

Dollars and sense

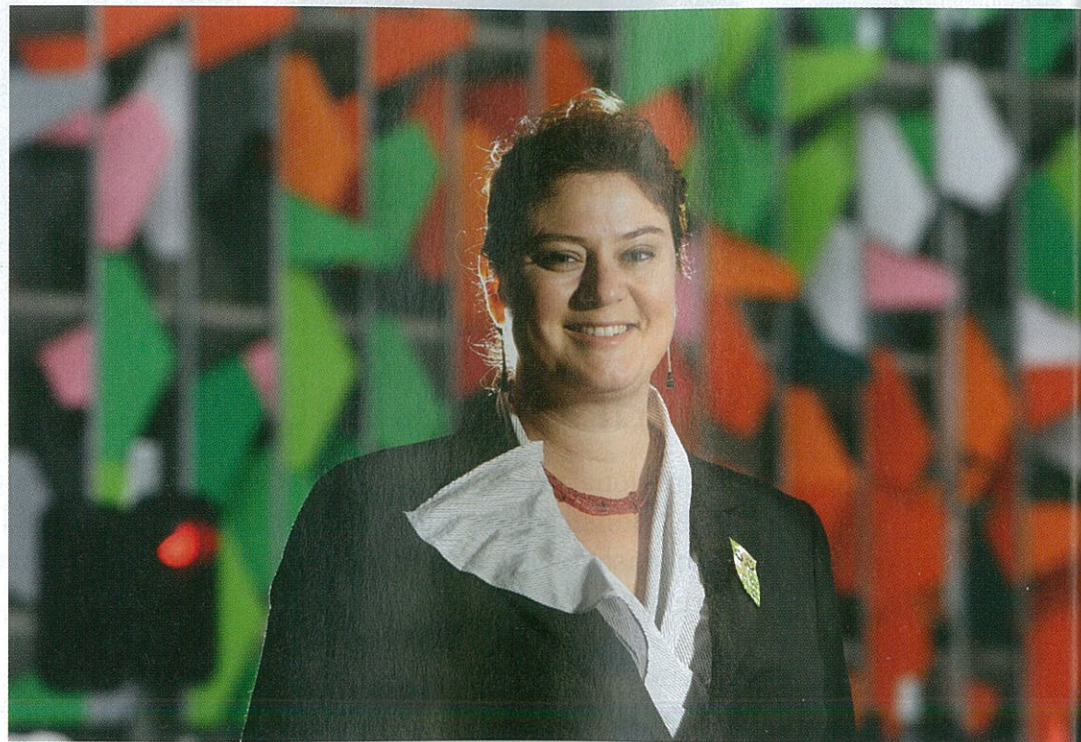
Peer pressure and the push for green credentials in legal practice

Sustainability may conjure images of alternative lifestyles but it “doesn’t have to be about tree-hugging, it’s actually a sound business decision,” Australian Legal Sector Alliance (AusLSA) general manager, Emily Wilson tells Meredith Tucker.

“There are some people who get involved in sustainability because it’s the ‘right thing’ to do but the bottom line is that if you’re using less electricity, if you’re using less paper you’re saving money. Sustainability is about efficiency and efficiency is always good business practice because it’s profitable,” says Emily Wilson, AusLSA general manager.

Speaking with *LSJ* before a site tour of Wotton + Kearney’s new 6-star GreenStar-rated Sydney headquarters at 85 Castlereagh Street, Wilson, general manager of AusLSA (an industry organisation which promotes sustainability across the legal sector) is keen to distance herself from any woolly or imprecise thinking when it comes to green credentials.

“Increasingly there is a movement towards more corporate responsibility and the legal sector is certainly affected by it,” she says. “Information about law firms’ levels of corporate sustainability is being demanded, both by the



government and financial sectors. Law firms risk losing business if they don’t meet requirements or can’t provide details.”

85 Castlereagh Street is one of the latest high-profile green buildings to go up in Sydney (see box). Achieving a coveted 6-star GreenStar rating from the Green Building Council of Australia, the office tower forms part of the larger Westfield development and uses a system of sensor lights (attuned to the availability of natural light), automated blinds (that respond to seasonal variations in sunlight) and active chilled beams (pipes

of cooled water run through a beam integrated into the ceiling to lower the temperature of

the surrounding air) to deliver a 50 per cent gain in energy efficiency.

Use of advanced water-recycling technology results in a further 93 per cent saving in water for the tower compared to an ordinary office building according to our building guide for the day, Stuart Murray, the Sydney CBD commercial properties manager for Westfield.

Greening the culture

While the strategic decision about whether or not to pursue sustainability is made at the senior partner level, particularly in terms of big-picture moves to GreenStar rated buildings or expensive fit-outs, the practical decision-makers tend to be administra-

More and more law firms are signing up with AusLSA, says general manager Emily Wilson, and it’s almost at the point where it can identify the ones that aren’t there.

PHOTO: STUART MILLIGAN

tors, or facilities and office managers. It’s these people who can integrate ongoing (less glamorous but essential) processes into company culture, such as recycling programs or increasing awareness of things like the need to turn off computers or minimise paper use. For example, most courts no longer require single-sided documents and something as undemanding as changing the printer setting to double-sided can have

significant impacts.

