

CALIFORNIA PUBLIC RECORDS ACT REQUEST

August 2, 2021

Records Management & Information Practices
10920 Wilshire Boulevard
Suite 530
Los Angeles, CA 90024-6541
records@ucla.edu

On behalf of Energy Policy Advocates (“EPA”), recognized by the Internal Revenue Service as a non-profit public policy institute under § 501(c)(3) of the Internal Revenue Code, and numerous federal agencies as a media outlet for FOIA purposes, and pursuant to the California Government Code §§ 6250 *et seq.*, please provide us within 10 business days copies of the following public records:

1) copies of any Annual Reporting Form for Category I & II Outside Professional Activities, and Additional Teaching Activities, and/or the Annual Reporting Form for Category I & II Compensated Outside Professional Activities, filed by or for each of the current co-executive directors of the Emmett Center on Climate Change and the Environment UCLA Law School, Prof. Sean Hecht and Cara Horowitz, for the years 2017, 2018, 2019, 2020, and/or 2021 (these are referenced in APM-025 Conflict of Commitment and Outside Activities of Faculty Members, e.g., in 025-6, Responsibility (b) Faculty, and in 025-10 Guidelines (b) Disclosure requirements);

2) copies of any consulting, non-disclosure, representation, confidentially and/or common interest or other agreement whose parties include (but are not necessarily limited to) the UCLA Law School *and/or* Emmett Center on Climate Change and the Environment *and* Sher Edling, LLP, dated or in effect during one or more the years from 2016 through 2021, inclusive;

3) copies of any records terminating any consulting, non-disclosure, representation, confidentially and/or common interest or other agreement whose parties include (but are not necessarily limited to) the UCLA Law School *and/or* Emmett Center on Climate Change and the Environment *and* Sher Edling, LLP, dated or in effect during one or more the years from 2016 through 2021, inclusive; and

4) copies of any records reflecting or discussing the work the Law School¹ has done on climate nuisance litigation, which are dated at any time during one or more the years from 2016 through 2021, inclusive.²

Our request seeks to further illuminate the participation of the University and its faculty, including outside funding of faculty and the use of the faculty position, to assist private activist and tort litigation campaigns targeting private parties.

This request is being made in the public interest and furnishing this information will benefit the public's understanding of public institutions and their role in coordinating with activist and litigation campaigns.

As this request is made on behalf of a nonprofit and nonpartisan organization that works to educate the public on the use of public institutions by and toward private ends including,

¹ "The Emmett Center was established alongside, and as a complement to, the UCLA Environmental Law Center, home of the well-established Frank G. Wells Environmental Law Clinic and the Evan Frankel Environmental Law and Policy Program."

https://www.biologicaldiversity.org/programs/climate_law_institute/advisory_board/Cara_Horowitz.html. "Hecht's environmental law clinic provided legal analysis for the plaintiffs in some of the cases." Susanne Rust, "California communities suing Big Oil over climate change face a key hearing Wednesday," Los Angeles Times, February 5, 2020, <https://www.latimes.com/california/story/2020-02-05/california-counties-suing-oil-companies-over-climate-change-face-key-hearing-wednesday>; "UCLA's Emmett Institute has previously consulted for Sher Edling LLP, the California-based law firm representing many of the challengers in the climate liability litigation, including New York City." Maxine Joselow, "Lawsuits target Exxon's social media 'green washing'," E&E News, July 22, 2021, <https://subscriber.politicopro.com/article/eenews/2021/07/22/lawsuits-target-exxons-social-media-green-washing-275451>. See also <https://www.ioes.ucla.edu/news/sean-hecht-in-the-new-york-times-supreme-court-case-could-limit-future-lawsuits-against-fossil-fuel-industry/>.

² See, e.g., June 24, 2018 email from UCLA's Ann Carlson to Dan Emmett, "And as you may remember the clinic has been working on the nuisance cases." <https://climateactionwatch.org/wp-content/uploads/2021/03/Carlson-Discretionary-Fund-Requested-Records-20-8371.pdf>

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college campuses, we request a waiver of any fees or costs associated with this request.

This request concerns a matter of public interest. The records are not sought for a commercial or personal interest, but rather for the purpose of providing the public with information concerning civil liberties in higher education.

If you have any questions, please contact me at the below email address. All records and any related correspondence should be sent to my attention at the address below.

Sincerely,
Rob Schilling
Executive Director
Energy Policy Advocates
Schilling@allhookedup.com