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December 9, 2021

Chief Justice Michael Vigil
Supreme Court of New Mexico
237 Don Gaspar Ave
Santa Fe, NM 87504-0848

Via Email: [REDACTED]

Dear Chief Justice Vigil,

As you understand more than anyone, judges are crucial thought leaders not only in their courtrooms but also with their peers in the judiciary. One of the fastest-growing, intellectually stimulating, and potentially most significant trends in courts is the rise in litigation related to responsibility for, responses to, and planning for climate change. We are pleased to collaborate with the Environmental Law Institute's Climate Judiciary Project in launching *Judicial Leaders in Climate Science* to build capacity in state judiciaries to respond to this challenge. The program is a year-long curriculum of judicial leadership skills training integrated with climate science topics generally relevant to climate-related cases for a select group of U.S. judges.

Need for the Program

In the United States alone, we are seeing significant crop and property damage due to greater frequency of extreme weather events, increased heat, more severe inland flooding, prolonged droughts and wildfires in the western states, and sea levels at historic highs while reservoir levels are at historic lows. The National Academy of Sciences, National Climate Assessment, and other mainstream scientific bodies report scientific consensus that many of these impacts are at least partially attributable to climate change due to increased concentrations of greenhouse gases in the atmosphere.

At the same time, there is a trend of increased climate litigation, raising an array of legal issues including federal and state constitutional issues, a variety of tort theories including nuisance and trespass, state securities and consumer protection laws, administrative challenges, and economic issues related to climate adaptation, tourism, and historic preservation, among other issues. This trend highlights the growing importance of state courts as a forum for climate litigation and underscores the importance of judicial understanding of climate science and ways in which climate change will affect society and the legal system.

In order to build capacity in state judiciaries to be prepared for the increasing numbers of state climate cases and the science that arises in them, *Judicial Leaders in Climate Science* will train influential judges in both leadership skills and content of accepted climate science. The objective of the program is to enable participants to take a leadership role to advance understanding of climate science and related legal issues among their peers and thus to build capacity in their states.

Participants will receive the benefit of NJC's highly-rated curriculum, *Leadership for Judges*, which will provide them with the tools to lead more effectively. The faculty will explain the traits, styles, and practices that are associated with effective leaders. The participants will assess their own leadership practices looking for areas in which they can improve. Using common situations that court leaders confront, participants will strategize appropriate responses in a workshop setting where they can practice some of the techniques learned with beneficial feedback from their judicial colleagues and the experienced faculty members. Participants will also delve into important topics in scientific evidence, and have opportunities to practice their gate-keeping role.

With this clarification, we renew our invitation to you to nominate a judge from your state to participate in this subsidized, skill-building program. The program is designed especially for judges with experience or interest in climate litigation (particularly in states where climate litigation is likely) as well as more broadly for judges active in judicial education. The deadline for nominations is December 31, 2021. We will confirm participation of nominees by January 15, 2022.

Commitment from Each Participant

To participate in *Judicial Leaders in Climate Science*, each judge designee must commit to the following activities during the year from March 2022 through March 2023:

- (1) attending two, in-person conferences (one in Reno, Nevada in March 2022 and the other at a location TBD planned for September 2022);
- (2) completing course evaluations for these two sessions;
- (3) participating in occasional online programs on specific climate science topics, discussing case law developments in their respective jurisdictions, as well as sharing updates on state-specific activities; and
- (4) investing in developing activities to build the capacity of their state judiciary on climate change and climate science to apply the course curriculum.

Scholarships and Travel Stipends

We have funding for scholarships that will cover the cost of tuition, conference fee, and a stipend for travel expenses for the judicial officer you designate.

- Your designee will receive financial assistance for travel expenses. The airline ticket and the lodging will be posted to a master account.
- After the program, designees may submit their receipts for ground transportation up to a maximum of \$70.
- During the in-person programs, breakfast and lunch will be provided, as well as one group dinner.
- There is no charge for tuition.
- Expenses that are not covered include ground transportation in excess of \$70, non-provided meals, and personal, incidental expenses.

Information on the In-Person Conferences

The dates and venues for our two in-person sessions in calendar year 2022 are:

- March 14-17, 2022, at the National Judicial College building in Reno, Nevada
- September 12-14, 2022, at a venue on the East Coast to be determined

We have used, and will continue to use, feedback from the judicial attendees at these programs for tailoring modules for use in individual states, pilot-testing them, and revising them for broader-based dissemination.

Deadline

Please provide the name of a judge from your state whom you wish to nominate to participate in this program with a short explanation of why the person is a good candidate for the program by return e-mail as soon as possible, but no later than December 31, 2021. We will review applications and confirm participant selection by January 15, 2022.

Additional Information

Additional details about hotel accommodations, airports, and ground transportation options will be provided directly to your designee in January 2022.

If you have any questions, please don't hesitate to contact me. We look forward to welcoming many distinguished judges to this exciting program!

Truly yours,



Hon. Benes Z. Aldana (Ret.)
President

cc. Joy Lyngar, Provost, NJC
Keith Fisher, Distinguished Fellow, NJC
Sandra Nichols Thiam, Director of Judicial Education, ELI