



March 29, 2023

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**Legal Scholars, Medical Professionals File Amicus Briefs
in Support of Virginia Youth Climate Case**

RICHMOND, Va.—On Tuesday, March 28, two groups of legal scholars and a medical association submitted amicus briefs in support of the youth plaintiffs in the constitutional climate case [Layla H. v. Commonwealth of Virginia](#). The plaintiffs in the case argue the Commonwealth's historic and ongoing permitting of fossil fuels is causing and contributing to the climate crisis, and violating the young Virginians' constitutional rights to life and liberty, which are protected in the Bill of Rights of the Virginia Constitution.

Following a [September 2022 hearing](#), Judge Jenkins Jr. ruled in favor of the Commonwealth and dismissed the case, relying on the "sovereign immunity" doctrine, meaning the state cannot be sued unless it agrees to be sued. Judge Jenkins Jr. said in his ruling from the bench that "the court will not address the merits" of youth plaintiffs' constitutional claims. The youth plaintiffs and their attorneys [filed a Notice of Appeal](#) one month later, and [filed their Opening Brief](#) last week.

Today, amicus briefs were filed in support of the youth's appeal by law professors and scholars Erwin Chemerinsky, Noah Sachs, James May, and Erin Daly, also joined by Virginia Delegate Sam Rasoul; public trust law professors Mary Christina Wood, Michael Blumm, John Dernbach, and 16 other law professors; and the Virginia Clinicians for Climate Action (VCCA).

The [amicus brief](#) submitted by the constitutional law professors included the following excerpt:

"The Sovereign Immunity Doctrine, when applied to the Commonwealth's Bill of Rights, renders worthless inalienable and fundamental rights constitutionally enshrined by Virginia two and half centuries ago... In order for the fundamental rights secured by the Bill of Rights to mean anything, an independent judiciary that can review constitutional claims that rights have been abused, without needing the legislature's permission, is necessary to give the Bill of Rights meaning."

These law professors and scholars filed this brief to provide textual and historical information that demonstrates why the Doctrine of Sovereign of Immunity does not bar claims against the Commonwealth for violations of rights protected by the Virginia Constitution's Bill of Rights.

The [amicus brief](#) submitted by the public trust law professors included the following excerpt:

“Judicial enforcement is of paramount importance to the public trust, serving separation of powers principles and evidenced by the fact that numerous courts have enforced the public trust. Public trust claims cannot be barred by sovereign immunity because the public trust fundamentally limits what the government can do with its authority.”

These public trust law professors work to emphasize the importance of utilizing the public trust doctrine for natural resource protection, and a legally, historically, and philosophically accurate understanding of it.

The [amicus brief](#) submitted by VCCA included the following excerpt:

“Adverse public health impacts from climate change are uniquely felt by young people exposed to physical and mental stress from extreme heat, extended pollen seasons, air pollution, and heightened environmental hazards in the places they live and play.”

VCCA is an unincorporated association of over 450 medical professionals and allies concerned about the impacts from human-induced climate change. VCCA's brief details the adverse public health impacts from climate change that disproportionately affect young people—highlighting the need for the Court to hear the youths' claims on the merits to address their ongoing injuries.

The [Opening Brief](#) submitted by the plaintiffs' attorneys last week included the following excerpt:

“To grant the legislature, or here the executive as well, the power to declare itself immune from judicial review for abrogating rights set forth in the Bill of Rights would upend what has been foundational to the constitutional interpretation of separation of powers since 1782.”

The Commonwealth of Virginia has until May 19, 2023, to file a brief responding to youth plaintiffs' arguments in their Opening Brief.

More about *Layla H. v. Commonwealth of Virginia*

In addition to violating their constitutional rights to life and liberty, the youth plaintiffs also assert that the state is violating its public trust duty to protect elements of the public domain, including the atmosphere. By continuing to rely primarily on fossil fuels as its main energy source, the Commonwealth of Virginia is exacerbating climate change by polluting the atmosphere with excessive greenhouse gas emissions, causing grave harm to the 12 youth plaintiffs.

In addition to *Layla H. v. Commonwealth of Virginia*, Our Children's Trust represents and supports young people in global and U.S. state climate litigation like *Natalie R. v. State of Utah*, *Navahine F. v. Hawai'i Department of Transportation*, and *Held v. State of Montana* which, when it proceeds to trial on June 12, 2023, will be the first-ever constitutional climate trial and first-ever children's climate trial in U.S. history. 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