

ENVIRONMENTAL
LAW INSTITUTE

CJP

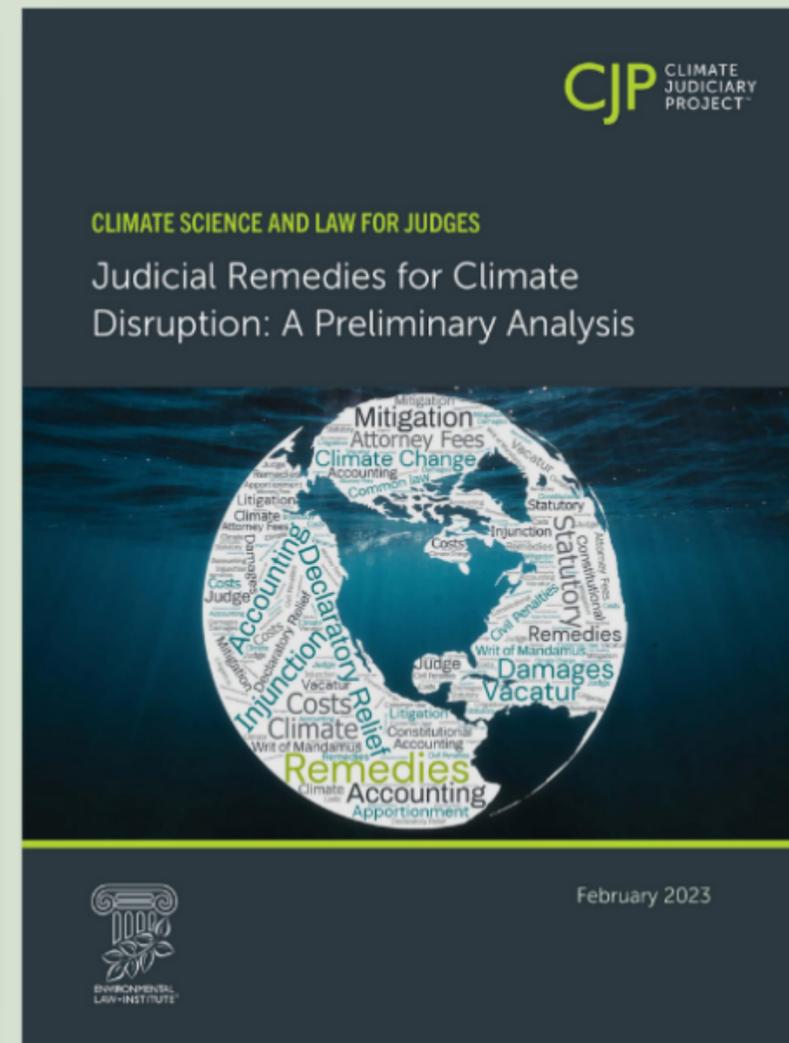
CLIMATE
JUDICIARY
PROJECT™

CLIMATE LITIGATION IN OREGON

October 18, 2023

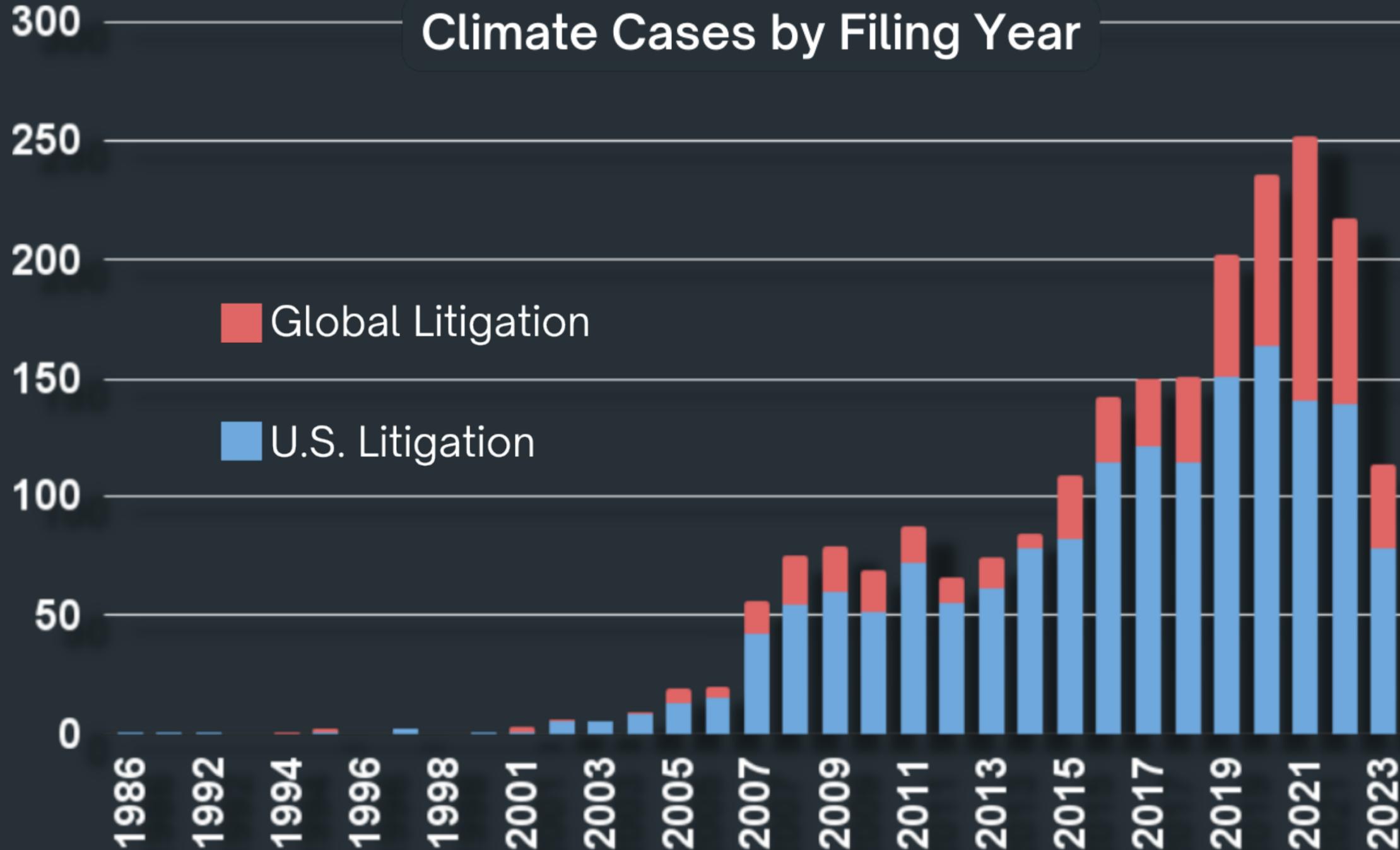


CLIMATE SCIENCE AND LAW FOR JUDGES CURRICULUM



Climate Science and Law for Judges is a comprehensive resource designed to provide judges and the judiciary with reliable information about the legal and scientific issues in climate litigation.

