

Brian McCabe

From: John Doherty - [REDACTED]
Sent: Thursday, March 6, 2025 12:09 PM
To: John Doherty
Cc: Helene Krasnoff (she/her)
Subject: Climate Judiciary Project Curriculum Updates

[External email: Use caution with links and attachments]

Dear Judicial Leaders in Climate Science,

I hope you are well! I am excited to share two recent additions to our written curriculum on Climate Science and Law. First, we published a [new module on sea-level rise](#), co-authored by Professor Anna Ruth Halberstadt (UT-Austin Geosciences) and Professor Mark Nevitt (Emory Law School). This module integrates the fundamentals of sea-level science in Part I, and explores the various ways in which sea-level rise is affecting issues brought before the courts in Part II. If you are in a coastal jurisdiction, or if you are just curious and want to learn more about sea-level rise, I hope you will consider reading this.

Secondly, you might recall that the topic of detection and attribution was of high interest to both JLCS cohorts. To keep judges abreast of the latest science in this fast-moving field, we published a [brief supplemental paper](#) to our existing module, which describes recent developments in attribution science and how the science is informing litigation and state legislative action.

Finally, I wanted to remind you of ELI's free monthly climate change briefings, which feature remarks by leading experts on recent climate law and policy developments. This month's briefing is happening **next Tuesday, March 11 from 2-2:30 pm ET**. You can read more and register for the briefing [here](#). I hope you can make it!

And, as always, feel free to reach out to anyone on the team if we can be of help for any events or programs.

Best wishes,
John

John Doherty, Ph.D.

Science and Policy Analyst | [Environmental Law Institute](#)
Affiliate Researcher | [The Earth Commons, Georgetown University](#)

Just making sure I record all my educational pursuits.

Thanks,

Brian

Brian L. McCabe
Merced Superior Court Judge
2260 "N" Street
Merced, California 95340

— Chambers
— Executive Assistant – Shelbi
— Executive Assistant - Parvir
— Fax

From: Alf Brandt <[REDACTED]>
Sent: Monday, March 25, 2024 5:43 PM
To: Ford, Jeremy <[REDACTED]>; Judge Brock <[REDACTED]>; Brian McCabe <[REDACTED]>; Keithley, Clare, Judge <[REDACTED]>; Eric Wildman <[REDACTED]>; Stephen Kehoe <[REDACTED]>; Helene Kazanjian <[REDACTED]>; Mickey, Kristen <[REDACTED]>; Judge Jennifer Valencia <[REDACTED]>; Walsh, Thomas <[REDACTED]>; Thainie Reyes Ramirez <[REDACTED]>
Cc: Boulware Eurie, Stacy <[REDACTED]>; Helene Krasnoff (she/her) <[REDACTED]>; Jared Mummert <[REDACTED]>; Yvonne E Stedham <[REDACTED]>
Subject: JLCS - Next Steps

[External email: Use caution with links and attachments]

Dear JLCS Cohort 2 Participants,

Thank you again for your participation and collaboration in Reno. As we discussed, I am following up with what is next for the Judicial Leaders in Climate Science (JLCS) program.

Cohort 1 Mentors. I know that some of you intend to reach out to the judges from the first JLCS cohort in your state, and we encourage making that connection. In addition, in the next several weeks, Justice Boulware Eurie will connect you to a judge in that first cohort from another state who will serve as your mentor for the program. We will ask that you and your mentor meet at least one time in the next few months.

Anatomy of a Case Webinar: May 22. We will hold the Anatomy of a Case webinar, where we will look more closely at how climate science is being presented in an actual case, on **Wednesday, May 22** at 3-4 pm Eastern/noon-1 Pacific. That webinar will be for this cohort only.

Action-Planning Webinar: July 24. We will then hold the Action Planning webinar which will include members of the first cohort on **Wednesday, July 24**, also at 3-4 pm Eastern/noon-1 Pacific. For those who cannot make those dates, the webinars will be recorded.

