

February 23, 2015

University of North Carolina System Board of Governors  
c/o John Fennebresque, Chair  
UNC General Administration  
910 Raleigh Road  
P.O. Box 2688  
Chapel Hill, NC 27514

AND VIA ELETRONIC MAIL  
[jfennebresque@mcguirewoods.com](mailto:jfennebresque@mcguirewoods.com)

To the UNC System Board of Governors:

On February 18, 2015, a special committee of the UNC Board of Governors recommended that the Center on Poverty, Work, and Opportunity, housed at the UNC School of Law, be closed. The BOG undertook a review of all of the university system's centers (some 237 at 16 campuses) pursuant to a legislative directive to examine resource allocation of university centers and initiatives after complaints arose about Professor Gene Nichol's (the Poverty Center's Director) criticisms of state legislative decisions that he contended were making the poverty situation in North Carolina worse. The recommendation now goes before the entire Board of Governors, and we urge you not to accept this recommendation.

All state universities, and their divisions, are answerable to the people and legislature of a state, and questions about resource allocations are fair game. Money allocated for one purpose means that it cannot be used for another. However, the UNC Poverty Center has used no state funds since 2009, and if closed, will have to return private grant money that it is using to hire staff and work with students to explore the legal issues surrounding poverty in North Carolina. It therefore appears that the Poverty Center was recommended for closure based on the positions it took over state policies. To close the Poverty Center for this reason endangers the very heart of free speech and legal education, not just in North Carolina, but nationwide.

We represent a national group of environmental law professors and clinicians from over forty public and private law schools. Our discipline has faced similar politically motivated criticisms in the past, and will likely do so again in the future. We urge the North Carolina Board of Governors, and all regulators of institutes of higher education, to reject basing university decisions on the popularity of political positions. We come to this position based on important experience in our environmental legal field.

While most of the nation and our leaders publicly support environmental protection by large majorities, when the promises and requirements of these environmental laws need to be enforced, it often falls to law schools to take up the cause. Indeed, our environmental laws are written to explicitly provide for "citizen enforcement" when the federal and state governments can't or won't do so.

Beyond filling enforcement gaps and examining important issues about existing and future environmental laws and policies, we believe that practical experience in environmental centers and clinics is good for law students, helping them to blend theory and practice and develop a richer understanding of what it means to be a lawyer. This not only vindicates existing environmental laws, which were passed by large bipartisan majorities, but also provides a practical education to our students interested in working in the environmental law sphere. While most of them will not end up representing non-paying clients, they will need to rely on the skills they receive at our schools concerning the administrative process, litigation, and substantive knowledge of environmental law.

As with the Poverty Center, much of our work involves representing the least powerful in our society. Particularly in the environmental law realm, statutes that are designed to protect the public good often fail to do so most often for the poorest sections of our society, making them the most likely to need our services. Moreover, lawyers have a responsibility to assist the most vulnerable in society. This service ethos to provide legal help for all is echoed in state bar pro bono requirements across the country.

While this may give the appearance that the work of our centers and clinics is one-sided, our centers and clinics protect the environment for all, and do so while also preparing our students for their future positions as members of the various state bars. Many of our centers also help private economic interests by looking to collaborative and efficient solutions to our important environmental problems.

The last two decades have brought threats to close environmental law clinics in Oregon, Maryland, and Louisiana because they represented parties adverse to powerful interests. Beyond these explicit threats, there have been multiple complaints about law professor representation of environmental positions throughout the country. We feel that the threat to the Poverty Center, and more importantly those it represents, is similar in nature and therefore speak out against it. We ask that you not accept the recommendation to close the Center for Poverty, Work, and Opportunity.

Respectfully Submitted,

William Andreen  
Edgar L. Clarkson Professor of Law  
University of Alabama School of Law

Catherine Adcock Admay  
Visiting Professor, Duke Center for International Development, Sanford School of Public Policy,  
Faculty Affiliate, Duke Global Health Institute, Assistant Director of Undergraduate Studies,  
Public Policy  
Duke University

Hope Babcock  
Professor of Law and Director, Environmental Law Clinic  
Georgetown University Law School

Michael Blumm  
Jeffrey Bain Faculty Scholar & Professor of Law  
Lewis and Clark Law School

Rebecca Bratspies  
Professor of Law, Director, CUNY Center for Urban Environmental Reform  
City University of New York Law School

Alejandro Camacho  
Professor of Law and Director, Center for Land Environment and Natural Resources  
Faculty Affiliate, Newkirk Center for Science and Society  
University of California Irvine

Ann E. Carlson  
Shirley Shapiro Professor of Environmental Law; Faculty Co-Director, Emmett Institute on  
Climate Change and the Environment; Vice Dean for Faculty Recruitment and Intellectual Life  
UCLA School of Law

