

Archived: Wednesday, February 14, 2018 11:48:24 AM
From: James McPherson
Sent: Monday, August 28, 2017 5:27:00 AM
To: James McPherson
Cc: Chris Toth; Manning, Jeanette; Marjorie Tharp; Jeffrey Hunter; david.hayes@nyu.edu
Subject: State Energy & Environmental Impact Center, NYU School of Law
Importance: Normal

THIS IS BEING SENT TO ALL ATTORNEYS GENERAL, CHIEF DEPUTIES/CHIEFS OF STAFF, AND EXECUTIVE ASSISTANTS

Generals,

Attorney General Brian Frosh asked me to send you the following message:

“The State Energy & Environmental Impact Center has been formed at the NYU School of Law. The Center is non-partisan and has been formed to support state attorneys general on clean energy, climate change, and environmental initiatives. The Center will provide direct legal assistance to AGs and proposes to hire NYU Fellows who will serve as special assistants in state AG offices. The State Impact Center web site provides additional information about the Center: <http://www.law.nyu.edu/centers/state-impact>. The Executive Director of the Center is David Hayes who can be reached at david.hayes@nyu.edu.”

V/R

Jim

James E. McPherson
Executive Director
National Association of Attorneys General
1850 M Street, NW., 12th Floor
Washington, DC 20036
Office: 202.326.6260
Cell: 202.701.9115

Archived: Wednesday, February 14, 2018 11:48:25 AM
From: [Garrahan Paul](#)
Sent: Friday, September 15, 2017 1:03:26 PM
To: 'david.hayes@nyu.edu'
Cc: [Boss Frederick](#)
Subject: Oregon DOJ application for NYU Law Fellow
Importance: Normal
Attachments: [20170915125851428.pdf](#);

Mr. Hayes: Attached is an application for a NYU Law Fellow to be placed as a special assistant attorney general with the Oregon Department of Justice. Please let me know if you have any questions or need any additional information regarding this application. Thank you for considering our office for placement of one of your fellows.

Paul Garrahan
Attorney-in-Charge | Natural Resources Section | General Counsel Division
Oregon Department of Justice
1162 Court St. NE, Salem, OR 97301-4096
503.947.4593 (Direct)
503.929.7553 (Mobile)

20170915125851428.pdf



DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

September 15, 2017

SENT VIA EMAIL

Mr. David J. Hayes, Executive Director
State Energy and Environmental Impact Center
New York University School of Law
40 Washington Sq. South
New York, NY 10012
David.Hayes@nyu.edu

Re: Oregon Department of Justice Application for Placement of NYU Law Fellow

Dear Mr. Hayes:

Please accept this application for placement of a NYU Law Fellow with the Oregon Department of Justice.

1. Program Eligibility and Narrative

The Attorney General of Oregon is the chief law officer for the State of Oregon and all of its departments, and is the head of the Oregon Department of Justice (DOJ). Under the leadership of current Attorney General Ellen Rosenblum and that of her predecessors, Oregon has been participating in progressive litigation of issues of national environmental and energy policy for more than a dozen years. That work has been substantially funded by our client state agencies. Oregon DOJ is fiscally operated like a private law firm—we track our billable hours, charge our client state agencies an hourly rate, and our client agencies transfer funds from their state accounts to ours to pay for the legal services we provide to them. Without getting into details about the merits of this system, a reality that results is a disincentive for agencies to consult with legal counsel as frequently as may sometimes be advisable and, especially when state budgets are tight, a reluctance to fund legal work on matters that reach beyond the agencies' core and direct state programs.

Fortunately, this has not significantly reduced DOJ's ability to participate in many multistate attorneys general coalitions working on national environmental litigation. In particular, the Oregon Department of Environmental Quality has strongly supported such participation and has accepted responsibility to pay for such work when consistent with its environmental policy objectives. Recent and current examples include litigation regarding the Clean Power Plan, new source performance standards (NSPS) for new power plants, NSPS for control of methane from the oil and gas sector, defense of the mercury and air toxics rule, litigation leading to the adoption of the 2015 ozone national ambient air quality standards, and defense of vehicle

greenhouse gas emissions standards. That said, however, we are a relatively small state with limited resources, and our role in those matters is therefore usually limited to more of a “me too” role, and not as a primary contributing partner.

This year, with the aggressively regressive environmental policy proposals of the new federal Administration, such fiscal restraints are beginning to test our state agencies’ budgetary limits. Not only are some agencies facing multistate litigation budget fatigue, but we are also encountering issues where the agency that would be naturally positioned to pay for such litigation is unable to do so due to state constitutional limits (e.g. limits on expenditure of highway funds by the Oregon Department of Transportation), or for which there may not be a state agency that is fiscally prepared to take on such expenses.

Having a NYU Law Fellow as a SAAG in our office could help us not only continue to play a strong contributing role in such matters and to participate in a broader range of substantive matters, but also could allow Oregon DOJ to play a more active and contributing role in those matters.

2. Program Structure

We are comfortable with the experience parameters described in your announcement—for attorneys with five to ten years practice experience in clean energy, climate change, and environmental issues. Our preference would be for the SAAG to be a member of the Oregon State Bar, though membership in another bar would be required at minimum, of course. We intend for the SAAG to report to me, the Attorney-in-Charge (AIC) of the Natural Resources Section (NRS) in the General Counsel Division. I have been responsible for coordinating and overseeing most of the state’s participation in multistate environmental litigation matters for the last five years, and I have authority to seek approval for participation in such matters directly from the Attorney General.

3. Budget Proposal and Confirmation of Authority

The salary for Assistant Attorneys General (AAGs) and Sr. AAGs at Oregon DOJ is between \$6,513.00 and \$12,183.00 per month, depending primarily on the years of legal practice experience of the individual (it takes about 16 years of practice for AAGs to reach the top of the pay scale, for example). We would strongly prefer that the salary of the SAAG be in conformity with that range, while acknowledging that the SAAG’s salary could include consideration that the SAAG would not have the benefit of other state employment benefits, such as health insurance or membership in the state retirement plan.

Our preference and proposal is that the SAAG track billable hours like other attorneys at Oregon DOJ, that we be authorized to bill agencies for hours worked by the SAAG on multistate litigation matters (where the agencies have agreed to provide funding), and that the SAAG be available to work on limited and occasional other billable environmental and energy matters for our state agency clients. Such flexibility would allow us to apply the experience and expertise of

Mr. Hayes
September 15, 2017
Page 3

existing AAGs to work on additional multistate matters, while still keeping the SAAG's workload predominately on such matters.

The Oregon Attorney General has broad authority to hire special legal assistants as she deems appropriate under Oregon Revised Statute 180.140 (5). I certify that Oregon DOJ has authority to hire an NYU Law Fellow as a SAAG in our office, subject to negotiation of the terms of such employment, and that the Attorney General has approved the filing of this application.

Thank you for considering placing a NYU Law Fellow as a SAAG with Oregon DOJ. If you have any questions regarding this application, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul A. Garrahan", with a long horizontal flourish extending to the right.

Paul A. Garrahan
Attorney-in-Charge
Natural Resources Section
Oregon Department of Justice
Paul.garrahan@doj.state.or.us
503.947.4593 (Direct)
503.929.7553 (Mobile)

cc: Fredrick Boss, Deputy Attorney General

PG:sc9/DM#8503612

Archived: Wednesday, February 14, 2018 11:48:26 AM
From: [David J. Hayes](#)
Sent: Friday, September 15, 2017 2:32:51 PM
To: [Garrahan Paul](#)
Cc: [Boss Frederick](#); [Elizabeth Johnson Klein](#)
Subject: Re: Oregon DOJ application for NYU Law Fellow
Importance: Normal

Paul:

Thanks for the application. We will look forward to reviewing it.

Best,

David

On Fri, Sep 15, 2017 at 4:03 PM, Garrahan Paul <Paul.Garrahan@doj.state.or.us> wrote:

Mr. Hayes: Attached is an application for a NYU Law Fellow to be placed as a special assistant attorney general with the Oregon Department of Justice. Please let me know if you have any questions or need any additional information regarding this application. Thank you for considering our office for placement of one of your fellows.

