of law. Forward-thinking organizations of all kinds are focusing on the environmental impacts of their operations and practices, and working to
make adjustments aimed at promoting environmental sustainability. As lawyers, all of us should make efforts, where we can, to ensure that the places where we practice – our firms, our courthouses, our businesses and other entities – are among these forward-thinking organizations. No change in the direction of environmental sustainability will be too small to matter, because the truly critical change will be the combined impact of a great many small changes.

I also hope to see the BBA play a leadership role in cultivating the “greening” of our profession as a widely-recognized hallmark of professional excellence and civic responsibility. The relationship between environmental sustainability and professional excellence within the legal community is still not immediately apparent to all, but it is increasingly becoming recognized and appreciated. I predict that a commitment to conducting our law practices in environmentally sustainable ways will come to be accepted, over time, as an essential component of what it means to practice law according to the highest standards of professional excellence, just as the commitments to client service, public service, pro bono work, diversity and inclusion and work-life balance have all gained wide recognition as important values and markers of excellence within our community.

I am grateful to the members of the BBA’s Environmental Sustainability Task Force for their willingness to advance the development of environmental sustainability within the legal community. I’m also excited to see how the work of the Task Force will unfold in the coming months. In a sense, this focus on the greening of the profession represents a new challenge. But from a broader perspective, it’s not new at all. After all, going all the way back to the days of John Adams, the BBA has always promoted the idea of a sustainable future.