





SUSTAINABILITY IS THE FUTURE OF LAW

PAVING THE WAY FOR POSITIVE CHANGE

The legal profession is at the threshold of fundamental change. An era of innovation is disrupting and overturning old ways of organising and working, presenting new challenges and opportunities. The future of our planet is in danger, demanding immediate action. Social inequality and widespread poverty press for new solutions to build a better world. The COVID-19 pandemic that has shaken our world this year has put this inequality into stark relief, hitting the world's vulnerable the hardest. The crisis has also accelerated digitalisation and the transition to a more sustainable way of living. Lawyers are called upon to not only adapt to a changing economy and society, but to lead positive change on a grand scale.

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Sustainability has many different definitions, but its essence was articulated by the Brundtland Commission, tasked by the UN in 1987 to formulate a global agenda for change: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This driving principle was embraced by all nations when the 17 Sustainable Development Goals (SDGs) were adopted in 2015, forming a blueprint to end poverty, protect the planet and ensure peace and prosperity for all by 2030.

To contribute to achieving these goals, we are in need of a sustainability-minded legal profession, aware of the most urgent needs for our digitalised and globalised world. Lawvers must support change, and also be the change. Lawvers must develop new skills, as well as be more conscious of their own ecological impact and that of their clients. Lawyers must use their knowledge for the greater good, providing solutions to environmental and social challenges. Lawyers must stand up for human rights, help break down the barriers to justice and resist threats to the independence of the profession. Meeting these challenges requires an inclusive approach and a broad diversity of perspectives. That is why AIJA has chosen diversity as the theme of the 2019-20 term.

The time to act is now, otherwise we will miss the challenges of our generation and irremediably jeopardise the wellbeing of future generations. The legal profession, with its privileged access to all facets of society, is uniquely placed to further global sustainability goals. Lawyers cannot do it alone: we must work hand-in-hand with legal associations around the globe to build a more sustainable profession. A profession that has both the singular ability and a solemn duty to contribute to a more sustainable future.



OUR VISION FOR A SUSTAINABLE PROFESSION

We envision a legal profession that responds to the present and future needs of clients and citizens to ensure a thriving economy and society. To make this vision a reality, lawyers should take immediate bold action and enable a sustainable future for their field.

Ensuring the sustainability of the legal profession must be founded on the following values:



Giving back

While defending their clients' private interests, lawyers also have a duty to use their knowledge and skills for the greater good. This means providing solutions to social, economic and environmental challenges for their clients and volunteering some of their time to sustainable initiatives.



Responsibility

Lawvers may be the main quardians of the judicial system and of the just advancement of thriving economy and society. It is the lawyer's responsibility overcome any barriers to access.



Competence

The legal profession is and professional development. their legal knowledge with a deep familiarity of the challenges faced by the various sectors they their education throughout their careers.



Diversity

Lawyers should be ready to confront the challenges of a globalised and interconnected world, and be committed to understanding, respecting and ensuring respect for different cultures and legal systems. Lawyers must welcome and guarantee exchange of legal competences.



Independence

Lawyers must uphold a high standard to resist corruption and external interference. Lawyers must be free to accept or dismiss a case, to conflict of interest. Confidentiality and legal privilege must be protected without limitation.

PUTTING OUR VISION INTO PRACTICE

Priorities for a sustainable legal profession



Integrating social responsibility and green practices into their ways of working and advocating social responsibility with their clients as a necessary commitment to sustainable business

Contributing to the global **protection**of human rights through their work
and pro bono initiatives



Offering **free legal services** to those in need to protect the essential cornerstones of the rule of law in an ever-changing world



Prioritising diversity
in the legal workplace
to ensure equal
professional growth
opportunities and a
better response to client
and societal challenges



Defending the **independence** of legal practice by insisting on fair renumeration and effective self-regulation



Training on innovation and legal technologies that are shaping the future of law to further efficient legal practice and better meet the needs of their clients

Pursuing continuous education, inside and outside their practices, to competently confront ever-evolving societal and business challenges.





WHAT DRIVES SUSTAINABILITY IN THE LEGAL PROFESSION?

In a world that is being radically transformed by globalisation and digitalisation, a number of societal needs are reaching a critical point and demanding the engagement of lawyers in order to build a sustainable society. These social themes are the main catalysts for sustainable development in the legal profession.



Immediate action is needed to limit climate change catastrophe, or the world will soon face widespread and irreversible impacts. Lawyers have an important role in **protecting the**environment and fighting climate change as outlined in SDG 7.



