
Fw: Request for public records

From Christine Wilda [REDACTED] >
Date Wed 9/10/2025 10:42 AM
To Records Administrator - UMass Amherst [REDACTED] >

4 attachments (1 MB)

Mail Attachment ics; Green Mountain Chrysler Plymouth Dodge Jeep v Crombie.pdf; Climate Change Science and the Daubert Standard.pdf; Adaptation and the Courtroom_Judging Climate Science.pdf;

From: John Doherty [REDACTED]

Subject: Webinar on sea-level rise
Date: December 21, 2022 at 4:05:37 PM EST
To: [REDACTED]
Cc: [REDACTED], Sandra Nichols Thiam [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Professor DeConto,

I hope you are well. You may recall that we met in 2019 at the Urbino Summer School in Paleoclimatology, which I attended as a PhD student. After graduating, I began working on an effort to educate judges on the science and impacts of climate change called the Climate Judiciary Project, which is a program of the Environmental Law Institute in Washington, DC led by Dr. Paul Hanle and Sandy Thiam.

Among our content offerings is a series of webinars we deliver in partnership with the National Judicial College, the official educational institution for educating state judges. To date, we have organized presentations by Steve Pacala, Chris Field, Ben Santer, Kerry Emanuel and many other climate scientists on topics ranging from basic climate science to wildfires.

As sea-level rise leads to damages that are likely to come into court cases, we plan to deliver a webinar to judges on the science of sea-level rise in the new year. We expect turnout for this topic to be strong, likely well over a hundred and possibly much more.

I write to ask if you would be willing to have a short conversation with my colleagues and me about the possibility of you delivering this webinar for us. Would you have some time after the holidays to discuss this? If you give us a time when you might be available, we'll send you a link for the call.

Thank you considering this idea, and for your help with the Project.

Best wishes and happy holidays,

John

John M Doherty, PhD
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: Robert DeConto [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: December 22, 2022 at 9:11:12 AM EST
To: John Doherty [REDACTED]
Cc: [REDACTED], Sandra Nichols Thiam [REDACTED]

Hi John,

Sounds like a fantastic project. Happy to connect after the holiday.
The first two weeks of January are relatively quiet- sometime then?

Rob

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographical, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA

[REDACTED]

[REDACTED]

From: John Doherty [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: December 22, 2022 at 12:54:22 PM EST
To: Robert DeConto [REDACTED]
Cc: [REDACTED] Sandra Nichols Thiam [REDACTED]

Hi Rob,

That would be great, thank you! Would you have an hour for a call during any of the following timeslots?

- Tuesday Jan 3, 9 - 11 am
- Tuesday Jan 3, 1 - 4:30 pm
- Wednesday Jan 4, 11 am - 2 pm
- Wednesday Jan 4, 4 - 5 pm
- Thursday Jan 5, 9 am - 1 pm
- Thursday Jan 5, 4 - 5 pm

Best wishes,
John

[John M Doherty, PhD](#)
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: John Doherty [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: January 9, 2023 at 4:34:41 PM EST
To: Robert DeConto [REDACTED]
Cc: [REDACTED] Sandra Nichols Thiam [REDACTED]

Dear Rob,

Happy New Year!

I wanted to follow up here to see if you might still have time to talk this week. I am traveling to Hong Kong next week and will be away for a couple of weeks, so it would be great to connect this week at your convenience. Thank you again for your help with this!

Best wishes,
John

[John M Doherty, PhD](#)
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: John Doherty [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: January 25, 2023 at 10:41:30 PM EST
To: Robert DeConto [REDACTED]
Cc: [REDACTED] Sandra Nichols Thiam [REDACTED]

Hi Rob,

Sorry we haven't been able to connect yet. Might you have some time for a brief chat on Tuesday, Feb 7 at 2 pm ET? Thanks again for your help with this.

Best wishes,
John

[John M Doherty, PhD](#)

Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: Robert DeConto [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: January 26, 2023 at 8:43:22 AM EST
To: John Doherty [REDACTED]

Hi John,

I would be happy to connect. I will be in London for a science meeting from the 6th-8th. Do any other days around that time work for you?

