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COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: PAUL HANLE

Tuesday, July 21, 2026

Washington, D.C.

The interview in the above matter was held in room 2237, Rayburn House Office Building,
commencing at 10:01 a.m.

1 Appearances:

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5 For the COMMITTEE ON THE JUDICIARY:

6
7 [REDACTED], DEPUTY DIGITAL DIRECTOR

8 [REDACTED], COUNSEL

9 [REDACTED], SENIOR SPECIAL COUNSEL

10 [REDACTED], PROFESSIONAL STAFF MEMBER

11 [REDACTED], CHIEF COUNSEL FOR OVERSIGHT

12 [REDACTED], PROFESSIONAL STAFF MEMBER

13 [REDACTED], RESEARCH ASSISTANT

14 [REDACTED], MINORITY COUNSEL

15 [REDACTED], MINORITY OVERSIGHT COUNSEL

16 [REDACTED], MINORITY COUNSEL

17 [REDACTED] MINORITY CHIEF COUNSEL AND SENIOR ADVISOR

18 [REDACTED], MINORITY FELLOW

19 [REDACTED], MINORITY LEGAL INTERN
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1 For PAUL HANLE:

2

3 Susanne S. Grooms

4 Heather C. Sawyer

5 Cooley

6 1299 Pennsylvania Ave, NW

7 Suite 700

8 Washington, DC 20004-2400

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1 [REDACTED]. Good morning. This is a transcribed interview of Mr. Paul Hanle. Chairman
2 Jordan has requested this interview as part of the committee's oversight of Federal courts and the
3 adequacy of existing safeguards to prevent improper influence on Federal judges.

4 Would the witness please state your name for the record?

5 Mr. Hanle. Paul Hanle.

6 [REDACTED]. We encourage witnesses who appear before the committee to freely consult
7 with counsel if they so choose. And it's my understanding that you're appearing today with
8 personal counsel. Is that correct?

9 Mr. Hanle. That's correct, yes.

10 [REDACTED]. Would counsel please state your name for the record.

11 Ms. Grooms. My name is Susanne Grooms. I'm at Cooley.

12 Ms. Sawyer. Heather Sawyer. I'm at Cooley.

13 [REDACTED]. On behalf of the committee, I want to thank you for appearing here today to
14 answer our questions. The chairman also appreciates your willingness to appear voluntarily.

15 My name is [REDACTED], and I am with Chairman Jordan's staff. I'm going to have
16 everyone from the committee who is here in the room introduce themselves as well.

17 [REDACTED] [REDACTED] with Chairman Jordan's staff.

18 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

19 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

20 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

21 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

22 [REDACTED] [REDACTED] with Ranking Member Raskin's staff.

23 [REDACTED] [REDACTED] with Ranking Member Jordan's staff.

24 [REDACTED] [REDACTED], Ranking Member Jordan's staff.

25 [REDACTED] [REDACTED], Ranking Member Jordan's staff.

1 [REDACTED], Chairman Jordan's staff.

2 [REDACTED] I'd like to now go over the ground rules and guidelines that we'll follow during
3 today's interview.

4 Our questioning will proceed in rounds. The majority will ask questions first for one hour.
5 Then the minority will have an opportunity to ask questions for an equal period of time, if they
6 choose. We'll alternate back and forth until there are no more questions and the interview is over.

7 Typically, we take a short break at the end of each hour. But if you'd like to take a break
8 apart from that, please just let us know.

9 As you can see, there's an official court reporter taking down everything we say to make a
10 written record. So we ask that you give verbal responses to all questions. Do you understand
11 that?

12 Mr. Hanle. I do.

13 [REDACTED]. So the court reporter can take down a clear record, we'll do our best to limit the
14 number of people directing questions at you during any given hour to just those people on the staff
15 whose turn it is.

16 Please try and speak clearly so the court reporter can understand and so the folks down at
17 the end of the table can hear you too.

18 Mr. Hanle. Okay.

19 [REDACTED]. It's important that we don't talk over one another or interrupt each other if we
20 can help it. That goes for everybody present at today's interview.

21 Also, as you will notice, there is the committee's official videographer who is taking a video
22 recording of this proceeding.

23 We want you to answer our questions in the most complete and truthful manner as possible,
24 so we'll take our time. If you have any questions or if you do not understand one of our questions,
25 please just let us know.

1 Mr. Hanle. Okay.

2 [REDACTED]: Our questions may cover a wide range of topics, so if you need clarification at
3 any point, just say so.

4 If you honestly don't know the answer to a question or do not remember, it is best not to
5 guess. Please give us your best recollection, and it is okay to tell us if you learned information from
6 someone else. Just indicate how you came to know that information.

7 If there are things you don't know or can't remember, just say so, and please inform us who,
8 to the best of your knowledge, might be able to provide a more complete answer to that specific
9 question.

10 You should also understand that by law you are required to answer questions from Congress
11 truthfully. Do you understand that?

12 Mr. Hanle. I do.

13 [REDACTED]: This also applies to questions posed by congressional staff in an interview. Do
14 you understand this?

15 Mr. Hanle. I do.

16 [REDACTED]: Witnesses that knowingly provide false testimony could be subject to criminal
17 prosecution for making false statements under 18 U.S.C. Section 1001. Do you understand that?

18 Mr. Hanle. I do.

19 [REDACTED]: Is there any reason you are unable to provide truthful answers to today's
20 questions?

21 Mr. Hanle. No, there is not.

22 [REDACTED]: Finally, I'd like to make note that the content of what we discuss here today is
23 confidential. We ask that you not speak about what we discuss in this interview to any outside
24 individuals to preserve the integrity of our investigation.

25 For that same reason, the marked exhibits we will use today will remain with the court

1 reporter so they can go in the official transcript. Any copies of those exhibits will be returned to us
2 when we wrap up.

3 That's the end of my preamble.

4 Is there anything my colleagues from the minority would like to add?

5 [REDACTED]. We'd just like to thank Dr. Hanle for taking the time to be here today.

6 Mr. Hanle. Thank you.

7 [REDACTED]. Any comments from counsel?

8 Ms. Grooms. No.

9 [REDACTED] The clock now reads 10:05 a.m. We'll start the first hour of questioning and
10 turn it over to my colleague [REDACTED].

11 EXAMINATION

12 BY [REDACTED]:

13 Q Good morning.

14 A Good morning.

15 Q What is your current occupation?

16 A I'm a visiting scholar at the Environmental Law Institute.

17 Q And what positions do you hold there?

18 A Well, visiting scholar is the position. That's a volunteer, but also I'm on contract there.

19 Q Okay. And how long have you been a visiting scholar with ELI?

20 A About eight years.

21 Q And what are your responsibilities in that position?

22 A Well, as a visiting scholar I contribute to the Climate Judiciary Project, and that includes
23 being a part of a team of approximately five people.