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There are many thousands of law firms around the world, employing millions of lawyers. The legal sector occupies a significant amount of real estate around the world, with an impact on energy, waste, paper and water. Lawyers also frequently work across borders and have a heavy carbon footprint. Commitment to the environment through **sustainable practices** delivers cost savings, for example through promoting telecommuting and using the digital solutions available to reduce physical meetings. It is also of growing importance in the recruitment and retention of staff, who place increasing value on the sustainability practices of their employers. Employers who invest in sustainable working conditions and set up sustainability policies protect their employees and incentivise them towards a more sustainable way of working. Challenges to the adoption of sustainable practices in law firms include inertia towards policies encouraged by management, as well as a lack of or inadequate mechanisms to measure impact and progress.

The preservation of the environment and the fight against climate change are becoming **core values for clients** across all sectors. More and more, companies want to go beyond symbolic CSR strategy or minor operational efficiencies to **fully incorporating green practices** into their business models.

Knowledge of environmental and sustainable legislation practice has therefore become essential to helping companies comply with carbon-reducing legislation and create greener practices. Growing sectors in the green economy and renewable energy require knowledgeable representation, including familiarity with economic incentives. Clients also want their supply chain to become greener, and that includes the work of their lawyers.

Different areas of the law are directly engaging in climate issues. Energy and environmental

law are more relevant than ever and constantly evolving. Tax law has an important role to play in bringing about sustainable change, as taxes can have a significant impact on the promotion of sustainable practices and on disincentivising unsustainable behaviour. Arbitration of environmental disputes between states, as well as between the state and corporations or citizens are on the rise, although much controversy still exists regarding the way these disputes should be solved. Antitrust and transport law are helping to shape the sustainable cities of tomorrow.



Gender equality and the full participation of women are essential for building a sustainable society and economy. Taking on board a variety of perspectives drives innovation and accelerates growth. Having a **diverse work** force enables law firms to respond to client and societal challenges in different ways and makes them more adaptable.



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While progress has been made towards **empowering women** as equal members of society, women still suffer from widespread violence and discrimination. Structural issues such as legal discrimination and low political

participation are undermining progress towards SDG 5, Gender Equality. Discriminatory laws and gaps in legal protection persist in many countries. Building an equal society requires implementing **new legal frameworks** ensuring female equality in the workplace and the protection of women's human rights. These include changes in family law to ensure equal rights in marriage and divorce, as well as laws protecting the rights of financial independence, equal education and freedom from violence.

Change starts from within, and the legal profession must begin by creating an equal legal work force. Although the proportion of female lawyers has increased, the profession continues to be led disproportionately by men. There is a sharp difference between the number of women who enter law and the number who hold **senior positions**, especially those with voting power. Calls for more flexibility and transparency have illuminated the stark pay gap between female and male lawyers. Traditional **working structures** fail to facilitate the transition back to work for professionals with children or to support young families as a whole.



The world population is expected to grow to 8,5 billion by 2030¹. This population boom presents serious challenges for sustainable development as many of the fastest growing populations are in the poorest countries. The World Justice Project found that 1.4 billion people cannot meet their civil justice needs due to low levels of legal capability, inability to access appropriate help, poor resolution process, and/or poor outcomes². Unmet legal needs have an adverse effect on other areas of everyday life, including income, housing, health, and employment.



Access to justice is essential to ensuring democratic participation and holding states accountable.

Access to justice, an important element of SDG 16, is essential to ensuring democratic participation and holding states accountable. It is also crucial to implementing many of the other SDGs, such as eradicating poverty and hunger, ensuring decent work and gender equality. To guarantee effective access to justice for all, ensuring the **independence of lawyers** is paramount. An independent legal profession is essential to upholding the rule of law and defending individual rights. Lawyers must be free to serve the best interest of their client and society without fear or intrusion. Law societies

play an important role in the self-regulation and protection of the legal profession against undue pressure or influence.

Access to justice is an area where the legal profession has traditionally been very active through **pro bono work**, and there is more need than ever. Demand for justice mechanisms and fair access to justice will increase as the world population grows. Barriers to accessing justice include cost, lack of understanding of one's legal rights, and lack of knowledge and confidence to navigate the legal system. Even wealthy countries suffer from a lack of access to justice caused by the growth of inequality and decline of state support, resulting in a serious lack of funding for legal aid. Unequal access to justice further undermines equality in society, particularly as disadvantaged and vulnerable groups disproportionally experience legal hardship.

Among society's most vulnerable groups are migrants and refugees. Migration and forced displacement are likely to intensify in the future³ due to humanitarian crises, armed conflicts, and natural disasters. As climate change and global tensions add to global migration, the need will grow for immigration and employment laws that protect individual rights and promote safe working environments. Protecting labour rights across company supply chains is an important way to ensure sustainability at work.