All the best, Rob

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographic, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA
[REDACTED]
[REDACTED]

From: John Doherty [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: January 26, 2023 at 6:14:18 PM EST
To: Robert DeConto [REDACTED]
Cc: Paul Hanle [REDACTED], Sandra Nichols Thiam [REDACTED]

Hi Rob,

Thanks very much! Will you be on GMT on Feb 9, then? We could do Thursday Feb 9 at 11 am ET / 6 pm GMT if that isn't too late. Friday Feb 10 before 11 am also looks to be open if that might work better for you.

Best wishes,
John

John M Doherty, PhD
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: Robert DeConto [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: February 3, 2023 at 8:42:30 AM EST
To: John Doherty [REDACTED]

Let's aim for Friday Eastern if that works for you? I'll be in the air on Thursday.

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographic, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA
[REDACTED]
[REDACTED]
[REDACTED]

From: John Doherty [REDACTED]
Subject: Re: Webinar on sea-level rise
Date: February 6, 2023 at 10:28:13 AM EST
To: Robert DeConto [REDACTED]
Cc: Paul Hanle [REDACTED], Sandra Nichols Thiam [REDACTED]

Hi Rob,

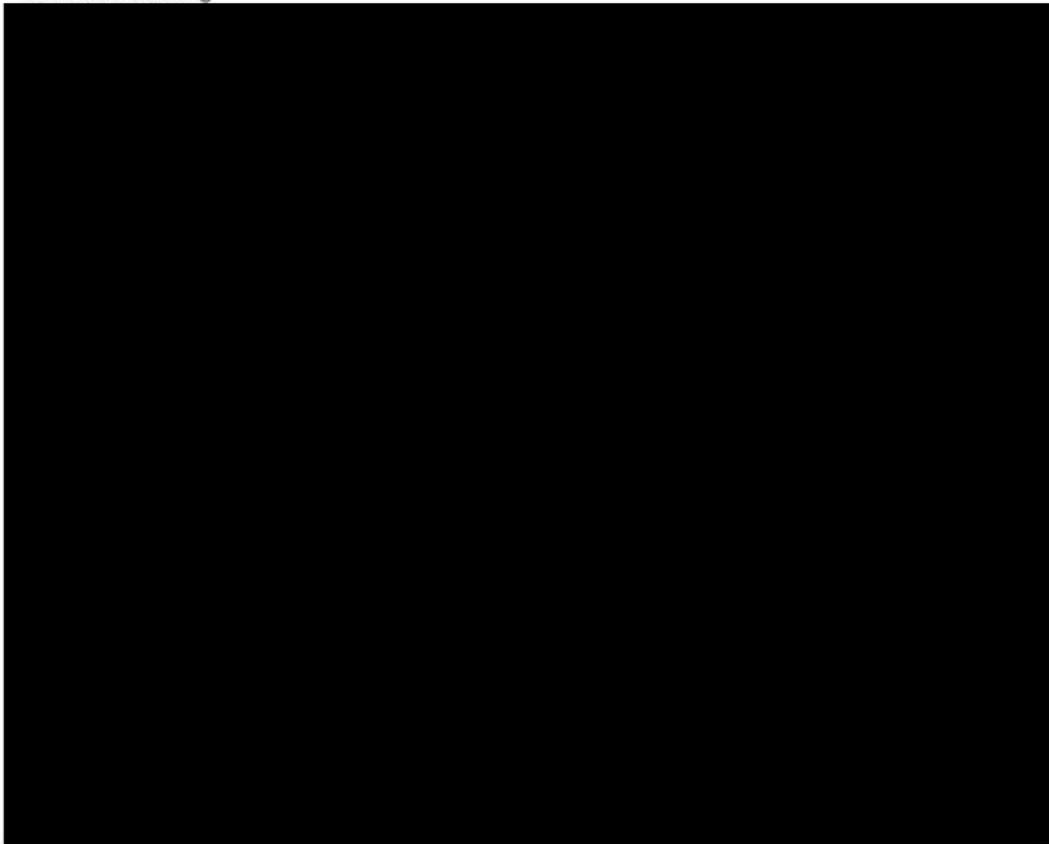
Great! Let's do Friday at 10 am ET, then. Please find below a Zoom invitation. I will also send a calendar invitation shortly. My colleagues, Dr. Paul Hanle and Sandy Thiam, will also be joining the call.

Best wishes,
John

Sandy Thiam is inviting you to a scheduled Zoom meeting.