Available Resources. Finally, we wanted to provide you with some of the resources requested and mentioned in Reno:

- ELI's Climate Judiciary Project (cjp.eli.org)
 - This is where you can find CJP's 13-module curriculum, Climate Science and Law for Judges.
 - There are also two sets of slides: Climate Science 101 and Climate Litigation 101, which are similar to those presented by Jarryd and John in Reno.
 - In addition, you can become a "Verified Member" and access additional resources, including Events and a Resource Library.
- Columbia Law School's Sabin Center for Climate Change Law Climate Change Litigation Databases (climatecasechart.com)
 - This is the definitive database tracking climate litigation. It contains a U.S. Database and a Global Database. The databases are searchable and can be filtered by year filed, jurisdiction, claim, etc.
 - Cases must meet the two criteria to be included ((1) before a judicial body; and (2) climate science, law, or policy, as material issue of law or fact).
- Repository at NJC.
 - If you wish to have a slide or other resource that you saw here at NJC in Reno, please contact me so I can send it to you.
- NJC/ELI staff remain available to you.

Look forward to seeing you on the next webinar and in Woods Hole in September. If you have any questions about this email, action planning, or available resources, please let me know.

Alf



Alf W. Brandt, Esq.
Associate Director, Justice Solutions and

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Nevada



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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

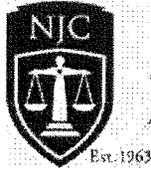


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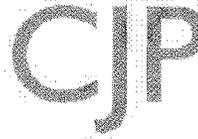
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Judicial Leaders in Climate Science

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.

Brian McCabe

From: Brian McCabe
Sent: Tuesday, January 9, 2024 11:28 AM
To: Alf Brandt
Cc: Joy Lyngar
Subject: RE: Judicial Leaders in Climate Science

Alf:

Thank you for the communication and the invitation to join JLCS.

I would prefer to receive and peruse the materials, which you indicated would be sent within the next few weeks, before discussing what is fully involved. However, I have briefly discussed it with Justice Boulware-Eurie before accepting the invitation to be nominated by Chief Justice Guerrero. Born, raised, and partially educated as an agriculturalist, I am keenly aware of the critical importance of climate science and the timeliness of this potentially cataclysmic future world issue. "We need to broaden our sympathies both in space and time – and perceive ourselves as part of a long heritage, and stewards for an immense future. [Martin Rees]

Until then, my best and regards to Sandy.

As always,

Brian

Brian L. McCabe
Merced Superior Court Judge
2260 "N" Street
Merced, California 95340

– Chambers
– Executive Assistant – Shelbi
– Executive Assistant - Parvir
– Fax

From: Alf Brandt <[REDACTED]>
Sent: Wednesday, January 3, 2024 4:06 PM
To: Brian McCabe <[REDACTED]>
Cc: Joy Lyngar <[REDACTED]>
Subject: Judicial Leaders in Climate Science

[External email: Use caution with links and attachments]

Judge McCabe,

Over the holidays, Chief Justice Guerrero nominated you to join the second cohort of The National Judicial College's Judicial Leaders in Climate Science (JLCS) Program. Justice Stacy Boulware-Eurie participated in the first cohort on behalf of California.

The JLCS program provides judges with webinars and two conferences (one at NJC/Reno and one at Woods Hole Oceanographic Institution) with training on climate science and related issues. The cohort is designed to help you connect with judges from other states and help you introduce climate science issues to the California judiciary. As you may recall, Justice Boulware-Eurie led the Environmental Summit in Sacramento last June, where you spoke about your water case. (Sandy Thiam, our partner at ELLI, also spoke at the Summit.)

We will have more information for you in the coming weeks, but I committed to the Chief Justice to reach out to you soon, so I'm doing that today, on the second day after the holiday. We invite you to consider joining JLCS, and I would be happy to talk to you more about what it involves. We can either set a time to talk now or we can wait until you receive the materials in the coming weeks. In any case, I want to encourage you to join us in the year ahead. Please let me know how I can help in your decision.

Be well,

Alf



Alf W. Brandt, Esq.

Associate Director, Justice Solutions and Innovation

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Brian McCabe

From: Brian McCabe
Sent: Thursday, December 19, 2024 4:00 PM
To: Jarryd Page (he/him)
Subject: RE: Montana Climate Case Update

Jarryd:

Whoa and I didn't see that one coming from the Montana Supreme Court. Thanks for the update.