As Stuart Clark, partner at Clayton Utz (a founding firm of AusLSA) puts it: “It’s increasingly apparent that those firms that have delegated responsibility and authority to a person or committee to develop strategies and implement initiatives are the firms that are making the most progress.”

Clark, who was speaking at the launch of AusLSA’s environmental insight report late last year, was keen to stress the sound business case behind sustainability, giving examples of changes to processes that can make a big

environmental performance and within a broader sector context.

“The theory is if you publicly report it makes you more accountable, and public reporting, as we do, in contexts where you have reporting alongside your peers makes you even more accountable,” explains Wilson.

All information is provided on a strictly voluntary basis.

“It isn’t about naming and shaming,” Wilson explains. “It’s a way of positively promoting change. The process is collaborative and it gives firms a better chance to suc-

GREEN BUILDING COUNCIL OF AUSTRALIA

Sydney 6-star GreenStar buildings: Legal tenants

- **1 Bligh Street** – Clayton Utz
- **8 Chifley Tower** – Corrs Chambers Westgarth
- **161 Castlereagh Street** – Herbert Smith Freehills
- **85 Castlereagh Street** – Alan & Overy, Kennedys and Wotton + Kearney.

difference such as shifting to automatic equipment shutdowns for computers not in use and investing in video-conferencing systems to lessen the need to travel – a big contributor to emissions in most large, multi-national law firms.

“There are obviously questions about how law firms engage with clients, but equally important is how we get law firms to engage with suppliers. There are opportunities for both the legal sector and individual law firms to engage and influence suppliers of significant purchases like paper, design and fit-outs and IT,” says Wilson.

Calling to account

One of AusLSA’s main roles is to bring information on sustainability to the fore by encouraging firms to publish data based on metrics developed specifically for the legal fraternity by AusLSA in conjunction with sustainability advice and assurance company Net Balance.

AusLSA’s annual environmental report makes public the participating members’ environmental performance and gives a concise update of where various firms stand, both in terms of individual

successfully tender for both big government and big business contracts as well as a positive story to give to clients, staff and media – small changes make a big difference.”

It’s a sentiment shared by Clark: “One of AusLSA’s objectives is to help our members achieve their environmental objectives – we do this in part by sharing best practice.”

This is borne out on the site visit to 85 Castlereagh Street, attended by members of the Sydney Sustainability Champions Network and hosted by Wotton + Kearney. The tour includes representatives from Clayton Utz, Herbert Smith Freehills, DLA Piper, Gadens, Landers & Rogers, Sparke Helmore and TressCox. The building tour and lunch is a valuable chance for people on the ground to get in touch, view what other firms are doing and discuss their own approaches to changing processes and culture.

The greening of legal practice is itself reaching a tipping point according to Wilson: “With 36 of the top 50 firms on board we’re starting to get to the point where we can identify the ones that aren’t there.” □

media mentions

Mark Vincent

Shelston IP



The issue: There are currently discussions about reforms to the *Copyright Act* to allow more flexible business models and the inclusion, in particular, of fair use provisions to the Act. There’s some interest over copyright and the use of the cloud to infringe copyright. The issue picked up by the *Australian Financial Review* was that if the government were to expand instances where people can use copyright material, we might have more creative business models in Australia.

How did you become involved?

An issue which I talk about a lot is cloud computing. I’ve been commenting on intellectual property (IP) and IT law issues for the sector for a long time. Journalists have come to know me and approach me for comment.

Your background: I work for Shelston IP, one of the leading IP boutique firms in Australia and New Zealand. We specialise in patents, trademarks and IP law, a large part of which is IT-related. I’ve been a lawyer for over 20 years and always gravitated towards the intersection of technology and law.

Your reflections: Copyright tends to be a topic which sees people divided in a philosophical sense. There are those that back the rights holders – those in the software, music and film industries – and push for greater protection of copyright interests and greater involvement of intermediaries in stopping unlawful use of material; and the politically opposite position are those who back consumers’ use of infringing material. I think a careful balance needs to be struck ... if we see ... business opportunities stifled. I don’t think we have seen creative business models come out of Australia – for example, new models for music or movie distribution, which we see more of in other markets – possibly because of our copyright laws lagging in terms of adapting to new uses. I think it is very useful to continue to debate whether our laws adequately deal with new business models and technological development. Without proper debate, our laws will fall further behind technological development.

How did the media treat the issue and any advice for dealing with the media?

The media captured the different interests of all the various stakeholders well on this issue. I’ve been lucky in a sense as there is a good set of informed journos in Australia who understand a lot of the IP and IT issues. They often know the story they want to write before they call the experts. That said, you should always approach the media with caution and a healthy respect. Participate in media training if you are offered it; accept advice and coaching from corporate communication professionals. Gather your thoughts and be clear on your point of view before the interview. Prepare some notes with your key messages if that will help. Most importantly, remember there is no such thing as ‘off the record’. If you don’t want to see it in print, don’t say it! □