

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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April 28, 2026

Mr. Michael Burger
Executive Director
Sabin Center for Climate Change Law
Columbia Law School
435 West 116th Street
New York, NY 10027

Dear Mr. Burger:

The Committee on the Judiciary is investigating allegations of improper attempts by the Environmental Law Institute (“ELI”) and its Climate Judiciary Project (“CJP”) to influence federal judges.¹ ELI has stated that “CJP does not participate in litigation, provide support for or coordinate with any parties in litigation, or advise judges on how they should rule on any issue or in any case.”² However, evidence has emerged that raises questions about whether ELI, CJP, or their affiliates, including the Sabin Center for Climate Change Law (“Sabin Center”), have coordinated with parties involved in climate-related litigation, or have developed judicial education programs designed to advance the interests of such parties.

ELI established the CJP as a “first-of-its-kind resource” with the goal of providing “judges and the judiciary with reliable, up-to-date information . . . about the legal and scientific issues in the climate litigation of today and tomorrow.”³ The CJP, which claims to give “neutral, objective information to the judiciary about the science of climate change,”⁴ includes courses

¹ Letter from Representative Jim Jordan, Chairman, House Judiciary Committee, et al., to Jordan Diamond, President, Environmental Law Institute (Aug. 29, 2025), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2025-08-29-jdj-dei-wh-to-eli-diamond-re-cjp.pdf>.

² Kamden Mulder, Climate Activists Are Influencing Judges to Rule In Their Favor Using this ‘Educational’ Program, NATIONAL REVIEW (Sept. 4, 2025), <https://www.nationalreview.com/news/climate-activists-are-influencing-judges-to-rule-in-their-favor-using-this-educational-program/>; Letter from Susanne Sachsman Grooms, Counsel for the Environmental Law Institute to Representative Jim Jordan, Chairman, House Judiciary Committee, et al. (Sept. 12, 2025) (“CJP does not participate in litigation, support or coordinate with any parties related to any litigation, or advise judges on how they should rule on any issue or in any case.”).

³ *Climate Science and Law for Judges: About the Curriculum*, ENV’T L. INST. (Mar. 2023), <https://cjp.eli.org/curriculum/about-curriculum>.

⁴ *About the Climate Judiciary Project*, ENV’T L. INST., <https://www.eli.org/climate-judiciary-project> (last visited Apr. 3, 2026).

that purport to show the “causal connections between emissions” and “changes in the climate,”⁵ and explicitly focuses its outreach “on states and federal jurisdictions where cases will be heard.”⁶

The Sabin Center says it partners with ELI to “leverage [its] expertise to support climate solutions.”⁷ This coordination has been ongoing since the Sabin Center hosted CJP’s inaugural seminar in June 2019.⁸ There is also significant personnel overlap. Michael Gerrard, the Sabin Center’s founder and Faculty Director,⁹ has presented at CJP seminars on trends in climate litigation and the history of cases brought against fossil fuel companies.¹⁰ He also previously served on ELI’s board of directors,¹¹ and is noted as an advisor on several CJP educational modules.¹² Jessica Wentz,¹³ a Sabin Center fellow, serves as an “expert” for the CJP.¹⁴ You have also written work, as the Sabin Center’s Executive Director,¹⁵ that has been included as supplemental reading in numerous climate-science training lectures given to judges at ELI/CJP events,¹⁶ and your theories connecting law and “climate attribution science” appear to be essential to CJP’s judicial education modules.¹⁷

In addition, Ms. Wentz co-authored a reference guide on climate science that was included in the Fourth Edition of the Federal Judicial Center’s (FJC) *Reference Manual on*

⁵ *Supra* note 3.

⁶ Paul Hanle & Sandra Thiam, *Judging in a Changed Climate*, 39 ENV’T F. 59 (July/August 2022), <https://www.eli.org/sites/default/files/files-pdf/Judging%20in%20a%20Changed%20Climate.pdf>.

⁷ *Support Us*, COLUMBIA L. SCH. SABIN CTR. FOR CLIMATE CHANGE L., <https://climate.law.columbia.edu/content/support-us> (last visited Apr. 3, 2026).

⁸ Federal Judicial Center Email Invitation announcing inaugural Climate Judiciary Project Seminar at Columbia Law School Sabin Center for Climate Change Law on June 28, 2019 (on file with the Committee).

⁹ Faculty Profile: Michael B. Gerrard, COLUMBIA L. SCH., <https://www.law.columbia.edu/faculty/michael-gerrard> (last visited Apr. 3, 2026).

