

EXHIBIT U

**UNIVERSITY OF MIAMI
SCHOOL OF LAW**

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Nell Jessup Newton
Interim Dean & Visiting Professor of Law

Dear Audi C02 Cy Pres Settlement Fund:

Attached is a request for *cy pres* funding from the Audi C02 Cy Pres Settlement Fund.

Please let me know if you have any questions.

Sincerely,

Nell Jessup Newton
Interim Dean and Visiting Professor of Law

To: Audi CO2 Cy Pres Settlement Fund
From: The University of Miami School of Law

Executive Summary:

With environmental issues at the forefront of global policy, and because of its location at an epicenter of the climate crisis, the University of Miami School of Law is fertile ground for training the next generation of environmental lawyers and policymakers while also providing meaningful improvements in environmental conditions for South Florida communities. Existing resources at the Law School and the University, including an innovative interdisciplinary program in environmental law, have laid the groundwork for building an existing, but under-financed environmental justice clinic into a leading and successful program.

Miami Law's Environmental Justice Clinic (EJC) advocates for and empowers marginalized communities by combining civil rights, environmental, poverty, and public health law with community lawyering principles. The clinic partners with community organizations to address practices stemming from systemic inequality and promotes policy solutions to achieve structural change. A \$1 million award from the *cy pres* fund will be used over the next five years to transform the clinic. Half of the funds would serve as the basis to launch a nationwide search for a clinic director and cover half of the director's salary for the first five years, with Miami School of Law funding the other half of the salary and committing to finding resources during that time to secure the longevity of the clinic. The other half of the funds would go to litigation support and to support students and recent alumni through fellowships, externships, and scholarships.

Proposal:

A \$1 million *cy pres* award will solidify the Environmental Justice Clinic, allowing Miami Law to expand student opportunities while combatting the harms of climate change and the legacy of environmental contamination. Specifically, the funds would be used to accomplish the following:

- **Build** on the existing Environmental Justice Clinic to extend the depth and number of projects while training a growing number of students.
- **Empower** the Environmental Justice Clinic to confront climate change, displacement, contamination, environmental health, and municipal equity in marginalized communities.
- **Appoint** a Director after a nationwide search to oversee the clinic's work, engage directly with clients and co-counsel, manage fellows and interns, and teach practicums that forward the EJC's vision.

- **Provide** litigation support, community education, policy tools, advocacy, and transactional counseling to partner organizations and underrepresented communities.
- **Train** law students to work on ground-breaking projects to tackle issues such as climate change, contamination, environmental health, and more through scholarships, externships, and fellowships.

Building and Empowering the Environmental Justice Clinic

The existing Environmental Justice Clinic began as an offshoot of Miami Law's Center for Ethics and Public Service in 2016. Since its inception, the clinic has taken on several impactful projects under the direction of practitioners-in-residence. The Clinic provides impact litigation support, community education, investigative research, policy tools and advocacy, and transactional counseling to partner organizations and client communities. Through its work with students and in the community, the clinic seeks to challenge structural inequality, promote community empowerment, and enact systemic change. Projects include:

- *Securing* remediation of an open toxic dump in a predominately African American community in the City of Fort Myers, Florida, through litigation and community organizing
- *Serving* as litigation support for a toxic tort class action against the City of Miami stemming from harms suffered due to exposure to toxic ash and hazardous waste from a municipal incinerator in the West Grove, a former Jim Crow neighborhood predominately comprised of African American and Afro-Caribbean communities
- *Challenging* the intentional discrimination by Miami-Dade County, the Dolphins, and Formula One to bring high-speed automobile racing to the City of Miami Gardens, comprised of predominately African American communities, which would bring extremely high, sustained, and dangerous noise levels and air pollution
- *Collaborating* with local governments and community organizations to incorporate equity into energy planning, to rewrite racially biased policy on zoning practices and flood-risk disclosure, and to stop displacement caused by climate gentrification
- *Conducting* legal research, drafting public comments, and creating educational material on issues such as clean energy, weatherization, and resilience measures for a local coalition of government, nonprofit and community-based organizations, and academics.

The Essential Need for an Environmental Justice Clinic Director

While the clinic has been successful, it has not reached its full potential because of a lack of funds for a full-time clinic director. It is a testament to the hard work and talent of the practitioners currently in residence that the clinic has accomplished so much to date. Increased staff and financial and operational resources will enable the clinic to fulfill its mission and take its advocacy and teaching to the next level. The *cy pres* fund grant will provide seed funding to launch a nationwide search for a director with a proven track record in innovative community-based legal work to sustain the Environmental Justice Clinic and propel it forward. To show its commitment to the clinic, Miami Law will provide half of the director's salary and secure funds to keep the program (and director) in place at the end of the five years.

Providing Support to Train the Next Generation.

