

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

August 29, 2025

Ms. Jordan Diamond
President
Environmental Law Institute
1730 M Street, NW
Suite 700
Washington, DC 20036

Dear Ms. Diamond:

The Committee on the Judiciary is investigating allegations of improper attempts to influence federal judges in contravention of the Judicial Code of Conduct and 28 U.S.C. § 455. Pursuant to federal statute, “any judge . . . shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”¹ Further, Canon 4 of the Judicial Code of Conduct provides that “a judge should not participate in extrajudicial activities that . . . reflect adversely on the judge’s impartiality.”² The Committee has received credible reports that your organization may be involved in attempts to influence the impartiality of judges.

Public reports have documented concerns around apparent efforts by the Environmental Law Institute (“ELI”) and its Climate Judiciary Project (“CJP”) to influence judges who potentially may be presiding over lawsuits related to alleged climate change.³ These efforts appear to have the underlying goal of predisposing federal and state judges in favor of plaintiffs alleging injuries from the manufacturing, marketing, or sale of fossil-fuel products.⁴ Some of these plaintiffs are seeking dubious damages awards that could harm the entire U.S. economy. For example, in one lawsuit, the plaintiff seeks a remarkable \$53 billion in damages for a single

¹ 28 U.S.C. § 455(a).

² CODE OF CONDUCT FOR U.S. JUDGES, Canon 4 (JUD. CONF. U.S. 2019).

³ Katelynn Richardson, *Top State Judge Handling Climate Lawsuit Worked with Environmental Group Tied to Plaintiffs’ Lawyers*, DAILY CALLER (May 17, 2023), <https://dailycaller.com/2023/05/17/climate-lawsuit-lawyers-environmental-group/>; Emma Colton & Breanne Deppisch, *Unearthed Chat Sheds Light on Cozy Ties Between Judges, Climate Activists, Raising Ethical Concerns*, FOX NEWS (Jul. 17, 2025), <https://www.foxnews.com/politics/judges-climate-activists-private-forum-exposed>.

⁴ *Id.*; see also *Climate Science and Law for Judges: Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Environmental Law Institute (Jan. 2023), <https://cjp.eli.org/curriculum/applying-attribution-impacts-climate-attribution-science-tort-litigation>.

heat-wave event over a few days in 2021.⁵ If even just a few such claims were to succeed, the cumulative effect of these judgments on U.S. energy producers would severely increase the price of energy for hard-working Americans and the U.S. military.⁶ At worst, these damages could cripple the entire industry, leaving Americans subject to the whims of foreign oil producers and raising serious national security concerns.

Fundamental principles of American jurisprudence require the impartiality of judges. The activities of ELI and CJP, however, appear to be designed to bias judges in climate-related cases. According to ELI's own website, ELI helped create CJP ostensibly to provide "neutral, objective information to the judiciary about the science of climate change as it is understood by the expert scientific community and relevant to current and future litigation."⁷ But CJP has acknowledged that its mission centers on influencing judges' decision-making on "controversial" topics involving "fast moving science."⁸

The materials that ELI and CJP use to indoctrinate the judges who attend these seminars are generally not made public, which itself is a cause for concern.⁹ The limited portions of CJP's "Climate Science and Law for Judges Curriculum" that are publicly available seem designed to improperly influence judges in favor of plaintiffs.¹⁰ ELI has argued to judges that the political-

⁵ *Multnomah County Sues Oil Companies over 2021 Heat Dome Disaster*, MULTNOMAH CNTY. (June 22, 2023), <https://multco.us/news/multnomah-county-sues-oil-companies-over-2021-heat-dome-disaster> (seeking \$50 million in actual costs, \$1.5 billion in future damages, and \$50 billion for an abatement fund).

