Oregon Supreme Court Grants Plaintiffs’ Request to Take Up Youth Climate Lawsuit Against the State

Salem, Oregon -- Yesterday, the Oregon Supreme Court granted youth plaintiffs’ request to review the January 2019 Oregon Court of Appeals decision in their youth-led climate lawsuit against the State of Oregon, Chernaik v. Brown.

The youth Plaintiffs asked the Supreme Court to review, and ultimately reverse, the Court of Appeals decision. Multnomah County, 69 law professors, and over 50 individuals and organizations representing a wide variety of interests, including government, communities of color, public health, youth, faith, business, conservation, and education, filed amicus briefs supporting the youth and also asking the Supreme Court to review the case. Attorneys for Kelsey Juliana and Olivia Chernaik, the youth petitioners, now have 27 days to file their opening brief with the Court. The Court will issue the date and time for oral argument within 13 days.

**Kelsey Juliana**, 23-year-old plaintiff from Eugene and also one of the 21 youth plaintiffs in the constitutional climate lawsuit, Juliana v. United States, said:

“I am left feeling extremely optimistic. I hope that the Oregon Supreme Court will recognize that the climate crisis is here and hold the State accountable to its role in preventing the worst impacts of climate change before it’s too late.”
Courtney Johnson, counsel for plaintiffs and staff attorney with the nonprofit Crag Law Center in Portland, said:

“We are thrilled that the state’s highest court has recognized the importance of this case and the need to clarify the role of our state government in addressing climate change.”

In January, the Oregon Court of Appeals ruled that the common law public trust doctrine imposes no affirmative duty on the state to protect public trust resources like beaches in the youth-brought climate lawsuit Chernaik v. Brown. The court declined to state which natural resources fall within the scope of the public trust, leaving much of the youth plaintiffs’ questions unanswered.

The case was filed by two young Oregonians in 2011. Juliana, now age 23, and Chernaik, now age 18, brought the case to correct violations of their legal rights and to prevent the irreversible catastrophes facing the state and their futures if climate disruption is not stopped. Their complaint asked that Oregon comply with its public trustee duty to reduce its share of carbon dioxide emissions in line with the scientific prescription to stabilize the global climate at carbon dioxide concentrations below 350 parts per million (ppm) by 2100. The youth have been supported for the past eight years by Oregon-based non-profits Our Children’s Trust and Crag Law Center. Oregon Governor Kate Brown and Attorney General Ellen Rosenblum continue to defend the State’s failure to address climate change, arguing in the case that the state had no legal obligation to the youth to protect state public trust resources from climate change.

The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children’s Trust, and all seeking science-based action by governments to stabilize the climate system. Our Children’s Trust also supports the climate lawsuit, Juliana v. United States, which was brought by 21 youth plaintiffs, including Chernaik v. Brown plaintiff Kelsey Juliana.

Youth plaintiffs are represented by Crag Law Center and Liam Sherlock at Hutchinson, Cox, Coons, Orr & Sherlock, P.C. Kelsey and Ollie’s lawsuit was filed with the help of Our Children’s Trust.

Our Children’s Trust is a nonprofit organization, leading a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentrations to below 350 ppm by the year 2100. We elevate the voice of youth, those with most to lose in the climate crisis, to secure the legal right to a healthy atmosphere and stable climate on behalf of all present and future generations.

www.ourchildrenstrust.org/

Crag Law Center is a community-based public interest law firm that provides legal aid for the environment, protecting and sustaining the natural legacy of the Pacific Northwest. www.crag.org

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