

## Judge Bonnie Sudderth

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**From:** Nathan Hecht  
**Sent:** Friday, January 21, 2022 3:28 PM  
**To:** Keith Fisher  
**Cc:** Judge Bonnie Sudderth  
**Subject:** RE: Follow-up on Climate Science course for designated judges

Good afternoon, Keith. Sorry for the delay. Things are hectic.

Chief Justice Bonnie Sudderth of the Court of Appeals for the Second District of Texas has expressed interest in your course, and I designate her Texas' participant. I'm copying her on this email and will leave her in your hands.

Best.

Nathan

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**From:** Keith Fisher [REDACTED]  
**Sent:** Wednesday, January 5, 2022 8:57 PM  
**To:** Nathan Hecht [REDACTED]  
**Subject:** Follow-up on Climate Science course for designated judges

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Dear Chief Justice Hecht,

Happy New Year! I hope this e-mail finds you and yours healthy and safe.

About a month ago, Benes Aldana, President of the National Judicial College, sent to each Chief Justice an invitation to designate a judge from his or her state who could participate in an innovative initiative on judicial leadership and climate science. This program will build upon the foundation that, as you may recall, I organized for the CCJ February 2020 meeting in Honolulu while I was still at NCSC.

Some of your colleagues from other states have designated trial judges, others, appellate judges. We would dearly love to have a jurist from an important state like Texas participating in the program.

NJC is providing scholarship funding and a travel stipend to cover attendance at two in-person courses during 2022, and there will also be some online training included. No particular background in science or environmental matters is required, though of course we would be delighted to have a designee with that background or interest.

I have reproduced below some of the details from Judge Aldana's invitation. Please let me know at your earliest convenience whether you will be designating a Texas jurist to participate.

Best personal regards,

Keith

#### **INFORMATION ABOUT THE PROGRAM**

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 will take place over the course of a year and features a 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.

In recent years, various parts of the United States have seen 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.

Commitment from Each Participant:

(1) attending two, in-person conferences (one in Reno, Nevada in March 2022 and the other in September 2022 at an east coast location TBD);

(2) completing course evaluations for these two sessions;

(3) participating during the course of the year 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) giving thought to enhancing the capacity of individual state judiciaries on climate science.

Dates for the Two, In-Person Programs:

March 14-17, 2022, at the National Judicial College building in Reno, Nevada – September 12-14, 2022, most likely at a venue in New England

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. Airline tickets and lodging will be completely covered. Ground transportation to each of the two in-person programs will be covered up to \$70. During the in-person programs, breakfast and lunch will be provided, as well as one group dinner.



Keith R. Fisher

*Distinguished Fellow*

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