Topic: Call with Rob DeConto re: judicial webinar on sea-level rise
Time: Feb 10, 2023 10:00 AM Eastern Time (US and Canada)

Join Zoom Meeting



John M Doherty, PhD
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: John Doherty [REDACTED]
Subject: Zoom call with Rob DeConto re: judicial webinar on sea-level rise
Date: February 6, 2023 at 10:29:51 AM EST
To: Robert DeConto [REDACTED], [REDACTED], Sandra Nichols Thiam [REDACTED]

Zoom link: [REDACTED]

From: John Doherty [REDACTED]

Subject: SLR webinar for judges

Date: March 6, 2023 at 4:31:28 PM EST

To: Robert DeConto [REDACTED]

Cc: [REDACTED] Sandra Nichols Thiam [REDACTED]

Dear Rob,

Thank you, again, for agreeing to deliver a presentation on sea-level rise to judges next month! I recall that the last time we spoke, you had mentioned that both April 5 and April 6 were available for you. Might April 4 at 3 pm ET be alternatively available? Our partner, the National Judicial College, has requested this date in order to accommodate Chief Justice Mark Recktenwald of Hawaii, who would give some 15 minutes of introductory remarks about how sea-level rise appears in court cases and facilitate the discussion with other judges. If April 4 is not available for you, we can stick to the original schedule and involve a different judge for that role—but, we'd love to have both of you if possible!

Thank you,

John

[John M Doherty, PhD](#)

Science Fellow, Climate Judiciary Project

Environmental Law Institute

From: Robert DeConto [REDACTED]

Subject: Re: SLR webinar for judges

Date: March 7, 2023 at 6:19:33 PM EST

To: John Doherty [REDACTED]

It looks like I have the 4th penciled in for 3pm.
The opportunity with the Chief Justice sounds impactful.

Prof. Rob DeConto

Director, School of Earth & Sustainability

Dept. of Earth, Geographic, & Climate Sciences

University of Massachusetts Amherst

Amherst, MA 01003 USA

[REDACTED]

[REDACTED]

From: John Doherty [REDACTED]

Subject: Re: SLR webinar for judges

Date: March 9, 2023 at 9:09:35 AM EST

To: Robert DeConto [REDACTED]

Cc: Sandra Nichols Thiam [REDACTED]

Great—thank you, Rob!

Best wishes,

John

[John M Doherty, PhD](#)

Science Fellow, Climate Judiciary Project

Environmental Law Institute

From: John Doherty [REDACTED]

Sent: Tuesday, March 14, 2023 7:19 AM

To: Joseph Sawyer [REDACTED]

Cc: Sandra Nichols Thiam [REDACTED] Joy Lyngar <[REDACTED]>

Subject: SLR webinar-practice session and registration thus far?

Hi Joseph,

With the SLR webinar approaching in a few weeks, I wanted to check in with NJC about any plans to schedule a practice session in advance. It would be wonderful if we could have such a session with Professor DeConto and Chief Justice Recktenwald together,

similar to what we did for our hurricanes webinar in December with Kerry and CJ Recktenwald, so that they may get a chance to meet and talk about the content of their presentations.

I also wanted to ask about registration—how many judges have registered thus far? And, would it be possible for us to obtain the detailed list of registrants?

Thank you,
John

John M Doherty, PhD
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: Joseph Sawyer [REDACTED]
Subject: Meeting and Rehearsal for the April 4
Date: March 15, 2023 at 1:42:30 PM EDT
To: John Doherty [REDACTED], "Mark E. Recktenwald" [REDACTED]
Cc: Sandra Nichols Thiam [REDACTED], Joy Lyngar [REDACTED]

Hello All,

It is time to schedule a rehearsal for the April 4th webinar on rise seas.

Are all of you available next Monday at 9:00 a.m. Hawai'ian Time – noon at NJC – and 3:00 p.m. for Dr. DeConto?

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and Faculty Development

[REDACTED]



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From: John Doherty [REDACTED]
Subject: Re: Meeting and Rehearsal for the April 4
Date: March 15, 2023 at 3:33:33 PM EDT
To: Joseph Sawyer [REDACTED], "Mark E. Recktenwald" [REDACTED]
Cc: Sandra Nichols Thiam [REDACTED], Joy Lyngar [REDACTED]

Hi Joseph,

Thanks for setting this up. Monday, March 20 at 3:00 pm would work for the ELI team.

