

From: [Jarryd Page](#)
To: [Durkin, Thomas](#); [Sandra Nichols Thiam](#)
Cc: [Paul Hanle-forward](#); [John Doherty](#); [Tori Rickman](#)
Subject: Re: Action Plan
Date: Tuesday, March 28, 2023 5:03:13 PM
Attachments: [image001.jpg](#)
[Climate Science - Vermont.docx](#)
[Climate Litigation - Vermont.docx](#)
[Climate Litigation Slides - Vermont.pdf](#)

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Hi Judge Durkin,

We're happy to help! Kindly find attached slides, as well as notes on climate cases in Vermont, and notes on climate science in Vermont.

Talking through this tomorrow sounds like a great idea. Might 3:30pm work for you?

Thanks!

Jarryd

From: Durkin, Thomas [REDACTED]
Sent: Tuesday, March 28, 2023 11:08 AM
To: Jarryd Page [REDACTED] >; Sandra Nichols Thiam [REDACTED]
Cc: Paul Hanle-forward <[REDACTED]>; John Doherty <[REDACTED]>; Tori Rickman <[REDACTED]>
Subject: RE: Action Plan

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Jarryd:

Thanks so much. You folks are life savers! Once I give them a quick review, I would benefit from talking them over with you. Let me know a convenient time for us to talk tomorrow.

Many Thanks,

Judge D.

From: Jarryd Page <[REDACTED]>
Sent: Tuesday, March 28, 2023 10:54 AM
To: Durkin, Thomas <[REDACTED]>; Sandra Nichols Thiam <[REDACTED]>
Cc: Paul Hanle-forward [REDACTED] >; John Doherty <[REDACTED]>; Tori Rickman

[REDACTED] >

Subject: Re: Action Plan

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Hi Judge Durkin,

Absolutely. We're happy to help! Yes, we'll aim to send you slides and some notes to accompany them by the end of the day today.

Hope everything else is going well for you!

All the best,

Jarryd

From: Durkin, Thomas <[REDACTED]>
Sent: Tuesday, March 28, 2023 10:21 AM
To: Sandra Nichols Thiam <[REDACTED]>
Cc: Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty <[REDACTED]>; Tori Rickman <[REDACTED]>
Subject: RE: Action Plan

CAUTION: This email originated from outside of the organization.

Hello Sandy and Friends:

Thanks again for all your help with the preparation for my presentation on climate science litigation to Vermont judges this Friday (March 31st).

I look forward to receiving your slides and any other materials that would be helpful in my 50-minutes presentation. If possible, could you get your suggested materials to me by tomorrow morning? I only ask because I just realized that tomorrow will be my last full day in my office, as I have to leave Thursday at Noon to attend another VBA presentation. Any help you may offer would be greatly appreciated.

Thanks Again,

Judge D.

From: Durkin, Thomas
Sent: Thursday, March 23, 2023 12:56 PM
To: Sandra Nichols Thiam <[REDACTED]>
Cc: Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty

<[REDACTED]>; Tori Rickman <[REDACTED]>

Subject: RE: Action Plan

Sandy:

That sounds perfect. Thank you. That will give me sufficient time to finish going through my notes from our meetings and reading over other materials that you've provided to our whole group.

Thanks Again,

Judge D.

From: Sandra Nichols Thiam <[REDACTED]>

Sent: Thursday, March 23, 2023 12:41 PM

To: Durkin, Thomas <[REDACTED]>

Cc: Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty

<[REDACTED]>; Tori Rickman <[REDACTED]>

Subject: Re: Action Plan

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Thanks for this update. Sounds like the plan is coming together gradually. A great first step.

We would be pleased to help you prepare for this. We're working on pulling together some slides and will send them to you by mid-next week. We'd love then to talk through them and what you might say.

Does that sound workable?

Thanks!