I hope and presume all is well with you and yours.

Busy, busy, busy here on the farm.

Happy Holidays and a Happy New Years!

Brian

From: Jarryd Page (he/him) [REDACTED]
Sent: Thursday, December 19, 2024 2:25 PM
To: Jarryd Page (he/him) [REDACTED]
Subject: Montana Climate Case Update

[External email: Use caution with links and attachments]

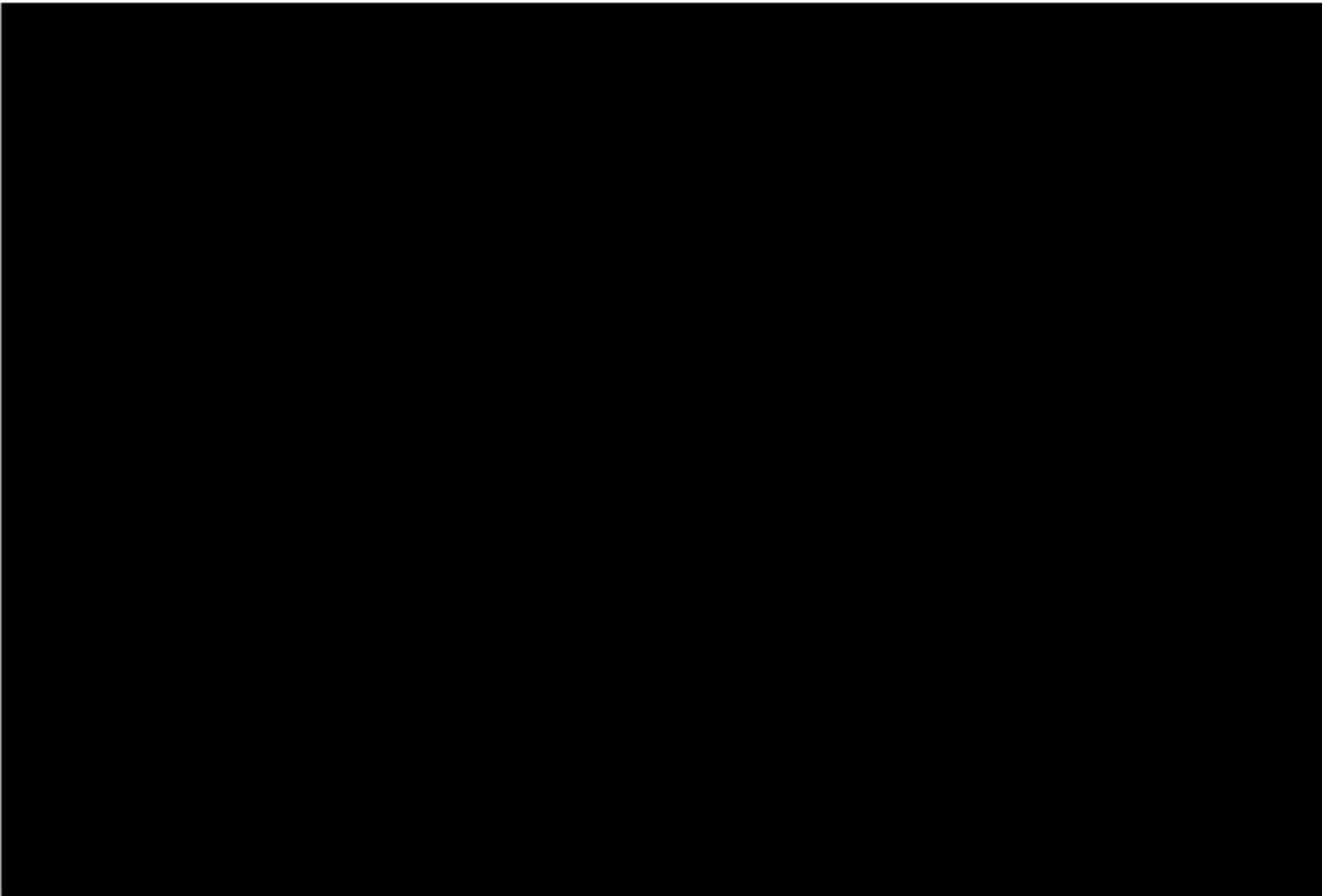
Hello Judicial Leaders,

I hope you are all doing well. We thought you might be interested in the attached opinion issued yesterday by the Montana Supreme Court. At least those of you in the second cohort will be familiar with this case, *Held v. Montana*, which is about whether a Montana law that prohibited consideration of climate change in environmental reviews violated the plaintiffs' state right to a "clean and healthful environment" under the Montana Constitution. As we've [detailed](#), in striking down the Montana law, the trial court's decision engaged extensively with climate science, and yesterday, the Montana Supreme Court issued a 6-1 opinion that affirmed the lower court's decision.

We hope you have a relaxing holiday and happy new year.

All the best,

The CJP Team



From: Alf Brandt [redacted]
Sent: Wednesday, September 11, 2024 5:55 AM
To: [redacted]; Brian McCabe <[redacted]>;
[redacted]; [redacted]; [redacted]; [redacted];
[redacted]; [redacted]; [redacted]; [redacted];
Cc: Laura Ledwith [redacted]; Yvonne E Stedham [redacted] Boulevard
Eurie, Stacy <[redacted]>; Helene Krasnoff (she/her) [redacted]; Jared Mummert
[redacted]
Subject: Judicial Leaders in Climate Science E-Binder

[External email: Use caution with links and attachments]

Dear JLCS Participants,

We look forward to seeing you all next week. In the next few days, you each will receive an email from me confirming the logistics for your travel and arrival in Woods Hole. Before then, I wanted to make sure you had an opportunity to download and review the e-binder for this course. For this program, we decided to use the e-binder exclusively, as we do for our other courses. You will not have a hard-copy binder in Woods Hole, so you will need a laptop or an iPad to go back to slides you want to study. Everyone will see the presentations on the screen.