David N. Cassuto  
Professor of Law and Director, Brazil-American Institute for Law & Environment (BAILE)  
Pace Law School

Kim Diana Connolly  
Professor, Director of Clinical Legal Education, Vice Dean for Legal Skills  
State University of New York (SUNY) Buffalo Law School

Myanna Dellinger  
Associate Professor of Law; Director, Institute for Global Law and Policy  
Western State College of Law

Rachel Deming  
Assistant Professor and Director, Environmental and Earth Law Clinic  
Barry University Law School

Debra L. Donahue  
Professor of Law  
University of Wyoming College of Law

Holly Doremus

James H. House and Hiram H. Hurd Professor of Environmental Regulation  
University of California Berkeley School of Law

David Favre

Professor of Law & The Nancy Heathcote Professor of Property and Animal Law  
Michigan State University College of Law

Joshua Fershee

Professor of Law  
West Virginia University College of Law

Victor B. Flatt

Tom and Elizabeth Taft Distinguished Professor of Environmental Law, Director, Center for  
Law, Environment, Adaptation and Resources (“CLEAR”)  
University of North Carolina School of Law  
Distinguished Scholar, Global Energy Management Institute, University of Houston Bauer  
College of Business

Alyson C. Flourney

Professor & Alumni Research Scholar  
University of Florida Levin College of Law

Dale Goble

University Distinguished Professor and Schimke Distinguished Professor of Law  
University of Idaho Law

Jacqueline P. Hand

Professor of Law  
University of Detroit Mercy Law School

Sean B. Hecht

Evan Frankel Professor of Policy and Practice; Co-Executive Director, Emmett Institute on  
Climate Change and the Environment; Co-Director, UCLA Law Environmental Law Clinic  
UCLA School of Law

Keith Hirokawa

Professor of Law  
Albany Law School

Oliver Houck

Professor of Law  
Tulane University School of Law

Shi-Ling Hsu  
Larson Professor  
Florida State University College of Law

Blake Hudson  
Associate Professor, Joint Appointment  
LSU Law Center & LSU School of the Coast and Environment

Sam Kalen  
Professor of Law & Co-Director of the Center for Law and Energy Resources in the Rockies  
University of Wyoming College of Law

Christine Klein  
Chesterfield Smith Professor & University of Florida Research Foundation Professor  
Director, LL.M. Program in Environmental & Land Use Law  
University of Florida Levin College of Law

John Knox  
Henry C. Lauerman Professor of International Law  
Wake Forest University School of Law

Ryke Longest  
Clinical Professor and Director, Duke Environmental Law and Policy Clinic  
Duke University School of Law

Joel A. Mintz,  
Professor of Law  
Nova Southeastern University Shepard Broad Law Center

Jonas Monast  
Director Climate and Energy Program, the Nicholas Institute, and Lecturer  
Duke University School of Law

Laura Murphy  
Associate Director & Assistant Professor  
Environmental & Natural Resources Law Clinic  
Vermont Law School

Sean Nolon  
Professor of Law  
Director, Dispute Resolution Program & Faculty Representative to the Board of Trustees  
Vermont Law School

Michelle Nowlin  
Supervising Attorney and Senior Lecturing Fellow  
Duke Environmental Law and Policy Clinic  
Duke University School of Law

Hari M. Osofsky  
Professor, University of Minnesota Law School  
2014-15 Julius E. Davis Chair in Law  
Faculty Director, Energy Transition Lab  
Director, Joint Degree Program in Law, Science & Technology  
University of Minnesota

Patrick Parenteau  
Professor of Law and Senior Counsel Environmental and Natural Resources Law Clinic  
Vermont Law School

Gwen C. Parker  
Visiting Assistant Professor of Law  
Wake Forest University School of Law.

Zygmunt Plater  
Professor of Law  
Boston College Law School

Ezra Rosser  
Professor  
American University Washington College of Law

Irma S. Russell  
Professor  
The University of Montana School of Law

James Salzman  
Samuel F. Mordecai Professor of Law & Professor of Environmental Policy  
Duke University School of Law and the Nicholas School

Maria Savasta-Kennedy  
Clinical Professor of Law  
UNC School of Law

Rena Steinzor  
Professor of Law

University of Maryland Francis King Carey School of Law

Robert Verchick  
Gauthier-St. Martin Chair in Environmental Law  
Loyola University New Orleans College of Law  
Senior Fellow in Disaster Resilience Leadership  
Tulane University

Jamie Van Nostrand  
Associate Professor of Law, and Director, Center for Energy and Sustainable Development  
West Virginia University College of Law

Wendy Wagner  
Joe A. Worsham Centennial Professor  
University of Texas School of Law

Mary Wood  
Philip H. Knight Professor of Law & Faculty Director, Environmental and Natural Resources  
Law Program University of Oregon School of Law