

Profits vs. environment 'false dichotomy'



Law firm supports Gov. Doyle's cap-and-trade program on greenhouse gas emission credits

Lee Marie Reinsch

Kermit the Frog said it's not easy being green.

But the law firm of Godfrey & Kahn, S.C., Attorneys at Law, takes the stance that Gov. Jim Doyle's move toward a cap-and-trade program on greenhouse gas emission credits is pragmatic, good stewardship, and even potentially profitable.

"Historically, it's been profits vs. environment; we think that that's a false dichotomy," said Green Bay-based Godfrey & Kahn environmental law attorney Winston Ostrow. "We think that you can do both."

Godfrey & Kahn, which has seven offices in Wisconsin, Washington, D.C. and China, is supporting Gov. Jim Doyle's 2007 signing of the Midwest Greenhouse Gas Reduction Accord by promoting the agreement's ideas to Godfrey & Kahn clients.

The governors of six Midwest states — Minnesota, Iowa, Michigan, Kansas and Illinois, in addition to Gov. Doyle — signed the agreement, which calls for a cap-and-trade program on greenhouse gas emissions.

The pact will set goals and time frames for reducing states' greenhouse gas emissions by 2010 and establish a system of tracking, managing and crediting companies that reduce their emissions.

The goals (of reducing pollution) will most likely be achieved by setting limits — or caps — on how much

pollution companies are allowed to produce.

Tracking and managing companies' pollution will likely mean that those that produce less than the maximum amount — or cap — will be awarded credits. They could sell or trade their credits to companies that are projected to exceed their cap.

The credits could be traded or sold on an exchange board — thus the program's name.

Europe has a similar cap-and-trade program, said Art Harrington, chair of the Environmental and Energy Law Practice Group at Godfrey & Kahn.

Harrington said that Wisconsin businesses that act now may substantially generate valuable credits.

"Taking early action is especially important... because the pact essentially assures that there will be a robust market for any carbon reductions through energy efficiency or green-energy projects," Harrington said.

In addition, it's likely that there will be credit for early action under the cap-and-trade system.

"This means that actions taken now will allow our clients to accumulate credits that may be sold for higher value as the cap-and-trade market matures," Harrington said.

Harrington said he's been practicing law for 32 years, and this is the biggest development he's ever seen.

"This is an emerging area that not a lot of people are aware of yet, but if we had this conversation next year, it will be on everybody's radar screen," Harrington said, adding that the cap-and-trade program is something that will reshape a lot of people's thinking.

So why is a law firm out to convince its clients to go green?

"We like to look for ideas within the law that our clients can take advantage of to be more profitable," Ostrow said. "Not only can they be more profitable, but they can be better citizens. It's the best of both worlds."

Godfrey & Kahn offices are also taking steps to conserve resources.

Ostrow admits the steps his firm is taking to conserve resources are pretty basic: Copying documents on both sides of a sheet of paper instead of just one, doing more work electronically and less on paper, putting copy machines on sleep mode during non-heavy use times, recycling paper.

"Paper is the big resource that lawyers destroy wantonly," he said, adding that he sees the irony in being an environmental litigator while trees are destroyed for the paper that he and other attorneys use.

More about Godfrey & Kahn's green initiative may be found online at www.gklaw.com. **MP**