¹⁰ Climate Judiciary Project, ENV’T L. INST., *Climate Science for Judges: Towards a Climate Science Curriculum, Pilot Program Launch* (on file with the Committee).

¹¹ Biography: Michael B. Gerrard, ENV’T L. INST., <https://www.eli.org/bios/michael-b-gerrard> (last visited Apr. 3, 2026).

¹² *See, e.g.*, Michael Wehner, *Drawing the Causal Chain: The Detection and Attribution of Climate Change* (Climate Science & Law for Judges Curriculum, Climate Judiciary Project, ENV’T L. INST., Jan. 2023); Jessica Wentz, *Government Action and Climate Science* (Climate Science & Law for Judges Curriculum, Climate Judiciary Project, ENV’T L. INST., Jan. 2023).

¹³ Jessica A. Wentz, COLUMBIA SCH. OF L. SABIN CTR. FOR CLIMATE CHANGE L., <https://climate.law.columbia.edu/directory/jessica-wentz> (last visited Apr. 3, 2026);

¹⁴ Meet the Experts: Jessica A. Wentz, CLIMATE JUDICIARY PROJECT, <https://cjp.eli.org/experts/jessica-wentz> (last visited Apr. 3, 2026).

¹⁵ Michael Burger, COLUMBIA L. SCH. SABIN CTR. FOR CLIMATE CHANGE L., <https://climate.law.columbia.edu/directory/michael-burger> (last visited Apr. 3, 2026).

¹⁶ *See, e.g.*, Climate Judiciary Project, ENV’T L. INST., *Climate Science for Judges: Towards a Climate Science Curriculum, Pilot Program Launch* (on file with the Committee); MICHAEL BURGER, JESSICA WENTZ & RADLEY HORTON, *The Law and Science of Climate Change Attribution*, 45 COLUM. J. ENV’T L. 57 (2020).

¹⁷ *See, e.g.*, Douglas A. Kysar & Isabella Soparkar, *Climate Science and Law for Judges: Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Climate Judiciary Project, ENV’T L. INST. (Jan. 2023), <https://cjp.eli.org/curriculum/applying-attribution-impacts-climate-attribution-science-tort-litigation>.

Scientific Evidence.¹⁸ The FJC later removed the chapter from the manual after twenty-seven state attorneys general noted that it was designed to predispose judges in favor of climate-change plaintiffs.¹⁹ In the chapter, Wentz and her co-author Radley Horton “acknowledge[d] the insights and helpful feedback” provided by, among others, you and Mr. Gerrard.²⁰ Your contributions may have been more significant. A recent analysis of the chapter’s text, as reported by the *Wall Street Journal*, found substantial similarities between the chapter and a 2020 law journal article you wrote with Wentz and Horton about causation in climate cases.²¹ If accurate, this analysis suggests you may have been, in effect, an undisclosed third author of the FJC chapter intended to predispose judges to climate-change plaintiffs.²²

As Sabin Center “experts” were biasing federal judges on climate-related science through CJP’s and ELI’s training programs, they also have close associations with parties in climate change related litigation. You serve as Of Counsel at Sher Edling LLP, a law firm that has filed numerous lawsuits against oil and gas companies alleging that they are responsible for harms from adverse weather.²³ In addition, in an ELI-published book about climate-change litigation—which was subsequently referenced in “training” materials provided to federal judges—the Sabin Center’s founder, Mr. Gerrard, acknowledged the peer-review contributions of an attorney actively engaged in a then-pending climate-related case.²⁴

Taken together, this evidence suggests that the Sabin Center has been heavily involved in both the CJP’s judicial education efforts about climate-related cases and in climate-related litigation against fossil fuel companies. The Sabin Center and its staff, which are producing materials to be used to bias federal judges about novel climate-related legal theories, appear to be working with allied parties to bring climate-related litigation in federal court. This information raises serious concerns about the integrity and independence of the judicial process and federal

¹⁸ Jessica Wentz & Radley Horton, *Reference Guide on Climate Science*, in REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (Fed. Judicial Ctr. & Nat’l Acads. of Scis., Eng’g, & Med. eds., 4th ed. 2025), <https://www.fjc.gov/content/396456/reference-manual-scientific-evidence-fourth-edition>.