Paul Garrahan

Attorney-in-Charge | Natural Resources Section | General Counsel Division

Oregon Department of Justice

1162 Court St. NE, Salem, OR 97301-4096

[503.947.4593](tel:503.947.4593) (Direct)

[503.929.7553](tel:503.929.7553) (Mobile)

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

--

David J. Hayes

Executive Director

[State Energy & Environmental Impact Center](#)

NYU School of Law

c/o Resources for the Future

1616 P Street, NW

Washington, DC 20036

Office phone: 202-328-5052

Cell phone: 202-258-3909

Email: david.hayes@nyu.edu; davidjhayes01@gmail.com

Twitter: [@djayes01](#)

Archived: Wednesday, February 14, 2018 11:48:27 AM
From: [David J. Hayes](#)
Sent: Friday, October 13, 2017 8:45:16 AM
To: [Garrahan Paul](#)
Cc: [Elizabeth Johnson Klein](#)
Subject: NYU Law Fellow Program
Importance: Normal

Paul:

Thank you for your application for an NYU Law Fellow to serve as a Special Assistant Attorney General on clean energy, climate and environmental matters. We have reviewed applications received from 11, and have selected 7 jurisdictions to receive the initial tranche of Law Fellows.

Oregon was not selected in this first round. As the hiring of our initial group of Law Fellows proceeds, we expect to confirm the availability of funding for additional Law Fellows, and may be back in touch with you, in the hope that we might be able to reactivate your application.

In the meantime, the State Impact Center looks forward to helping support your work on clean energy, climate and environmental matters through the legal and communications resources that we have at the Center, as well as through our connections with pro bono counsel and other resources. In that regard, we will be following up with you to discuss how best to facilitate an effective working relationship.

Thank you again for your interest in the NYU program.

David

--

David J. Hayes
Executive Director
[State Energy & Environmental Impact Center](#)
NYU School of Law
c/o Resources for the Future
1616 P Street, NW
Washington, DC 20036
Office phone: 202-328-5052
Cell phone: 202-258-3909
Email: david.hayes@nyu.edu; davidjhayes01@gmail.com
Twitter: [@djhayes01](#)

Archived: Wednesday, February 14, 2018 11:48:28 AM

From: [Garrahan Paul](#)

Sent: Friday, October 13, 2017 8:50:00 AM

To: david.hayes@nyu.edu

Cc: [Elizabeth Johnson Klein](#)

Subject: Re: NYU Law Fellow Program

Importance: Normal

David: Thanks for considering our application. May I ask which states were selected?

Paul Garrahan
Attorney-in-Charge | Natural Resources Section
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

On Oct 13, 2017, at 8:45 AM, David J. Hayes <david.hayes@nyu.edu<<mailto:david.hayes@nyu.edu>>> wrote:

Paul:

Thank you for your application for an NYU Law Fellow to serve as a Special Assistant Attorney General on clean energy, climate and environmental matters. We have reviewed applications received from 11, and have selected 7 jurisdictions to receive the initial tranche of Law Fellows.

Oregon was not selected in this first round. As the hiring of our initial group of Law Fellows proceeds, we expect to confirm the availability of funding for additional Law Fellows, and may be back in touch with you, in the hope that we might be able to reactivate your application.

In the meantime, the State Impact Center looks forward to helping support your work on clean energy, climate and environmental matters through the legal and communications resources that we have at the Center, as well as through our connections with pro bono counsel and other resources. In that regard, we will be following up with you to discuss how best to facilitate an effective working relationship.

Thank you again for your interest in the NYU program.

David

--

David J. Hayes
Executive Director
State Energy & Environmental Impact Center<<http://www.law.nyu.edu/centers/state-impact>>
NYU School of Law
c/o Resources for the Future
1616 P Street, NW
Washington, DC 20036
Office phone: 202-328-5052
Cell phone: 202-258-3909
Email: david.hayes@nyu.edu<<mailto:david.hayes@nyu.edu>>; davidjhayes01@gmail.com
<<mailto:davidjhayes01@gmail.com>>
Twitter: @djayes01

Archived: Wednesday, February 14, 2018 11:48:28 AM
From: [Cavender Sarah](#)
Sent: Tuesday, November 07, 2017 4:26:04 PM
To: 'david.hayes@nyu.edu'
Cc: [Garrahan Paul](#)
Subject: FW: Paul Garrahan - Confidential
Last modification date: Wednesday, February 14, 2018 11:47:14 AM
Reply requested: Yes
Response requested: Yes
Conversation: Paul Garrahan - Confidential

Hello Mr. Hayes,

Confirming your meeting with Paul Garrahan on Tuesday, November 14, 2017.

Our address is 100 SW Market, Portland, Oregon, 97201.

Please check in with security at the entrance for an escort to 4th Floor reception. You will be met there for an escort to meeting.

The meeting has been scheduled for an hour, but the room is being held for longer, in case you are delayed.

Archived: Wednesday, February 14, 2018 11:48:29 AM

From: Michael J. Myers

Sent: Tuesday, November 14, 2017 10:09:34 AM

To: 'Max Kieley'; 'Greg Schultz'; Margaret Murphy (PA); 'Andy Goldberg'; 'J. Daniel (Va)'; Nord Tim D; Andrea Baker; 'Lauren Maxwell (DC)'; 'Matthew Dunn (IL)'; 'Laura Watson'; Martin Goyette (CA); Stephanie Cobb Williams; 'Tania Maestas'; Lisa M. Burianek; 'Gavin McCabe (Ca)'; Sarah Morrison (CA AG); 'Karen Olson'; Peter Washburn; Gerry Karr; Bill Sherman -- WA AG's office; 'Gregg J. Kinkley (Hi)'; 'Ralph Durstein (De)'; Lemuel Srolovic; 'Robert Snook '; Melinda Pilling (CA); 'Kay Shirey (Wa)'; 'Matthew Gooch (Va)'; 'Jillian Riley'; 'James Gignac'; Jesse Walker; 'Roberta James (Md)'; Francisco Benzoni (NC AG); Monica Wagner; 'Bill F. Cooper (Hi)'; 'Jacob Larson (Ia)'; 'Jerry Reid'; 'Josh Auerbach'; 'Sally Magnani'; 'Heather Leslie'; Nur Ibrahim (MN AG); Cheerful Catuano (WA AG); Peter Mulcahy (MA AG); Kimberly Childe (PA DEP); 'David Stewart (Ia)'; 'Scott Koschwitz (Ct)'; Asher Spiller; Donald Anderson (VA); Marc Bernstein (NC); Leah Tulin (MD AG); Elizabeth Davis (PA DEP); 'Amy Bircher (NC)'; Flanagan Patrick A; Lynn Angotti; 'B. Legner (IL)'; Garrahan Paul; Ken Stalter (NM); Dennis Beck (CA); Joe Iloe (PA DEP); 'Liz Rumsey (Ca)'; Dan Salton (CT) (daniel.salton@ct.gov); 'Joseph Yar'; Tom Y (WA); 'Elaine Meckenstock (Ca)'; 'William Grantham'; 'Jonathan Wiener (Ca)'; 'Tracy Triplett (Ma)'; 'Matthew Levine'; 'Dennis Ragen'; 'Timothy Sullivan (Ca)'; 'Kristen Furlan'; 'Christopher Courchesne'; Menard, Brenda (NC); Morgan Costello; 'David Zonana (Ca)'; 'Beth Mullin (DC)'; Santarsiero, Steven J.; Leslie Frederickson (MN PCA); Bo Reiley; Robyn Bender (DC AG); Michelle Moses (PA); Megan Hey (CA); 'Michele Van Gelderen'; Seth Schofield (MA); 'Elizabeth Wilkins'; Jeremy Magliaro; 'Amy Winn'; Blake Thomas (NC); 'david.hayes@nyu.edu'; 'Melissa Hoffer'; 'Valerie Edge (De)'; Jill Lacedonia (CT); 'Rob McDougall'; Mike Fischer (PA AG); 'Leslie Seffern'; 'Nick Persampieri'

Cc: 'djh466@nyu.edu'; 'Hoffer, Melissa (AGO)'; 'Reiley, Robert A.'

