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Via email only stateimpactcenter@nyu.edu

David J. Hayes, Executive Director
New York University School of Law
40 Washington Sq. South
New York, NY 10012

RE: NYU Law Fellow Application

Dear Mr. Hayes:

We write to apply for an NYU Law Fellow to assist our office in the development, prosecution and advancement of critical environmental protection litigation and initiatives. The addition of a fellow to our staff will have a meaningful positive impact on our statewide and national environmental protection efforts.

The Attorney General is the chief legal officer of the state, holding general supervision over all civil legal matters in which the state is an interested party. Conn. Gen. Stat. § 3-125. The Attorney General represents all state agencies in both offensive and defensive litigation and establishes the State's legal policy in regard to issues of significance to Connecticut and the nation. Our office, through our Environment Department, has a history of strong and effective action to advance critical environmental protection initiatives. For example, in recent years, we have played an active role in attacking the causes of climate change. In 2006, Connecticut took a leading role in *Massachusetts v. EPA*, 549 U.S. 497 (2007), in which twelve states brought the successful landmark lawsuit against EPA to force the agency to regulate carbon dioxide and other greenhouse gases. While *Massachusetts v. EPA* was winding its way through the court system, Connecticut lead a coalition of states that sued the five largest power producing emitters of CO₂ (*Connecticut v. AEP*, 564 U.S. 41 (2009)) under the federal common law of public nuisance. We won in the 2nd Circuit, but the U.S. Supreme Court reversed, holding that federal common law was displaced by EPA's statutory authority, as determined in *Mass. v. EPA*, to regulate greenhouse gas emissions.

Connecticut continues to act with our partner states, both through litigation and comments on proposed regulatory matters, to ensure that the regulations intended to control greenhouse gas emissions are implemented and that attempts to roll back progress are not successful. For example, in the last two years alone, we have joined a number of litigations with a coalition of states in defense of the Clean Power Plan to ensure that it is implemented. We have also joined regulatory comments opposing the Affordable Clean Energy rule intended to replace the Clean Power Plan and roll back progress toward controlling CO₂ emissions from power plants. Additionally, we are participating in two lawsuits in support of California's ability

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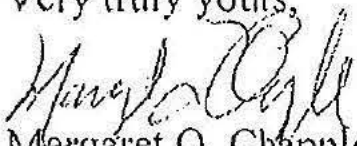
to set its own motor vehicle emissions standards. Connecticut has adopted these same standards under section 177 of the Clean Air Act. These emissions controls are critical for the health and welfare of the citizens of Connecticut. We are also involved in cases intended to control a number of air pollutants, including methane and mercury.

While we are justifiably proud of our accomplishments, the staff of our Environment Department is small. We have only 9 full and 2 part-time attorneys to handle both all of our national work and our work on in-state enforcement matters involving all media and all forms of pollution throughout our state. With an additional skilled and experienced staff attorney reporting directly to the head of the Environment Department, we could be involved as leaders in more important issues, and provide more support in progressive multi-state efforts to protect the future of the planet. For example, a Special Assistant Attorney General (SAAG) would assist us in evaluating and pursuing climate change related matters including potential actions to reduce emissions of greenhouse gases. A SAAG would also allow us to be a leader in assessing and challenging the aggressive changes at the federal level that will have a negative impact not only on Connecticut but on the environment nationally. For further details about the work of the Environment Department, please see the attached annual report covering FY 17-18.

A candidate for NYU Law fellow should be admitted to the Connecticut bar. Other bar admissions, including the 2nd Circuit and the D.C. Court of Appeals, would be helpful.

The office of the Connecticut Attorney General has the authority to hire an NYU fellow as a SAAG, paid entirely by NYU funds. We are not aware of any constraints on this authority. An attorney with 5-10 years of experience would be classified as an Assistant Attorney General II, and the salary range for that position is \$93,896 – \$128,027 annually with a comprehensive health insurance plan.

We are prepared and eager to fully utilize an NYU Fellow to strengthen and advance our committed efforts to combat climate change and continue to reduce all dangerous forms of pollution. While the exact assignments of the fellow will depend on the skills and experience of the fellow and the status of various matters as they arise, we can promise the Fellow an opportunity to be a meaningful force for progress and change in protecting the environment, and we can promise NYU that the Fellow will be in a position to help make a meaningful difference. We ask for your favorable consideration of this application.

Very truly yours,

Margaret Q. Chapple
Deputy Attorney General

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