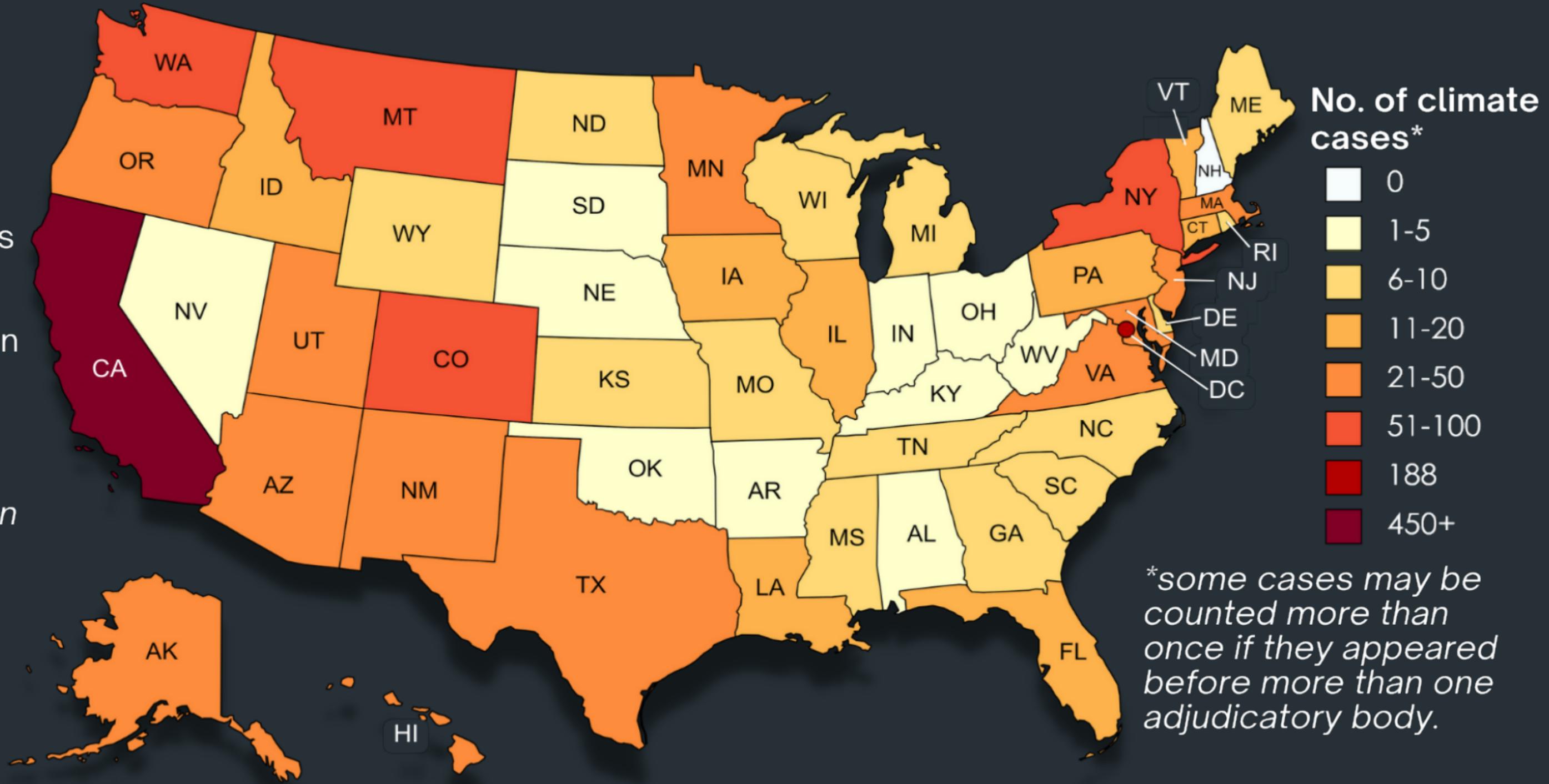
CLIMATE CASES OVER TIME



U.S. CLIMATE CASES BY STATE

This chart is based on cases in state courts, before state agencies, and in federal district courts.

It does not include cases in U.S. courts of appeals.