¹⁹ Letter from Hon. Robin L. Rosenberg, Dir., Fed. Judicial Ctr., to Hon. John B. McCuskey, Att’y Gen. of W. Va. (Feb. 6, 2026), <https://ago.wv.gov/sites/default/files/2026-02/2026.02.06%20--%20Federal%20Judicial%20Center%20Letter%20Chapter%20Withdrawal.pdf>; Letter from John B. McCuskey, W. Va. Att’y Gen., et al., to Hon. Robin L. Rosenberg, Dir., Fed. Judicial Ctr. (Jan. 29, 2026), <https://ago.wv.gov/sites/default/files/2026-01/2026.01.29%20--%20AG%20Climate%20Science%20Manual%20Letter.pdf>; see also Nate Raymond, *U.S. Judiciary Scraps Climate Chapter of Scientific Evidence Manual*, REUTERS (Feb. 9, 2026), <https://www.reuters.com/legal/government/us-judiciary-scraps-climate-chapter-scientific-evidence-manual-2026-02-09/>.

²⁰ *Supra* note 18, at 1642 (acknowledgments).

²¹ *A Judicial Climate Science Scandal*, WALL ST. J. (Mar. 13, 2026), https://www.wsj.com/opinion/federal-judicial-center-climate-manual-michael-burger-jessica-wentz-marcia-mcnutt-37f3eb86?mod=author_content_page_1_pos_9.

²² *Id.*

²³ Michael Burger, SHER EDLING LLP, <https://www.sheredling.com/team/#michael-burger> (last visited Apr. 3, 2026); *Climate Damage & Deception Cases*, SHER EDLING LLP, <https://www.sheredling.com/cases/climate-cases/> (last visited Apr. 3, 2026).

²⁴ See, e.g., Michael Gerrard & John Dernbach, *Legal Pathways to Deep Decarbonization in the United States* ii (Environmental Law Institute 2019), (“Each chapter was peer-reviewed by several people. We thank the following peer reviewers for their invaluable assistance: . . . David Bookbinder”); Climate Judiciary Project, ENV’T L. INST., *Climate Science for Judges: Towards a Climate Science Curriculum*, Pilot Program (on file with the Committee).

courts, as well as issues with improper *ex parte* contact with courts.²⁵ 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 between or among the Sabin Center for Climate Change Law, its officers, employees, fellows, or anyone acting on its behalf, and the Environmental Law Institute, the Climate Judiciary Project, and Sher Edling LLP, or any of their respective officers, directors, employees, agents, or affiliates, referring or relating to the following:
 - a. The development, content, review, or selection of presenters, experts, or supplemental reading materials for any CJP judicial education program, seminar, or curriculum, including the inclusion of your work on climate attribution science as supplemental reading;
 - b. The hosting of CJP seminars or events at Columbia Law School or involving Sabin Center personnel, including the inaugural CJP seminar in June 2019 and any presentations by Michael Gerrard, you, and Jessica Wentz;
 - c. The drafting, review, or content of the Reference Guide on Climate Science authored by Jessica Wentz for the Federal Judicial Center's *Reference Manual on Scientific Evidence*, including any communications relating to its removal by the Federal Judicial Center.
2. All documents and communications for the period April 1, 2019, to the present between Jessica Wentz and you relating to the Federal Judicial Center Reference Manual on Scientific Evidence.
3. Documents sufficient to identify the following:
 - a. All individuals who have been employed by, affiliated with, or served as fellows, experts, or advisors for the Sabin Center for Climate Change Law who also served in any capacity with the Environmental Law Institute, the Climate Judiciary Project, or Sher Edling LLP, including the dates and nature of each engagement;
 - b. Any agreements, arrangements, or understandings—whether formal or informal—governing the participation of Sabin Center personnel in CJP activities, including but not limited to the roles of you, Michael Gerrard, and Jessica Wentz; and
 - c. Any communications between the Sabin Center and any outside entities relating to the Sabin Center's involvement with the CJP or climate-related litigation.

We ask that you provide these materials and information as soon as possible, but no later than 5:00 p.m. on May 12, 2026.

In addition to the documents requested above, we ask that you make yourself available for a transcribed interview with the Committee. We also ask that the following individuals make themselves available for transcribed interviews:

1. Mr. Michael Gerrard, Faculty Director, Sabin Center for Climate Change Law

²⁵ See MODEL RULES OF PROF'L CONDUCT R. 3.5(b) (2025).

2. Ms. Jessica A. Wentz, Non-Resident Senior Fellow, Sabin Center for Climate Change Law

Please contact Committee staff at (202) 225-6906 no later than 5:00 p.m. on May 12, 2026, to schedule your interview, and please have each of the above-named individuals contact Committee staff at the same number to arrange their respective interviews. If you or Mr. Gerrard or Ms. Wentz are represented by personal counsel, please have the attorney contact the Committee to schedule the interviews.

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.”²⁶ 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.²⁷ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

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

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

²⁶ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks omitted).

²⁷ Rules of the House of Representatives, R. X, 119th Cong. (2025).