In order to download the e-binder, please use this link:

[Redacted link]

The user is:

The password is:

[Redacted user and password information]

If you wish to have hard copies of any presentation with you next week, **PLEASE PRINT THOSE PAGES THIS WEEK.**

Please contact me, or our NJC Administrative Assistant Laura Ledwith (copied here), with any questions you may have. See you soon.

Alf



Alf W. Brandt, Esq.
Associate Director, Justice Solutions and Innovation
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Brian McCabe

From: Brian McCabe
Sent: Friday, April 5, 2024 6:30 PM
To: Alf Brandt
Subject: Re: JLCS - Next Steps

Thanks

Brian

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From: Alf Brandt <[REDACTED]>
Sent: Friday, April 5, 2024 5:36:51 PM
To: Brian McCabe <[REDACTED]>
Subject: Re: JLCS - Next Steps

[External email: Use caution with links and attachments]

Here's the form with the Registrar's digital signature. This should work for you. Enjoy your weekend!

Alf



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From: Brian McCabe <[REDACTED]>
Sent: Friday, April 5, 2024 3:31 PM
To: Alf Brandt <[REDACTED]>
Subject: RE: JLCS - Next Steps

[EXTERNAL EMAIL]

Alf:

Yes, I completed it the last day at the college. However, I did not see a link to a certificate once I submitted my responses.

Happy to redo.

Brian

From: Alf Brandt [REDACTED]
Sent: Friday, April 5, 2024 3:21 PM
To: Brian McCabe <[REDACTED]>
Subject: Re: JLCS - Next Steps

[External email: Use caution with links and attachments]

Did you receive and complete the evaluation for the Reno course? That's how you would generally get your CLE certificate. Please let me know on the evaluation, and then I can work out how to get you one in one way or another.

Alf



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From: Brian McCabe <[REDACTED]>
Sent: Thursday, April 4, 2024 11:55 AM
To: Alf Brandt [REDACTED]
Subject: RE: JLCS - Next Steps

[EXTERNAL EMAIL]

Alf:

I hope and presume all is well with you and staff at the NJC.

My question is whether there was an MCLE certificate for the Judicial Leaders in Climate Science week and I missed it or is it provided upon request. If so, please re-provide/provide me one at your earliest convenience.