⁶ The U.S. defense establishment is the nation's largest single user of fossil fuels. See B. Shaffer, *Militaries Can't Transition to Renewable Energy*, Foreign Policy (July 26, 2024), at <https://foreignpolicy.com/2024/07/26/military-energy-defense-renewable-oil-gas-transition-weapons/#:~:text=In%20promoting%20the%20use%20of%20renewable%20energy%2C%20U.S.,to%2080%20percent%20of%20the%20federal%20government%E2%80%99s%20total>; Wayne Winegarden, *New Brief: City and State Climate Change Lawsuits Drive Up Gas Prices, Discourage Clean Energy Innovation*, Pacific Research Institute (May 15, 2022), <https://www.pacificresearch.org/new-brief-city-and-state-climate-change-lawsuits-drive-up-gas-prices-discourage-clean-energy-innovation/>.

⁷ *Climate Judiciary Project*, ENV'T LAW INST., <https://www.eli.org/climate-judiciary-project> (last visited Aug. 12, 2025).

⁸ *Spotlight on Judicial Training: Science in the Courts*, ENV'T LAW INST., <https://www.eli.org/events/spotlight-judicial-training-science-courts> (last visited Aug. 12, 2025) ("Our panel explored the role science and research training play within judicial training process to ensure justice in the context of environmental issues").

⁹ Jason Isaac, AM. ENERGY INST., *The Environmental Law Institute's Climate Judiciary Project (CJP) is Corruptly Influencing the Courts and Destroying the Rule of Law to Promote Questionable Climate Science* (2024) (noting that "CJP attempts to head-off the obvious ethics problems it created by sharing its 'educational materials' online and identifying expert presenters or academics who had a hand in their preparation," but "they [CJP] do not disclose which experts are connected to ongoing climate litigation, the role they played in crafting CJP curriculum, and whether they have presented at CJP conferences before judges"), <https://americanenergyinstitute.com/docs/americanenergy-eli-climate-judiciary-project.pdf>; see also *Past Judicial Education Trainings*, ENV'T LAW INST., <https://www.eli.org/judicial-education/past-trainings> (last visited July 25, 2025); *Judicial Education in Action: Americas*, ENV'T LAW INST., <https://www.eli.org/judicial-education/judicial-education-action-americas> (last visited July 25, 2025); *Curriculum*, ENV'T LAW INST., <https://cjp.eli.org/curriculum> (last visited Aug. 12, 2025).

¹⁰ See, e.g., Michael Wehner, *Detection and Attribution of Climate Change*, CLIMATE JUDICIARY PROJ., <https://cjp.eli.org/curriculum/detection-and-attribution-climate-change> (last visited July 23, 2025) (alleging that "[d]evelopments in attribution science over the past two decades have made possible many robust statements about the human influence on climate. These statements extend to both long-term trends and extreme events, including

question doctrine should have only “limited” relevance in climate lawsuits,¹¹ that countervailing research should be rejected because “[n]ot every scientific argument deserves to be taken seriously,”¹² and that “the social cost of carbon dioxide” is a proper method for calculating damages.¹³ These topics are all actively litigated issues, and ELI’s ex parte advocacy on them raises questions about the impartiality of the judges connected with ELI’s seminars.¹⁴

This conduct is especially concerning because ELI and CJP characterize their efforts as “neutral” and “objective,” when they are not.¹⁵ Based on their publicly documented affiliations and position statements, the ELI-selected experts who instruct the judges on questions of supposed climate “science” are not neutral third parties, but are known associates of organizations (including funding entities) closely allied with the radical decarbonization movement.¹⁶

The scope of ELI’s and CJP’s attempt to influence judges is not trivial. CJP boasts that it has educated more than 2,000 judges, including judges at the federal and state level.¹⁷ At the same time, ELI and CJP have concealed the identities of the judges who have attended or participated in ELI and CJP training sessions or conferences, and they have not been transparent about the funding sources for these events.¹⁸ Even the materials presented at these sessions or

heatwaves, floods, droughts, and storms. The extension of attribution science to socioeconomic damages and inequality is now underway and is likely to become an important factor in assigning responsibility in legal proceedings.”).

¹¹ *Climate Science and Law for Judges: Procedural Techniques Available in Climate Litigation*, Environmental Law Institute (Jan. 2023), <https://cjp.eli.org/curriculum/procedural-techniques-available-climate-litigation>.

