

ACTING AS IF TOMORROW MATTERS

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Why do lawyers matter here?

- Law is a necessary means of addressing climate change.
- “All hands on deck” needed.
- It’s about justice, stupid (borrowing from James Carville).

What should we (all 1.3 million of us) do differently?

7 suggestions (feel free to add your own)

1. Work for better public and private governance

- Make America safe for democracy
- Civic engagement
- Civil discourse

2. Embrace sustainability and climate change action more fully in law practice

- *Iconic definition of sustainable development:*
“development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
 - *World Commission on Environment and Development, Our Common Future (1987)*

Overall approach

- Sustainability/climate change in law practice tends to focus on:
 - Reducing adverse environmental and social impacts; creating positive impacts.
 - Maximizing environmental, social, and economic opportunities for clients.
- Sustainability can provide more and better choices to clients—if client is open to those choices.
- Lawyers with skill, expertise, and knowledge to develop and communicate those choices are more likely to succeed.
- Source: **Sustainable Development in Law Practice: A Lens for Addressing All Legal Problems**,
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2836985

Legal Pathways to Deep Decarbonization in United States

- Question: What laws or combinations of law are needed to achieve these outcomes?
- Prof. Michael Gerrard and I are editing a 35-chapter book that is intended to be a legal playbook for this effort.
- Chapter recommendations are framed in terms of sustainable development
- Legal pathways:
 - Federal
 - State and local
 - Private governance

3. Make the case in moral, ethical, and religious terms

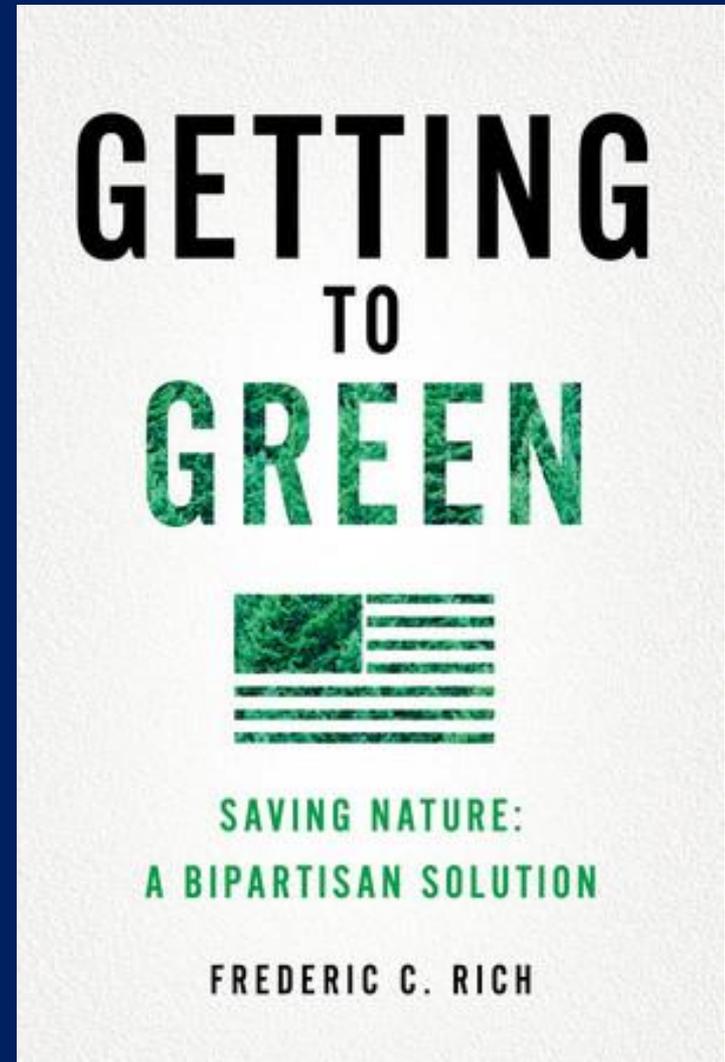
- Once we start to think about the kind of world we are leaving to future generations, we look at things differently; we realize that the world is a gift which we have freely received and must share with others. Since the world has been given to us, we can no longer view reality in a purely utilitarian way, in which efficiency and productivity are entirely geared to our individual benefit.

--Pope Francis I,
Laudato Si



4. Reach out to conservatives

- 1. Reconnect conservatives with conservatism
- 2. Employ a philosophy that puts people first
- 3. Reform the green movement



5. Walk the talk on reduced greenhouse gas emissions

- At work:
 - ABA-EPA Law Office Climate Challenge
http://www.americanbar.org/groups/environment_energy_resources/public_service/aba_epa_law_office_climate_challenge.html
 - ABA SEER Law Firm Sustainability Framework
http://www.americanbar.org/groups/environment_energy_resources/public_service/model_law.html
- At home
- In public and in the voting booth

6. Join other lawyers in this effort

- **Bar Associations**

- American Bar Association Task Force on Sustainable Development—Final Report (2015),
http://www.americanbar.org/content/dam/aba/administrative/environment_energy_resources/resources/final_sdtf_aba_annual_08-2015.authcheckdam.pdf

- State and local bar associations

- **Other organizations of lawyers**

- Oregon Lawyers for a Sustainable Future
- First National Conference of Lawyers Committed to Addressing the Climate Emergency, April 28, 2017,
<http://www.climatechangecele.org/>

7. Spread the word

- This is an emergency.
- Talk about it.
- We are running out of time.
- Share hope and tools that can work.

We are all beneficiaries of, and participants in, a major movement—the use of law to protect life on earth.

- We are at the beginning of a climate emergency.
- What will we do differently?



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