24 Q Okay. Do you do anything else for ELI other than the Climate Judiciary Project?

25 A Once in a rare while I'll give advice about some topic, but not frequently.

1 Q Can you give me an example?

2 A If there's something that has to do with climate, since I'm knowledgeable of climate
3 science, I might give an opinion about or a fact about climate science.

4 Q Okay. Who supervises your work?

5 A Let's see, Sandra Thiam is the vice president for policy, I believe.

6 Q Okay.

7 A Policy and -- you'll have to check that. I don't know exactly her title. But Sandra Thiam,
8 who is the vice president.

9 Q Okay.

10 A Thank you.

11 Q Do you supervise a team or any employees?

12 A No, I don't.

13 Q No? Okay.

14 Prior to joining ELI, did you play any role in advising the Obama administration?

15 A I did. It was informal.

16 Q Okay. Can you describe those duties or that relationship?

17 A Yeah. It wasn't duties, but I would occasionally visit with the President's science
18 advisor about climate matters.

19 Q Okay. Since you started with the ELI, have your responsibilities changed over time
20 from maybe from when you started to now?

21 A They evolved. Yes, they did.

22 Q Can you describe that?

23 A Yes. So when I started, we began the Climate Judiciary Project, and I was the principal
24 together with a staff member, Sandra Thiam, the person I mentioned. And that was -- we worked
25 jointly as a team with some support people.

1 Over time, the staff has evolved and others have taken many of those responsibilities that we
2 shared at that time.

3 Q Okay. How did you come to join ELI? Were you recruited by someone? Or how did
4 that relationship start?

5 A Well, I had -- was introduced to ELI because the person who introduced me knew that
6 ELI did judicial training and was interested in climate science.

7 Q Who was it that introduced you?

8 A His name is David Van Hoogstraten.

9 Q Is he still at ELI?

10 A No, and he was not with ELI. He had recently retired from BP petroleum Company.

11 Q Okay. What email address do you use with your work with ELI?

12 A It's [REDACTED]. [REDACTED].

13 Q Is that the only email address you use?

14 A No, there's an ELI email address also.

15 Q Do you know what that is?

16 A Yes. [REDACTED], which I use very infrequently.

17 Q Okay. Why is that?

18 A Because my personal email address, [REDACTED], is the one that I have used.

19 Q Okay. Do you use your ELI email address to communicate with individuals associated
20 with ELI, such as like maybe individuals with the Sabin Center or Sher Edling or FJC? What would
21 you always use your [REDACTED] -- was it [REDACTED]?

22 A [REDACTED].

23 Q Yeah.

24 A Yes. Not always, but most, overwhelming majority of the time I would use [REDACTED].
25 Once in a while ELI.

1 Q Was there a time where you used the ELI email address more and then you've kind of
2 continued? No?

3 A No, no.

4 Q Okay.

5 A I came with [REDACTED] and that was my principal.

6 Q Okay. When was the Climate Judiciary Project created?

7 A So I came up with the idea in 2018 before I was with ELI. I was coming out of my
8 previous job at Climate Central.

9 Q So you came up with the idea. What was the idea, I guess?

10 A The idea was to educate an important audience, judges, about the science of climate
11 change and how it arises in law.

12 Q Did you collaborate with anyone in coming up with this idea?

13 A Not collaborate. I did get input from a whole range of advisors. But I
14 wrote -- principally wrote what we call -- what I call the prospectus.

15 Q The prospectus?

16 A Yes.

17 Q Just if you can ballpark it, when did you first start coming up with this idea for the
18 Climate Judiciary Project?

19 A Well, as I said, when I came out of Climate Central. So the date would have been
20 about spring of 2018.

21 Q Okay. And do you remember the names of any of these folks that advised you?

22 A There were scores of people that I spoke to, and they were just a range of people in
23 climate science and legal scholars.

24 Q Okay. Are any of those people with the firm -- the law firm Sher Edling?

25 Ms. Grooms. To the extent that you know.

1 [REDACTED]:

2 Q Yeah.

3 A I am just thinking for a moment. To the best of my recollection, the answer is no.

4 Q What about with the Sabin Center?

5 A Yes, I spoke with Michael Gerrard, whom I had known before.

6 Q And that's as far as the Sabin Center folks?

7 A I believe so, yeah.

8 Q What about with the Federal Judicial Center?

9 A That depends on what time you're asking me about.

10 Q Just when you're -- yeah, when you're coming up with this idea, you're collaborating,
11 you're talking to these advisors about the Climate Judiciary Project. Is anyone at the FJC or anyone
12 at the time at the FJC that helped you or advised you in coming up with the Climate Judiciary Project?

13 A No, not in creating the project itself at FJC.

14 Q Okay. Were any of those conversations with these advisors documented?

15 A No, I would speak to people getting their impressions and their ideas.

16 Q Is this via telephone?

17 A Usually, yes. Once in a while in person.

18 Q Okay. So you've talked a little bit about your introduction to ELI, but it sounds like you
19 had this Climate Judiciary Project idea, and then you chose ELI.

20 A Uh-huh.

21 Q Why ELI?

22 A I mentioned David Van Hoogstraten had been -- was aware of ELI. I believe he had
23 done some volunteer work with them. And he introduced me to it.

24 Q Did he also advise on the project?

25 A He did a little bit at the beginning. It was a very short duration involvement with

1 David.

2 Q Okay. Did someone at ELI approve the Climate Judiciary Project?

3 A Absolutely.

4 Q Who would that have been?

5 A It was a set of conversations. But I discussed it certainly with the president of ELI.

6 Q And that was Mr. Fulton?

7 A Yes, Scott Fulton.

8 Q Was there a written proposal that you provided ELI and Mr. Fulton to go over?

9 A Let me think about that.

10 Initially, there was a conversation or two.

11 Q Okay.

12 A Eventually, we had to have some kind of written proposal.

13 Q And would you have authored that proposal?

14 A Yeah, I was principal author, right.

15 Q Do you have a copy of that proposal anywhere?

16 A I'm not sure we do. It was a long time ago.

17 Q Okay. Do you remember anyone opposing the project, whether at ELI or anywhere
18 else?

19 A Remarkably I don't -- to the best of my recollection, I didn't hear any opposition to it.

20 Q Okay.

21 A To the best of my recollection.

22 Q What kind of financial support did the project receive when it was created?

23 A Well, at the beginning it was me volunteering, and there was no -- you know, it as just --

24 Q Just man-hours?

25 A Just me, man-hours.

1 Q And then as it progressed?

2 A Over time, I raised funds for it.

3 Q Okay. Did ELI fund some of the projects?

4 A Eventually they did.

5 Q But most of the money came from other donors that you raised?

6 A Yes.

7 Q Were the individual donors -- were they individuals or organizations?

8 Ms. Grooms. So I think we've discussed this before, but we're not going to get into details
9 about donors. We have confirmed that none of CJP's donors are involved in editing or commenting
10 on the CJP curriculum or presentation materials. And if you want, he'll confirm that.