¹² *Id.*; *Climate Science and Law for Judges: How Climate Science Works* (Jan. 2023), https://www.eli.org/sites/default/files/files-pdf/HCSW_Hanle%20Mastrandrea.pdf

¹³ *Climate Science and Law for Judges: Risks and Costs of Climate Change* (Jan. 2023), https://www.eli.org/sites/default/files/files-pdf/Risks%20and%20Costs%20of%20Climate%20Change_full%20report%20formatted.pdf.

¹⁴ Further, pushing judges to develop and enforce these kinds of policies in the first instance violates the Constitution’s separation of powers.

¹⁵ Editorial, *Judicial Ethics and Double Standards*, WALL ST. J., Aug. 30, 2024.

<https://www.wsj.com/opinion/climate-judiciary-project-judges-environmental-law-institute-supreme-court-dick-durbin-sheldon-whitehouse-5256997a> (Sandra Nichols Thiam, director of judicial education at ELI, stated that the Climate Judiciary Project’s goal is the “development of a body of law that supports climate action.”).

¹⁶ See, e.g., Jessica Wentz, *Government Action and Climate Science*, Environmental Law Institute (Jan. 2023), https://www.eli.org/sites/default/files/files-pdf/Government%20Action%20and%20Climate%20Science_full%20report%20formatted.pdf (“We are grateful to our advisors Jonathan Adler, Ann Carlson, Kristie Ebi, Chris Field, Jeremy Fogel, Inez Fung, Michael Gerrard, Geoffrey Heal, Barry Hill, Michael Oppenheimer, Stephen Pacala, Justice Ronald Robie, Judge Michael Simon, and Judge David Tatel for their contributions to the content of the whole curriculum as well as on this module.”); *Leonardo DiCaprio funneled grants through dark money group to fund climate nuisance lawsuits, emails show*, Fox News (Aug. 15, 2022), <https://www.foxnews.com/politics/leonardo-dicaprio-funneled-grants-dark-money-group-fund-climate-nuisance-lawsuits-emails-show>; *Freedom of Information Act Request to U.S. Department of Energy, Energy Policy Advocates* (May 14, 2021), http://epadvocates.org/Colorado/DC-NNSA_FOIA_1.pdf; See J. Garberson, *Upset at Climate Denier’s Platform, Santer Set to Leave LLNL*, The Independent (May 26, 2001), <https://www.independentnews.com/news/upset-at-climate-deniers-platform-santer-set-to-leave-llnl/>.

¹⁷ See About CJP, at <https://cjp.eli.org/about>; *Judging in a Changed Climate*, ELI Policy Brief No. 18 (July/August 2022), <https://www.eli.org/sites/default/files/files-pdf/Judging%20in%20a%20Changed%20Climate.pdf>.

¹⁸ Isaac, *supra* note 9 at 4.

conferences are largely kept from public view.¹⁹ Parties to lawsuits thus have no way of knowing whether the judges in their cases are among the thousands that ELI and CJP have attempted to influence, and have no way to meaningfully evaluate whether the judges should recuse from their cases.

Despite ELI and CJP's efforts at secrecy, the ethical concerns surrounding ELI and CJP's judicial training are apparent based on the limited information that has come to light. For example, we understand that Judge Ann Aiken of the U.S. District Court for the District of Oregon participated in at least one symposium involving ELI.²⁰ In early 2020, Judge Aiken participated in a conference held in Honolulu featuring the former president of ELI, Scott Fulton, and Julia Olson, lead counsel for the plaintiffs in the long-running, but highly-dubious, climate change case *Juliana v. United States*.²¹ Troublingly, Judge Aiken was the presiding judge in the *Juliana* case, in which the plaintiffs attempted to force the federal government to take policy measures not adopted by the legislative or executive branches of government.²² The plaintiffs in *Juliana* filed suit in 2015, and the case was not fully resolved until March 2025, when the plaintiffs' petition for Supreme Court review was denied.²³ Judge Aiken's ex parte engagement with the plaintiffs' lead counsel and an ELI associate—while the case was pending—raises questions regarding her impartiality and compliance with the Judicial Code of Conduct and 28 U.S.C. § 455.

