

## Siegel, Kim (DOJ)

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**From:** David J. Hayes <david.hayes@nyu.edu>  
**Sent:** Friday, August 25, 2017 12:51 PM  
**To:** Eleanor.Blume@doj.ca.gov; PerryZR@ct.gov; Roberts, LaKresha S (DOJ); Natalie.Ludaway@dc.gov; Joshua.A.Wisch@hawaii.gov; ASpillane@atg.state.il.us; Eric.Tabor@iowa.gov; Latasha.Buckner@ky.gov; Linda.Pistner@maine.gov; Brian Mahanna; Mike.Firestone@state.ma.us; MMCCL@ago.state.ms.us; MBaca@nmag.gov; SDearmin@ncdoj.gov; BThomas@ncdoj.gov; Kamala.H.Shugar@doj.state.or.us; JRadosevich@attorneygeneral.gov; DWade@attorneygeneral.gov; MFischer@attorneygeneral.gov; MLenz@riag.ri.gov; Natalie.Silver@vermont.gov; KOHolleran@oag.state.va.us; KateK@atg.wa.gov  
**Cc:** David J. Hayes; Elizabeth Klein  
**Subject:** State Energy & Environmental Impact Center  
**Attachments:** State Impact Center Staff Attorney Position Description.docx



State Energy &  
Environmental Impact Center  
NYU School of Law

To: State OAG Leaders [list kindly provided by Brian Mahanna][please share this email with your Attorney General]

From: David J. Hayes

Re: State Energy & Environmental Impact Center at the NYU School of Law

I hope that you received word about the formation of the State Energy & Environmental Impact Center (State Impact Center) at the NYU School of Law. NYU issued a [press release](#) on the formation of the Center, and it also was referenced in recent articles in the [Washington Post](#) and [in Greenwire](#).

I am writing to give you and your Attorney General more information about the new State Impact Center.

The goal of the State Energy & Environmental Impact Center is to enhance the resources that your office has to champion your citizens' interests in clean energy, climate change and environmental matters. We admirer the

vitaly important work that you have been doing in this area and are dedicated to giving more support to you, and other Attorneys General – regardless of party affiliation -- who pursue clean energy, climate change and environmental issues.

As explained on our [NYU web site](#), the State Impact Center looks forward to providing assistance to interested AGs in a number of ways.

First, our Center will have three full time attorneys who will be available to provide direct legal assistance to interested AGs on specific administrative, judicial or legislative matters involving clean energy, climate change, and environmental interests of regional and national significance. We look forward to developing a working relationship with your offices and serving as a source of ideas, materials, and contacts on these matters. In that regard, we will maintain a set of on-going relationships with advocates working in the area, and we also are identifying pro bono services that may be available to your offices on individual matters. We are engaged with ethics experts and individuals in some of your offices to ensure confidentiality and work product privilege for matters that State Impact Center attorneys work with you on.

Second, our Center will have a full time communications expert experienced in the clean energy, climate and environmental field to work with, and help leverage, the communications resources in your offices. It is a primary goal of the State Impact Center to draw regional and national attention to the important clean energy, climate and environmental initiatives that your offices are pursuing.

Third, we have funding to recruit and hire 10 NYU fellows who will serve as Special Assistant AGs, working as part of the state OAG's staff. It's in everyone's interest that we work with the relevant AGs and hire these lawyers as soon as practicable.

I have inserted below language from our website which lays out the process for placing NYU fellows as SAAGs. **Please note the September 15 application date.** This deadline is coming up quickly. We set a short deadline at the request of several AGs who are anxious to get the process for placing NYU Fellows into AG offices as soon as possible.

### **How to Hire an NYU Fellow**

The State Impact Center is announcing an opportunity for state attorneys general to recruit and hire a limited number of NYU Fellows with five to 10 years of experience in clean energy, climate change, and environmental issues as special assistant attorneys general (SAAGs). These SAAGs would be available for a two-year period to provide a supplemental, in-house resource to attorneys general and their senior staffs on clean energy, climate change and environmental matters of regional and national importance.