Technology and innovation

Technology is changing the way law firms operate. Clients expect a greater understanding of their business, faster response time and more efficiency. Lawyers are compelled to offer solutions that go beyond the purely legal. We are shifting from the day-to-day practice of law to a more **business-oriented model** where legal services are profoundly embedded in the business of clients. Embracing these changes will help lawyers play a leading role in the implementation of SDG 9: Industry, Innovation and Infrastructure.

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Artificial intelligence (AI), blockchain, enterprise platforms, and software will not replace lawyers, but these tools will change how, when, for whom, and at what price they are engaged. More and different **legal training** will be required to ensure that lawyers remain indispensable in the era of AI technology. It is no longer enough to know the law. Lawyers will need to build on their legal knowledge by adding **new skills** - business basics, analytics, project management, and digital and innovation skills. A December 2018 survey by AIJA and The Council of Bars and Law Societies of Europe (CCBE) found that a mere 3% of young lawyers agreed that the training of lawyers is sufficiently adapting to the changing landscape of the legal market.

Two sectors that have been particularly impacted by new technologies are finance and trade. Fintech has disrupted every aspect of today's financial system, making it more

efficient, accessible and less vulnerable. It is making finance available to populations who previously could not benefit from it and is helping to channel investment for sustainable goals such as renewable energy. However, Fintech, as all innovations, carries some risks and legislators are facing difficulties balancing such positive innovations with the needed high security and protection levels in financial markets.

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In trade and commerce, blockchain technology is helping to prevent exploitation and ecological damage all along the supply chain. Companies in both sectors are being constantly challenged to **renew their processes** and create new sustainable production models. This demands continuous dedication to innovation and efficiency, both in terms of resources employed and availability of know-how and investments. Lawyers need to become an essential **strategic partner** in adopting new business models by staying abreast of the legal ramifications of innovation.

As exciting as they are, innovations aren't innovative if we don't know how to use them. Technology by itself won't help to positively transform and improve the legal profession. True ingenuity calls for **rethinking and reinventing law firm processes** to improve efficiency and add value. Technology is just one of many tools to support changes to improve competitiveness and better serve clients. Implementing these tools effectively requires a better understanding of how to innovate and how lawyers can benefit from innovation. This means going beyond mere adoption to creating an **innovation culture** and managing change from a behavioural, cultural and boardroom perspective.

 $^{{\}tt 1.\,https://population.un.org/wpp/Publications/Files/WPP2019_10KeyFindings.pdf}$

^{2.} https://worldjusticeproject.org/our-work/publications/special-reports/global-insights-access-justice-2019

 $^{3.\} https://www.ilo.org/global/topics/future-of-work/trends/WCMS_545683/lang--en/index.htm$



HOW CAN THE LEGAL PROFESSION TAKE ACTION?

Each lawyer can take action starting today to ensure the sustainability of the legal profession and of their services. Together with colleagues and clients, they can maximise their impact and contribute to a global wave of change. We call on the legal profession to:

Go greener

The legal community is challenged to continue to innovate and demonstrate its commitment to sustainability. Each lawyer can look at what their own firm is doing on environmental sustainability, find ways to improve and consider whether there are ways to come together with other firms to do so for the sector as a whole. There are multiple **networks** that exist to provide information and support for law firms wishing to adopt **sustainable practices**. These include non-profit organisations, for example The Law Firm Sustainability Network in the United States, as well as national legal associations which are helping to develop profession-wide frameworks and standards for sustainability.

AIJA provided a **discussion platform** on how law firms can become more eco-friendly during our 57th congress in Rome in September 2019, where some 700 lawyers from 61 countries came together to discuss how law firms can make a difference and how to build a successful, sustainable practice. We also **put sustainability principles into practice** by incorporating sustainable elements into the planning and organisation of the congress: planting trees to offset our carbon footprint, offering incentives for public transport and car sharing, and donating excess food, among several other measures. We aim to start incorporating elements such as these into all our future events.

There are a **wide range of measures** law firms can implement to reduce their environmental impact. These include:

- Implementing telecommuting and video conferencing
- Encouraging alternative modes of transportation
- Switching to a 100% renewable electricity supply
- Reducing paper usage by double printing or going paperless
- Using timed lights to reduce energy usage
- Having more rigorous recycling programmes and aiming for zero waste
- Locating offices in certified green buildings
- Holding vendors and suppliers responsible for their practices
- Appointing sustainability officers or forming sustainability committees

Beyond their own firms, lawyers can get involved with environmental and charitable initiatives by providing pro bono advice, fundraising, donating and volunteering. Lawyers can also help evolve sustainable legislation across sectors by running environmental impact analyses to avoid introducing regulations that will negatively affect the environment.