ELI and CJP's efforts with respect to state court judges appear to underscore that *Juliana* is not an isolated incident, but part of a broader and troubling effort to influence the judiciary. In *City and County of Honolulu v. Sunoco LP, et al.*, for example, Chief Justice Recktenwald of the Supreme Court of Hawaii presided over an appeal in a climate-related case despite having previously presented at ELI/CJP-sponsored events.²⁴ The plaintiff's counsel in that appeal is also

¹⁹ *Id.*; see also *Past Judicial Education Trainings*, ENV'T LAW INST., <https://www.eli.org/judicial-education/past-trainings> (last visited July 25, 2025); *Judicial Education in Action: Americas*, ENV'T LAW INST., <https://www.eli.org/judicial-education/judicial-education-action-americas> (last visited July 25, 2025); *Curriculum*, ENV'T LAW INST., <https://cjp.eli.org/curriculum> (last visited Aug. 12, 2025).

²⁰ Denise Antolini, *WCEL and Partners co-host the "2nd Global Symposium on Judiciary and the Environmental Rule of Law: Adjudicating our Future"*, IUCN (Apr. 2020), <https://iucn.org/news/world-commission-environmental-law/202004/wcel-and-partners-co-host-2nd-global-symposium-judiciary-and-environmental-rule-law-adjudicating-our-future>.

²¹ See *WCEL and Partners co-host the "2nd Global Symposium on Judiciary and the Environmental Rule of Law: Adjudicating our Future"* (Apr. 1, 2020), at <https://www.iucn.org/fr/node/32806> (showing participation of Judge Aiken and Ms. Olson as panelists).

²² See *Juliana v. United States*, 217 F. Supp. 3d 1224 (D. Or. 2016), *rev'd and remanded*, 947 F.3d 1159 (9th Cir. 2020).

²³ *Juliana v. United States*, No. 24-684 (9th Cir. May 1, 2024), *cert. denied*, No. 24-645 (U.S. Mar. 24, 2025), available at <https://www.supremecourt.gov/docket/docketfiles/html/public/24-645.html>.

²⁴ See *City & Cnty. of Honolulu v. Sunoco LP*, 537 P.3d 1173, (Haw. 2023), available at https://scholar.google.com/scholar_case?case=2671440493429000146&q=City+%26+Cnty.+of+Honolulu+v.+Sunoco+LP&hl=en&as_sdt=4,172; *Hurricanes in a Changing Climate and Related Litigation*, National Judicial Conference (Dec. 1, 2022), <https://www.judges.org/courses/hurricanes-in-a-changing-climate-and-related-litigation/>; *Second Global Symposium on 'Judiciary and the Environmental Rule of Law: Adjudicating Our Future'*, Organization of American States (Jan. 31–Feb. 1, 2020), <https://drive.google.com/file/d/1glgGjyBwu-C7gSYObcsFklm3YioPkUyK/view?pli=1>; *Global Symposium on 'Judiciary and the Environment: Adjudicating*

the Executive Director of the Sabin Center for Climate Change Law, an organization that Chief Justice Recktenwald openly praised in his ELI/CJP-sponsored presentations.²⁵

This information also raises questions about possible coordination between ELI or CJP with third parties interested in securing judgments against defendants in climate-related cases. These third parties may include, for example, plaintiffs' lawyers and law firms interested in a pro-plaintiff legal environment for similar cases; environmental and other policy-oriented non-governmental organizations; and individuals and funding entities promoting aligned political candidates, parties, or causes.²⁶ The funding and coordination of climate-related litigation by unknown sources, including by foreign subsidized groups, runs counter to the basic tenets of the American legal system—that the aggrieved bring their claims to the court.²⁷ Any involvement by ELI or CJP, or by entities with whom they collaborate, would indicate that ELI and CJP have crossed the line from legitimate education of the judicial branch into express advocacy in favor of certain case outcomes, presented under the guise of neutrality, to unfairly prejudice the defendants in those cases.²⁸

Accordingly, in light of these concerns, we ask that you provide the following documents and information:

1. All documents and communications for the period April 1, 2019, to the present referring to relating to the following:
 - a. Any external funding received by CJP or ELI for which any part of that funding was directed to or for the use of CJP for any judicial education efforts;
 - b. Expenses paid for, or any funds provided to, federal or state judges for their attendance or participation at events pertaining to climate change that were organized, sponsored, co-sponsored, or otherwise participated in by ELI or CJP;
 - c. Curricula, training, and/or presentations relating to climate change made by ELI or CJP to federal or state judges; and

Our Future, Organization of American States (Aug. 23–24, 2018), <http://www.oas.org/fpdb/press/OAS-GJIE-WCEL-UNE-ELI-Symposium-Program--8.18.18-clean.docx.pdf>.