Subject: RE: Multistate AG Coordination Call

Importance: Normal

The security code for today's call is 1420

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

-----Original Appointment-----

From: Michael J. Myers

Sent: Friday, November 03, 2017 3:02 PM

To: Michael J. Myers; 'Max Kieley'; 'Greg Schultz'; Margaret Murphy (PA); 'Andy Goldberg'; 'J. Daniel (Va)'; 'Tim Nord'; Andrea Baker; 'Lauren Maxwell (DC)'; 'Matthew Dunn (IL)'; 'Laura Watson'; Martin Goyette (CA); Stephanie Cobb Williams; 'Tania Maestas'; Lisa M. Burianek; 'Gavin McCabe (Ca)'; Sarah Morrison (CA AG); 'Karen Olson'; Peter Washburn; Gerry Karr; Bill Sherman -- WA AG's office; 'Gregg J. Kinkley (Hi)'; 'Ralph Durstein (De)'; Lemuel Srolovic; 'Robert Snook '; Melinda Pilling (CA); 'Kay Shirey (Wa)'; 'Matthew Gooch (Va)'; 'Jillian Riley'; 'James Gignac'; Jesse Walker; 'Roberta James (Md)'; Francisco Benzoni (NC AG); Monica Wagner;

'Bill F. Cooper (Hi)'; 'Jacob Larson (Ia)'; 'Jerry Reid'; 'Josh Auerbach'; 'Sally Magnani'; 'Heather Leslie'; Nur Ibrahim (MN AG); Cheerful Catuano (WA AG); Peter Mulcahy (MA AG); Kimberly Childe (PA DEP); 'David Steward (Ia)'; 'Scott Koschwitz (Ct)'; Asher Spiller; Donald Anderson (VA); Marc Bernstein (NC); Leah Tulin (MD AG); Elizabeth Davis (PA DEP); 'Amy Bircher (NC)'; 'Patrick Flanagan'; Lynn Angotti; 'B. Legner (Il)'; 'Paul Garrahan'; Ken Stalter (NM); Dennis Beck (CA); Joe Iloe (PA DEP); 'Liz Rumsey (Ca)'; Dan Salton (CT) (daniel.salton@ct.gov); 'Joseph Yar'; Tom Y (WA); 'Elaine Meckenstock (Ca)'; 'William Grantham'; 'Jonathan Wiener (Ca)'; 'Tracy Triplett (Ma)'; 'Matthew Levine'; 'Dennis Ragen'; 'Timothy Sullivan (Ca)'; 'Kristen Furlan'; 'Christopher Courchesne'; Menard, Brenda (NC); Morgan Costello; 'David Zonana (Ca)'; 'Beth Mullin (DC)'; Santarsiero, Steven J.; Leslie Frederickson (MN PCA); Bo Reiley; Robyn Bender (DC AG); Michelle Moses (PA); Megan Hey (CA); 'Michele Van Gelderen'; Seth Schofield (MA); 'Elizabeth Wilkins'; Jeremy Magliaro; 'Amy Winn'; Blake Thomas (NC); 'david.hayes@nyu.edu'; 'Melissa Hoffer'; 'Valerie Edge (De)'; Jill Lacedonia (CT); 'Rob McDougall'; Mike Fischer (PA AG); 'Leslie Seffern'; 'Nick Persampieri'

Cc: 'djh466@nyu.edu'; 'Hoffer, Melissa (AGO)'; 'Reiley, Robert A.'

Subject: Multistate AG Coordination Call

When: Tuesday, November 14, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Dial 866-394-2346, code 4149570819

security code to be provided shortly before call

agenda provided at the outset of the call

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

Archived: Wednesday, February 14, 2018 11:48:30 AM
From: [David J. Hayes](#)
Sent: Thursday, November 16, 2017 9:42:12 AM
To: [Boss Frederick](#); [Garrahan Paul](#)
Cc: [Elizabeth Johnson Klein](#); [Christopher Moyer](#); [Edmunson Kristina](#)
Subject: Comms follow-up
Importance: Normal

Fred and Paul:

Thanks for meeting with Liz and me on Tuesday. It was great to have an opportunity to discuss how we can best work together.

We noted that one of the State Impact Center's most important tasks, from our perspective, is to deploy effective communications strategies that will draw attention to key state AGs initiatives in the clean energy, climate and environmental arena.

Our Communications Director, Chis Moyer, is our point on this. We are eager to have Chris stay in close touch with Kristina and help draw attention to the important clean energy, climate and environmental work that your office is engaged in. Most recently, we helped AGs Frosh, Herring and Racine develop an op-ed that they published in last Sunday's Washington Post on threats to Chesapeake Bay restoration activities: http://wapo.st/2zyEA6w?tid=ss_tw&utm_term=.9e5423c3f7d5

Thanks again for the great visit. We look forward to working with you.

David

--

David J. Hayes
Executive Director
[State Energy & Environmental Impact Center](#)
NYU School of Law
c/o Resources for the Future
1616 P Street, NW
Washington, DC 20036
Office phone: 202-328-5052
Cell phone: 202-258-3909
Email: david.hayes@nyu.edu; davidjhayes01@gmail.com
Twitter: [@djhayes01](#)

Archived: Wednesday, February 14, 2018 11:48:31 AM
From: [David J. Hayes](#)
Sent: Wednesday, December 06, 2017 7:51:38 AM
To: [Rosenblum Ellen F](#)
Cc: [Garrahan Paul](#); [Boss Frederick](#); [Elizabeth Johnson Klein](#)
Subject: Special Assistant Attny General
Importance: Normal

Ellen:

It was great to see you last night and give you the news that the State Energy & Environmental Impact Center is able to fund a Special Assistant Attorney General (SAAG) fellowship in your office to work on clean energy, climate and environmental matters. We had a great meeting with Fred and Paul a couple of weeks ago and were able to get more insight into the exciting developments in Oregon on the climate and clean energy front, as well as your office's strong commitment to public lands issues.

As I mentioned yesterday to Paul, we invite you to take the lead in recruiting a SAAG for the slot. Our Deputy Director, Liz Klein, copied here, can walk Fred and Paul through the process.

We are very much looking forward to supporting your important work in the clean energy, climate and environmental arena through the SAAG program and the State Impact Center.

David

--

David J. Hayes
Executive Director
[State Energy & Environmental Impact Center](#)
NYU School of Law
c/o Resources for the Future
1616 P Street, NW
Washington, DC 20036
Office phone: 202-328-5052
Cell phone: 202-258-3909
Email: david.hayes@nyu.edu; davidjhayes01@gmail.com
Twitter: [@djhayes01](#)

Archived: Wednesday, February 14, 2018 11:48:31 AM
From: [Garrahan Paul](#)
Sent: Tuesday, December 12, 2017 12:51:47 PM
To: 'elizabeth.klein@nyu.edu'; Boss Frederick
Subject: RE: Special Assistant Attny General
Importance: Normal

Liz: Thanks for contacting us. Of those times, only Noon Pacific on Wednesday works for me (3pm Eastern tomorrow). I'm checking with Fred's assistant to see if that works for him.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: Elizabeth Klein [<mailto:elizabeth.klein@nyu.edu>]
Sent: Tuesday, December 12, 2017 12:46 PM
To: Garrahan Paul; Boss Frederick
Subject: Re: Special Assistant Attny General

Hello Paul and Fred,
I'm following up on David's note to see whether you are available for a call this week to discuss next steps in the fellowship program. I have pretty good availability tomorrow - either 1pm or 3pm eastern would work for me. Thursday would also work - 2pm or 3pm eastern.
Thanks
Liz

On Wed, Dec 6, 2017 at 10:51 AM, David J. Hayes <david.hayes@nyu.edu<<mailto:david.hayes@nyu.edu>>> wrote:
Ellen:

It was great to see you last night and give you the news that the State Energy & Environmental Impact Center is able to fund a Special Assistant Attorney General (SAAG) fellowship in your office to work on clean energy, climate and environmental matters. We had a great meeting with Fred and Paul a couple of weeks ago and were able to get more insight into the exciting developments in Oregon on the climate and clean energy front, as well as your office's strong commitment to public lands issues.

As I mentioned yesterday to Paul, we invite you to take the lead in recruiting a SAAG for the slot. Our Deputy Director, Liz Klein, copied here, can walk Fred and Paul through the process.

We are very much looking forward to supporting your important work in the clean energy, climate and environmental arena through the SAAG program and the State Impact Center.

