

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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April 28, 2026

Mr. Vic Sher
Partner
Sher Edling, LLP.
100 Montgomery St #1410
San Francisco, CA 94104

Dear Mr. Sher:

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 one of its affiliates have coordinated with your law firm, Sher Edling LLP, on climate-related litigation, lectures for judges, or other activities aimed at predisposing judges to side with plaintiffs in climate-related cases.

Over the past decade, your law firm has filed several lawsuits against oil and gas companies alleging that they are responsible for harms from adverse weather.³ At the same time, 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.”⁴ The CJP, which claims to give “neutral, objective

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 Damage & Deception Cases*, SHER EDLING LLP, <https://www.sheredling.com/cases/climate-cases/> (last visited Apr. 3, 2026).

⁴ *Climate Science and Law for Judges: About the Curriculum*, ENV’T L. INST. (Mar. 2023), <https://cjp.eli.org/curriculum/about-curriculum>.

information to the judiciary about the science of climate change,”⁵ includes courses that purport to show the “causal connections between emissions” and “changes in the climate,”⁶ and explicitly focuses its outreach “on states and federal jurisdictions where cases will be heard.”⁷

There appears to be substantial personnel overlap between your law firm and ELI and the CJP. When ELI began the CJP, Ms. Ann Carlson served on ELI’s board of directors⁸ while simultaneously serving as a “consultant/committee member” for your firm as it advanced climate litigation.⁹ Ms. Carlson, while providing “pro bono” litigation “consulting” services for your firm,¹⁰ was also member of the CJP’s “Advisory Curriculum Committee,” which contributed to “shaping, refining, and strengthening the curriculum’s methodology and content.”¹¹ Additionally, Ms. Carlson presented in the CJP’s pilot program to educate federal judges.¹² Ms. Carlson later served as the Acting Administrator for the National Highway Traffic Safety Administration (NHTSA) in the Biden-Harris Administration.¹³

Mr. Michael Burger, is Of Counsel at your law firm,¹⁴ while also serving as the Executive Director of the Sabin Center for Climate Change Law,¹⁵ an organization that has been involved with the CJP since it hosted its inaugural seminar in June 2019.¹⁶ The Sabin Center says it partners with ELI to “leverage [its] expertise to support climate solutions.”¹⁷ The CJP included Mr. Burger’s work, *The Law and Science of Climate Change Attribution*, as supplemental reading in numerous climate-science training lectures given to judges at ELI/CJP events,¹⁸ and

⁵ *About the Climate Judiciary Project*, ENV’T L. INST., <https://www.eli.org/climate-judiciary-project> (last visited Apr. 3, 2026).

⁶ *Supra* note 4.

⁷ 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>.

⁸ *See Past ELI Board Members*, ENV’T L. INST., <https://www.eli.org/past-eli-board-members?page=2> (last visited Apr. 3, 2026) (showing Carlson was a member of ELI’s Board in 2018); *About CJP*, CJP, ENV’T L. INST., <https://cjp.eli.org/about> (last visited Apr. 3, 2026) (showing Climate Judiciary Project was established in 2018).

⁹ Ann Carlson, Annual Reporting Form, UCLA Sch. of L. (Dec. 6, 2020), <https://govoversight.org/wp-content/uploads/2021/08/Carlson-reporting-forms-Responsive-Documents-20-8525.pdf>.

¹⁰ *Id.*

¹¹ *Supra* note 4.

¹² Ann Carlson, *Climate Change Litigation*, Lecture at UCLA Law School, Climate Science for Judges Program, ENV’T L. INST. & FJC (Sept. 13, 2019) (on file with the Committee).

¹³ *Ann Carlson named head of the National Highway Traffic Safety Administration*, UCLA SCH. OF L., (Sept. 19, 2022), https://law.ucla.edu/news/ann-carlson-named-head-national-highway-traffic-safety-administration?_gl=1*1kozylw*_up*MQ.*_ga*MTU4MjI5MzI4MC4xNzc1MDA3MzAx*_ga_LH03WX2T8B*czE3NzUwMDczMDAkbzEkZzAkDDE3NzUwMDczMDAkaJYwJGwwJGgw.

¹⁴ Michael Burger, SHER EDLING LLP, <https://www.sheredling.com/team/#michael-burger> (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 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).

¹⁷ *Support Us*, COLUMBIA L. SCH. SABIN CTR. FOR CLIMATE CHANGE L., <https://climate.law.columbia.edu/content/support-us> (last visited Apr. 3, 2026).

