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## **Minnesota Court of Appeals Passes the Ball to the State Supreme Court in Youth Climate Litigation**

St. Paul, MN — A three-judge panel of the Minnesota Court of Appeals has ruled that it does not have the authority to consider an unprecedented claim brought by youth calling for action on climate change. On October 1, 2012, the Minnesota Court of Appeals affirmed a district court's dismissal of a lawsuit brought by a youth plaintiff asserting that the Minnesota State government has a public trust responsibility to protect the state's waterways, atmosphere and other resources from imminent and ongoing damage resulting from anthropogenic climate change. The panel's unpublished opinion ([\*Reed Aronow, v. State of Minnesota, et al.\*, case number A12-0585](#)) states that because no Minnesota appellate court has ever held that the public trust doctrine applies to the atmosphere, it is up to the State Supreme Court to decide the question. "The authority to create new law rests not in this court but in the legislature and supreme court," explained the judges.

Youth plaintiff Reed Aronow and attorney John Meyer plan to petition for review by the Minnesota Supreme Court. Whether the Minnesota Supreme Court would review this decision goes to the court's discretion, but Meyer points out that the matters at issue appear to meet the court's criteria for review – especially the "important" question and "statewide impacts" criteria. Meyer argues that no other threat to the State of Minnesota compares to the ongoing and imminent impacts of the changing climate. Minnesotans witnessed some of those impacts this summer with a season of intense flooding.

"The Minnesota Court of Appeals punted the case," said Meyer. "We are optimistic that the Minnesota Supreme Court will take up this important case and require the State of Minnesota to protect youth and future generations from the effects of climate change."

The appeal is of a district court decision dismissing Reed's complaint brought under the Public Trust Doctrine, which requires the State to protect Minnesota citizens from climate change and harmful impacts on the State's crucial natural resources. Specifically, the lawsuit requests reductions of statewide carbon dioxide (CO<sub>2</sub>) emissions from fossil fuels consistent with what current scientific analysis deems necessary to avoid catastrophic climate change.

Aronow's lawsuit is part of the Trust Campaign, and was originally filed on May 4, 2011 in conjunction with legal actions in 48 other states, the District of Columbia, and against the federal

government on behalf of youth to compel reductions of CO<sub>2</sub> emissions that will counter the negative impacts of climate change. Youth in other states, like Oregon, Washington, Iowa and Alaska have also asked their State Supreme Courts to take up similar cases. These lawsuits rely upon the long-established legal principle of the Public Trust Doctrine that requires all branches of the government to protect and maintain certain shared resources fundamental for human health and survival. Science, not politics, defines the fiduciary obligation that the government, as the trustee, must fulfill on behalf of the beneficiary—the public.

To protect Earth's natural systems, the best available science shows that average global surface heating must not exceed 1° C and concentrations of atmospheric CO<sub>2</sub> must decline to less than 350 ppm this century. We are currently at around 392 ppm. To accomplish this reduction, Dr. Hansen and other renowned scientists conclude that global CO<sub>2</sub> emissions need to peak in 2012 and decline by 6% per year starting in 2013. The lawsuit seeks a ruling that would require a reduction of statewide CO<sub>2</sub> emissions consistent with these levels. Dr. Hansen's recent paper is available at: <http://ourchildrenstrust.org/sites/default/files/Hansen%20et%20al%202.16.12.pdf>.

*Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children--and their children's children.*  
[www.ourchildrenstrust.org/](http://www.ourchildrenstrust.org/)

*iMatter is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. Using multiple platforms at the local, state, and national level, we are committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters.*  
[www.imattermarch.org/](http://www.imattermarch.org/)

*WITNESS is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. To view Stories of TRUST: Calling for Climate Recovery told by our youth plaintiffs, go to [www.witness.org/campaigns/all-campaigns/imatter](http://www.witness.org/campaigns/all-campaigns/imatter)*

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