

Judge Bonnie Sudderth

From: Cunningham, Charles <[REDACTED]>
Sent: Wednesday, March 23, 2022 8:41 AM
To: Judge Michael DiReda; Judge Bonnie Sudderth
Cc: Rebecca A. Duncan; Keith Fisher; Manuel Arrieta; Peter T. Cahill; Durkin, Thomas; Hon. Elizabeth Emerson; Serge Georges; Harmon, Thomas; [REDACTED]
[REDACTED] Laster, Travis (Courts; Mann, David; Montalbano, Joseph; Lissette Toro Vélez; [REDACTED] Scott Jackson; Ryan Cadagin; Boulware Eurie, Stacy; Scheele, Stephen; Montgomery, William
Subject: RE: Climate Science Conference Follow Up - Greetings from Oregon (with corrected attachments)
Attachments: LEGAL ISSUES.docx

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Well, I wasn't going to clog your inbox just to also say I too enjoyed getting to know all of y'all, but my gnarly 9:00 civil dispute settled late yesterday afternoon so I caught some free moments. . . .

I share Dr. Santer's perspective that one cause for optimism in the face of darkness is seeing young folks getting into the fight on the side of light. I see it most directly with my public defenders and prosecutors. I now add a new cause for optimism about the future – seein' and meetin' great judges from all over the country! I was so impressed with the collective intellect, humanity, and curiosity this group possesses (including our great educators as well). I am excited to keep this process going into the future.

With that in mind, I am attaching a list of possible issues we could see in our courtrooms due, at least in part, to climate-related changes thus requiring a solid grasp of the science on the issue. I share this hastily drafted draft just to encourage everyone to share insights as they arise (we had a long piece in the local paper on carbon sequestration issues on Sunday (focused on Linda's neck of the woods), hence it's placement at the top of the list). If you have a type of case you would add to the list, send it to me and I will eventually send out a revised/expanded list to everyone.

Well, time to prepare for the 10:00 criminal docket. Stay mindful everyone.

Cordially from Kentucky,

Charlie Cunningham

From: Judge Michael DiReda <[REDACTED]>
Sent: Tuesday, March 22, 2022 11:53 AM
To: Judge Bonnie Sudderth <[REDACTED]>
Cc: Rebecca A. Duncan <[REDACTED]>; Keith Fisher <[REDACTED]>; Manuel Arrieta <[REDACTED]>; Peter T. Cahill <[REDACTED]>; Durkin, Thomas <[REDACTED]>; Hon. Elizabeth Emerson <[REDACTED]>; Serge Georges <[REDACTED]>; Harmon, Thomas <[REDACTED]>; [REDACTED]; Laster, Travis (Courts <[REDACTED]>; Mann, David <[REDACTED]>; Montalbano, Joseph <[REDACTED]>; Lissette Toro Vélez <[REDACTED]>; [REDACTED] Scott Jackson <[REDACTED]>; [REDACTED]; Ryan Cadagin <[REDACTED]>; Boulware Eurie, Stacy <[REDACTED]>

<[REDACTED]>; Scheele, Stephen <[REDACTED]>; Cunningham, Charles
<[REDACTED]>; Montgomery, William <[REDACTED]>
Subject: Re: Climate Science Conference Follow Up - Greetings from Oregon (with corrected attachments)

Note: This email originated from outside the Kentucky Courts. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings from Utah!! I echo all of the sentiments that have been expressed. I thoroughly enjoyed meeting and getting to know each of you. I consider you all dear friends and miss you all very much. Be safe and well. Can't wait to see you all in the fall. If you happen to travel out this way, please reach out.

Best always,

Mike

On Tue, Mar 22, 2022 at 6:54 AM Judge Bonnie Sudderth <[REDACTED]> wrote:

Everyone –

What a wonderful group of judges—I'm honored to have met you all! How is it that in just a few short days I feel like I bonded with so many of the judges and the faculty and I'm missing you already?

I look forward to our interim webcasts and when we meet in person again in September.

Bonnie Sudderth

J.D., LL.M.

Chief Justice, Second Court of Appeals

Fort Worth, Texas



Texas Bar College
Professionalism Through Education

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Judge Michael D. DiReda
Presiding District Court Judge
Second District Court
800 West State Street, Farmington, Utah 84025


**LEGAL ISSUES TOUCHING ON CLIMATE SCIENCE
WHICH ARE, OR SOON WILL BE, ON STATE COURT DOCKETS**

1. Carbon capture/sequestration (*c.f.*, fracking litigation)
2. Lease/land use disputes for wind turbines and solar energy installations
3. Water rights & distribution and water rationing
4. Flooding claims and disputes regarding construction in flood zones
5. Coastal impacts from rising sea level / storm surges
6. Property and casualty insurance claims – act of God?
7. Endangered Species Act litigation and other wildlife habitat litigation / mitigation
8. Zoning / land use codes restricting property use to address climate change
9. Cap and trade disputes
10. Consumer actions alleging false claims of “carbon neutral”, “eco-friendly”, etc.
11. Shareholder derivative actions alleging corporate malfeasance regarding climate change