

Brian McCabe

From: Alf Brandt [REDACTED]
Sent: Thursday, January 18, 2024 8:32 AM
To: Brian McCabe
Cc: Joy Lyngar
Subject: Judicial Leaders in Climate Science Program
Attachments: JLCS Description to Chiefs.pdf

****[External email: Use caution with links and attachments]****

Judge McCabe,

Congratulations on your nomination to join the Judicial Leaders in Climate Science Program at The National Judicial College! We now invite you to join the Program, as outlined in the attached program description that we sent to Chief Justice Guerrero and her colleagues in other states. Once you accept our invitation, we will provide you with the information to arrange your travel for the first conference, in Reno in March.

Thank you for considering our invitation, and I would be happy to talk to you further about the Program and your participation. I look forward to hearing from you.

Alf

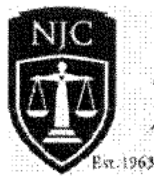


Alf W. Brandt, Esq.
Associate Director, Justice Solutions and Innovation
[REDACTED]
[REDACTED]
Judicial College Building/MS 358 | Reno, Nevada



www.judges.org

THE NATIONAL  JUDICIAL COLLEGE
EST. 1961



THE NATIONAL
JUDICIAL COLLEGE

ENVIRONMENTAL
LAW INSTITUTE



CLIMATE
JUDICIARY
PROJECT™

Judicial Leaders in Climate Science

We are inviting you to nominate a judge from your state to participate in the 2024 educational program, *Judicial Leaders in Climate Science*. The program is designed especially for judges with experience or interest in climate litigation, in states where climate litigation is likely, as well as for judges more broadly with a role in judicial education.

Please respond no later than January 5, 2024. Send the name and email address of your nominee to Hon. Benes Z. Aldana, President, NJC at [REDACTED]. Please let us know why the person you are recommending is a good candidate for the program.

Commitment from Each Participant

To participate, each judge must commit to the following activities in 2024:

- (1) attend two, in-person educational programs:
 - a. March 11–14, 2024 at The National Judicial College in Reno, Nevada
 - b. September 16–18, 2024 at Woods Hole Oceanographic Institute in Woods Hole, Massachusetts
- (2) participate in quarterly webinars to learn about specific climate science topics, share case law developments in their respective jurisdictions, share updates on state-specific activities. Dates to be determined (will be recorded).
- (3) participate in the evaluation of the curriculum
- (4) create and implement an action plan to apply the course curriculum to build the capacity of their state judiciary on managing cases involving climate science

Funding For Your Nominee

Your nominee will receive a scholarship which will cover the costs of the educational programming, plus travel expenses to attend the two, in-person courses. (The cost of a reasonable round-trip, coach, airfare is included as well as room and tax for lodging at the conference hotels for both events. After the program, participants may submit their receipts for ground transportation up to a maximum of \$100. During the in-person programs, breakfast and lunch will be provided, as well as one group dinner. Expenses that are not covered include ground transportation in excess of \$100, non-provided meals, and personal, incidental expenses.)

Additional Nominees?

If you would like to send a second representative, we will do our best to accommodate, but the scholarship funding is available for only one judge from each state. Second nominees will be responsible for paying their own travel expenses.

Need for 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. As you understand more than anyone, judges are crucial thought leaders not only in their courtrooms but also with their peers on the judiciary. The National Judicial College and the Environmental Law Institute's Climate Judiciary Project are hosting the second cohort of the ***Judicial Leaders in Climate Science*** to build capacity in state judiciaries to respond to this challenge. The program is a year-long curriculum of leadership training integrated with climate science topics generally relevant to climate-related cases.

In the United States, we are seeing significant crop and property damage due to changing weather patterns, increased heat, inland flooding, prolonged droughts and wildfires in the western states, and sea level at historic highs while reservoir levels are at historic lows. The National Academy of Sciences and other mainstream scientific bodies have attributed these impacts to climate change. Recent years have seen scores of judicial decisions by U.S. courts on climate-related issues, including:

- *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020) dismissing on redressability grounds young plaintiffs' constitutional claims related to the federal government's role in fossil fuel permitting, authorization, and subsidization (still ongoing in federal district court in Oregon).
- *Held v. Montana* (Mont. 2023) finding Montana state law forbidding consideration of climate in environmental reviews violated state constitutional right to a "clean and healthful environment" (on appeal in Montana Supreme Court).
- *Connecticut v. Exxon Mobil Corp.*, No. 21-1446 (2d. Cr. Sept. 27, 2023) (2017) remanding to state court lawsuit alleging violation of state consumer protection laws for misleading and deceiving consumers about Exxon's products' climate impacts.
- *Environmental Defense Fund v. Colorado Department of Public Health & Environment*, No. 21CA2032 (Colo. Ct. App. Nov. 3, 2022) upholding state agency actions implementing 2019 state climate change legislation.
- *In the Matter of the Application of Hawaii Electric Light Co., Inc.*, No. 22-0000418 (Mar. 13, 2023) affirming Public Utilities Commission denial of power purchase agreement for biomass power plant.

This trend reflects the jurisprudential development of the many ways climate change will affect society and the courts and the need for an understanding of the underlying science.

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 judges in both leadership skills and content of accepted climate science. The objective of the program is to enable participants to take appropriate judicial leadership roles to improve the way cases involving climate science are managed and thus to build capacity in their states.

We look forward to welcoming many distinguished judges to this exciting program!

Please respond no later than January 5, 2024. Send the name and email address of your nominee to Hon. Benes Z. Aldana, President, NJC at [REDACTED]. Please let us know why the person you are recommending is a good candidate for the program.