State attorneys general who are selected for this program will work cooperatively with the State Impact Center to recruit and hire NYU Fellows as SAAGs. NYU Law will pay the salaries of the SAAGs, and the State Impact Center will provide ongoing support to the SAAGs and their offices. Once hired, however, the SAAGs' duty of loyalty shall be to the attorney general who hired them.

## **Basic Eligibility Requirements and Application Process**

The opportunity to potentially hire an NYU Fellow is open to all state attorneys general who demonstrate a need and commitment to defending environmental values and advancing progressive clean energy, climate change, and environmental legal positions. Initial funding will support a limited number of NYU Fellows in state attorneys general offices for a two-year term, with the possibility of adding additional NYU Fellows in year two of the program.

Candidates who are approved by the attorneys general and the State Impact Center will receive offers to serve as SAAGs (or the equivalent appropriate title within the office) from the attorneys general, based on an understanding that they will devote their time to clean energy, climate change and environmental matters.

**Interested state attorneys general should prepare an application as detailed below and return it to [stateimpactcenter@nyu.edu](mailto:stateimpactcenter@nyu.edu) no later than Friday, September 15, 2017.**

The State Impact Center will review all applications received for completeness and will contact attorneys general if additional information is needed. State Impact Center staff are available for questions regarding this program.

### **Application Requirements**

To be considered for the NYU Fellows/SAAG program, an application must contain the following:

#### **1. Program Eligibility and Narrative**

State attorneys general should describe the particular scope of needs within their offices related to the advancement and defense of progressive clean energy, climate change, and environmental matters. Relevant details include the extent to which funding or other capacity constraints have limited the ability to work on these issues or how additional dedicated support could help advance the work of the state attorney general on behalf of his or her constituents.

Priority consideration will be given to state attorneys general who demonstrate a commitment to and acute need for additional support on clean energy, climate change, and environmental issues of regional

or national importance, such as those matters that cross jurisdictional boundaries or raise legal questions or conflicts that have nationwide applicability.

## 2. Program Structure

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Applications also should identify any state-specific limitations or requirements governing the appointment of an employee paid by an outside funding source, and include a written confirmation that the attorney general has the authority to hire an NYU Fellow as a SAAG (or equivalent title).

## Application Review

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Once agreements are finalized, the State Impact Center will coordinate directly and immediately with state attorneys general to identify, recruit, and extend SAAG offers to appropriate candidates, with a goal to have SAAG hires in place by the end of 2017.

The State Impact Center will provide ongoing support to the SAAGs. The State Impact Center's support will not be limited, however, to those AG offices that include NYU Fellows. Where appropriate and upon request, and consistent with available resources, the State Impact Center will work with all attorneys general who are pursuing clean energy, climate change, and environmental initiatives.

Finally, please note that the State Energy & Environmental Impact Center's attorneys and communications staff will be located in Washington, D.C. Our offices are at 1616 P Street NW, near DuPont Circle. (The 10 Special Assistant AGs, of course, will be located in the host AG's offices.)

I am heading up the Center, and Liz Klein is the Deputy Director. You can reach us at [David.Hayes@nyu.edu](mailto:David.Hayes@nyu.edu) and [Elizabeth.Kline@nyu.edu](mailto:Elizabeth.Kline@nyu.edu). We are in the process of hiring an additional attorney and our full-time communications staff. I am attaching a job descriptions for the attorney position in case you have any recommendations.

Our Center will be guided by a distinguished Advisory Council, chaired by Richard (Ricky) Revesz, the Dean Emeritus of the NYU School of Law. The Advisory Council also includes two former State Attorneys General, Anne Milgram (New Jersey) and Bruce Babbitt (Arizona), as well as Dan Firger, environmental program officer for Bloomberg Philanthropies.