11 BY [REDACTED]:

12 Q Okay. So for the team, project's team, did you -- do you recruit the personnel
13 personally for people that work on the project?

14 A Over time, when some people were brought in, I had a role. But I'm not staff, so I
15 didn't have responsibility.

16 Q Okay. So what does the Climate Judiciary Project look for, for ideal candidates that
17 maybe work on the program?

18 Ms. Grooms. For employees?

19 BY [REDACTED]:

20 Q For employees, yes.

21 A It's hard for me to say that, and the reason is that, as I said, I'm not staff there. ELI has
22 certain requirements for hiring. So I would probably just leave it at that, unless there's some
23 specific thing.

24 Q Yeah, so you're not questioned or asked, you don't do any of the interviews, you're
25 not -- you don't have anything to do with the employment of the people at --

1 A I'm sorry, as I said, I do have a role, and I have been involved in interviews, yes.

2 Q Okay. Maybe just go into a little more depth of what your role is to help me
3 understand.

4 A Sure. Sure.

5 So if we felt that we needed staff that were not already on ELI -- and some of them were in
6 fact there and supporting the project -- we would -- I would speak with my colleagues and with
7 Thiam, who did have responsibility, and we would discuss what the criteria would be for what we
8 were looking for.

9 And there were different -- there were only two or three hires that we did. At one point, we
10 wanted to have a scientific expert, and so we decided to put that as one of the criteria for hiring a
11 person.

12 Q Okay. So in those examples, like that example you just gave me, what is that criteria?

13 A That they have scientific expertise. That they had some kind of education or
14 experience in climate science.

15 Q And that's it?

16 A That would be the principal criterion for that position, that particular position.

17 Q Would you review some of their other work?

18 A Sorry, what do you mean by that?

19 Q Like, let's say you have five options. Would you review those candidates? Would you
20 review their prior published work, see what they've written, see what their opinions are on certain
21 topics?

22 A Well, typically for an appointment there would be a resume and some associated
23 material that might be an essay or some publication. And I had access to whatever ELI was asking
24 the candidates to provide.

25 Q Okay. And then you would review those?

1 A Then I would.

2 Q Okay. Do you know whether or not one of the criteria for hiring for the project, do you
3 consider political affiliation?

4 A I don't know, but I doubt very much. I think ELI is a nonpolitical, nonpartisan
5 organization. So I would say no.

6 Q Okay. So when recruiting advisors to the project, do you have a role in that?

7 A I did have a role in that, yes.

8 Q Okay. When did that role end for you?

9 A Well, we have been bringing -- so we had advisors early in the project, and that role
10 for recruiting would have been as we decided who would come onto the advisory group. And I
11 don't know if we can say it ended, but it ended when we recruited those advisors.

12 Q Okay. And is political affiliation considered when recruiting advisors?

13 A Absolutely not.

14 Q Okay. What about --

15 A What we did consider was expertise. That was the number one criterion.

16 Q Okay. What about recruiting authors or speakers for educational materials and give
17 presentations at ELI and CJP events, did you have anything to do with that?

18 A I did, yes.

19 Q Okay. Can we talk about that a little bit? What was your role?

20 A Well, typically, I would provide advice -- and, again, on what we're talking about here,
21 the criterion was expertise. So whether they were familiar with climate science, understood it,
22 could present it, these are the things that my role was to advise on.

23 Q Okay. Could you approve -- or could you reject speakers or authors?

24 A We worked as a team, so I never really either had to or acted to reject. We agreed by
25 consensus.

1 Q And so can you walk me through that a little bit? You review the speakers, the
2 authors -- or the potential speakers and authors -- and then you as a group discuss whether or not
3 they are the right fit?

4 A Correct.

5 Q Are those meetings -- are there minutes from those meetings? Are they documented
6 in any way?

7 A They're typically conversations. And early they were largely between Sandra Thiam
8 and myself. We worked as partners.

9 Q Okay. Were there any instances that you can remember where you did reject a
10 speaker, an author?

11 A We didn't think that way. There was a very large number of possibilities, and we
12 would try to identify what was the best match for whatever the role was, whether it was
13 presentation or writing.

14 Q Okay. So can you give me an example of maybe a time that you can remember where
15 you did not choose one speaker over another?

16 A Well, again, I'm trying to clarify. When we were looking -- and it depends on -- it's
17 important to understand there's presenters and there are authors, and they have different roles.

18 But for presenters, we would think what is the field of possible presenters in a particular area,
19 and then we would decide what's the best one to present. And we used criteria for those decisions.

20 Q And what is specific criteria?

21 A Criteria were, number one, expertise. We also thought it was important in the
22 presentations that they have high standing in their profession. And we thought that they should be
23 able to make fair and objective presentations and speak well in those presentations.

24 Q How would you determine whether or not the speaker could speak fair and objectively?

25 A Well, I knew many, if not most of those in the science community and had a sense of

1 that.

2 Q Who --

3 A And my -- sorry?

4 Q I'm sorry. So based on --

5 A My knowledge.

6 Q Like, you say your subjective belief whether or not they're objective?

7 A My knowledge of the network of and community of climate scientists, which is
8 extensive.

9 Q Did you have any role in creating the curriculum?

10 A Yes, I did.

11 Q Can you go through that role, please, what you did? What was your role?

12 A Well, that's a pretty broad question. I can address the steps that we went through, if you
13 wish.

13 Q Yeah, I'd like that.

14 A So my role was to think about what were the topics that ought to be covered in the
15 curriculum. And then, in discussion with my colleagues on this team, we would decide the full
16 range. Mine was about science, in particular.

17 Q Okay. Was there ever a time where you rejected or overruled someone else's
18 recommendation for topics in the curriculum?

19 A Well, as I said, we didn't really work that way. We worked mostly by consensus and
20 came to an agreement.

21 Q Was there ever a time where the group overruled or rejected someone's
22 recommendation for the curriculum?

23 A What do you mean by someone's recommendation?

24 Q Someone within the group, whoever is creating the curriculum. Someone ever say, "I
25 want topic X," and as a group you decided, "No, that topic does not fit in our curriculum"?

1 A That wasn't the dynamic. The dynamic was a discussion about who would be the best
2 to speak, and we would come to agreement, typically, without disagreement in the conversations.

3 BY [REDACTED]:

4 Q You had mentioned that your role with that curriculum was focused. You thought
5 about the science perspective?

6 A Yes.

7 Q Were there other perspectives that other individuals thought about when it came to the
8 curriculum?

9 A Well, how science arises in the law was an important aspect of this, which I'm not a
10 lawyer and I was not expert in.

