



DEISS LAW

October 4, 2023

Contacts:

Andrew Welle, Senior Staff Attorney, 574-315-5565, andrew@ourchildrenstrust.org

John Mackin, Press Director, 646-499-1873, john@ourchildrenstrust.org

Human Rights Organizations, Children's Rights Advocates, Legal Scholars File Amicus Briefs in Support of Utah Youth Climate Case

SALT LAKE CITY, Utah—Two weeks after attorneys for Our Children's Trust and Deiss Law PC submitted their [opening brief](#) to the Utah Supreme Court in *Natalie R. v. State of Utah*, the youth-led constitutional case for climate justice and breathable air in Utah; 37 legal scholars and several organizations, including human rights advocates, children's rights supporters, and medical experts and pediatricians, filed amicus briefs yesterday in support of the youth plaintiffs.

The youth plaintiffs' opening brief, submitted to the Utah Supreme Court on September 19, 2023, outlined why the [November 9, 2022 ruling](#) from Utah district court Judge Robert Faust dismissing the case 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 amicus briefs submitted today were by the ACLU and ACLU of Utah, the American Academy of Pediatrics - Utah Chapter, Voices for Utah Children, Utah Moms for Clean Air, Utah Physicians for a Healthy Environment, and a group of 37 law professors from 25 law schools.

The [amicus brief](#) submitted by the ACLU and ACLU of Utah argues that the Utah Constitution tasks the courts to hear and decide constitutional claims, and that the district court was wrong to dismiss the youth's constitutional claims as beyond the court's power

under the political question doctrine. The brief includes the following excerpt:

“Far from requiring the Court to shrink from constitutional claims that implicate political controversies, the Utah Constitution reflects its framers’ understanding that this Court should act as an “ark of safety to this land in times of great political excitement” when the political branches are ‘lured here and there, by political questions.’”

Another [amicus brief](#), submitted by The American Academy of Pediatrics - Utah Chapter, Voices for Utah Children, Utah Moms for Clean Air, and Utah Physicians for a Healthy Environment, outlines that the plaintiffs, as young people, are uniquely vulnerable to and disproportionately harmed by the dangerous air quality and climate changes resulting from Utah's laws that require the state to promote fossil fuel development. The brief also explains that courts give special consideration and heightened scrutiny to claims involving the rights of children. The brief includes the following excerpt:

“There is a scientific consensus that children are especially vulnerable to localized air pollution and climate-related health effects because of their developing bodies; higher exposure to air, food, and water per unit body weight; higher metabolic rate; unique behavior patterns; and dependence on caregivers. The Utah laws mandating fossil fuel development that are challenged as unconstitutional in this case are directly causing and worsening these impacts by causing significant amounts of localized air and GHG pollution.”

The [amicus brief](#) submitted by the legal scholars explains that the rights to life, liberty, and property as written in Utah’s constitution were intended to be broadly applicable to all manner of circumstances and government policies, and that the district court was wrong to rule that these rights don't apply when the harms to life, liberty, and property result from the state’s fossil fuel policies. The brief includes the following excerpt:

“As Plaintiffs amply demonstrate by reference to the authorities and sources this Court looks to under its “original public meaning” approach to interpreting Utah’s Constitution, the history and tradition underlying Utah’s protections of life and liberty establish that they provide fundamental protections against substantial government diminishment of a person’s lifespan and substantial harm and endangerment of their health and safety, precisely the harms Plaintiffs’ allege here.”

The State of Utah has until October 19 to file a brief responding to youth plaintiffs’ Opening Brief.

Background

In March 2023, 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 2023, 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*; *Held v. State of Montana*, which made history when trial was held in June 2023 and again in August 2023 when the [plaintiffs won their case](#); 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.

###

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