David

--

David J. Hayes
Executive Director
State Energy & Environmental Impact Center<<http://www.law.nyu.edu/centers/state-impact>>
NYU School of Law
c/o Resources for the Future
1616 P Street, NW<<https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036>
&entry=gmail&source=g>

Washington, DC 20036<[https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036](https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036&entry=gmail&source=g)
&entry=gmail&source=g>
Office phone: 202-328-5052<tel:(202)%20328-5052>
Cell phone: 202-258-3909<tel:(202)%20258-3909>
Email: david.hayes@nyu.edu<mailto:david.hayes@nyu.edu>; davidjhayes01@gmail.com
<mailto:davidjhayes01@gmail.com>
Twitter: @djayes01

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186

Archived: Wednesday, February 14, 2018 11:48:32 AM
From: [Garrahan Paul](#)
Sent: Tuesday, December 12, 2017 1:38:54 PM
To: 'elizabeth.klein@nyu.edu'; Boss Frederick
Cc: [Emmert Angie](#)
Subject: RE: Special Assistant Attny General
Importance: Normal

Liz: 3pm Eastern tomorrow willwork. Can you send a meeting invite and do you have a conference line we can use? Fred and I will be in different places, I think.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: Elizabeth Klein [<mailto:elizabeth.klein@nyu.edu>]
Sent: Tuesday, December 12, 2017 12:46 PM
To: Garrahan Paul; Boss Frederick
Subject: Re: Special Assistant Attny General

Hello Paul and Fred,
I'm following up on David's note to see whether you are available for a call this week to discuss next steps in the fellowship program. I have pretty good availability tomorrow - either 1pm or 3pm eastern would work for me. Thursday would also work - 2pm or 3pm eastern.
Thanks
Liz

On Wed, Dec 6, 2017 at 10:51 AM, David J. Hayes <david.hayes@nyu.edu<<mailto:david.hayes@nyu.edu>>> wrote:
Ellen:

It was great to see you last night and give you the news that the State Energy & Environmental Impact Center is able to fund a Special Assistant Attorney General (SAAG) fellowship in your office to work on clean energy, climate and environmental matters. We had a great meeting with Fred and Paul a couple of weeks ago and were able to get more insight into the exciting developments in Oregon on the climate and clean energy front, as well as your office's strong commitment to public lands issues.

As I mentioned yesterday to Paul, we invite you to take the lead in recruiting a SAAG for the slot. Our Deputy Director, Liz Klein, copied here, can walk Fred and Paul through the process.

We are very much looking forward to supporting your important work in the clean energy, climate and environmental arena through the SAAG program and the State Impact Center.

David

--

David J. Hayes
Executive Director
State Energy & Environmental Impact Center<<http://www.law.nyu.edu/centers/state-impact>>
NYU School of Law
c/o Resources for the Future
1616 P Street, NW<<https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036>>

&entry=gmail&source=g>
Washington, DC 20036<<https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036>
&entry=gmail&source=g>
Office phone: 202-328-5052<tel:(202)%20328-5052>
Cell phone: 202-258-3909<tel:(202)%20258-3909>
Email: david.hayes@nyu.edu<mailto:david.hayes@nyu.edu>; davidjhayes01@gmail.com
<mailto:davidjhayes01@gmail.com>
Twitter: @djhayes01

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186

Archived: Wednesday, February 14, 2018 11:48:32 AM
From: [Garrahan Paul](#)
Sent: Tuesday, December 12, 2017 2:47:20 PM
To: 'elizabeth.klein@nyu.edu'
Subject: RE: Special Assistant Attny General
Importance: Normal

Thanks. Looking forward to talking more tomorrow.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: Elizabeth Klein [<mailto:elizabeth.klein@nyu.edu>]
Sent: Tuesday, December 12, 2017 2:28 PM
To: Garrahan Paul
Cc: Boss Frederick; Emmert Angie
Subject: Re: Special Assistant Attny General

Just sent around an invite.
Thanks
Liz

On Tue, Dec 12, 2017 at 4:38 PM, Garrahan Paul <Paul.Garrahan@doj.state.or.us> wrote:
Liz: 3pm Eastern tomorrow willwork. Can you send a meeting invite and do you have a conference line we can use? Fred and I will be in different places, I think.

Paul Garrahan
Oregon Department of Justice
503.947.4593<[tel:\(503\)20947-4593](tel:(503)20947-4593)> (Direct)
503.929.7553<[tel:\(503\)20929-7553](tel:(503)20929-7553)> (Mobile)

From: Elizabeth Klein [<mailto:elizabeth.klein@nyu.edu><<mailto:elizabeth.klein@nyu.edu>>]
Sent: Tuesday, December 12, 2017 12:46 PM
To: Garrahan Paul; Boss Frederick
Subject: Re: Special Assistant Attny General

Hello Paul and Fred,
I'm following up on David's note to see whether you are available for a call this week to discuss next steps in the fellowship program. I have pretty good availability tomorrow - either 1pm or 3pm eastern would work for me. Thursday would also work - 2pm or 3pm eastern.
Thanks
Liz

On Wed, Dec 6, 2017 at 10:51 AM, David J. Hayes <david.hayes@nyu.edu<<mailto:david.hayes@nyu.edu>>> wrote:
Ellen:

It was great to see you last night and give you the news that the State Energy & Environmental Impact Center is able to fund a Special Assistant Attorney General (SAAG) fellowship in your office to work on clean energy, climate and environmental matters. We had a great meeting with Fred and Paul a couple of weeks ago and

were able to get more insight into the exciting developments in Oregon on the climate and clean energy front, as well as your office's strong commitment to public lands issues.

As I mentioned yesterday to Paul, we invite you to take the lead in recruiting a SAAG for the slot. Our Deputy Director, Liz Klein, copied here, can walk Fred and Paul through the process.

We are very much looking forward to supporting your important work in the clean energy, climate and environmental arena through the SAAG program and the State Impact Center.

David

--

David J. Hayes
Executive Director
State Energy & Environmental Impact Center<<http://www.law.nyu.edu/centers/state-impact>>
NYU School of Law
c/o Resources for the Future
1616 P Street, NW<<https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036&entry=gmail&source=g>>
Washington, DC 20036<<https://maps.google.com/?q=1616+P+Street,+NWWashington,+DC+20036&entry=gmail&source=g>>
Office phone: 202-328-5052<tel:(202)%20328-5052>
Cell phone: 202-258-3909<tel:(202)%20258-3909>
Email: david.hayes@nyu.edu<mailto:david.hayes@nyu.edu>; davidjhayes01@gmail.com
<mailto:davidjhayes01@gmail.com>
Twitter: @djhayes01

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186<tel:(202)%20328-5186>
*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186

Archived: Wednesday, February 14, 2018 11:48:33 AM

From: [Elizabeth Klein](#)

Sent: Wednesday, December 13, 2017 12:27:29 PM

To: [Garrahan Paul](#); [Boss Frederick](#)

Cc: [Brittany Whited](#)

Subject: fellowship program follow up

Importance: Normal

Attachments:

[NYU Law Fellow Position Description Oct 2017.docx](#); [Draft Secondment Agreement Oct 18 2017.docx](#); [State Impact Center Retainer agreement FINAL DRAFT.docx](#);

It was nice to connect this afternoon about the NYU law fellowship program. We are excited to partner with your office! As promised, attached our some documents for your review:

- 1) Position description - if you're interested in making changes, just let us know so that we can take a quick look. Once you are ready to post it, we can provide a link to your posting on our website.
- 2) Template secondment agreement - as mentioned, once you take a look at this, if you or others in your office would find it useful to talk through any of the provisions on the phone, we're happy to set up a call.
- 3) Template retainer agreement

Thanks,

Liz

--

Elizabeth Klein

Deputy Director

State Energy & Environmental Impact Center

NYU School of Law

ph 202-328-5186

NYU Law Fellow Position Description

Selected state attorneys general have the opportunity to work cooperatively with the State Impact Center to recruit and hire a limited number of NYU Law Fellows with five to 10 years of experience in clean energy, climate change, and environmental issues as special assistant attorneys general (SAAGs).

SAAGs will be hired for a term appointment to provide a supplemental, in-house resource to state AGs and their senior staffs on clean energy, climate change and environmental matters of regional and national importance. As allowed under state law, NYU School of Law will pay the salaries of the SAAGs, and the State Impact Center will provide on-going support to the SAAGs and their offices. Once hired, the SAAGs' duty of loyalty shall be to the attorney general who hired them.

Exact salary will be commensurate with experience and subject to applicable pay scale of the relevant state AG office. Title will also be determined by the relevant state AG office.