11 Q Okay. So it was just the science and the law that were considered perspectives during
12 the creation of a curriculum?

13 A Yes.

14 Q Okay.

15 [REDACTED]: Who has the ultimate authority over the Climate Judiciary Project?

16 Ms. Grooms. Can you explain what that means? I'm not sure what --

17 BY [REDACTED]:

18 Q Who is heading it in the hierarchy? Who's number one, top of the pyramid?

19 A I believe the best way to -- I keep coming back to this team approach that we had. I
20 think the best way to answer that is to say we came to consensus decisions and the team's decisions
21 were those that were applied, that were accepted.

22 Q Who is "we"? Who is the team?

23 A So the team is --

24 Ms. Grooms. At what time period are we talking about? Maybe that would be helpful.

25 Mr. Hanle. Yes, that is a very important point.

1 BY [REDACTED]:

2 Q Yeah, I mean, in relation to -- I guess let's start from the beginning.

3 At the start of the Climate Judiciary Project, who has the ultimate authority over the
4 program? Who says yes to approve speakers and authors? Who says yes to approve the
5 curriculum? Who says yes to approve educational program and written materials? Who's
6 the -- where does the buck stop?

7 A Well, that would have been a shared responsibility of myself and my counterpart,
8 Sandra Thiam, on staff.

9 Q Okay.

10 A With input from the rest of the team, which included three or four staff.

11 Q And what are their names?

12 A Well, they changed over time.

13 Q Okay. So at the beginning?

14 A Well, there were --

15 Q If you don't remember, that's okay.

16 A Yeah, it's eight years ago, and, honestly, I can't remember. I can tell you categories.
17 There were a couple of research associates and at least one lawyer.

18 Q Do you remember who the lawyer was?

19 A No, I don't, because they changed over that period.

20 Q Okay. And so --

21 BY [REDACTED]:

22 Q Has it always been research associates and lawyers that have made up the team besides
23 you and Sandra?

24 A Not always, no.

25 Q What other positions have there been?

1 A Well, we decided that we should bring a fellow, a science fellow in as an expert in the
2 science.

3 Q And when did that take place?

4 A So I can't -- I don't remember that exactly. Let me think. It would have been maybe
5 three or four years into the project. I'm not sure exactly to the best I can recall.

6 Q And do you still have that science fellow?

7 A We don't have that science fellow. He did a fine job and stayed on staff, but he is not a
8 fellow.

9 Q Okay. And right now what is the makeup of the team?

10 A So it is -- we have a director.

11 Q And who's the director?

12 A Helene Krasnoff.

13 And then we have science advisors or science experts. And we have legal scholars and
14 research associates.

15 Q Okay. How many science experts are there?

16 A You know, it depends on who we bring in at a particular time. The fellow who was the
17 fellow often provides scientific advice to us now.

18 Q Okay. And does the number of legal experts vary as well throughout?

19 A It does. It depends on a whole range of things, about questions we might want to ask.

20 Q And research associates, does that number vary?

21 A Yes, it does. And people change.

22 Q And how many people are currently on the team for CJP?

23 A You know, it's interesting. I think -- I can't tell you the exact number because the
24 director is responsible for that and brings people in, so they come and go at different times.

25 Q Okay.

1 BY [REDACTED]:

2 Q So when the team is making these decisions on speakers and authors, written materials,
3 education programs, is there any type of documentation? Is there any notes in the meetings or are
4 the decisions written down on paper? Is there some sort of documentation?

5 A I'm sure that people, various members of the team, have taken notes. But to my
6 recollection, we did not write down -- and I'm thinking about this -- write down what -- the basis for
7 decisions like this. It was a small group, and we worked by consensus.

8 Q Okay. So we're going to move a little bit towards the -- just like the mission of CJP.
9 In your words, what is the mission of the Climate Judiciary Project?

10 A It's to provide education for judges about climate science and how it arises in
11 the law.

12 Q So can you go in a little more detail about judicial education, what that means to you,
13 what is the -- or the project? What do you all consider judicial education?

14 A So judicial education is an established undertaking. We work together with those who
15 were judicial educators -- the Federal Judicial Center, for example, and National Judicial
16 College -- and worked with them to provide the information that judges needed according to their
17 education standards. And so that was sort of a broad approach that we took.

18 Q Okay. Does the CJP distinguish between education and advocacy?

19 A It does indeed.

20 Q How?

21 A We do not push for any particular solutions or policy, which I would consider advocacy.

22 Q Okay. Are CJP employees trained regarding that distinction?

23 A We certainly all share that view and discuss it.

24 Q Are speakers instructed regarding that distinction?

25 A Yes. When speakers were selected, we would often give them pointers to that effect.

1 Q Are authors instructed regarding that distinction?

2 A Yes.

3 Q What safeguards exist to ensure neutrality within the CJP and the materials and the
4 presenters and the authors?

5 A Well, you have to understand the whole process. But neutrality is something that we
6 value a lot. And so Sandy, Sandra Thiam and I review presentations and writing closely for
7 neutrality. Again, it depends on which particular thing you're talking about, what safeguards we
8 use.

9 Q So that's it. That's how you ensure neutrality, you and Ms. Thiam review presentations
10 and materials. And if there is some bias that's obvious, then you would what?

11 A Well, as I said, it depends. We also have a group of -- if there's any question about
12 neutrality, we have advisors, and we might ask for their views.

13 Q Okay. Has there --

14 A I should add, though, that there rarely is a question of neutrality because we lead at the
15 beginning by urging and insisting that the work product be neutral, that it not be attempting to bias
16 or advocate any position.

17 Q I'm not sure I understand. So you mean -- I don't understand that answer. When you
18 lead at the beginning with whom?

19 A When we ask for a speaker --

20 Q Okay.

21 A -- we will talk to them about not advocating for any particular position or decision
22 coming from the judiciary.

23 Q Okay. And you do that with every speaker, every author?

24 A Well, to the best of my recollection, every author. Certainly we're very careful with
25 setting that up.

1 Q Okay. And then after that, then you'll review all of the materials by those authors and
2 speakers to determine whether or not there's some bias that's obvious. That's like the second step
3 in the safeguard to ensure neutrality?

4 A So, again, it depends on what we're talking about. On the curriculum, we will review
5 that numerous times, and we will also ask our advisors to review it for us.

6 Q Okay. And what about with speakers and authors?

7 A Speakers, we look carefully by asking for their presentations in advance. And Sandra
8 and I examine those, take a look at those.

9 Q Has there ever been a time where you've removed or didn't publish a speaker and
10 author's material because you found that it was biased?

11 A Well, in the case of presentations that we were just talking about, there were occasions
12 when scientists, say, would slip into a place of appearing to be advocating something, and then we
13 would advise them that that might not be a good idea.

