



Judge Jennifer Valencia [REDACTED]

Climate Science Break Out Session - Day 1 Fall Conference

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Judge Jennifer Valencia [REDACTED]

Tue, Aug 13, 2024 at 8:15 AM

To: [REDACTED] All Senior Judges [REDACTED] District Judges

Dear District and Appellate Court Colleagues:

We write to call your attention to the Litigation and Climate Science break-out session scheduled on Wednesday, September 11, the first afternoon of the annual conference. Our presenters will be Dr. William Anderegg, Director of the Wilkes Center for Climate Science and Policy at the University of Utah; and Jarryd Page, Staff Attorney at the Environmental Law Institute. In Judge Valencia's role as Supervising Water Judge and as a recent participant in NJC and ELI's Climate Judiciary Project, she will be involved in the discussion portion of the program; California Superior Court Judge Brian McCabe will also be part of the discussion.

Bearing in mind that these cases involve complex scientific and legal questions, we have assembled a panel that will provide neutral, objective information for judges who ultimately may decide these cases, and for judges generally interested in these subjects. Beyond strictly environmental laws and issues such as water quantity, air quality, and land use, climate cases involve a wide variety of claims, including constitutional, statutory, regulatory, and common law. The Sabin Center at Columbia University Law School has catalogued nearly 2,000 cases across the country where climate change law, policy, or science is a material issue of law or fact in the case, including in Utah. As the body of climate litigation grows, judges must consider these issues, many of which are developing rapidly.

We anticipate that Dr. Anderegg, who is an interdisciplinary scientist, will devote a portion of the program to the basics of climate science, with a Utah-specific focus. Mr. Page will give us an overview of climate litigation, again, with an emphasis on Utah trends. The discussion will focus on practical approaches to understanding and preparing to decide these cases. You will learn more about our distinguished panelists when the program and biographies are circulated, but we want to emphasize that this session will assist Utah judges in developing competence in areas of growing importance that require familiarity not only with the relevant law, but with climate science.

Please consider joining us for the session and feel free to reach out to Judge Valencia and/or Judge Michael DiReda with any questions regarding the Climate Judiciary Project. And finally, Judge Appleby welcomes your thoughts about Utah's water judges program. We hope to see you in September.