Best wishes,
John

John M. Doherty, Ph.D.
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: [REDACTED]
Subject: RE: Meeting and Rehearsal for the April 4
Date: March 15, 2023 at 5:19:42 PM EDT

Cc: "Sandra Nichols Thiam" [REDACTED], "Joy Lyngar" [REDACTED]

I could

From: "Jaye M. Atiburcio" [REDACTED]
Subject: Fw: Meeting and Rehearsal for the April 4
Date: March 15, 2023 at 8:45:32 PM EDT
To: John Doherty [REDACTED]
Cc: [REDACTED], Joy Lyngar [REDACTED]
"Dylan O. Smith" [REDACTED]

Chief Justice Recktenwald is available on Monday, 3/20/23 at 9:00 a.m. Hawaii Time.
Could you please include his Admin Law Clerk, Dylan Smith, on the call. I've cc'd him on this email.

Thank you,
Jaye

Jaye Atiburcio
Executive Secretary to Chief Justice Mark E. Recktenwald
Hawai'i Supreme Court
[REDACTED]

From: Joseph Sawyer [REDACTED]
Subject: Dear Chief Justice - We Just Need to Hear from You - Meeting and Rehearsal for the April 4
Date: March 16, 2023 at 11:56:46 AM EDT
To: John Doherty [REDACTED], "Mark E. Recktenwald" [REDACTED]
Cc: Sandra Nichols Thiam [REDACTED], Joy Lyngar [REDACTED]

Dear Chief Justice Recktenwald,

Professor DeConto is available to meet on Monday.

Are you available at 9:00 a.m. Hawai'ian time?

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and Faculty Development
[REDACTED]



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From: "Mark E. Recktenwald" [REDACTED]
Subject: Re: Dear Chief Justice - We Just Need to Hear from You - Meeting and Rehearsal for the April 4

Date: March 16, 2023 at 2:02:12 PM EDT

To: Joseph Sawyer [REDACTED], John Doherty [REDACTED]

Cc: Sandra Nichols Thiam [REDACTED], Joy Lyngar [REDACTED], "Jaye M. Atiburcio" [REDACTED], "Ginger L. Pana" [REDACTED], "Lisa T. Lum" [REDACTED], "Dylan O. Smith" [REDACTED]

Joseph,

I'll be there, and am looking forward to our discussion.

Mahalo, Mark

Get [Outlook for iOS](#)

From: Joseph Sawyer [REDACTED]

Subject: RE: Dear Chief Justice - We Just Need to Hear from You - Meeting and Rehearsal for the April 4

Date: March 16, 2023 at 2:02:53 PM EDT

To: "Mark E. Recktenwald" <[REDACTED]>, John Doherty [REDACTED]

Cc: Sandra Nichols Thiam [REDACTED], Joy Lyngar [REDACTED], "Jaye M. Atiburcio" [REDACTED], "Ginger L. Pana" [REDACTED], "Lisa T. Lum" [REDACTED], "Dylan O. Smith" [REDACTED]

Thank you, Chief Justice Recktenwald.

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and Faculty Development



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From: Robert DeConto [REDACTED]

Subject: Re: Meeting and Rehearsal for the April 4

Date: March 16, 2023 at 11:49:55 AM EDT

To: Joseph Sawyer [REDACTED]

Hi Joseph,

I added Monday, 3pm to my calendar.

I'll try to have an outline ready to discuss.

Cheers, Rob

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographic, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA

[REDACTED]

From: Joseph Sawyer [REDACTED]
Subject: RE: Meeting and Rehearsal for the April 4
Date: March 16, 2023 at 11:54:25 AM EDT
To: Robert DeConto [REDACTED]
Cc: John Doherty [REDACTED], Joy Lyngar [REDACTED]

Excellent,

Thank you, Professor DeConto.

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and [REDACTED] Development

[REDACTED]



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From: Joseph Sawyer <sawyer@judges.org>
Subject: The Chief Justice Is Online Now
Date: March 20, 2023 at 3:03:17 PM EDT
To: John Doherty [REDACTED], Paul Hanle [REDACTED], Robert DeConto [REDACTED]

Joseph R. Sawyer
he/him/his
Director, Online Learning and [REDACTED] Development

[REDACTED]



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From: Robert DeConto [REDACTED]
Subject: Re: The Chief Justice Is Online Now
Date: March 20, 2023 at 3:04:04 PM EDT
To: Joseph Sawyer [REDACTED]

Apologies, I am having some technical issues.