14 Q And then what, have them remove it?

15 A Typically. And then they would typically volunteer to remove it. I don't recall any
16 resistance to that.

17 Q There's never been a time where someone you just canceled their entire slide or
18 presentation or written material?

19 A Well, some slides. When observing this possibility you might say this particular slide
20 may be construed as advocating for something and it might be a better idea to change it or delete it.
21 And both things have happened.

22 BY [REDACTED]:

23 Q And when you talked about the CJP's mission of providing judicial education
24 opportunities on climate science and how it arises in the law, how did you become aware that there
25 was a need for judges to have a greater understanding of climate science?

1 A So that was actually a part of what I learned in the process of conferring with outside
2 advisors at the beginning of the program. We would ask what they think about that, and we
3 would try to weigh whether that was the case.

4 I knew, particularly, also I had seen in my previous job that cases were beginning to develop.
5 And so it appeared that there was a need emerging that I might want to help fill.

6 Q And what were the issues that were arising in those cases that you thought the judges
7 needed to be educated on?

8 A So let me just remind you that I'm not a lawyer.

9 Q Yeah.

10 A But I'd seen that there was a very wide range of issues that were being looked at where
11 climate science would play a role. And the legal terms are not familiar to me, but things like
12 constitutional, statutory, and regulatory laws, for example.

13 Q And so what were the specific aspects of climate science that judges needed to be
14 trained on from a scientist perspective?

15 A Yeah. So basic facts of climate science were the most important, that climate change
16 is understood by the scientific community, it's real, and it's largely human caused.

17 Q Is that the only aspect, or were there more?

18 A Well, there's a whole curriculum, a full range of climate science that is actually publicly
19 available on our website.

20 Q Okay. So beyond the fact that climate change is real and human caused, were there
21 other things that judges needed to be trained on?

22 A Well, the highest level is that. And then there's, if you look at the modules for the
23 curriculum, a question, for example, that I had a personal role in was explaining how climate science
24 works, what are the methods, approaches, uncertainty; understanding when a statement about
25 climate science is more certain than when sometimes it isn't. That kind of thing.

1 Q And were there any training modules, to the best you can remember, that focused on
2 specific human causes of climate change?

3 A Well, the general and top line for the education is that climate change is principally
4 caused by greenhouse gas emissions, which is a universal, is a consensus view of the climate
5 science community, I should say.

6 BY [REDACTED]:

7 Q Is it important that judges perceive the Climate Judiciary Project as neutral?

8 A Yes. I wanted to ask you what you mean by "neutral"?

9 Q I guess just not one-sided, not -- I guess not -- I guess there's a kind of a spectrum of
10 climate science and the outcomes of -- or in the causes of climate change. Would you agree with
11 that?

12 A It's an overstatement.

13 Q An overstatement. Okay. So how?

14 A Yeah, I think that the vast majority of -- overwhelming majority of climate scientists
15 understand that climate change is real, human caused, caused largely by greenhouse gas emissions.

16 Q Do you think that there are judges that don't believe in climate change?

17 Ms. Grooms. Climate change science? Climate change.

18 [REDACTED]. Climate change science, I guess.

19 Do you think that there are judges that don't believe humans cause climate change?

20 Ms. Grooms. To the extent you know.

21 Mr. Hanle. To the extent I know, I will just say that I believe that judges, like general -- most
22 general audiences with which I have experience at Climate Central -- have a range of views, and some
23 of them don't understand that climate change is real --

24 [REDACTED]. Okay.

25 Mr. Hanle. -- and human caused.

1 [REDACTED]: Okay.

2 [REDACTED]: So are the trainings viewed with the goal of not -- convincing judges is not the
3 right word -- but educating judges on the fact that climate change is real and that it's human caused.
4 Is that the goal of the training?

5 Mr. Hanle. Explaining climate science, its basis, understanding for it. And one of the
6 consequences of all of that is that they would see that climate change is what I just said -- real,
7 human caused.

8 BY [REDACTED]:

9 Q Okay. Going back to authors and presenters that you all have chosen, if there were
10 undisclosed conflicts or conflicts of some bias that you didn't find out, do you think that would have a
11 negative effect on the climate change -- or on the CJP -- like how it's viewed by judges as far as
12 neutrality?

13 A I can't speculate on how the judges are going to view something.

14 Q If you were taught material and the person teaching you that material had an interest in
15 the outcome of the way that you took into education or the material, would that affect how you'd
16 look at the materials that you've been presented? Let me think of a better way to word that.

17 If someone has an undisclosed conflict or an undisclosed -- they haven't disclosed that they're
18 on a certain side of advocacy or that they have pending litigation, that they're an expert in a litigation
19 case, and they're presenting this material to you, teaching you what the correct science is, would
20 then later finding out that they had those interests or those undisclosed conflicts, would that affect
21 the way that you look at the material that they presented?

22 Ms. Grooms. I think that's just a hypothetical, which is --

23 [REDACTED]: Yeah, I mean --

24 Ms. Grooms. -- hard to address.

25 BY [REDACTED]:

1 Q Can you walk us through how CJP determines whether or not an individual who is going
2 to present at one of these judicial trainings has a conflict of interest, whether it be involved in
3 litigation?

4 A Sure. So the number one criterion for selection of any presenter was expertise. And
5 I would put great emphasis on that. One, two, and three expertise is the criterion.

6 We also felt that it was important that they be able to present a fair, objective presentation.
7 And the objectivity and fairness of it was something that we evaluated.

8 We couldn't know and in some cases wouldn't know if there was any kind of -- let me modify
9 that a little bit. What I'm trying to say is that we tried as hard as we could to involve people who
10 were not involved in litigation.

11 Q Okay.

12 A And that was an important aspect of it.

13 Q And how do you make sure that no one is involved in litigation?

14 A I didn't always ask that question--

15 Q Okay.

16 A --but there were -- if there's a possibility that we thought -- if there was a possibility, we
17 would ask and make sure that the answer was that they were not.

18 Q And why does CJP -- I am going to use the word "screen" -- but why does CJP screen
19 individuals who are involved in litigation from being a presenter?

20 A I think the feeling was that we didn't really want to put anyone in an awkward position.

21 Q Okay.

22 A And that would be the presenters, the judges, anyone involved in the program.

23 Q And from your perspective, has CJP been successful in screening its presenters for
24 anyone who may be involved in pending litigation?

25 A Well, in screening its presenters for giving solid, unbiased presentations, I think we've

1 been very successful. I stand by that, and I'm proud of that.

2 I think that we -- to the best of my knowledge, and I'm not sure, but to the best of my
3 knowledge -- we have been successful at not bringing in anyone who is directly involved in litigation
4 to present to the judges.

5 BY [REDACTED]:

6 Q So I want to get a little more in-depth about the curriculum development.

7 Does the Climate Judiciary Project follow a standard process for developing educational
8 materials?

9 A Not a standard process, but we certainly have a way of thinking and developing those
10 materials.

11 Q Is that way of thinking documented on anything? Is there something that's given to
12 the Curriculum Committee or people that are coming up with the process?