TYPES OF CLIMATE CASES



MITIGATION

cases involve the amount of greenhouse gases in the atmosphere



ADAPTATION & RISK MANAGEMENT

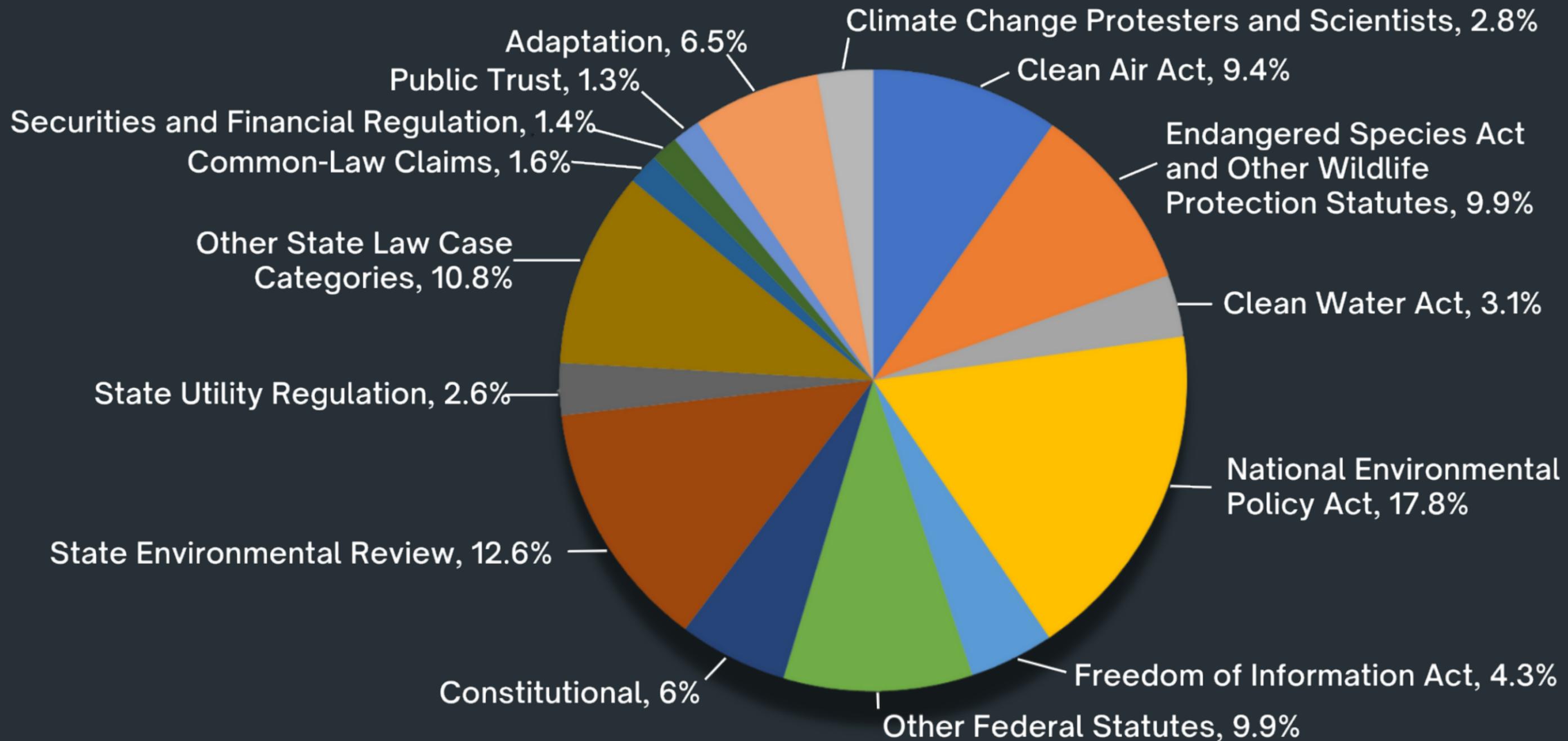
cases involve financial, physical, and other risks posed by a changing climate



IMPACTS

cases involve reducing or compensating for harm caused by the effects of climate change

U.S. CLIMATE CASES BY CLAIM



LEGAL TOPICS

PROCEDURAL

CASE
MANAGEMENT

CONSTITUTIONAL
RIGHTS

STATUTORY AND
REGULATORY

COMMON LAW

REMEDIES

CLIMATE CASE TRENDS

TREND	EXAMPLES
Utility negligence for wildfires (foreseeable heat, drought, wind)	<ul style="list-style-type: none">• CA lawsuits led to PG&E bankruptcy• PacifiCorp class action in Oregon• Upcoming Lahaina cases in Hawaii
State-law suits against fossil-fuel companies for damages (tort/consumer protection claims)	<ul style="list-style-type: none">• CA, MD; Boulder, Honolulu; Multnomah Cty.• Pacific Coast crab fishers• Cases starting to proceed in state courts
Challenges to energy projects (both fossil-fuel and renewable)	<ul style="list-style-type: none">• Permitting, zoning and land use• Wildlife and ecosystem impacts• Utility law and rate-setting
State constitutional suits for injunctive and declaratory relief	<ul style="list-style-type: none">• Held v. State of Montana• Navahine F. v. Hawai'i Dept. of Transportation• [D. Or. <i>Juliana</i> case as federal analogue]