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographic, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA

[REDACTED]
[REDACTED]

From: Joseph Sawyer [REDACTED]
Subject: Link to Hurricane Webinar - Hurricanes in a Changing Climate and Related Litigation
Date: March 20, 2023 at 3:22:56 PM EDT
To: Robert DeConto [REDACTED] >

Hello Robert DeConto,

Below, please find the link to Dr. Emanuel's webinar on hurricanes.

[REDACTED]

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and Faculty Development

[REDACTED]



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From: "Dylan O. Smith" [REDACTED]
Subject: Daubert and Climate Science (follow-up from Chief Justice Recktenwald)
Date: March 28, 2023 at 8:40:42 PM EDT
To: [REDACTED]
Cc: "Mark E. Recktenwald" [REDACTED], "Jave M. Alburcio" [REDACTED], "Ginger L. Pana" [REDACTED], John Doherty [REDACTED], Sandra Nichols Thiam [REDACTED], Paul Hanle [REDACTED], Jarryd Page [REDACTED]

Aloha Dr. DeConto,

I am one of Chief Justice Recktenwald's law clerks. He asked me to reach out with a little background on the [Daubert](#) standard, which is used by judges to assess an expert witness's scientific testimony (such as the testimony you are giving in the climate cases you are involved in). As discussed on our call, Chief Justice Recktenwald shared the [Daubert](#) primer below with Dr. Kerry Emmanuel, a co-presenter from our last session. Dr. Emmanuel found this email helpful, and so Chief Justice Recktenwald asked me to share it with you too, in case you found it helpful.

[Daubert](#) confirmed that judges are the "gatekeepers" of expert testimony, and that judges must ensure that scientific testimony "is not only relevant, but reliable." [Daubert v. Merrell Dow Pharms., Inc.](#), 509 U.S. 579, 589 (1993). As such, judges have wide discretion to rule on the admissibility of expert testimony. A successful "[Daubert](#) challenge" by a party results in the judge barring that expert from testifying from trial.

[Daubert](#) establishes a few key factors used by judges to determine the admissibility of expert witness testimony. These factors are neither exhaustive nor determinative, meaning each judge balances the factors and exercises a wide amount of discretion in their analysis. The factors are: (1) whether the theory or technique used can be empirically tested; (2) whether the theory or technique used has been subjected to peer review and publication; (3) the theory or technique's "known or potential rate of error;" and (4) whether the theory or technique has gained "general acceptance" in the relevant scientific community. [Daubert](#), 509 U.S. at 593—94. As noted above, no single factor is dispositive, and courts have found other factors relevant too, such as whether the science was produced solely for the purposes of litigation. [Daubert v. Merrell Dow Pharms., Inc.](#), 43 F.3d 1311, 1317 (9th Cir. 1995).

Clearly, Daubert may be problematic in the context of climate science and modeling where there is some uncertainty and the need to exercise personal judgment when creating statistical models. Although IPCC reports may be the gold standard for climate science, the attached "Climate Change Science and the Daubert Standard" article expresses concern due to past errors and lack of certainty in climate science more broadly. As this article presents a perspective against admitting climate change theories and models, I have also included a more balanced article ("Adaptation and the Courtroom – Judging Climate Science") that argues climate science is a distinct discipline requiring a different analysis. Sections III and IV of the latter article are particularly interesting counterpoints.

I have also attached a case from the federal district court in Vermont in which the judge applied Daubert in the context of climate science. The judge notes, "historical data is not a perfect predictor of what will happen in our current climate. . . . However, that the situation is unprecedented does not mean that scientists may not testify reliably as to global warming's likely effects." Green Mountain Chrysler Plymouth Dodge Jeep v. Crombie, 508 F.Supp. 2d 295, 316-17 (D. Vt. 2007). Although this case is a little dated, the judge engages in an interesting Daubert analysis for three expert witnesses, ultimately holding that the testimony of all three should be admitted.

Again, if you have any questions, please let me know. Looking forward to a great presentation.

