February 23, 2015

University of North Carolina System Board of Governors
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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,

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