²⁵ See Complaint in *City & County of Honolulu v. Sunoco LP* et al., No. 1CCV-20-380 (Mar. 9, 2020), available at <https://aboutblaw.com/PmQ>; see also Michael Burger at <https://climate.law.columbia.edu/directory/michael-burger>; presentation at <https://vimeo.com/817029231/9ab876c244>, at 5:34-43, 7:22-47.

²⁶ See Robert Stilson, *The Activist Side Third-Party Litigation Support*, CAPITAL RESEARCH CENTER (Nov. 1, 2023), <https://capitalresearch.org/article/the-activist-side-third-party-litigation-support/>.

²⁷ See generally *The U.S. Intellectual Property System and the Impact of Litigation Financed by Third-Party Investors and Foreign Entities*, Hearing Before the Subcomm. on Cts., Intell. Prop. & the Internet of the H. Comm. on the Judiciary, 118th Cong. (2024) (testimonies of Hon. Bob Goodlatte, Paul Taylor & Donald J. Kochan); Ben Hancock, *How Jones Day Unmasked a Litigation Funding Deal and Won*, AM. LAWYER, Oct. 29, 2017.

²⁸ See *In re Kensington Int'l Ltd.*, 368 F.3d 289 (3d Cir. 2004) (holding that a judge's supposedly "neutral" advisors had conflict of interest by also serving as plaintiff's counsel in unrelated but similar litigation, which required the judge's disqualification); *Edgar v. K.L.*, 93 F.3d 256 (7th Cir. 1996) (granting mandamus to disqualify judge due to improper ex parte conversations relevant to case merits); cf. CODE OF CONDUCT FOR U.S. JUDGES, Canon 4 (JUD. CONF. U.S. 2019) (prohibiting judges from engaging in extrajudicial activity that could reflect adversely on impartiality).

- d. Presentations or training materials used at any CJP training session or event, along with transcripts and video recordings of any such session or event or portions thereof.
2. Documents sufficient to identify the following:
 - a. All persons who have presented at ELI or CJP training sessions, presentations, webinars, or any other events pertaining to climate change that were attended by any federal or state judges between April 1, 2019 and the present;
 - b. All federal and state judges who have been invited to, or have attended, CJP seminars, conferences, presentations, webinars, or any other events pertaining to climate change between April 1, 2019 and the present; and
 - c. All individuals and organizations that have directly or indirectly funded any judicial education efforts pertaining to climate change.
 3. A list of all individuals and organizations that have:
 - a. Directly or indirectly funded any judicial education efforts pertaining to climate change; or
 - b. Presented at ELI or CJP training sessions, presentations, webinars, or any other events pertaining to climate change that were attended by any federal or state judges between April 1, 2019 and the present.

We ask that you provide these materials and information as soon as possible, but no later than 5:00 p.m. on September 12, 2025.

This letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your professional and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic, or political system for the purpose of enabling Congress to remedy them.”²⁹ The Committee is authorized to conduct oversight of “[t]he judiciary and judicial proceedings” and “[f]ederal courts and judges,” pursuant to the Rules of the House of Representatives.³⁰ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

²⁹ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks omitted).

³⁰ Rules of the House of Representatives, R. X, 119th Cong. (2025).

Ms. Jordan Diamond

August 29, 2025

Page 7

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Darrell Issa
Chairman
Subcommittee on Courts, Intellectual
Property, Artificial Intelligence,
and the Internet



Wesley Hunt
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Henry C. "Hank" Johnson, Ranking Member, Subcommittee on Courts,
Intellectual Property, Artificial Intelligence, and the Internet