Value diversity

AIJA YEAR OF DIVERSITY 2020

AIJA is dedicating the year 2020 to diversity. To support a dynamic & wide-ranging profession, we are taking the following actions.

Devoting a series of virtual academic and networking sessions to diversity in 2020, where we will:

- Provide insights into the complex and multi-dimensional nature of our society
- Promote & advance the principles of equality and inclusion.

Creating a new diversity officer position for our advisory board who will:

- Monitor & promote diversity among our membership and our events
- Leverage our existing relationships with legal association partners
- Identify new connections and opportunities to promote our long-term commitment to diversity.

Launching the AIJA Women's Network where we will:

- Leverage the strength and capabilities of AIJA's female members
- Promote and progress the advancement of women's careers in the legal sector.



The legal profession should promote gender equality by embodying and supporting **gender mainstreaming**, defined by the UN as "the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels." Mainstreaming takes into account the impact of each policy on people of different genders with the ultimate goal of gender equality. Lawyers can help integrate mainstreaming into legislation and policy to bring about more equality. They can also start by creating more equality within the legal profession.

Creating strategies to advance and retain female and minority lawyers starts with active engagement with diversity challenges and dedicating staff and resources to diversity and inclusion initiatives. One of the most pressing questions in promoting gender equality in the law is: How can law firms advance and retain female lawyers and bring more ethnic and gender balance at the senior level? Giving decision-making power to women and minorities gives them more say over decisions that impact their lives. A number of big firms are leading the way by adopting the Mansfield Rule, affirmatively considering women and



attorneys of colour for at least 30 percent of leadership and governance roles, equity partner promotions, and senior lateral positions. It is also essential that firms close the stark pay gap between male and female lawyers by remunerating women fairly and with full transparency.

Measures that can contribute to a better work/
life balance and help increase the proportion
of women in more senior roles include flexible
working and extended paid maternity leave.
Agile work options not only encourage female
talent to stay on board, but also encourage
equality within the home by supporting fathers
and those with other caring obligations.
The result is more balance for the firm as a
whole, creating an overall healthier and more
sustainable work force and helping to contribute

to gender equality in a global sense. It is important to acknowledge **all types of diversity** in law firms and how these supportive measures may impact on an individual's identity, their wellbeing and **mental health**. Mental health must be a priority within the profession to ensure the wellbeing of lawyers and the sustainability of a lawyer's legal career.

Cultural diversity is also important to thrive in a globalising world. Tomorrow's lawyers will need a solid international network. They will need to become accustomed to working across different cultures and bringing together diverse perspectives. Having a global impact also requires an interdisciplinary approach and the ability to connect overlapping areas and avoid working in silos.

Break down the barriers to justice



AIJA is committed to defending and taking active part in **promoting the rule of law** and **human rights principles**. Our efforts are coordinated through our Human Rights Committee in cooperation with our members and lawyers' organisations worldwide. We back initiatives to support endangered lawyers around the world through the AIJA SOS Avocats fund. Most recently, AIJA supported the International Legal Assistance Consortium's (ILAC) programme to empower legal professionals fleeing from Syria due to the ongoing conflict.

Legal aid and legal awareness programmes play an important role in closing justice gap by bringing the justice system closer to the people it is meant to serve. They promote and protect the rights of the most marginalised – including women, youth, persons with disabilities, minority groups, LGBTI, and communities displaced by conflict, disaster or forced evictions, among others – and are essential to meeting the UN's goals of leaving no one behind on the path to a peaceful and sustainable future. By pressuring governments to allocate funds and fundraising through legal organisations, lawyers can help fund these much-needed services.

All lawyers can do more to improve access to justice in their communities. Lawyers can start by exploring ways to encourage the proactive involvement of lawyers in their firm and building a positive pro bono environment in their workplace. They can implement free first consultations for all, reduced or "low bono" fees and help people applying for public support, even if not directly handling their cases. They can also reach out to their regulating body or NGOs to help find more innovative ways to increase access to justice in their community.

From a client perspective, companies see the management of human rights risk as important to their sustainability objectives. For instance, lawyers can counsel their clients on tensions between national law and human rights. Lawyers can also prevent or mitigate human rights issues by shaping how a company selects, contracts with, monitors the performance of and terminates or renews its relationship with third parties. Human rights risk is part of the company's broader management of risks and reputation.