13 A Yes, yes. So there is a document or a number of documents, but one particular where
14 we lay out in the curriculum what topics we think are appropriate and seek advice on that.

15 Q Does that document have a title by chance?

16 A I can't remember what the title would be, sorry.

17 Q That's okay.

18 Ms. Grooms. And were you asking whether there's a document that describes the process
19 for which they develop the curriculum, or whether there is -- I am not sure I am figuring out what.

20 BY [REDACTED]:

21 Q So I asked does the Climate Judiciary Project follow a standard process for developing
22 educational materials. Then I asked if that process is documented, if there is a document that lays
23 out the process -- here are our standards, here are our criteria -- something you can refer back to,
24 discuss, maybe in the meetings.

25 A Well, you mentioned advisors, I believe, and there is a document that lays out what

1 we're looking for from our advisors.

2 Q Okay. Perfect.

3 How does the Climate Judiciary Project decide which topics should be included in its
4 educational programming?

5 Ms. Grooms. The curriculum that we're talking about?

6 BY [REDACTED]:

7 Q Just, I mean, any of the topics. There's modules, all of that, the chapters, or the
8 curriculum, just educational programming, educational materials, the topics that are discussed.
9 Who decides those topics?

10 A So I'll answer for the curriculum.

11 Q Okay.

12 A Which is that it began -- and this was perhaps a two-year process -- began with
13 discussions among myself and my colleague about what are the main top line topics that ought to be
14 covered; and then talking through what some of the areas of interest would be for the science being
15 presented and how it arises in the law, meeting our goal.

16 Q Okay.

17 A That was the principal first step in the process.

18 Q But how did you all come up with those topics? You say you guys need to discuss, but
19 what was the --

20 A Well, I mean, honestly, Sandy and I both are experts. She's expert in the climate law
21 and I'm expert in climate science.

22 Q Okay.

23 A But we don't claim to know everything, and that's why we have advisors.

24 Q Right. Okay.

25 Can advisors propose a topic?

1 A Well, yes, absolutely. And there were plenty of informal conversations with advisors
2 about what ought to be included.

3 Q Okay. Can outside organizations propose a topic?

4 A I'm not sure what that means.

5 Q Like maybe you have a working relationship with another environmental organization,
6 you discuss the project. Can someone from that organization propose a topic?

7 Ms. Grooms. Are you asking whether someone did?

8 [REDACTED]. I'm asking if they can, if it's permitted, if the CJP --

9 Ms. Grooms. I'm not sure --

10 Mr. Hanle. Well, that's not what happened.

11 [REDACTED]. Okay.

12 Ms. Grooms. I'm not sure what "can" means.

13 BY [REDACTED]:

14 Q Are there guidelines where you can propose topics?

15 A No, there are no written guidelines that we relied on in our conversations and thinking
16 ourselves and then putting those topics down.

17 Q So does CJP seek advice on what topics should be discussed at judicial training?

18 A Yes, we do.

19 Q And who do you seek that advice from?

20 A So we -- early on we felt it was important to have a Curriculum Advisory Committee, and
21 we constituted that.

22 Q Okay. And who's on the Curriculum Advisory Committee?

23 A Well, it depends on when. It's evolved.

24 Q Let's talk about now.

25 A Now?

1 Q Uh-huh.

2 A There are 14 members. They all have senior standing. They're advisors in science,
3 law, as climate applies to it. And we have judges on it as well.

4 BY [REDACTED]:

5 Q When was the Advisory Committee -- its curriculum, the Advisory Committee?
6 Whatever you call it.

7 A The name has been used variably. Sometimes we call it Curriculum Advisory
8 Committee. Sometimes we'll call them as an Advisory Committee.

9 Q Okay. So for the purposes of today, let's just do Advisory Committee. Is that okay?

10 A Fine.

11 Q All right. When was the Advisory Committee established?

12 A When we began to develop the written curriculum, which would have been in, I believe,
13 early 2020, to the best of my recollection.

14 Q And is that why the Advisory Committee was established, to develop the curriculum?

15 A To help us develop the curriculum, yes.

16 Q Did they have any other -- the committee, did it have any other role?

17 A Not at the beginning, no.

18 Q Okay. What about now?

19 A Well, over time it evolved. We wanted it to evolve to be advisors, first to help us
20 identify possible authors, leading authors of the curriculum modules.

21 Q Okay. Is everyone -- is there any hierarchy on the committee? Is there someone that
22 has more say or more authority?

23 A No, there isn't.

24 Q No? Okay.

25 Who -- do you know the names of the current Advisory Committee members?

1 A That's a lot of people.

2 Q Yeah.

3 A I mean, I know them. I would recognize them.

4 Q Okay. We can get to that in a second.

5 A Okay.

6 Q So can you go through, I guess, today what are some of the responsibilities of the
7 Curriculum Committee?

8 A Yes.

9 Q Okay.

10 A Advisory Committee, I think you wanted to --

11 Q Yes, Advisory Committee.

12 A So it hasn't met in, I think, a year. And the responsibilities the last time that it met
13 were largely for reviewing the status of the curriculum and its use. We also talked broadly about
14 the entire Climate Judiciary Project and how it was going, some of the issues associated with that.

15 Q Okay. So does the committee, the Advisory Committee, review speakers?

16 A Only -- no, not as a committee. And once in a while I would call a committee member
17 and ask them for suggestions. That's all.

18 Q Okay. But not in the role as a committee member --

19 A No.

20 Q -- just in their expertise otherwise?

21 A No. As an advisor broadly.

22 Q And is the same true for reviewing authors? Does the committee review authors?

23 A The committee does not review authors. We did tell the committee who the authors
24 were after they were selected.

25 Q Okay. Does the committee have any role in checking bias or neutrality in the

1 educational materials?

2 A I think that it's fair to say that if there were apparent bias, that they would provide
3 feedback to us.

4 Q Okay. Can you remember a time that that was the case?

5 A I cannot.

6 Q Okay. And so you said that the last time the committee met was a year ago?

7 A About, I think.

8 Q How often does the committee meet?

9 A Well, the committee was actually created at the beginning to review the curriculum.
10 We then didn't meet again for, I think, it was two -- I think it was three years approximately.

11 Q Okay. So it's not a regular thing?

12 A No.

13 Q It's when something comes up?

14 A Yes.

15 Q Okay.

16 BY [REDACTED]:

17 Q And you said "when we met." Are you considered part of the committee?

18 A No, I'm not considered.

19 Q Do you just attend committee meetings?

20 A And I function as staff to it, yes.

21 Q And who selects the committee members?

22 A So, as I mentioned before, Sandy and I put our heads together and came up with the list
23 of the committee members.

