

## THE ISSUE OF SUSTAINABILITY IN LAW FIRMS IN BRAZIL

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The practice of environmental law attorneys, whether advisory or focused on litigation, has been gaining prominence in times of growing interest and intense media coverage of events that cause impacts on the environment. Influenced by this trend, law firms themselves have begun to assess the sustainability of their internal structures and policies.

The concept of sustainability began to spread in the 1970s and 1980s and was coined by the World Commission on Environment and Development as being that which "meets current needs without compromising the ability of future generations to meet their own needs."<sup>[1]</sup> Currently, when sustainability is mentioned, social, environmental, and economic issues are on the agenda, in a model that is translated well in the Sustainable Development Goals (SDGs) of Agenda 2030, adopted during the 2015 Sustainable Development Summit. In all, the document contains 169 goals distributed among 17 objectives in the social, environmental, and economic spheres. It is difficult, therefore, to address environmental aspects in isolation when dealing with initiatives considered sustainable without considering a holistic view of the natural and human environments.

According to the Sustainable Law Practice Guide of the Community Advocacy and Social Responsibility Committee of Cesa (Centro de Estudos das Sociedades de Advogados ["Center for Law Firm Studies"]), "[p]er the terms of the ISO 26000 Standard, in order to be sustainable it is necessary to incorporate into the management of an enterprise a set of practices that simultaneously aim at good economic performance of the enterprise, improvement of society, and conservation of environmental balance. The fundamental step for an organization to achieve this condition is to have socially responsible management."<sup>[2]</sup> Thus, when one talks about the environment and the practice of law, one should address the issue within this broader context.

Law firms have been adopting sustainability and/or social responsibility policies and projects, important elements in the environmental and social pillars of sustainable development. In practice, it is common for firms to promote social responsibility actions such as donations to Campanha do Agasalho [the "Clothing Campaign"], promotion of events on Children's Day, participation in events that encourage reading and donating blood, and partnerships with different institutions. Another trend that has gained strength in recent years is the promotion of a culture based on values and practices connected with the social pillar of sustainability. There is a growing connection between the activity of the practice of law and the social measures present in SDG N° 5, which deals with gender equality. At Machado Meyer, there are debate groups on ethnic and racial diversity (ID.Afro) and on LGBT issues (#1igualdade ["#1equality"]), as well as a mentoring group for women, another volunteer group, and areas of the firm focused on handling pro bono cases. In 2019, the firm had three female partners and four male partners on its executive board, in addition to a male CEO, which demonstrates gender diversity in the area of governance.

With regard to practices aimed at the environment, four major actions in favor of sustainability were carried out at Machado Meyer in 2019. The firm has replaced all its plastic cups and cutlery with glass and metal items. Each employee received a sustainable cup with the stamp "Menos um Lixo" ["1 Less Trash"], a 100% Brazilian product, helping to reduce the "emission of pollutant gases in long-distance transportation"<sup>[3]</sup> and prioritizing local production and economy. Policies were also adopted to encourage the use of less polluting means of transportation, such as bicycles, and policies to reduce the use of paper in folders, through the scanning of files. In addition, the Green Team group was created and now meets monthly to discuss sustainable actions to be adopted in the workplace.

Public and private policies reflect today's society and concern for sustainability. In the corporate world, this issue has increasingly gained the status of a competitive advantage<sup>[4]</sup> in a society that lives with scarcity of natural resources and is trying to reverse this situation. According to the Brazilian Code of Corporate Governance - Public Companies (in Portuguese, Código Brasileiro de Governança Corporativa - Companhias Abertas), "corporate governance seeks greater security of investments made and greater social responsibility on the part of the company"<sup>[5]</sup> and this is increasingly a trend.

The main law firms in Brazil have demonstrated that the adoption of sustainable practices as a differentiating feature is not limited only to the corporate clients of these firms - both are seeking to meet the demands of society and "meet the three bases of sustainability in strategy and management"<sup>[6]</sup> to obtain better results.

<sup>[1]</sup> United Nations. <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

<sup>[2]</sup> Cesa, Sustainable Law Practice Guide. <https://probono.org.br/wp-content/uploads/2019/06/Guia-da-Advocacia-Sustent%C3%A1vel-Baixa-WEB.pdf>

<sup>[3]</sup> <https://www.menoslixo.com.br/o-copo>

[4] IBGC. Brazilian Corporate Governance Code - Public Companies.

[https://www.legiscompliance.com.br/images/pdf/ibgc\\_codigo\\_brasileiro\\_de\\_governanca\\_corporativa\\_companhias\\_abertas](https://www.legiscompliance.com.br/images/pdf/ibgc_codigo_brasileiro_de_governanca_corporativa_companhias_abertas).

[5] MARQUES, Letícia Yumi; Zapater, Tiago. "Prática do Direito Ambiental na Defesa dos Interesses de Empresas Privadas" ["Practice of Environmental Law in the Defense of the Interests of Private Companies"]. Chapter "Direito Ambiental, Governança Corporativa e a Atuação da CVM" ["Environmental Law, Corporate Governance, and the Actions of the CVM"] by Roberta Leonhardt, Eliana Chimenti, Alessandra de Souza, and André Castilho. São Paulo: Letras Jurídicas 2019.

[6] IBGC. Brazilian Corporate Governance Code - Public Companies.

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