Technology also has huge potential to help meet legal needs of disadvantaged populations by making accessible and affordable legal services. This includes technology that provides information, technology that connects individuals to lawyers, and technology that automates documents. While these aren't a substitute for lawyers, they can reduce costs and free up lawyers to help where they have the greatest added value.



Develop new skills

Shifts in the legal field are challenging a traditionally conservative profession, forcing it to lead or be left behind. In autumn 2018, AIJA in collaboration with the Council of Bars and Law Societies (CCBE) in Europe surveyed lawyers between 25 and 45 years old across 48 countries. The purpose of the survey was to measure the evolution of lawyers' perceptions towards the challenges affecting the future of the legal profession since a similar survey was undertaken in 2016. Young lawyers identified resistance to innovation, the rise of alternative providers of legal services, the commoditisation of legal services, the privatisation of justice, and the use of new technologies as the top threats to their profession.

A new era calls for new skills and knowledge. Building a sustainable legal business model and adapting to changing client needs requires a more **customer-centric approach** as well as the proactive adoption of key technologies. Lawyers are called upon not just to adapt the old to the new, but also the new to the old: it is their role to ensure that legal principles upholding stability, peace and economic growth are incorporated into new working modes. The rise of the sustainability or impact sector has also created **new legal structures** such as that of the benefit corporation. These new vehicles for change require adapted knowledge and also open up new opportunities for pro bono participation.

While lawyers tend to see technology-enabled innovations and non-traditional legal services as a threat, new technologies represent an opportunity for lawyers and their business. Technology promises the elimination of routine tasks and excessive paperwork and frees lawyers to develop other skills. Lawyers should embrace these advances and make good use of new technologies to provide better services to their society and their clients. Quicker, more

transparent and efficient legal services will result in increased trust from clients and more business for lawyers. Lawyers also have an important role in ensuring that business models and non-traditional legal service providers are transparent and respect individual rights.

The younger generation values innovation, personal development and a sense of greater purpose. The current education and training of lawyers is poorly adapted towards cultivating the skills of tomorrow's lawyers. The legal profession requires training that meets the needs of the era and which ensures that lawyers remain indispensable in a digitalised society. Adequate technological training and a solid digital proficiency are fast becoming essential. But building the legal capacity of tomorrow doesn't just concern specific skills: it's about a **change in mindset**. On constantly shifting terrain, openness towards innovation and the ability to pick up new skills and adapt quickly to new norms are required. The traditional hierarchical law firm structure is bound to be disrupted.

AIJA's **SCILL commission** deals with the development of the legal profession as well as skills and career training. Besides practical training in areas from legal drafting to public speaking, we also look at important overarching competences such as leadership and diversity. The aim is to **prepare this generation of lawyers** for the challenges of tomorrow. **In 2021, the 59th international young lawyers' congress in Zurich will focus on innovation**. We will focus on developing new skills for innovation to address continuous change in the sector and the ability to innovate our law firms for our clients and society.

FINAL WORDS: JOINING FORCES FOR THE FUTURE

The legal profession can remain relevant in a changing world only as long as it remains useful to solving the problems of today's society. And there is no challenge more relevant than that of urgently embracing a more sustainable way of life and business.

AIJA is wholly committed to building a more sustainable legal profession and a better world. We are determined to help lawyers be at the forefront of change by supporting their clients in making responsible decisions, partnering with sustainable causes, and offering their legal expertise to those in need. We are dedicated to reforming the legal profession to become more diverse, eco-friendly and innovative. And we are driven to arm young lawyers with the skills necessary to navigate a new economy while staying loyal to our core values.

Actions large and small, community-focused and global, all have their place in building a more equal, just and habitable world.

Joining forces with other lawyers, firms, and public and private partners maximises our knowledge and impact. That's why we call on our fellow legal organisations to join us in fighting for a better tomorrow.

As renowned social pioneer Michael Green said at AIJA's annual congress in Rome, "If it is not you, who? You are everywhere."

Lawyers are in every country and touch on every sector.

Together we can create a tidal wave of change to embrace a more sustainable way of life and business across the globe.

WHO WEARE

AIJA is the only global association dedicated to private practice lawyers and in-house counsel aged 45 and under.

OUR MEMBERS





65%

of members in leadership positions in their law firms



4,000 individual members and supporters























bar association members



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DIVERSITY AND INCLUSION ACROSS OUR MEMBERSHIP





57% of AIJA members are MEN





43% of the President and VP positions in AIJA's Commissions are held by women.



AIJA are held

leadership roles in the Bureau of AIJA were held by women in the



last 10 years.



International Association of Young Lawyers Association Internationale des Jeunes Avocats

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