Responsibilities include, but are not limited to the following:

- Defend environmental values and advance progressive clean energy, climate change, and environmental legal and policy positions.
- Subject to the specific scope of assigned duties by the relevant state AG, perform highly advanced legal work, which might include conducting in-depth analysis and preparation of legal memoranda; interpreting laws and regulations; providing legal advice; and assisting in preparing legal notices, briefs, comment letters, and other associated litigation and regulatory documents.
- Coordinate with the State Impact Center and interested allies on legal, regulatory, and communications efforts regarding clean energy, climate change, and environmental issues.
- Prepare periodic reports of activities and progress to the State Impact Center.
- Perform other duties as assigned, with the expectation that the majority of time spent will be on clean energy, climate change, and environmental issues.

Requirements and qualifications:

- Applicants must be duly licensed, authorized, and eligible to practice as an attorney under the laws of a state or the District of Columbia. Active bar membership is required.
- Five to 10 years of experience in clean energy, climate change, and environmental issues, with preference for relevant experience in legal or policy issues of regional or national importance, such as those matters that cross jurisdictional boundaries or raise legal questions or conflicts that have nationwide applicability.
- Litigation and/or regulatory experience, with preference for experience working in state or federal government.

- Ability to work with partner organizations and to help build coalitions.
- Excellent writing, editing, research, and verbal communication skills.
- Ability to work well and with enthusiasm within a team in a fast-paced environment.
- Exceptional organizational skills and ability to proactively manage many simultaneous issues, multitask, and prioritize.
- Demonstrated interest in public service.
- Eligibility to work in the United States.

EOE/AA/Minorities/Females/Vet/Disabled/Sexual Orientation/Gender Identity

Employee Secondment Agreement between the [AG OFFICE] and the State Energy & Environmental Impact Center at NYU School of Law

This AGREEMENT (“Agreement”) is entered into as of September __, 2017, by and between NEW YORK UNIVERSITY (“NYU”), a New York not-for-profit education corporation, on behalf of the NYU School of Law’s State Energy and Environmental Impact Center (the “State Impact Center”), and [AG OFFICE].

WHEREAS, The State Impact Center seeks to provide a supplemental, in-house resource to state attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance; and

WHEREAS, As part of its activities, the State Impact Center conducts a legal fellowship program (“Legal Fellowship Program”), which seeks to provide attorneys to act as fellows in the offices of certain state attorneys general (“Legal Fellows”); and

WHEREAS, The [AG OFFICE] has been selected by the State Impact Center to participate in Legal Fellowship Program; and

WHEREAS, The [AG OFFICE] has the authority consistent with applicable law and regulations to accept a Legal Fellow whose salary and benefits are provided by an outside funding source.

NOW, THEREFORE, for good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, the State Impact Center and [AG OFFICE] agree to the following:

A. Terms of Service for the Legal Fellowship Program at the [AG OFFICE]:

1. The State Impact Center will provide the services of one attorney to the [AG OFFICE] to act as a Legal Fellow.
2. The specific start and end dates for services will be determined with the mutual agreement between the Legal Fellow, the [AG OFFICE], and the State Impact Center, provided, however, that the term of the fellowship will be for one year with the expectation that a second one-year term will follow after mutual agreement among the parties. (the “Fellowship Period”).
3. During the Fellowship Period, the Legal Fellow will be under the direction and control of, and owe a duty of loyalty to, the [AG OFFICE], and will be subject to the [AG OFFICE]’s policies regarding employee conduct, including the policies regarding time and attendance, outside activities, conflicts of interests, and confidentiality. The Legal Fellow will receive instruction and materials regarding these requirements from the [AG OFFICE] at the commencement of his or her fellowship.
4. During the Fellowship Period, salary and benefits will be provided to the Legal

Fellow by the NYU School of Law.

5. During the Fellowship Period, the [AG OFFICE] will maintain professional liability (malpractice) insurance coverage for the Legal Fellow in an amount not less than \$2,000,000 per occurrence and \$2,000,000 in the annual aggregate.
6. The [AG OFFICE] may terminate the services of the Legal Fellow upon seven (7) days' written notice to the State Impact Center, provided that the [AG OFFICE] will attempt to resolve any performance or other issues involving the Legal Fellow with the Legal Fellow and the State Impact Center before terminating the services of the Legal Fellow. The State Impact Center may terminate this Agreement for any reason upon seven (7) days' written notice to the [AG OFFICE].
7. The [AG OFFICE] will indemnify, defend and hold NYU, its officers, directors, agents, and employees harmless from any claims, causes of action, or judgments arising out of (1) the negligent or intentional acts or omissions of the [AG OFFICE], its officers, agents or employees, and the Legal Fellow during the Fellowship Period and while the Legal Fellow is subject to the direction and control of the [AG OFFICE] under this Agreement or (2) [AG OFFICE]'s breach of this Agreement. The State Impact Center will indemnify, defend and hold [AG OFFICE] harmless from any claims, causes of action, or judgments arising out of the State Impact Center's breach of this Agreement.

B. Nature of the Fellowship Position at the [AG OFFICE]

1. During the Fellowship Period, the [AG OFFICE] will provide the Legal Fellow the title of Special Assistant Attorney General.
2. The [AG OFFICE] will assign the Legal Fellow substantive work and responsibility matching that of other attorneys in the agency with similar experience and background. The Legal Fellow's substantive work will be primarily on matters relating to clean energy, climate change, and environmental matters of regional and national importance.
3. The [AG OFFICE] will aim to include the Legal Fellow in the range of its work where possible, such as strategy discussions and court appearances.
4. The [AG OFFICE] will afford the Legal Fellow the opportunity to partake in the extensive legal education, including CLEs, offered by the [AG OFFICE] to its attorneys.

C. Prohibited Activity

1. The [AG OFFICE] may not request or permit the Legal Fellow to engage in any activities that would constitute any of the following:
 - a. to carry on propaganda, or otherwise attempt to influence any specific

- legislation through (i) an attempt to affect the opinion of the general public or any segment thereof or (ii) communication with any member or employee of a legislative body, or with any other governmental official or employee who may participate in the formulation of the legislation (except technical advice or assistance provided to a governmental body or to a committee or other subdivision thereof in response to a written request by such body, committee or subdivision), other than through making available the results of non-partisan analysis, study or research;
- b. To engage in any other activity that may constitute lobbying under federal, state, or local laws or regulations;
 - c. to influence the outcome of any specific public election; or
 - d. to support the election or defeat of a candidate for public office, finance electioneering communications, register prospective voters or encourage the general public or any segment thereof to vote in a specific election.
2. The [AG OFFICE] may not request or permit the Legal Fellow to participate in any matter that involves New York University or any of its affiliates; and, to the extent that the [AG OFFICE] participates in a matter that involves New York University or any of its affiliates, the [AG OFFICE] will create an ethical wall between the Legal Fellow and the [AG OFFICE] with regard to the matter to ensure that the Legal Fellow has access to no information relating to the matter.
 3. The [AG OFFICE] has determined that NYU's payment of salary and benefits to the Legal Fellow and the provision of services by the Legal Fellow to the [AG OFFICE] do not constitute an impermissible gift under applicable law or regulation. No part of this agreement is intended to induce [AG OFFICE] to undertake or refrain from undertaking any action within the purview of [AG OFFICE]. [AG OFFICE] retains sole discretion to determine whether to undertake any action, including any actions relating to clean energy, climate change, and environmental matters of regional and national importance or involving New York University or any of its affiliates.

D. Communications and Reporting

1. The State Impact Center will not have a proprietary interest in the work product generated by the Legal Fellow during the fellowship. The State Impact Center will not be authorized to obtain confidential work product from the Legal Fellow unless the Legal Fellow has obtained prior authorization from the Legal Fellow's supervisor at the [AG OFFICE].
2. Notwithstanding the above, the [AG OFFICE] will provide periodic reports to the State Impact Center regarding the work of the Legal Fellow. These reports will include a narrative summary, subject to confidentiality restrictions, of the work of the

legal fellow and the contribution that the legal fellow has made to the clean energy, climate change, and environmental initiatives of the [AG OFFICE]. These reports will be provided pursuant to the following schedule:

- a. Activity for the period from the beginning of the Fellowship Period until April 30, 2018 will be provided no later than May 1, 2018.
 - b. Activity for the period from May 1, 2018 through July 31, 2018 will be provided no later than August 1, 2018.
 - c. Activity for the period from August 1, 2018 through January 31, 2019 will be provided no later than February 1, 2019.
 - d. A final report for activity from the beginning of the Fellowship Period until the end of the Fellowship Period will be provided within five (5) business days of the end of the Fellowship Period.
3. The [AG OFFICE] acknowledges that New York University may be required to make filings or disclosures on that reference the [AG OFFICE], the Legal Fellow, or the Legal Fellowship Program, and that the [AG OFFICE] is not required to review or approve any such filings except where New York University requests such review or approval.
 4. In addition to the formal reporting requirements, the [AG OFFICE] and the Legal Fellow will collaborate with the State Impact Center on clean energy, climate change, and environmental matters in which the Legal Fellow is engaged, including coordination on related public announcements.
 5. Notifications to the [AG OFFICE] relating to this agreement should be directed to _____.
 6. Notifications to the State Impact Center relating to this agreement should be directed to _____.