If you have any questions, please do not hesitate to contact Liz Klein or me via email or by phone.

Thanks.

--

**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

Cell: [202-258-3909](tel:202-258-3909)

Personal email: [davidjhayes01@gmail.com](mailto:davidjhayes01@gmail.com)

Twitter: [@djhayes01](https://twitter.com/djhayes01)

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Twitter: [@djhayes01](https://twitter.com/djhayes01)

**Position Description**  
**State Energy & Environmental Impact Center Staff Attorney**

**Position:** Staff Attorney

**Reports to:** State Energy & Environmental Impact Center Executive Director

**Location:** Washington, D.C.

**Position classification:** Exempt, full-time

**Summary**

The State Energy & Environmental Impact Center (“State Impact Center”) at the NYU School of Law supports State Attorneys General (“AGs”) in defending and promoting clean energy, climate and environmental laws and policies. The non-partisan State Impact Center provides assistance to AGs in a number of ways, including:

- Providing legal assistance to interested AGs on specific administrative, judicial or legislative matters involving clean energy, climate change, and environmental interests of regional and national significance;
- Working with interested AGs to identify and hire NYU Fellows who will serve as Special Assistant AGs in State AG offices, focusing on clean energy, climate, and environmental matters;
- Helping to coordinate efforts across multiple State AG offices, and with other parties that may be aligned with their interests;
- Identifying and coordinating pro bono representation for AGs;
- Serving as a centralized source of information for on-going Attorneys General initiatives and helping to enhance the public’s understanding of the importance of the clean energy, climate change and environmental matters that AGs are pursuing.

The State Impact Center seeks a talented, early-to-mid-level attorney to help advance these efforts. The Staff Attorney will support the whole range of the State Impact Center programs, including working directly with NYU Fellows/Special Assistant Attorneys General on clean energy, climate change, and environmental matters; coordinating the efforts of multiple state AG offices; and identifying, researching, and preparing relevant work product of the State Impact Center.

The Staff Attorney will be an employee of NYU School of Law for a two-year term and will report to the State Impact Center Executive Director. Salary will be commensurate with experience.

As an equal opportunity affirmative action employer, NYU is strongly committed to diversity and welcomes applicants of all races, ethnicities, genders, and sexual orientations.

**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.
- Produce excellent legal research and analysis for projects including litigation, policy reports, and public awareness materials, such as blog pieces and op-eds.
- Provide advice to State Impact Center Executive and Deputy Directors as well as state AG offices regarding potential and ongoing matters.
- Participate in potential litigation, including work on case development, motions, and briefs.
- Build long-term relationships and coordinate with interested allies on legal, regulatory, and communications efforts regarding clean energy, climate change, and environmental issues.
- Assist in implementing the terms of the funding agreement between the State Impact Center and Bloomberg Philanthropies, including the preparation of periodic progress reports.
- Contributing to the effective administration of a new and dynamic NYU Center, including assisting in operations and management issues, as appropriate.
- Other duties as assigned.

**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 ten years 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.
- Strong interpersonal skills and sound judgment, including ability to work diplomatically and effectively with colleagues, interested allies, and state AG offices.
- Excellent writing, editing, research, and verbal communication skills.
- Exceptional organizational skills and ability to proactively manage many simultaneous issues, multitask, and prioritize.
- Strong entrepreneurial spirit and passion for the work of the State Impact Center with a demonstrated interest in public service.
- Eligibility to work in the United States.

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**Cc:** David J. Hayes; Elizabeth Klein  
**Subject:** Re: State Energy & Environmental Impact Center

This version corrects a couple of typos in the original email. Apologies.

