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To: 'Kristie L Ebi' ████████████

Cc: 'Sandra Nichols Thiam' ████████████

Subject: CJP Progress

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Hi Kris,

I thought you would be interested in our year-end progress report of the Climate Judiciary Project. As one of our close advisors, you have made important contributions this year that helped us achieve such success. Thank you for all you have done for the project and judicial education in climate science!

Best,

Paul

Paul A. Hanle

Climate Judiciary Project Progress Report

The opening of the new term of the Supreme Court is occasion to recall the importance of the judiciary in the US climate agenda. Judges at all levels are finding cases on their dockets that require an understanding of the facts and the profound impacts of climate change on Earth and humanity. Legal generalists, rarely with any science background at all, judges are hearing arguments that turn on technical questions about climate trends and causation. Month by month more climate cases are being filed. Last term, court watchers followed anxiously as the Supreme Court made the decision to limit the regulatory authority of the government in *WV v. EPA.* The climate community has been encouraged, on the other hand, by federal court decisions upholding the rights of plaintiffs to sue fossil-fuel producers in state courts, and by state courts taking on these fraud claims in many of the ongoing climate-related cases. Just this month one such case was filed by the State of New Jersey.

Against this backdrop, we write to report on a period of extraordinary progress and growth for the Climate Judiciary Project. With each new program, we are learning just how much potential there is to effect change by educating judges on the science and impacts of climate change. Bringing a continuous-improvement approach to our groundbreaking effort has allowed us to raise our sights on positive outcomes far above initial expectations.

Our most recent, and in many ways most exciting, program stands out as a leading example. Conceived to meaningfully engage state judges, our Judicial Leaders in Climate Science program is a unique effort integrating leadership skills and climate science. Nominated by their Chief Justices from a representative range of States and Puerto Rico, our inaugural class of 23 judges met for the first time last March on the campus of the National Judicial College in Reno, Nevada. This initial course was designed to develop leadership skills needed to engage fellow judges in educational programs on climate science and the law in their home states. We stayed in touch with the judges over the summer by webinar and email. Then in September we reconvened the group at the renowned Woods Hole Oceanographic Institution, where we ran a second course focusing on climate science facts and methods. Several of the nation's leading climate scientists and legal scholars acted as faculty, including Peter de Menocal, Kristie Ebi, Daniel Schrag, Michael Greenstone, Kevin Reed, Christopher Schwalm and Douglas Kysar.

What an extraordinary experience! Our judges came away steeped in facts about the science of climate change, deeply impressed with their consequences, and committed to working together and reaching out to fellow judges to convey what they had learned. Drawn from a diversity of backgrounds and jurisdictions—from Vermont to Texas to California—each participant has committed to taking concrete actions to advance the education of their peers. Judges with no experience educating colleagues or previous knowledge of climate issues proposed an impressive array of ways they would contribute to preparing their courts. Now the conversation continues online, and we are closely following—and supporting--progress on

implementing their action plans. Said one of the judges in review, "I'm really energized by the program. I think it's going to be essential," and another, "Before, climate change was very just personal and outside my professional life. And this has made it a priority in my professional life."

Our expanding staff team has brought superb creativity to the project, enabling success that many of our friends and advisors at the outset thought would be very hard to achieve. In the last year, project leaders Paul Hanle and Sandy Thiam added senior manager Sarah Roth, staff attorney Jarryd Page, and Science Fellow Dr. John Doherty to form a well-tuned, high-achieving unit within the Environmental Law Institute. Together in 2022 we will have reached over 400 judges, delivered six seminars and four short-courses, and completed the entire 13-module curriculum.

Two external factors that we did not fully anticipate helped the project to gain traction. First was an appetite that many in the judiciary have for learning the substance of a field outside their realm of experience. When presented with the very real role that judges are playing as our society adjusts and responds to climate change, they have eagerly sought rational, logical thinking and solid evidence. Second was the enthusiasm of the climate-science community. Starting with many of the nation's leading climate scientists, whom we tapped to deliver our seminars, we now are moving to develop a cohort of mid-career scientists to be a volunteer corps of instructors, with advice and referrals from the senior group. Planning is well underway for a two-day seminar early next year to equip these scientists with the teaching approaches and perspective needed to reach judges effectively.

A large part of our time over the last few months has been devoted to developing our core curriculum of 13 expert-authored teaching modules. Topics encompass basic climate science methods and facts, impacts and climate attribution, risk and economics of climate change, climate justice and fundamental rights, and legal aspects of climate science and law in different kinds of court cases. We are proud to have been able to recruit leading experts to write the white papers that develop the main themes of these modules, all of which will be published by year-end. The authors will then transform them to slide decks which they will present in recorded videos for the judges to use at their own pace on our new resource website. Other presenters may use the slide decks as well for judicial seminars that we are organizing to deliver through educational seminars of ELI, the National Judicial College, and other partner institutions throughout the country.

Invitations to judicial conferences and judicial institutes have grown to fill much of our time as our unique and powerful content is more widely recognized in the judicial education community. As we develop our corps of scientists committed to training judges, we are expanding our effort to connect them to these speaking opportunities. Such a distributed model will allow us to reach many more judges, with a more local focus, than we had thought possible when we first started the project.

To find out if we are really making a difference—and how we can advance change more proactively—we have engaged the evaluation firm, Mathematica. Their staff provide ongoing assessments through surveys and interviews of progress toward ambitious goals. Armed with this data, we integrate evaluation into the program in a feedback loop of continuous improvement.

We have been immensely encouraged by the reception of our work in the judicial and scientific communities. In developing relationships with both, we are bridging a critical gap in the preparation of judges to hear climate-related cases. Such support breathes life into the highest goal of the project—to help the judiciary build a body of law that appropriately addresses climate change. We are pleased to be able to report substantial progress in this effort.