

Anderson, Donald D.

From: Anderson, Donald D.
Sent: Friday, September 15, 2017 11:21 AM
To: 'stateimpactcenter@nyu.edu'
Cc: David J. Hayes (david.hayes@nyu.edu)
Subject: NYU Fellow Application

Please accept this application of the Office of the Attorney General of the Commonwealth of Virginia to hire a New York University School of Law fellow as a Special Assistant Attorney General through the State Energy & Environmental Impact Center. We appreciate the opportunity to participate in this program.

General Herring has long been committed to the interests that form the core mission of the State Impact Center—clean energy, climate change and more generally environmental matters. That commitment was evidenced early in his term when he submitted comments on EPA's then proposed Clean Power Plan. After the CPP was issued and challenged, General Herring joined the coalition of seventeen other states and seven major municipalities supporting the plan; the OAG has continued to be engaged in that multi-state effort through the present. In June, after the Trump Administration announced that the United States would withdraw from the Paris Climate Agreement, the OAG joined in the coalition of state AGs, Governors and others in issuing a "We Are Still In" statement. General Herring has also been supportive of Virginia Governor McAuliffe's executive actions to reduce carbon pollution in Virginia. Most recently, the OAG joined a coalition of twenty states and localities urging the EPA to retract Administrator Scott Pruitt's unsolicited letter advising states on the CPP.

General Herring's efforts have not been limited to clean energy and power issues. For example, the OAG filed an amicus brief in *America Farm Bureau v. EPA*, a case involving the total maximum daily load cooperatively developed to protect the Chesapeake Bay. The critical issue in the case was whether the Bay states, including Virginia, had the authority to act together to manage and restore the Bay. More recently, General Herring has submitted comments opposing regulatory proposals by the current administration to open Virginia and other east coast states off-shore waters to petroleum exploration and production.

The OAG has achieved this track record of commitment to regional and national environmental issues with limited resources. The Environmental Section of the Office is staffed with six full-time line attorneys, two other line attorneys who spend approximately half their time on environmental matters, and one paralegal. The attorneys are fully booked with representation of numerous Commonwealth agencies, including the Departments of Conservation and Recreation, Environmental Quality, Forestry, Game and Inland Fisheries, Health (Environmental Health Services), Mines, Minerals and Energy, as well as the Division of Consolidated Laboratory Services, the Marine Resources Commission, the Secretary of Natural Resources, and local Soil and Water Conservation Districts. Moreover, Section attorneys have been engaged in substantial major environmental litigation, including the ongoing defense of the Commonwealth's moratorium on uranium mining against constitutional attack and achievement of the largest natural resource damage settlement in Virginia history. The addition of an NYU Fellow would provide a full-time attorney to allow General Herring to participate much more fully in cooperative efforts to advance the agenda represented by the State Impact Center.

If our Office is selected for the program, the NYU Fellow serving as a Special Assistant Attorney General would be incorporated into the Environmental Section. The Section is housed in the Commerce, Environment and Technology Division of the OAG, headed by Deputy Attorney General John W. Daniel. The Section is headed by Senior Assistant Attorney General and Chief, Donald D. Anderson, who reports directly to Deputy Daniel. The NYU fellow would report directly to the Section Chief.

Currently the line attorneys in the Section range in years of experience at the bar from three to twenty years. The current salary range runs from approximately \$70,000 to approximately \$100,000. Assuming the NYU fellow would come into the Office with 5-10 years of experience, we anticipate the appropriate salary would be approximately \$81,500. We understand that, if selected for the program, our Office would work with the State Impact Center to identify, recruit and extend offers to appropriate candidates. That process, and the specific salary and benefit package for a recruit and related arrangements, would have to be determined in cooperation with our finance and human resource directors.

The Virginia OAG has historically employed, and currently employs, fellows funded by law schools. Although the arrangement with the State Impact Program and NYU would be somewhat different, there are no Virginia-specific limitations or requirements that would apply to the OAG's employment of a NYU fellow as a Special Assistant Attorney General. We have also reviewed the Virginia Rules of Professional Conduct and find no concern about the proposed arrangement, which we understand requires that the attorney's duty of loyalty shall be to the Attorney General and the Commonwealth and its agencies.

Please let us know if you need additional information to consider this application. And thank you.

Donald D. Anderson
Senior Assistant Attorney General/Chief
Office of the Attorney General

202 North 9th Street
Richmond, Virginia 23219
(804) 371-6018 Office
DAnderson@oag.state.va.us
<http://www.ag.virginia.gov>

