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**Members of Congress, Children's Rights Scholars, Law Professors, & World
Renowned Experts on Climate File Amicus Briefs in Support of *Juliana* Youth Plaintiffs
Seeking En Banc Review**

EUGENE, Ore.— Yesterday, five “friend of the court” briefs were filed in support of the youth-led, constitutional climate lawsuit *Juliana v. United States*.

[Amicus briefs](#) were submitted by Members of Congress, law professors, international experts on climate rights, children's rights scholars, and the UC Irvine Law School Civil Rights Litigation Clinic and UCLA Human Rights Litigation Clinic. Signatories asked the Ninth Circuit Court of Appeals to grant the 21 *Juliana* plaintiffs' request for en banc review and to vacate the writ of mandamus against Judge Ann Aiken so the youth may proceed to trial on the merits.

Today's filings follow the recent motion to reconsider en banc and motion to vacate, filed by attorneys for the youth plaintiffs on June 17.

“Leaders and experts in law, climate, and children's rights have come together again to continue to speak up for the *Juliana* 21, as Biden's DOJ employs only increasingly obscure legal tactics to work against young peoples' lives and futures, rather than for them. A full en banc panel of the Ninth Circuit needs to look at the abuse of process and disregard of court rules and Supreme Court precedent infecting the panel's dismissal of *Juliana v. U.S.* Three Trump-appointed judges have overstepped the narrow bounds of an appellate court per the rules, and bedrock law. They've wrongly denied these young people due process. This injustice can, and must be corrected.” - Julia Olson, Founder and Chief Legal Counsel, Our Children's Trust

“In contrast to the treatment of our 21 clients in *Juliana* by the Biden administration and the Ninth Circuit, just this week, Governor Green for the State of Hawai‘i and Director Sniffen for the Hawai‘i Department of Transportation decided to join with 13 young plaintiffs in *Navahine v. Hawai‘i Department of Transportation* to uphold their state constitutional rights to a safe, livable climate through a court-ordered settlement agreement that will achieve zero emissions by 2045. The court, doing its part to act as a constitutional check on the political branches, will retain jurisdiction for 21 years to ensure the agreement is fully implemented. President Biden can decide to recognize youths’ fundamental rights to a livable climate too, engage in meaningful settlement talks, stop its scorched earth litigation tactics, and lead the country into transformational change.” - Andrea Rodgers, Deputy Director, US Strategy, Our Children’s Trust

“When you have the Department of Justice against you and judges who have not yet opened the courthouse doors to us, you wonder who’s going to stand up for you,” **said *Juliana* plaintiff Isaac V.** “The congressional offices that I met with and signed the amicus brief understand the urgency of the climate crisis youth are facing. We’re grateful they’re using their voices to weigh in on the injustice of this recent decision.”

In their brief, 43 members of Congress, led by Senator Wyden and Representative Schakowsky, and joined by members, including Senators Booker, Markey, Merkley, Sanders, Van Hollen, and Whitehouse, and Representatives Cohen, Frost, Grijalva, Jayapal, Khanna, McGovern, and Ocasio-Cortez, wrote: “These Youth Plaintiffs are among the youngest generation and most vulnerable citizens of our country. Since youth cannot vote, they depend upon each branch of government to act in their best interests when exercising authority. Sadly, at this time, each branch is betraying the intergenerational trust bestowed upon them for ‘our Posterity’ in the face of the climate crisis.” In solidarity, young people from across the country joined *Juliana* youth plaintiffs in congressional Youth Hill Days, co-hosted by [Our Children’s Trust](#), [Fridays for Future DC](#), and [Zero Hour](#), to urge Congress to sign onto the brief.

The Fred T. Korematsu Center for Law and Equality, along with law school clinics, law professors, and climate legal activists supported the contention that the youth plaintiffs’ case has been unfairly denied access to justice, writing that the Order’s “statements concerning declaratory relief contradict controlling precedent from the Supreme Court,” and the “extraordinary issuance of mandamus is improper because it restricted a district court’s discretionary decision to permit a party to amend a pleading.”

The U.C. Irvine Law School Civil Rights Litigation Clinic and UCLA Human Rights Litigation Clinic argued that en banc review is not only needed but necessary, stating: “En banc review is warranted in this case because the panel’s decision involves a question of

exceptional importance that extends far beyond the facts of this case—the scope of a district court’s authority to amend upon remand. The panel’s decision offers an interpretation that would invite district courts to self-censor their own Rule 15 determinations, even when controlling authority has changed. This would adversely impact a central feature of civil litigation—the ability of parties to amend their pleadings with leave of court.”

Children’s Rights and Social Justice Advocates filed an amicus to “ensure that courts recognize the judicial role in protecting children against the detrimental impacts of climate change,” highlighting that courts “have a role in redressing the harm to children and youth caused by climate change, including, by issuing declaratory relief.”

World-renowned experts on climate rights including 15 organizations and five experts joining in their individual capacity from London, UK to Berlin, Germany, from Seoul Korea to Pretoria, South Africa said, “It is not too late for the US courts to play a part in the development of a national and global solution for climate change. However, no such contribution can be made while procedural delays cause substantive issues to languish unresolved within the US justice system, preventing meaningful access to justice and effective redress.”

After the Ninth Circuit panel dismissed *Juliana*, Judge Ryan Nelson, who sat on the *Juliana* mandamus panel with two other Trump-appointed judges, issued a decision in a religious freedom case that reversed a different district court for not granting leave to amend. Judge Nelson wrote that the Court has a “requirement to consider all possible arguments for why a case remains live” and that “[l]eave to amend shall be freely given when justice so requires, and this policy is to be applied with extreme liberality.” The decision in this case stands in stark contrast to the *Juliana* decision, where the plaintiffs are being denied the opportunity to show how the facts alleged in its amended complaint cure any jurisdictional deficiencies.

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Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. www.ourchildrenstrust.org