E. Miscellaneous

1. This Agreement constitutes the complete understanding of the parties and supersedes any other agreements between the parties and shall be governed by the laws State of New York. No amendment to this Agreement will be valid and binding unless reduced to writing and signed by the parties.
2. This agreement shall not be assigned by either party without the consent of the other party.
3. This Agreement may be executed in multiple counterparts, each of which will be fully effective as an original and all of which together will constitute the same document. The parties may exchange of copies of this Agreement and signature pages in electronic form.

Dated: September ____, 2017

New York University

By: _____
Name:
Title:

Dated: September ____, 2017

[INSERT STATE] State Office of the Attorney General

By: _____
Name:
Title:

204257524.1

RETAINER AGREEMENT

The Attorney General of the State of [INSERT STATE] (“OAG” or “Client”) and New York University on behalf of the lawyers at the State Energy & Environmental Impact Center at NYU School of Law (“Counsel”) agree to the following arrangement regarding Counsel advising Client from time to time on administrative, judicial, or statutory matters involving clean energy, climate change, and environmental protection (the “Subject Matters”), including advice on the Subject Matters as may be sought in connection with potential litigation brought by or involving OAG. For purposes of this Agreement, Counsel include only those lawyers who are working directly on behalf of or for the State Energy & Environmental Impact Center; it does not apply to NYU Law Fellows who will be or are serving as Special Assistant Attorneys General.

Counsel and Client agree to the following terms and conditions:

SCOPE AND NATURE OF ENGAGEMENT

1. Counsel has agreed to advise OAG on the Subject Matters, including in connection with potential litigation to the Subject Matters to be brought by or involving OAG. Counsel’s engagement is limited to advising the OAG on the Subject Matters only and does not include any commitment or undertaking to appear or represent or to advise the OAG in any proceeding or litigation or to advise the OAG in any other matter, proceeding or litigation.
2. The relationship of Counsel to OAG arising out of this agreement is that of attorney and client.
3. Counsel is not obligated to help OAG secure legal representation for any legal issues not covered by this agreement. If Counsel decides to advise OAG in connection with a different matter, Counsel and the Client will agree to that engagement in a separate written agreement.

FEES, COSTS AND EXPENSES

4. This engagement is pro bono, and Counsel agrees not to charge OAG any attorneys’ fees for Counsel’s legal services.
5. Counsel will assume all costs associated with its work on the Subject Matters, which may for example include photocopying charges, online legal research fees, travel expenses of its personnel or long-distance telephone charges. Client undertakes no obligation to pay any of the costs advanced by Counsel in advising OAG in connection with the Subject Matters.
6. OAG will be responsible for paying all expenses in connection with any investigation, proceeding or litigation involving or arising from the Subject Matters that would have been incurred if Counsel were not providing advice on the Subject Matters, which may for example include court reporter fees, transcript fees and expert witness fees. Such expenses shall be paid directly by the OAG, and may not be incurred by Counsel without the OAG’s prior approval.

DUTIES OF DISCLOSURE & CONFIDENTIALITY

7. Counsel and Client each agree to ensure that all confidential and/or privileged/attorney work product information provided to each other is kept confidential.

ATTORNEY WORK PRODUCT

8. Counsel shall not enter into a common interest agreement related to Subject Matters covered under this Agreement, or presume that a common interest exists with, a third party without prior authorization from the Client. It is expected that common interest agreements involving cooperation with other state Attorneys General offices pursuing collective action will be routinely granted by Client.
9. Counsel will take reasonable steps to ensure that all information exchanged between Counsel and Client or generated by Counsel in connection with its performance of services hereunder is made available solely to Counsel personnel who work directly on the Subject Matters.
10. Upon request, Counsel will provide OAG with a copy of all applicable written materials prepared by Counsel in the performance of legal services hereunder.

POTENTIAL CONFLICTS OF INTEREST/TERMINATION OF ENGAGEMENT

11. Counsel shall take such measures as it deems necessary to ensure that its engagement in connection with the Subject Matters does not give rise to any conflict with the interests of New York University or of Counsel's other clients, specifically including with respect to any matter, investigation, proceeding or litigation that New York University or any of Counsel's other clients has with, before or against OAG.
12. Neither Client nor Counsel is aware of any disagreement or conflict between the Client and Counsel at this time, but both understand that disagreements or conflicts between the Client and Counsel may arise in the future and affect the Subject Matters. If such disagreements or conflicts occur and cannot be resolved with the continued assistance of Counsel, Client understands that Counsel may have to withdraw from this engagement.
13. Client and Counsel are free, at any time and with or without cause, to end this engagement.

COUNSEL'S ACKNOWLEDGMENTS

14. In the performance of its services hereunder, Counsel will comply with all applicable laws, rules and regulations pertaining to the rendering of such services, maintain all licenses required under applicable law, and maintain adequate Professional Liability Insurance at its own cost.
15. Counsel acknowledges that Counsel personnel working on the Subject Matters are not considered state employees and will not be entitled to protections afforded state employees under [INSERT APPLICABLE STATE LAW].
16. Counsel acknowledges that (a) in addition to whatever supervision Counsel performs over the services it provides hereunder, its work on the Subject Matters will be subject to supervision and direction by OAG, through a designated OAG attorney, and (b) OAG shall at all times retain discretionary decision-making authority in connection with any proceeding or litigation concerning or arising from the Subject Matters, including with respect to (i) selecting and retaining expert witnesses; (ii) filing motions or other court papers; and (iii) proposing, negotiating, or agreeing to settlement.
17. The OAG shall have no liability under this contract to Counsel or to anyone else.

ATTORNEY WORK PRODUCT

18. Any opinions prepared by Counsel do not constitute official opinions of the Attorney General unless the prior written approval of the Attorney General is obtained.

GOVERNING LAW & MODIFICATION

19. This Agreement is governed by the law of the State of New York, without regard for New York's choice of law statute. The parties agree to bring any action to construe, interpret or enforce this Agreement in a Court of competent jurisdiction in the State of New York.
20. This Agreement represents the parties' entire agreement pertaining to fees and costs in relation to the Subject Matters, and may not be amended or modified except in writing, signed by all parties. This Agreement is binding on Client and on Counsel and the respective successors in interest of each. This Agreement may not be assigned by Counsel without the OAG's prior written consent.

SEVERABILITY

21. If any clause of this agreement is found by a Court of competent jurisdiction to be void or unenforceable, then, in that event, such clause shall be severed and the rest and remainder of the agreement shall remain in force and effect such as to best reflect the intentions of the parties as indicated solely by this document.

EFFECTIVE DATE

22. This agreement shall be effective as of [INSERT DATE], and shall terminate on July 31, 2019, unless earlier terminated as provided herein or extended upon the mutual written consent of the parties. It may be executed in counterparts and all the counterparts together shall constitute a single agreement.

CLIENT'S ACKNOWLEDGMENTS

23. Client acknowledges that Client has fully read, understands, and freely enters into this agreement and that Client has received a copy of this agreement.
24. Client acknowledges that New York University is a not-for-profit education corporation and that the furnishing of legal services by Counsel is incidental to New York University's purposes. Client consents to the compensation of Counsel by New York University.