Mahalo,
Dylan

Dylan Smith (he/him)
Law Clerk
Chief Justice Mark E. Recktenwald
[REDACTED]

From: Robert DeConto [REDACTED]
Subject: Re: **Daubert and Climate Science (follow-up from Chief Justice Recktenwald)**
Date: March 29, 2023 at 12:39:22 AM EDT
To: "Dylan O. Smith" [REDACTED]

Thank you Dylan, this is very helpful.

Prof. Rob DeConto
Director, School of Earth & Sustainability
Dept. of Earth, Geographic, & Climate Sciences
University of Massachusetts Amherst
Amherst, MA 01003 USA
[REDACTED]
[REDACTED]

From: Sandra Nichols Thiam [REDACTED]
Subject: Automatic reply: Revised PPT, Skill Questions, and Clarification re: Speaker Introductions/Timing
Date: April 3, 2023 at 11:33:48 PM EDT
To: Robert DeConto [REDACTED]

Thanks for your message. I am out of the office traveling with my family 4/2 - 4/8. Please excuse any delay in responding to your message.

From: John Doherty [REDACTED]
Subject: Thank You
Date: April 4, 2023 at 5:15:44 PM EDT
To: Robert DeConto [REDACTED]

[REDACTED] Sandra Nichols Thiam [REDACTED], Jarryd Page [REDACTED]

Dear Rob,

Thank you for delivering such a fantastic presentation to the judges. The global and regional perspectives are fascinating, and I'm sure the judges left with a much richer understanding of the connections between the physical processes that drive sea-level rise and us humans. The points you made about hydrodynamical modeling of impacts at a sub-neighborhood resolution were particularly interesting. It's amazing how far that science has evolved, and those models will be a hugely important resource to any and all

decisionmakers that might need to weigh sea-level-related risks. I really appreciate how you took the time bring everything together so thoughtfully—as do the judges, I'm certain.

All the best,
John

[John M. Doherty, Ph.D.](#)
Science Fellow, Climate Judiciary Project
Environmental Law Institute

From: Joseph Sawyer [REDACTED]
Subject: RE: Sea Level Rise and Litigation - Materials, CLE Form, and Evaluation Link
Date: April 5, 2023 at 2:08:04 PM EDT
To: "Duarte, Elena" [REDACTED]
Cc: Robert DeConto [REDACTED]

Dear Justice Duarte,

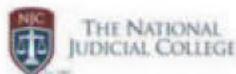
I have copied Dr. DeConto on this email.

He is a brilliant resource.

Cheers,
Joseph

Joseph R. Sawyer
he/him/his
Director, Online Learning and Professional Development

[REDACTED]



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From: Duarte, Elena [REDACTED]
Sent: Wednesday, April 5, 2023 11:02 AM
To: Joseph Sawyer [REDACTED]
Subject: RE: Sea Level Rise and Litigation - Materials, CLE Form, and Evaluation Link

Hi Joseph, thank you so much and the program was very good – I am wondering if you might be able to ask Pof Robery DeConto if I might get his contact information for some possible follow up inquiry? (I am an Associate Justice on California's intermediate appellate court.) Thank you so much, J. Elena Duarte.

From: Joseph Sawyer [REDACTED]
Sent: Wednesday, April 5, 2023 10:42 AM
To: Joseph Sawyer [REDACTED]
Subject: Sea Level Rise and Litigation - Materials, CLE Form, and Evaluation Link

Dear Participants in yesterday's Rising Sea and Litigation webinar,

Attached to this email, please find the course materials with faculty biographies, the webinar description with learning objectives, and slide used by Chief Justice Recktenwald. Also attached to this email is the update CLE form which takes into account the extra length of the webinar.

Below, please find the link to the online evaluation. Please take a few minutes to fill out the evaluation form and help NJC improve our educational offerings.

[Redacted]

Best regards,
Joseph

Joseph R. Sawyer
he/him/his

Director, Online Learning and Professional Development

[Redacted]



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From: "Duarte, Elena" [Redacted]
Subject: RE: Sea Level Rise and Litigation - Materials, CLE Form, and Evaluation Link
Date: April 5, 2023 at 2:08:34 PM EDT
To: Joseph Sawyer [Redacted]
Cc: Robert DeConto [Redacted]

Great, thank you so much!