One half of the funding (\$500,000) will be used to support the clinic through litigation support, travel funds, and other expenses for policy advocacy projects. Examples of these expenses include experts to establish harms or damages in toxic tort cases, costs associated with litigation discovery or fact investigation for policy reports, technology to make data or policy tools more widely accessible online, or travel costs for the director and students to share their innovative work at conferences or with other communities. In addition, this fund will be used to prepare students to tackle legal aspects of environmental problems by, for example, providing scholarships for students from affected communities, fellowships for third-year law students and recent graduates to receive more in depth training, and summer stipends for students working in public interest environmental law.

Building on Existing Resources:

The Foundation: Miami Law's Environmental Law Program

The Clinic will build on an already-robust environmental law program, building a cohort of students and graduates working on combating environmental harms, particularly in low income and minority communities. Led by internationally renowned environmental legal scholar Dr. Jessica Owley, Miami Law's environmental law program has elevated the intellectual life surrounding environmental law, strengthened Miami Law's academic offerings, and established an environmental law concentration for J.D. students built upon cross-campus interdisciplinary partnerships. Owley is an internationally recognized scholar in environmental and property law. Her research lies at the intersection of climate change and land conservation. She is co-founder of the Environmental Law Collaborative (a think tank comprised of environmental scholars grappling with the fundamental environmental law concerns of the day) and Editor in Chief of the *Journal of Law, Property, and Society*.

The program provides opportunities for students to earn three different types of certificates of specialization and have several interdisciplinary joint degree programs to avail themselves of.

The key strength of the Miami Law environmental law program lies in the faculty. Full-time faculty research and teach on environmental law related topics include Caroline Bradley (climate finance), Tamar Ezer (human rights and climate change), Denisse Córdova Montes (food policy), Erin Okuno (biodiversity law), Bernard Oxman (Law of the Sea and maritime law), Ileana Porras (international environmental law and sustainable development), Pablo Rueda-Saiz (indigenous rights, globalization), and Marcia Narnie Weldon (sustainability and compliance)

Full-time faculty are supplemented by adjunct and visiting professors offering specialized instruction in topics from wetlands to energy law to human rights and environmental law.

The Support Structure: University of Miami

The University of Miami is a premiere institution committed to tackling climate change and other environmental problems. University of Miami's Rosenstiel School of Marine and Atmospheric Science (RSMAS) is the only subtropical research institution of its kind and is one the world's premiere marine and atmospheric research institutes. Several research projects involve collaborations among faculty from the law school and RSMAS. A joint JD/MPS (Master of Professional Science in Marine Ecosystems and Society) is the only one of its kind offering students a scientific background to pair with their legal training.

The Leonard and Jayne Abess Center for Ecosystem Science and Policy is an interdisciplinary center for research and study at the University of Miami whose mission is to bridge the gap between science and environmental policy. Affiliated faculty from across the campus work together to build innovative and interdisciplinary initiatives. Housed in a building next to the law school, the Abess Center's ties to Miami Law are strong. Through Abess, students can obtain a JD/PhD giving them a chance to delve deeply into thorny environmental problems and often preparing them to become policymakers or academics.

These two environmentally focused centers on campus are not the only places where environmental research and teaching occurs. The University of Miami is committed to environmental policy across the curriculum with related courses, degrees, and research in all units from the Business School to College of Architecture to the Department of Geography. And indeed the University is preparing to take another leap forward as it is in the process of developing a Resiliency Academy that will bring together academics, community members, and students in efforts to address climate change concerns of

South Florida and beyond. These linkages position Miami Law to be a leader in Environmental Law.

A Unique Setting: Miami, Florida

South Florida has a unique ecosystem. Its boundaries contain Everglades National Park, home to the largest subtropical wetland ecosystem in North America and the largest mangrove ecosystem in the Western Hemisphere; an expansive coastline; and 360 miles of barrier reef, the only living tropical reef in the continental United States. Rising waters and temperatures threaten native species, cultural resources, and access to drinking water. These climate change impacts are layered upon a diverse community already grappling with legacies of pollution and discrimination.

South Florida is not unique in its exposure to these risks—40% of the global population now lives less than 100 kilometers from a coast—but the convergence of risk types and their magnitude have unique and pronounced societal, physical, and biological impacts that make the area an ideal training ground for the next generation of environmental lawyers and leaders, supporting game-changing scholarship, advocating for environmental justice, and creating sustainable public policy.

Miami is also at a political moment that is well poised to tackle pressing environmental issues. For example, Miami-Dade Mayor Daniella Levine Cava recently announced an updated climate strategy for the region and plans to participate in the international climate change negotiations. The county has been engaged for several years in intergovernmental efforts to developing climate and resilience initiatives, but these have been prioritized, with broad stakeholder collaboration, under the leadership of Mayor Levine Cava. It is, thus, a local environment in which the expertise of the Environmental Justice Clinic and the University of Miami's breadth of environmental law resources are sought after and have the potential to make a meaningful impact.

Conclusion:

It is necessary to offset the damage done in the past by creating positive environmental impacts that will not curb the degradation of the natural world as well as to establish viable interventions and the foundations for a sustainable future. Strengthening the Environmental Justice Clinic at the University of Miami Law School can help reach these goals. The clinic has already begun to demonstrate its potential and the University of Miami and South Florida provide fertile ground for it to flourish.