ATTORNEY WORK PRODUCT

Dated: [INSERT DATE], 2017 State Energy & Environmental Impact Center
New York University School of Law

By: _____
David J. Hayes
Executive Director
State Energy & Environmental Impact Center
NYU School of Law
c/o Resources for the Future
1616 P Street NW
Washington, DC 20036
[202-328-5052](tel:202-328-5052)
david.hayes@nyu.edu

Dated: [INSERT DATE], 2017 Office of the Attorney General [INSERT STATE]

By: _____
[INSERT STATE SIGNATORY]

Archived: Wednesday, February 14, 2018 11:48:34 AM

From: Myers, Michael

Sent: Tuesday, December 19, 2017 8:17:37 AM

To: 'Nick Persampieri'; Francisco Benzoni (NC AG); 'Jerry Reid'; 'Kay Shirey (Wa)'; Leah Tulin (MD AG); Costello, Morgan; Robyn Bender (DC AG); Wagner, Monica; 'Robert Snook'; 'Leslie Seffern'; 'Jillian Riley'; Dan Salton (CT) (daniel.salton@ct.gov); 'Scott Koschwitz (Ct)'; Lynn Angotti; 'James Gignac'; Nur Ibrahim (MN AG); Washburn, Peter; 'Jonathan Wiener (Ca)'; 'Andy Goldberg'; 'Tania Maestas'; 'Kristen Furlan'; Menard, Brenda (NC); 'Valerie Edge (De)'; 'Melissa Hoffer'; 'Roberta James (Md)'; 'Amy Bircher (NC)'; 'David Zonana (Ca)'; Seth Schofield (MA); 'Matthew Levine'; Elizabeth Davis (PA DEP); 'Timothy Sullivan (Ca)'; 'Sally Magnani'; Asher Spiller; Magliaro, Jeremy; 'Matthew Dunn (Il)'; Cheerful Catuano (WA AG); Garrahan Paul; Tom Y (WA); Ken Stalter (NM); Kimberly Childe (PA DEP); 'Bill F. Cooper (Hi)'; Mike Fischer (PA AG); 'Gavin McCabe (Ca)'; Andrea Baker; Jill Lacedonia (CT); 'Rob McDougall'; 'elizabeth.klein@nyu.edu'; 'Greg Schultz'; 'Jacob Larson (Ia)'; Leslie Frederickson (MN PCA); 'Christopher Courchesne'; Bo Reiley; 'Amy Winn'; Donald Anderson (VA); Nord Tim D; 'William Grantham'; 'Karen Olson'; Dennis Beck (CA); 'Gregg J. Kinkley (Hi)'; 'Lauren Maxwell (DC)'; Michelle Moses (PA); Santarsiero, Steven J.; 'Laura Watson'; 'Tracy Triplett (Ma)'; 'Joseph Yar'; Melinda Pilling (CA); Sarah Morrison (CA AG); Stephanie Cobb Williams; Jesse Walker; 'Ralph Durstein (De)'; 'Elaine Meckenstock (Ca)'; Flanagan Patrick A; 'Max Kieley'; 'Beth Mullin (DC)'; 'Liz Rumsey (Ca)'; Megan Hey (CA); Joe Iloe (PA DEP); 'David Steward (Ia)'; 'Michele Van Gelderen'; Gerry Karr; David J. Hayes; 'B. Legner (Il)'; 'Josh Auerbach'; Martin Goyette (CA); Bill Sherman -- WA AG's office; 'Dennis Ragen'; Marc Bernstein (NC); Srolovic, Lemuel; Burianek, Lisa; Margaret Murphy (PA); 'Heather Leslie'; Peter Mulcahy (MA AG); 'Matthew Gooch (Va)'; 'J. Daniel (Va)'; Blake Thomas (NC)

Cc: 'Courchesne, Christophe (AGO)'; 'Larson, Jacob [AG]'; 'ek3041@nyu.edu'; 'Steward, David [AG]'; 'emily.vainier1@maryland.gov'

Subject: RE: Multistate AG Coordination Call

Importance: Normal

All, the security code for today's call is 7121. Copied below are a few of links of interest.--Mike

<https://resources.regulations.gov/public/custom/jsp/navigation/main.jsp> (regulatory agendas)

<https://www.reginfo.gov/public/do/eAgendaEO13771> (regulatory reform)

https://www.epa.gov/sites/production/files/2017-12/documents/policy_memo.12.7.17.pdf (Pruitt NSR enforcement memo)

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

-----Original Appointment-----

From: Myers, Michael

Sent: Monday, December 11, 2017 8:52 AM

To: Myers, Michael; 'Nick Persampieri'; Francisco Benzoni (NC AG); 'Jerry Reid'; 'Kay Shirey (Wa)'; Leah Tulin (MD AG); Costello, Morgan; Robyn Bender (DC AG); Wagner, Monica; 'Robert Snook'; 'Leslie Seffern'; 'Jillian Riley'; Dan Salton (CT) (daniel.salton@ct.gov); 'Scott Koschwitz (Ct)'; Lynn Angotti; 'James Gignac'; Nur Ibrahim (MN AG); Washburn, Peter; 'Jonathan Wiener (Ca)'; 'Andy Goldberg'; 'Tania Maestas'; 'Kristen Furlan'; Menard, Brenda (NC); 'Valerie Edge (De)'; 'Melissa Hoffer'; 'Roberta James (Md)'; 'Amy Bircher (NC)'; 'David Zonana (Ca)'; Seth Schofield (MA); 'Matthew Levine'; Elizabeth Davis (PA DEP); 'Timothy Sullivan (Ca)'; 'Sally Magnani'; Asher Spiller; Magliaro, Jeremy; 'Matthew Dunn (Il)'; Cheerful Catuano (WA AG); 'Paul Garrahan'; Tom Y (WA); Ken Stalter (NM); Kimberly Childe (PA DEP); 'Bill F. Cooper (Hi)'; Mike Fischer (PA AG); 'Gavin McCabe (Ca)'; Andrea Baker; Jill Lacedonia (CT); 'Rob McDougall'; 'elizabeth.klein@nyu.edu'; 'Greg Schultz'; 'Jacob Larson (Ia)'; Leslie Frederickson (MN PCA); 'Christopher Courchesne'; Bo Reiley; 'Amy Winn'; Donald Anderson (VA); 'Tim Nord'; 'William Grantham'; 'Karen Olson'; Dennis Beck (CA); 'Gregg J. Kinkley (Hi)'; 'Lauren Maxwell (DC)'; Michelle Moses (PA); Santarsiero, Steven J.; 'Laura Watson'; 'Tracy Triplett (Ma)'; 'Joseph Yar'; Melinda Pilling (CA); Sarah Morrison (CA AG); Stephanie Cobb Williams; Jesse Walker; 'Ralph Durstein (De)'; 'Elaine Meckenstock (Ca)'; 'Patrick Flanagan'; 'Max Kieley'; 'Beth Mullin (DC)'; 'Liz Rumsey (Ca)'; Megan Hey (CA); Joe Iloe (PA DEP); 'David Steward (Ia)'; 'Michele Van Gelderen'; Gerry Karr; David J. Hayes; 'B. Legner (Il)'; 'Josh Auerbach'; Martin Goyette (CA); Bill Sherman -- WA AG's office; 'Dennis Ragen'; Marc Bernstein (NC); Srolovic, Lemuel; Burianek, Lisa; Margaret Murphy (PA); 'Heather Leslie'; Peter Mulcahy (MA AG); 'Matthew Gooch (Va)'; 'J. Daniel (Va)'; Blake Thomas (NC)

Cc: 'Courchesne, Christophe (AGO)'; 'Larson, Jacob [AG]'; 'ek3041@nyu.edu'; 'Steward, David [AG]'; 'emily.vainieri1@maryland.gov'