On Fri, Aug 25, 2017 at 12:50 PM, David J. Hayes <[david.hayes@nyu.edu](mailto:david.hayes@nyu.edu)> wrote:



**To:** State OAG Leaders [list kindly provided by Brian Mahanna][please share this email with your Attorney General]

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**Re:** State Energy & Environmental Impact Center at the NYU School of Law

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I am heading up the Center, and Liz Klein is the Deputy Director. You can reach us at [David.Hayes@nyu.edu](mailto:David.Hayes@nyu.edu) and [Elizabeth.Kline@nyu.edu](mailto:Elizabeth.Kline@nyu.edu). We are in the process of hiring an additional attorney and our full-time communications staff. I am attaching a job description for the attorney position in case you have any recommendations.

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If you have any questions, please do not hesitate to contact Liz Klein or me via email or by phone.

Thanks.

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**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

Cell: [202-258-3909](tel:202-258-3909)

Personal email: [davidjhayes01@gmail.com](mailto:davidjhayes01@gmail.com)

Twitter: [@djhayes01](https://twitter.com/djhayes01)

## Siegel, Kim (DOJ)

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**From:** James McPherson <jmcpherson@NAAG.ORG>  
**Sent:** Monday, August 28, 2017 8:26 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

**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](mailto:david.hayes@nyu.edu).”

V/R

Jim

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

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**Cc:** David J. Hayes; Elizabeth Klein  
**Subject:** Special Assistant AG application deadline -- September 15

State OAG Leaders:

**This is a reminder that applications for Special Assistant Attorney General positions supported by the NYU School of Law are due by this friday, September 15.**

See the highlighted language below for more information. Also, do not hesitate to contact us at the Center if you have any questions.

Thanks.

-- David Hayes, Executive Director

-- Liz Klein, Deputy Director (our email addresses are on the cc line, above).

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### 3. Budget Proposal and Confirmation of Authority

To be considered complete, applications must identify a proposed salary (or range) for a SAAG, with an explanation of how it would conform with the existing salary structure in the state AG office.

Applications also should identify any state-specific limitations or requirements governing the appointment of an employee paid by an outside funding source, and include a written confirmation that the attorney general has the authority to hire an NYU Fellow as a SAAG (or equivalent title).

### Application Review

Complete applications will be reviewed on an expedited basis, with decisions on proposed placements of NYU Fellows made as soon as practicable thereafter. Proposed placement decisions will be made by the executive director of the State Impact Center, in consultation with the advisory council. Approximately 10 NYU Fellow slots for five to seven states are expected to be available for the first year of the program. Additional slots may be available in subsequent years.

Once agreements are finalized, the State Impact Center will coordinate directly and immediately with state attorneys general to identify, recruit, and extend SAAG offers to appropriate candidates, with a goal to have SAAG hires in place by the end of 2017.

The State Impact Center will provide ongoing support to the SAAGs. The State Impact Center's support will not be limited, however, to those AG offices that include NYU Fellows. Where appropriate and upon request, and consistent with available resources, the State Impact Center will work with all attorneys general who are pursuing clean energy, climate change, and environmental initiatives.

Finally, please note that the State Energy & Environmental Impact Center's attorneys and communications staff will be located in Washington, D.C. Our offices are at 1616 P Street NW, near DuPont Circle. (The 10 Special Assistant AGs, of course, will be located in the host AG's offices.)

I am heading up the Center, and Liz Klein is the Deputy Director. You can reach us at [David.Hayes@nyu.edu](mailto:David.Hayes@nyu.edu) and [Elizabeth.Kline@nyu.edu](mailto:Elizabeth.Kline@nyu.edu). We are in the process of hiring an additional attorney and our full-time communications staff. I am attaching a job description for the attorney position in case you have any recommendations.

Our Center will be guided by a distinguished Advisory Council, chaired by Richard (Ricky) Revesz, the Dean Emeritus of the NYU School of Law. The Advisory Council also includes two former State Attorneys General, Anne Milgram (New Jersey) and Bruce Babbitt (Arizona), as well as Dan Firger, environmental program officer for Bloomberg Philanthropies.

If you have any questions, please do not hesitate to contact Liz Klein or me via email or by phone.

Thanks.

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**David J. Hayes**  
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