Sandy

From: Durkin, Thomas <[REDACTED]>

Sent: Tuesday, March 21, 2023 1:11 PM

To: Sandra Nichols Thiam <[REDACTED]>

Cc: Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty

<[REDACTED]>; Tori Rickman <[REDACTED]>

Subject: RE: Action Plan

CAUTION: This email originated from outside of the organization.

Hi Sandy:

I have gotten a few responses to my inquiry to my fellow Vermont trial judges about climate changes being litigated in Vermont proceedings. I plan to send out another nudge e-mail to see if I may get a few more.

I've got a very rudimentary outline of what I think I can discuss in my presentation to Vermont Judges on March 31st. I would very much appreciate any thoughts and suggestion that you may have for my presentation. Again, I think that the time I have been allotted is too short to justify asking an expert to trave to Vermont and make a presentation, but I would like your thoughts on how I may introduce the topic of how experts have been offered and qualified in litigation.

I also would appreciate your help with introducing some of the content you suggested (generally how climate science comes into cases, national trends in litigation related to climate science, and some specifics about what is or what is likely to arise in VT courts) and whatever slides you can share that could be useful as a starting point for my discussion and presentation.

Any help you may offer would be much appreciated.

Thank You!

Judge D.

From: Durkin, Thomas
Sent: Tuesday, March 7, 2023 11:07 AM
To: Sandra Nichols Thiam [REDACTED]
Cc: Paul Hanle-forward [REDACTED]; Jarryd Page <[REDACTED]>; John Doherty <[REDACTED]>; Tori Rickman <[REDACTED]>
Subject: RE: Action Plan

Dear Sandy:

Thank you so much for your quick reply and several great thoughts!

I agree that given the time constraints, it wouldn't be wise to ask an expert to travel out here to join us, but I'm open to suggestions. Anybody to help me fill this time would be great! Perhaps I could simply introduce that there's a wealth of expert knowledge, should there be interest in doing a follow up presentation.

I am about to send out that inquiry to my fellow Vermont judges and will let you know what I hear back. There's a somewhat quirky state holiday in Vermont today: Town Meeting Day, where the courts and other state offices are closed in order to allow Vermonters to gather at their Town Halls to discuss and vote on all issues presented at their annual meeting. So, I

expect that I won't get many responses today, but I bet I get several in the coming days.

I agree with your suggestion that I focus on how the topics of climate science can come into litigation and how best to help Vermont judges to understand this evolving topic. Any outline and slides that you could suggest would be much appreciated.

My next step is to go through your paper entitled "Overview of Climate Litigation" to help get me back into the topic.

Thanks for your suggestions and help. I look forward to working with you!

Best,

Tom.

From: Sandra Nichols Thiam <[REDACTED]>
Sent: Tuesday, March 7, 2023 10:32 AM
To: Durkin, Thomas <[REDACTED]>
Cc: Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty <[REDACTED]>; Tori Rickman <[REDACTED]>
Subject: Re: Action Plan

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Dear Judge Durkin,

It is wonderful to hear from you, and indeed great to hear that you have this opportunity to have an initial conversation with your colleagues about climate science and litigation.

As you know, our model as much as possible is to bring in expert scientists to speak to judges. I'm not sure if that would make sense here? I assume this would be all in person? So with the short timeframe, recruiting a scientist might be tricky. We do have our staff scientists, John, so he might be able to play a role depending on how this ends up structured.

If it is to be you presenting for the whole period, I would suggest a talk introducing to your colleagues the way that climate science is affecting cases coming to the courts. I would include generally how climate science comes into cases, national trends in litigation related to climate science, and some specifics about what is or what is likely to arise in VT courts. Polling your colleagues is a great idea -- we'd love to hear what you learn! We can help you with some of this content and we may have slides that could be useful as a starting point. I would think you would want to frame this in terms of the need that has been identified for judges to understand climate science as a baseline for their work since it is shifting the context on so

many different issues, and thus explaining the Climate Judiciary Project that is building a network of judges working to meet this need. You could mention that colleagues across the country are currently developing educational sessions on these issues (right at the moment, we're working with IN, CA, NY, PA, NM, PR, and HI...) .And I would want to tee up that they might want some subsequent sessions digging into topics in more detail and with science content.