Subject: Multistate AG Coordination Call

When: Tuesday, December 19, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Dial 866-394-2346, code 4149570819

security code to be provided shortly before call

agenda to be provided at outset of call

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

Archived: Wednesday, February 14, 2018 11:48:35 AM

From: Myers, Michael

Sent: Tuesday, January 23, 2018 7:42:13 AM

To: 'Valerie Edge (De)'; 'Beth Mullin (DC)'; 'Lauren Maxwell (DC)'; Tom Y (WA); 'Jacob Larson (Ia)'; 'Jonathan Wiener (Ca)'; 'Karen Olson'; 'Scott Koschwitz (Ct)'; Dennis Beck (CA); Joe Iloe (PA DEP); Sarah Morrison (CA AG); 'Gavin McCabe (Ca)'; Seth Schofield (MA); 'Robert Snook '; 'Matthew Gooch (Va)'; 'Nick Persampieri'; 'Joseph Yar'; Blake Thomas (NC); 'Kay Shirey (Wa)'; Francisco Benzoni (NC AG); Nur Ibrahim (MN AG); Gerry Karr; 'Laura Watson'; Asher Spiller; Robyn Bender (DC AG); 'Bill F. Cooper (Hi)'; 'Leslie Seffern'; Jill Lacedonia (CT); Magliaro, Jeremy; 'Christopher Courchesne'; 'Jerry Reid'; 'Sally Magnani'; Stephanie Cobb Williams; 'Matthew Dunn (Il)'; 'Max Kieley'; 'William Grantham'; 'Amy Bircher (NC)'; Leslie Frederickson (MN PCA); Bill Sherman -- WA AG's office; Emily Vainieri; Martin Goyette (CA); 'J. Daniel (Va)'; Menard, Brenda (NC); 'Greg Schultz'; Leah Tulin (MD AG); Burianek, Lisa; Nord Tim D; Elizabeth Johnson Klein; Andrea Baker; 'Timothy Sullivan (Ca)'; Srolovic, Lemuel; Wagner, Monica; 'Kristen Furlan'; 'Matthew Levine'; Peter Mulcahy (MA AG); 'Ralph Durstein (De)'; 'Michele Van Gelderen'; 'Liz Rumsey (Ca)'; Donald Anderson (VA); 'Andy Goldberg'; 'Tracy Triplett (Ma)'; Marc Bernstein (NC); Margaret Murphy (PA); 'Elaine Meckenstock (Ca)'; Lynn Angotti; Bo Reiley; Costello, Morgan; 'Dennis Ragen'; Ken Stalter (NM); 'Gregg J. Kinkley (Hi)'; 'David Zonana (Ca)'; Melinda Pilling (CA); Dan Salton (CT) (daniel.salton@ct.gov); 'Tania Maestas'; 'Heather Leslie'; 'Amy Winn'; 'Rob McDougall'; Garrahan Paul; Cheerful Catuano (WA AG); 'B. Legner (Il)'; Michelle Moses (PA); Jesse Walker; 'David Steward (Ia)'; 'Jillian Riley'; Elizabeth Davis (PA DEP); 'Roberta James (Md)'; 'Josh Auerbach'; Santarsiero, Steven J.; Flanagan Patrick A; Washburn, Peter; 'david.hayes@nyu.edu'; 'Melissa Hoffer'; Kimberly Childe (PA DEP); 'James Gignac'; Megan Hey (CA); Mike Fischer (PA AG)

Cc: 'Reiley, Robert A.'; 'Courchesne, Christophe (AGO)'

Subject: RE: Multistate AG Coordination Call

Importance: Normal

All, the security code for today's call is 11768

We will be joined for the first half of the call by David Hayes and Liz Klein from the NYU Law State Impact Ctr. Hope to talk with you at 2.--Mike

Michael J. Myers
Senior Counsel for Air Pollution and Climate Change Litigation
Environmental Protection Bureau
New York State Attorney General
The Capitol
Albany, NY 12224
(518) 776-2382
michael.myers@ag.ny.gov

-----Original Appointment-----

From: Myers, Michael

Sent: Friday, January 12, 2018 9:43 AM

To: Myers, Michael; 'Valerie Edge (De)'; 'Beth Mullin (DC)'; 'Lauren Maxwell (DC)'; Tom Y (WA); 'Jacob Larson (Ia)'; 'Jonathan Wiener (Ca)'; 'Karen Olson'; 'Scott Koschwitz (Ct)'; Dennis Beck (CA); Joe Iloe (PA DEP); Sarah

Morrison (CA AG); 'Gavin McCabe (Ca)'; Seth Schofield (MA); 'Robert Snook '; 'Matthew Gooch (Va)'; 'Nick Persampieri'; 'Joseph Yar'; Blake Thomas (NC); 'Kay Shirey (Wa)'; Francisco Benzoni (NC AG); Nur Ibrahim (MN AG); Gerry Karr; 'Laura Watson'; Asher Spiller; Robyn Bender (DC AG); 'Bill F. Cooper (Hi)'; 'Leslie Seffern'; Jill Lacedonia (CT); Magliaro, Jeremy; 'Christopher Courchesne'; 'Jerry Reid'; 'Sally Magnani'; Stephanie Cobb Williams; 'Matthew Dunn (Il)'; 'Max Kieley'; 'William Grantham'; 'Amy Bircher (NC)'; Leslie Frederickson (MN PCA); Bill Sherman -- WA AG's office; Emily Vainieri; Martin Goyette (CA); 'J. Daniel (Va)'; Menard, Brenda (NC); 'Greg Schultz'; Leah Tulin (MD AG); Burianek, Lisa; 'Tim Nord'; Elizabeth Johnson Klein; Andrea Baker; 'Timothy Sullivan (Ca)'; Srolovic, Lemuel; Wagner, Monica; 'Kristen Furlan'; 'Matthew Levine'; Peter Mulcahy (MA AG); 'Ralph Durstein (De)'; 'Michele Van Gelderen'; 'Liz Rumsey (Ca)'; Donald Anderson (VA); 'Andy Goldberg'; 'Tracy Triplett (Ma)'; Marc Bernstein (NC); Margaret Murphy (PA); 'Elaine Meckenstock (Ca)'; Lynn Angotti; Bo Reiley; Costello, Morgan; 'Dennis Ragen'; Ken Stalter (NM); 'Gregg J. Kinkley (Hi)'; 'David Zonana (Ca)'; Melinda Pilling (CA); Dan Salton (CT) (daniel.salton@ct.gov); 'Tania Maestas'; 'Heather Leslie'; 'Amy Winn'; 'Rob McDougall'; 'Paul Garrahan'; Cheerful Catuano (WA AG); 'B. Legner (Il)'; Michelle Moses (PA); Jesse Walker; 'David Steward (Ia)'; 'Jillian Riley'; Elizabeth Davis (PA DEP); 'Roberta James (Md)'; 'Josh Auerbach'; Santarsiero, Steven J.; 'Patrick Flanagan'; Washburn, Peter; 'david.hayes@nyu.edu'; 'Melissa Hoffer'; Kimberly Childe (PA DEP); 'James Gignac'; Megan Hey (CA); Mike Fischer (PA AG)

Cc: 'djh466@nyu.edu'; 'ek3041@nyu.edu'; 'Reiley, Robert A.'; 'Courchesne, Christophe (AGO)'

Subject: Multistate AG Coordination Call

When: Tuesday, January 23, 2018 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Dial 866-394-2346, code 4149570819

security code to be provide shortly before call

agenda to be provided at outset of call

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

Archived: Wednesday, February 14, 2018 11:48:35 AM
From: [Garrahan Paul](#)
Sent: Wednesday, January 31, 2018 9:02:05 AM
To: 'elizabeth.klein@nyu.edu'
Cc: [Boss Frederick](#)
Subject: RE: fellowship program follow up
Importance: Normal

Liz: Our apology for not getting back to you sooner. We're in the middle of two recruitments in NRS right now, and will need to begin a third in the very near future to fill existing positions. This has kept us from taking a closer look at the draft agreements and discussing them internally, I'm afraid. I hope to get to that soon and get back in touch with you. We are still very much interested and committed to this opportunity. Thanks for following up with us.

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: Elizabeth Klein [<mailto:elizabeth.klein@nyu.edu>]
Sent: Wednesday, January 31, 2018 5:26 AM
To: Garrahan Paul; Boss Frederick
Subject: Re: fellowship program follow up

Good morning all,

I'm checking in to see how your review of the draft secondment agreement is coming along. Please let me know if you have additional questions or issues to discuss, or if you think you'll be sending back a version with suggested edits soon. It would be great to get you all up and running as soon as possible.

Thanks!
Liz

On Wed, Dec 13, 2017 at 3:27 PM, Elizabeth Klein <elizabeth.klein@nyu.edu>> wrote:

It was nice to connect this afternoon about the NYU law fellowship program. We are excited to partner with your office! As promised, attached our some documents for your review:

- 1) Position description - if you're interested in making changes, just let us know so that we can take a quick look. Once you are ready to post it, we can provide a link to your posting on our website.
- 2) Template secondment agreement - as mentioned, once you take a look at this, if you or others in your office would find it useful to talk through any of the provisions on the phone, we're happy to set up a call.
- 3) Template retainer agreement

Thanks,
Liz

--
Elizabeth Klein
Deputy Director

State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186<tel:(202)%20328-5186>

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
ph 202-328-5186