



DEISS LAW

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Attorneys for Youth Plaintiffs in *Natalie R. v. State of Utah* Make Case for Constitutional Climate Case to Be Heard in Court

SALT LAKE CITY, Utah—Today, attorneys for Our Children's Trust and Deiss Law PC, in [*Natalie R. v. State of Utah*](#), the youth-led constitutional case for climate justice and breathable air in Utah, submitted their [opening brief](#) to the Utah Supreme Court, explaining why the youth's case should proceed to trial on the facts. These written arguments outline why the [November 9, 2022 ruling](#) from Judge Robert Faust was wrong and how the youth's allegations show that Utah laws that require the state to maximize fossil fuel development are causing the state's climate and air quality crises, harming the health and safety of the youth and taking years off their lives in violation of their rights to life and liberty under Utah's Constitution.

The brief also details how the history underlying Utah's Constitution shows Utah's founding generation intended to instill strong protections for life and health, as the youth plaintiffs' argue, and that courts have power to decide their constitutional claims. The case is the first to present originalist arguments to a high court that government policies and actions that cause climate change and harm children's lives, violate their constitutional rights.

A similar case also led by Our Children's Trust, *Held v. State of Montana*, was the first trial of its kind in U.S. history. The trial was held in June; in August, the young Montana plaintiffs received [a landmark ruling](#) declaring the state's fossil fuel-favoring laws to be unconstitutional. In both the Montana and Utah cases, the state government was actively contributing to the climate crisis, endangering the health, safety, and future of the young plaintiffs, violating their constitutional rights. Like Montana's courts, the Utah plaintiffs argue in their brief, Utah's Courts can also decide whether the state government's contributions to Utah's air quality and climate crisis violate the rights of Utah's children. Dallin Rima, one of the Utah youth plaintiffs, published an [op-ed in the Salt Lake Tribune](#) explaining the Montana ruling and how it supports the Utah youth's case.

"It is urgent that Utah's Supreme Court set these youths' constitutional claims back on track for trial," said Andrew Welle, senior staff attorney with Our Children's Trust. "Every day that the state continues to maximize and promote fossil fuel development in Utah under these unconstitutional laws worsens Utah's air pollution and accelerates the climate crisis, further harming these youth. Whether it's permissible under Utah's Constitution for the state to harm and endanger the lives, health, and safety of children through these laws is a question only Utah's courts can answer."

Youth plaintiff Dallin Rima said "The energy policy of our state requires our government to maximize permitting for fossil fuel extraction. The fact that our state laws don't just turn a blind eye to fossil fuel extraction, but actively require the state to maximize it, is an absurdity. These laws must be declared unconstitutional if Utah hopes to preserve a world that is safe for my generation and future generations."

Background

In March, the Utah Supreme Court, which has the ability to decide which cases it hears, retained the appeal filed by the youth plaintiffs, signaling the Court's recognition of the case's constitutional significance. The youth's [appeal was initially filed in January in response](#) to the [judgment](#) of Third Judicial District Judge Robert Faust dismissing the case on November 9, 2022. In a [letter](#) filed in February, 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.

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 also represents and supports young people in active global and U.S. state climate litigation, including *Layla H. v. Commonwealth of Virginia*, the aforementioned *Held v. State of Montana*, and *Navahine v. Hawai'i Department of Transportation*, which is set to [go to trial in June 2024](#). Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, which is currently moving forward to trial on the question of whether the federal government's fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

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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. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. 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