How does this sound? How could we help you further develop this?

Very excited about this opportunity!

Best,
Sandy

From: Durkin, Thomas <[REDACTED]>
Sent: Tuesday, March 7, 2023 10:02 AM
To: Sarah Roth <[REDACTED]>
Cc: Sandra Nichols Thiam <[REDACTED]>; Paul Hanle-forward <[REDACTED]>; Jarryd Page <[REDACTED]>; John Doherty <[REDACTED]>
Subject: RE: Action Plan

CAUTION: This email originated from outside of the organization.

Dear Sarah:

Thank you for helping me keep in touch with everyone affiliated with the Climate Science group. I write today because I have finally received word that I will be allowed to make a presentation to my fellow Vermont judges. I would very much appreciate your thoughts and help on how best I may prepare to make my presentation.

Last September, after we had all gotten together for that incredibly enlightening and informative session in Woods Hole, I reported back to our Chief Justice and those in charge of the Vermont Judicial Education programs about what I had learned about climate science, how to address those topics in the judicial litigation context, and requested that I be allotted time to make a presentation to my fellow Vermont judges. I had hoped to be allotted time during our annual Judicial College, which will be this coming June.

Last week, I heard back that the time slots at our Judicial College slots had been filled with topics focused on criminal and family law. However, all Vermont judges will be at a one-day program scheduled for March 31st,

during an annual meeting of the Vermont Bar Association. I have been asked to make a 50-minute presentation, just to Vermont judges, from 9:00 – 9:50 am. That isn't much time at all for our very valuable topic, but I hope to whet their appetite enough to convince the powers that be to allow me to do a follow-up presentation at a later date.

My quandary is what and how to cover in the limited time allotted to me for this first presentation. I have looked over some of the topics in the teaching modules that Jarryd Page forwarded to us at the end of January. However, I would very much appreciate your help in putting together a concise, engaging presentation for my Vermont audience. I would say that my Vermont audience will be very receptive, although we do not yet face the dire climate repercussions that many folks in the western states are already facing. So, I expect my challenge will be how to bring the topics home to those in Vermont.

We do already see consequences here from our warming and changing climate. One step I am taking now is to send out a query to all Vermont judges, asking for examples on how climate issues have been presented in their courts.

So, my main thought is this: I would very much appreciate your help in planning my presentation, especially in some meaningful way, given the time constraints I've now been given.

Please let me know how we may discuss this further. While I had expected to be allotted at least a couple of hours, I am excited to make this presentation and expect that I will have a lively (although brief) discussion with my fellow Vermont judges.

Thanks again for your help.

Best Wishes,



Thomas S. Durkin, Judge
Vermont Superior Court - Environmental Division
Costello Courthouse
32 Cherry Street
2nd Floor, Suite 303
Burlington, VT 05401



Web site: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx>

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/tsd



From: Sarah Roth [REDACTED] >
Sent: Tuesday, November 22, 2022 11:59 AM
To: Durkin, Thomas <[REDACTED]>
Cc: Sandra Nichols Thiam [REDACTED] >; Paul Hanle-forward [REDACTED]; Jarryd Page [REDACTED]; John Doherty [REDACTED]
Subject: Action Plan

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Dear Judge Durkin,

I hope this message finds you well. I'm writing to check in about the status of your action plan. We would be happy to help you think through and prepare your action plan if that would be useful. Let us know how we can support you!

I also wanted to mention that if you would prefer that we communicate through your assistant, we'd be glad to do so, just let us know.

Have a great holiday week!

Sarah

Sarah Roth, PMP
Senior Manager, Climate Judiciary Project
Environmental Law Institute