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Judge Denies 18 Republican Attorneys' General Request to Intervene in Constitutional Climate Case *Juliana v. United States*

EUGENE, Ore.—On Tuesday, U.S. District Court Judge Ann Aiken denied 18 Republican attorneys' general request to intervene as defendants in the children's constitutional climate case, *Juliana v. United States*. She indicated that when her ruling comes down on the plaintiffs' motion for leave to amend, the states could attempt to refile their motion, suggesting a ruling may be imminent and the case is likely to move forward.

The [*Juliana*](#) case also featured prominently in a groundbreaking decision issued by the Hawai'i Supreme Court on Monday that reaffirmed the precedent established by Judge Ann Aiken in *Juliana* that there is a constitutional right to a "life-sustaining climate system." The Hawai'i Supreme Court affirmed the State Public Utilities Commission's decision to reject a power purchase agreement between a bioenergy project and the Hawai'i Electric Light Company, which would have resulted in millions of tons of greenhouse gas emissions, thereby exacerbating Hawai'i's "climate emergency."

In a [concurring opinion](#), Associate Justice M. Wilson cited *Juliana v. United States*, as well as an article by Our Children's Trust Senior Litigation Attorney Andrea Rodgers, in reasoning that "the right to a life-sustaining climate system is also included in the due process right to 'life, liberty, [and] property' enumerated in Article I, section 5 and the public trust doctrine embodied in Article XI, section 1's mandate that the State of Hawai'i 'conserve and protect Hawai'i's... natural resources' '[f]or the benefit of present and future generations[s].'"

Justice Wilson recognized that "current scientific consensus, as opposed to political

consensus in the Paris Agreement regarding an acceptable increase in global average temperature, suggests that mitigation strategies must be consistent with achieving global atmospheric CO2 concentrations below 350 parts per million ('ppm') by 2100."

"These decisions - both tied to the *Juliana v. U.S.* case brought by 21 young people over seven years ago, suggest a significant shift in U.S. courts' views on human rights and climate litigation," said Julia Olson, Chief Legal Counsel with Our Children's Trust. "As Justice Wilson said, 'climate change is a human rights issue at its core' and these judicial decisions are a message to our world's children that the authority first established in *Juliana* is growing, and more and more judges are stepping up to protect children's fundamental human rights. The tide is finally turning, and not a moment too soon."

The young plaintiffs in *Juliana v. United States* now await the ruling from Judge Aiken on the motion to amend their complaint, where a favorable ruling would put them back on the path to trial. For over seven years, the U.S. Department of Justice has employed extreme legal tactics, including filing six unsuccessful Writs of Mandamus, in an attempt to further delay the case from proceeding to trial where evidence of the government's actions causing the climate crisis, and violating the constitutional rights of the young plaintiffs, would be heard in open court.

In addition to *Juliana v. United States*, Our Children's Trust also represents and/or supports young people in global and U.S. state climate litigation, including *Layla H. v. Commonwealth of Virginia*, *Natalie R. v. State of Utah*, *Navahine F. v. Hawai'i Department of Transportation*, and *Held v. State of Montana*, the latter of which will become the first ever constitutional climate trial, and first ever children's climate trial, in U.S. history when trial proceedings begin on June 12, 2023.

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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