



**Our Children's  
Trust** Youth v. Gov



**DEISS LAW**

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**Utah Supreme Court Retains Appeal of Dismissal  
of Constitutional Climate Case *Natalie R. v. State of Utah***

**SALT LAKE CITY, Utah**—On Friday, March 10, in a rare move reserved for cases of considerable legal importance, the Utah Supreme Court retained the appeal filed by seven Utah youth in the constitutional climate case *Natalie R. v. State of Utah*. As a result, the youth's appeal will now be decided directly by the Utah Supreme Court, rather than the Utah Court of Appeals, signaling the Court's recognition of the case's constitutional significance. The youth's [appeal was filed earlier this year in response](#) to the judgment of Third Judicial District Judge Robert Faust dismissing the case.

In his decision, Judge Faust wrote that "plaintiffs have a valid concern," but said the court didn't have the power to hear the case and granted the state's motion to dismiss. In this right to life case, the youth plaintiffs' challenge state laws that direct Utah's government agencies to maximize, promote, and systematically authorize fossil fuel development as unconstitutional. The youth plaintiffs allege that these statutes, and defendants' conduct in implementing them, continue to cause dangerous air pollution and climate change in Utah, taking years off the youths' lives and substantially endangering their health and safety, violating their rights to life and liberty under Utah's Constitution.

In a [letter](#) filed last month, attorneys for the youth urged the Utah Supreme Court to retain the appeal, explaining that it involves important questions regarding the role and power of Utah's courts in deciding constitutional cases and the scope of Utah's constitutional rights to life and liberty.

"We're encouraged that the Utah Supreme Court recognizes the importance of this appeal and we're hopeful that the Court will set this urgent case back on track for trial," said Andrew Welle, Senior Staff Attorney at Our Children's Trust and co-counsel for the youth plaintiffs. "Every day that Utah's statutory policy to maximize fossil fuel development remains in place exposes these youth to increasing air pollution and worsening climate change, taking years off of their lives and

significantly endangering their health and safety. It's urgent that Utah's Courts hear this case so these youth can secure their constitutional rights.”

In a related development, the Hawai'i Supreme Court on Monday issued a unanimous, groundbreaking decision further indicating courts' increasing recognition of their role in addressing fundamental human rights violations involving climate change and adding support for the Utah youth's claims on appeal. The Hawai'i Supreme Court followed precedent established in *Juliana v. United States* in recognizing that there is a fundamental constitutional right to a “life-sustaining climate system.” Justice Mike Wilson wrote a separate concurrence noting that this fundamental right is rooted in the constitutional rights to life and liberty - the same rights the Utah youth claim the State of Utah is violating by worsening Utah's air pollution and climate crisis. Wilson concluded that the “lives of our children and future generations are at stake,” and that government actions that exacerbate the climate crisis violate the “right to a life-sustaining climate system.”

The Utah Supreme Court decision to retain the appeal comes [nearly one full year after the case was initially filed](#).

For additional information, read the Our Children's Trust press release, [“Youth Plaintiffs in Utah Climate Case File Notice of Appeal.”](#)

Counsel for the *Natalie R.* youth plaintiffs include Andrew Welle of Our Children's Trust, and Andrew Deiss, John Robinson, and Corey Riley with Deiss Law PC.

In addition to *Natalie R. v. State of Utah*, Our Children's Trust represents and supports young people in global and U.S. state climate litigation such as *Navahine F. v. Hawai'i Department of Transportation*, *Layla H. v. Commonwealth of Virginia*, and *Held v. State of Montana*, which will be the first-ever children's constitutional climate trial in U.S. history when it goes to trial in June 2023. Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, where the plaintiffs are currently awaiting a decision in their case that could put them back on the path to trial.

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*Our Children's Trust is the world's only nonprofit public interest law firm that exclusively provides strategic, campaign based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*

*Deiss Law PC is a trial firm in Salt Lake City. The firm has a proven record of excellence and legal innovation, and its attorneys have protected the interests of individuals and businesses of all sizes in Utah and throughout the West since 2012. [www.deisslaw.com](http://www.deisslaw.com)*