24 [REDACTED]: Are individuals who are not on the committee permitted to attend meetings?

25 Mr. Hanle. Well, we've had -- I am trying to think --

1 Ms. Grooms. Do you mean other CJP staff?

2 BY [REDACTED]:

3 Q Just anyone. I mean, sure, CJP staff, maybe people from other organizations.

4 A Yeah. CJP staff.

5 Q Any lawyers that aren't connected?

6 A No, not other organizations, and not -- I mean, to the best of my knowledge, not
7 organizations -- other organizations or people outside. These were involved in the CJP only.

8 Q Okay. So people that -- only people that are involved in CJP can attend the committee
9 meetings?

10 A I think that's fair to say, yes. I believe so.

11 Q Okay. And is there a certain circumstance where that would happen where someone
12 that's not on the committee would need to come in and attend the meeting?

13 Ms. Grooms. What if you had a presenter -- would you have presenters to the meeting?

14 Mr. Hanle. Thank you for the cue.

15 I don't think we had any presenters to the meeting other than the committee members
16 themselves or staff, to the best of my recollection.

17 [REDACTED]. Okay. And then, to the best of your recollection, there hasn't ever been like
18 outside legal counsel attend one of the meetings?

19 Mr. Hanle. No.

1
2 [10:58 am].

3 BY [REDACTED]:

4 Q Okay. So I think we touched on this a little bit, but does the committee approve -- the
5 committee approves the curriculum?

6 A The committee was not asked formally to approve the curriculum. We asked them for
7 comment on the outline of the curriculum.

8 Q Okay.

9 A And then we provided the curriculum for them to see.

10 Q Okay. And then if -- does anyone have the power or the authority to override a
11 committee decision in regards to curriculum or anything else?

12 A Well, this is an Advisory Committee.

13 Q Right.

14 A We hear their advice and we take it into consideration, the leadership --

15 Q So really, they don't have authority to --

16 A That's correct. They don't.

17 Q Okay. So in talking about the development an educational module. What is the first
18 step of developing a new educational module?

19 A Good question. So the module, the first step is that the module outline more or less is
20 developed by staff and then reviewed -- was reviewed in toto by the Curriculum Advisory Committee.
21 That's the first step.

22 Q So does staff propose a topic, and then --and then after you -- the topic is chosen, do
23 you seek authors or presenters to develop the material?

24 A The process of getting -- of recruiting authors typically and may always,
25 to the best of my recollection was after the outline was provided.

1 Q Okay. And then staff creates the outline?

2 A Yes.

3 Q Okay. Once an author is selected is the author given written guidance?

4 A There's a discussion with the author first just describing in a letter or an email what
5 would -- what would be asked of the person, and a request to consider doing it.

6 Q Okay.

7 A After that, there's conversation.

8 Q Is the scope of the -- of the -- the -- is the scope defined what you want the author to
9 write, like the topic, is the scope of that given to the author?

10 A When?

11 Q In -- I guess, in the intro email or after conversations come up.

12 A In broadest scope possibly.

13 Q And then is the author provided deadlines?

14 A Authors are usually asked for it in a particular time and we negotiate a deadline.

15 Q Okay. Are the authors paid?

16 A They receive stipends, so they're not -- the stipend is an honorarium and it's -- yes.

17 Q Yeah. Okay. Are there -- are there authors giving -- given sources that they're
18 required to use?

19 A Absolutely not. I shouldn't say absolutely at all, but, no, to the best of my knowledge.

20 Q Okay. Does anyone supervise the drafting process?

21 A No. If a draft is a little slow we might ask how things are going. That's it.

22 Q Yeah. Just to check in?

23 A Yeah.

24 Q Okay. Once the draft is completed, who first reviews it?

25 A It's -- it comes into the staff team, and members of the team are invited to review and

1 comment.

2 Q Okay. Does legal review occur?

3 A Well, implicitly, certainly my counterpart, but it's not a formal legal review.

4 Q Okay. And that's Ms. Thiam?

5 A Yes.

6 Q And then there's scientific review?

7 A Yes. And I help to lead that.

8 Q Okay. Is there any review, like an ethical review?

9 A Well, as I said, as we work as a team, we're always aware of this and actually put that as
10 an important thing to pay attention to. So I would say that implicitly there is an ethical review by
11 the team.

12 BY [REDACTED]:

13 Q Is the outline the staff creates provided to the author at any point in time?

14 A Yes, it is.

15 Q And so beyond the -- providing the outline is the author given free license.

16 A Yes.

17 Q -- to create the written work product however that author sees fit?

18 A Yes. We invite the author to revise the outline, and sometimes they will submit it to us
19 in advance, and sometimes they won't.

20 BY [REDACTED]:

21 Q How many reviewers typically participate in reviewing an author's work?

22 A So there's staff reviewers, and that might be four or five readers.

23 Q Okay.

24 A And then we also do peer review, which we think is important.

25 Q Yeah, can you go into the peer review a little bit.

A So we identify leading scholars who are experts, and that's the criteria for selection of them to review the modules.

Q Are they already affiliated with ELI and CJP, or they, like, outside experts that you ask to come in and review?

A They're usually outside experts. Once in a while, someone who knows CJP will do that.

Q Okay. And so then, after the comments are given and there's a review, then what happens? Does the author revise the draft?

A So the reviews then come back to us. These are what we call anonymous reviews.

Q Okay.

A And we look at those, and mostly forward those to the authors for their consideration. We don't direct them to change because of it but give them this as anonymous peer reviews, the usual standards for academic writing.

[REDACTED]: We'll go off the record.

[Recess.]

██████████. Anyone who came in, place your name on the record.

██████████, Counsel, Ranking Member Raskin's staff.

██████████, Senior Special Counsel, Chairman Jordan's staff.

██████████. We're off the record.

[Recess.]

EXAMINATION

BY [REDACTED] :

Q Dr. Hanle, I want to thank you again for coming in today. My name is [REDACTED]
I'm an oversight counsel with House Judiciary minority, and I'm joined today by my colleague, [REDACTED]
[REDACTED], who is a counsel with our courts and IP subcommittee.

I'm going to try not to be too repetitive, but I might ask you to repeat a few things here and

1 there as I try to get a clean record so I appreciate your patience in advance.

2 A Sure.

3 Q So I want to take a few steps back and just kind of ask a bit about your background. So
4 could you tell me a little bit about your education, where you went to undergrad, your graduate
5 degrees that you hold, your educational background?

6 A So I was an undergraduate at Princeton University, majored in physics, and then I went
7 to graduate school at Yale University, where I began in physics and switched to history of science,
8 history of physics. And there I received degrees in master's in physics, master's in history of
9 science, and a Ph.D. in history of science, physics.