¹⁸ *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).

his theories connecting law and “climate attribution science” appear to be essential to CJP’s judicial education modules.¹⁹

Additional evidence exists that Mr. Burger may have ghostwritten parts of a chapter on Climate Science in the Fourth Edition of the Federal Judicial Center’s *Reference Manual on Scientific Evidence*, a publication used to guide federal judges in evaluating complex scientific evidence.²⁰ The FJC recently removed the chapter from the manual after twenty-seven state attorneys general noted that the material was authored by biased climate litigation activists and designed to predispose judges in favor of plaintiffs.²¹ Although the chapter is formally credited to two other authors, a textual analysis found substantial similarity between the chapter and a 2020 law journal article that Mr. Burger wrote with those same two authors about causation in climate-change litigation.²² The analysis found the textual similarity between the two documents to be about 47.8 percent, suggesting that Mr. Burger was, in effect, an undisclosed third author of the since-removed chapter meant to influence federal judges.²³

Beyond sharing staff between your firm and ELI or ELI-related affiliates, public information suggests that your firm and ELI draw from the same funding sources. The New Venture Fund (“NVF”)—a left-wing dark money group that funds hundreds of progressive activist organizations²⁴—donated more than \$2.3 million to Sher Edling, LLP and more than \$1.2 million to ELI in 2024 alone, according to publicly available information.²⁵ Since Sher Edling, LLP’s founding in 2016, the NVF reportedly has provided more than \$16 million in donations to your firm.²⁶ This information suggests that the same left-wing dark money group bankrolling climate litigants is also funding the entity predisposing the judges who will decide those cases on the very legal and scientific theories those cases advance.

¹⁹ 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>.

²⁰ *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.

²¹ 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/>.

²² *Supra* note 20.

²³ *Id.*

²⁴ *Supra* note 20.

²⁵ See Thomas Catenacci, *Left-Wing Dark Money Giant Funds Dem Lawsuits Against Oil Companies—and Trainings for Judges on How To Handle Those Cases*, WASH. FREE BEACON (Dec. 1, 2025), <https://freebeacon.com/energy/left-wing-dark-money-giant-funds-democrats-lawsuits-against-oil-companies-it-also-funds-trainings-for-judges-overseeing-those-same-cases/>.

²⁶ 2024 Internal Revenue Service Form 990: Return of Organization Exempt from Income Tax, The New Venture Fund (Nov. 11, 2024), <https://projects.propublica.org/nonprofits/organizations/205806345/202513159349305596/full>.

²⁷ *Supra* note 24.

Taken together, this evidence raises questions as to whether, and to what extent, there has been coordination between ELI or CJP and third parties, including your firm, interested in securing favorable judgments in climate-related cases.²⁷ Your firm, which is filing novel and untested lawsuits related to climate change, appears to be working with allied parties to predispose judges toward your position through biased judicial education materials. This information raises serious concerns about the integrity and independence of the judicial process and federal courts, as well as issues with improper *ex parte* contact with courts on your behalf.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 between or among you, Sher Edling, LLP, or anyone acting on your or Sher Edling, LLP's behalf, and the Environmental Law Institute, the Climate Judiciary Project, the Sabin Center for Climate Change Law, the New Venture Fund, or any of their respective officers, directors, employees, agents, or affiliates, referring or relating to:
 - a. Any climate-related litigation;
 - b. The development, review, or content of any judicial education program, seminar, or curriculum concerning climate change or environmental litigation;
 - c. The identification of jurisdictions or specific judges to be invited to such training; and
 - d. The identity of any judges who have attended ELI or CJP affiliated training in the past.
2. Documents sufficient to identify the following:
 - a. All individuals who have been employed by, affiliated with, or performed consulting or advisory work for Sher Edling, LLP who also were affiliated with the ELI, the CJP, the Sabin Center for Climate Change Law, and the UCLA Emmett Institute on Climate Change & the Environment, including the dates and nature of each engagement;
 - b. All sources of funding for Sher Edling, LLP's climate-related litigation, and
 - c. Agreements, understandings, or terms—whether written or oral—between your firm and any funder for Sher Edling, LLP's climate-related litigation, including any communications regarding the scope, conditions, or expected outcomes associated with such funding.
3. A list of all individuals and organizations that have provided funding, strategic guidance, or other support to Sher Edling, LLP for Sher Edling, LLP's 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. Please contact

²⁷ See Robert Stilson, *The Activist Side Third-Party Litigation Support*, CAPITAL RSCH. CTR. (Nov. 1, 2023), <https://capitalresearch.org/article/the-activist-side-third-party-litigation-support/>.

²⁸ See MODEL RULES OF PROF'L CONDUCT R. 3.5(b) (2025).

Committee staff at (202) 225-6906 no later than 5:00 p.m. on May 12, 2026, to schedule your interview. If you are represented by 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.”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.

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

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).