

**Oregon State Bar
Sustainable Future Section**

Photo: J. Michael Mattingly

The Long View

Sustainability in the Legal Profession Law Schools and the Sustainability Movement in Higher Education

By Amy Bushaw

Interest in sustainability on college and university campuses has exploded in recent years. The growth of professional associations and conferences dedicated to sustainability in higher education is one indication of the attention sustainability is receiving of late. The first North American Conference on Sustainability in Higher Education was held in Portland, Oregon in 2004. The conference was sponsored by the Education for Sustainability Western Network, an organization dedicated to supporting the sustainability efforts of colleges and universities in the Western United States and Canada. With increasing interest in its activities, the Education for Sustainability Western Network transitioned into a national organization and, in 2006, became the Association for the Advancement of Sustainability in Higher Education (AASHE). AASHE now boasts nearly 900 institutional members, and among other things annually hosts the largest campus sustainability conference in North America, conducts workshops and seminars, and disseminates newsletters and other resources. AASHE has also developed STARS (The Sustainability Tracking, Assessment and Rating System) -- a rubric for colleges and universities to measure and report their sustainability performance.

Institutions of higher education have taken significant steps to “green” their own operations. Many law schools, along with the broader institutions of which they are a part, have likewise taken significant steps to make their own operations more sustainable. Concerns about climate change have been particularly prominent. Growing out of planning sessions at the 2006 AASHE conference, a small group of college and university presidents committed to take concrete steps to pursue climate neutrality at their home institutions, and to encourage their colleagues at other schools to do the same. By signing on to the

American College and University Presidents’ Climate Commitment (the ACUPCC), an institution pledges to assess its own emissions, and to set goals and take steps to reduce those emissions, with the ultimate target of becoming climate neutral. As of this writing, the ACUPCC had garnered 665 signatory institutions.

The ACUPCC has driven “green” initiatives at many campuses; students have also been forceful advocates of change. Many colleges and universities have instituted aggressive conservation, recycling and composting programs. It is now commonplace for universities and colleges to seek some level of LEED certification for new campus construction. Institutions of higher education are now among some of the largest purchasers of wind power and other sources of renewable energy. Most recently, a small number of colleges have taken steps to better align their investment policies with broad notions of sustainability. The Board of Trustees of Unity College in Maine, for instance, has voted to divest the college endowment of fossil fuels, while Hampshire College in New Hampshire has announced a policy to invest in businesses whose products and policies align with the college’s core values of social responsibility and sustainability. Colleges and universities increasingly rely on sustainability coordinators or offices to design, initiate and communicate efforts to improve the sustainability of campus operations.

Teaching and research, of course, are central to the operations of colleges and universities, and many institutions have sought to infuse sustainability into their curricula and research agendas. Educators and scholars have engaged in broad-ranging discussions of what, precisely, education for sustainability would entail. At the 2012 AASHE conference, for instance, an advanced track of programming encouraged participants to explore the question “If higher education were to take a leadership role in preparing students and providing the information and knowledge to achieve a just and sustainable society,

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what would it look like?" Answers to this question remain fragmented, incomplete, and controversial.

Recently, three authors reviewed much of the existing academic literature and sought to synthesize and categorize the key competencies involved in sustainability education.¹ More specifically, they attempted to identify, in general terms, knowledge, skills and attitudes that are underemphasized in traditional higher education programs, but that allow a student to better perform tasks and solve problems with respect to real-world sustainability problems, challenges and opportunities. In particular, the authors described five key competencies that they consider critical components of sustainability education: systems thinking competence, anticipatory competence, normative competence, strategic competence and interpersonal competence.

The authors go into some detail as to what each of these competencies might include. But even from a high degree of abstraction, their taxonomy provides a useful lens through which one might view legal education. Many of the competencies the authors describe are inherent in legal education, yet each of them could be emphasized more consistently and coherently. How well, for instance, do we train our students to understand the complex systems within which legal issues arise? To give just one example, in a contracts class, it is usual to focus on the relations between a buyer and seller of goods in isolation, perhaps with some

consideration of legal issues caused by failure of the seller's source of supply. There may be room to introduce more complex questions relating to the allocation of business and legal risk and entrepreneurial opportunity throughout the supply chain and waste cycle, as well as non-contractual mechanisms to control or allocate those risks and opportunities. Beyond considering the specific technical knowledge that might be of use to a lawyer seeking to work in a sustainability-field, legal educators might benefit from considering the broader skills and attitudes that would best help lawyers contribute to a more sustainable future. Some of the thinking and writing in the broader higher education community might help to inform this enterprise. ■

¹Arnim Wiek, Lauren Withycombe & Charles L. Redman, *Key Competencies in Sustainability: A Reference Framework for Academic Program Development*, SUSTAINABILITY SCIENCE, Volume 6, pp. 203-218 (July, 2011).

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