10 Q And what is your specific area now of scientific expertise?

11 A Well, I don't hold myself out as a working scientist, but I believe that I have expertise in
12 climate science and have brought that to the Climate Judiciary Project.

13 Q You mentioned in the prior hour that your knowledge of the network and community in
14 climate science is extensive.

15 A Yes.

16 Q Can you elaborate on that, your experience in this area with this particular scientific
17 community?

18 A Yeah. I became chief executive of a group called Climate Central, which is responsible
19 for communicating the science of climate to general public and connecting to the research
20 community. So we were research and communications group.

21 And, in that role, I had responsibility for knowing the climate science community and got to
22 know most of those who are -- I shouldn't say most, but many of those who are in leadership in
23 climate science in the Nation and in the world.

24 Q When did you begin that position?

25 A 2011.

1 Q So you have about 15 years of experience --

2 A That's right.

3 Q -- in this particular space within the climate change community?

4 A Correct. 15 years is fine.

5 Q And you touched on some of this in the prior hour. So, again, thank you for your
6 patience. Why did you decide to found CJP?

7 A It seemed like it was an important need.

One of the most important climate general audiences is judges in decisionmaking positions, and I
felt it was important to convey the facts of climate change to the judiciary.

10 Q And, before you created CJP, had you heard from any judges that there was a gap they
11 hoped would be filled in terms of trainings available to them on climate change?

12 A Not directly from judges to the best of my recollection.

13 Q Okay. So I'll actually introduce the --

14 Ms. Grooms. Are we marking this?

15 [REDACTED]. Yes, this will be exhibit 1 I believe, yeah, and we'll get you guys a copy of that.

16 I apologize.

17 [Hanle Exhibit No. 1.

18 was marked for identification.]

19 Mr. Hanle. This is a long document, isn't it?

20 [REDACTED] Yes, we don't need to read the whole thing.

21 BY [REDACTED]:

22 Q I'm just going to point out on Page 4 of the prospectus so after the cover letter -- we're
23 on Page 4 -- and it noted that this is -- do you recognize this document?

24 Ms. Grooms. Take a minute and look.

25 Mr. Hanle. Yeah, let me just take a second because initial seeing it I didn't recognize it.

1 BY [REDACTED]:

2 Q So this a letter that you wrote for the record to Mr. John Cooke, who is the director of
3 the Federal Judicial Center, on January 17th, 2019, and after the cover letter, you included what I've
4 been calling a prospectus. So it was a draft of your proposal for what appears to be the Climate
5 Judiciary Project and kind of explains, you know, why you think this project is important and the
6 concept for the project as a whole, which was sent to Mr. Cooke at the Federal Judicial Center?

7 A Good. Yeah. I do recognize it now.

8 Q Great.

9 Ms. Grooms. Do you need a moment to review that?

10 Mr. Hanle. I could spend 20 minutes reading it. I think I'm okay.

11 BY [REDACTED]:

12 Q Okay. I could make sure I point you to the exact paragraph.

13 A Thank you.

14 Q On page 4 of the prospectus, the fourth paragraph down.

15 A The fourth down?

16 Q Yeah.

17 A Okay.

18 Q So it says: At the judicial symposium noted above, which was a 2018 Global
19 Symposium on Judiciary and the Environment referred to earlier in the prospectus, we heard
20 repeated calls from leading State environmental judges, appellate, and State Supreme Court Justices
21 for climate science education. We also heard endorsement of our intention to provide that
22 education, especially through existing judicial education programs and without political tilt.

23 So, not to correct you, of course. This is -- this was many years ago. You may not
24 remember this, but I just want us to state for the record that it seems you did have judges at the time
25 who were very much in support --

1 A Yes.

2 Q -- of this kind of training. Does that refresh your recollection at all?

3 A Well, my initial idea was before the event that I'm referring to here.

4 Q I see.

5 A The event that I'm referring to here, indeed, there were State court judges present, and
6 I asked whether they thought that would be important, and they said yes.

7 Q So there was support from judges --

8 A There was.

9 Q -- to create this kind of training?

10 A Yeah.

11 Q They felt there was a gap in this training available to them?

12 A They did feel that, and to my recollection and impression, they felt strongly about that.

13 Q Thank you. And sorry to run you through this document. I just thought it was
14 important to highlight that judges had, in fact, called for this kind of training. So you testified in the
15 prior hour that Mr. David Van Hoogstraten -- am I saying his name correctly?

16 A Von Hoogstraten.

17 Q Hoogstraten. I apologize. Introduced you to ELI. Is that right?

18 A Correct. That is correct.

19 Q And you ultimately decided to propose your Climate Judiciary Project to ELI to take it on
20 under their umbrella. Is that right?

21 A That is correct.

22 Q And Mr. Van Hoogstraten --

23 A Yes.

24 Q -- was with BP. Is that right?

25 A He had just retired from BP, or might even still had been retiring, but he was -- yes.

1 Q And BP is an oil and gas company. Is that fair to say?

2 A It is.

3 Q And did ELI have a reputation in the scientific community or from other players in the
4 space for being trustworthy and professional?

5 A Absolutely, and that was one of the principal reasons I felt it was important to bring this
6 project to ELI.

7 Q So the organization was very well-respected in the scientific community?

8 A Very well respected in both the -- in the scientific community for sure, yes.

9 Q And you testified that ELI is a nonpartisan, nonpolitical organization?

10 A Correct. And that was another reason we wanted to come there.

11 Q And, based on your experience with ELI over these past 8 years or so, have you
12 observed them to remain nonpolitical?

13 A Yes.

14 Q And nonpartisan?

15 A I have not had any change in my opinion.

16 [REDACTED]. When you say that they're respected in the scientific community is that the -- in
17 the United States, international?

18 Mr. Hanle. I would say probably United States, as the United States largely. Well, it's an
19 international group, too, so -- let me modify that. I think it's probably international as well as
20 national.

21 BY [REDACTED]:

22 Q When you created CJP, was there an express intention to make sure that this training
23 program would be nonpolitical?

24 A Very much so. The whole idea was not biasing, not bringing politics into it at all.

25 Q So, in other words, it wasn't meant to benefit just Democrats or just Republicans or just

1 Liberals or just Progressives?

2 A It was meant to benefit all judges, all the judiciary.

3 Q So, when you're training, you're speaking to judges who were appointed to the bench.

4 Does your interaction with them change depending on whether they were appointed by a Republican
5 or Democrat?

6 A Not at all.

7 Q Or whether they have an Liberal or Conservative ideology?

8 A Not at all.

9 Q And you did not create CJP to benefit judges of a certain ideological background?

10 A That is correct.

11 Q In fact, I'll read from the prospectus on page 5. So, under "Safeguard to Assure
12 Integrity and Credibility," do you see where I'm at?

13 A I am. I do.

14 Q I'll read the beginning of that paragraph right under that heading: A key to success will
15 be our ability to cultivate interest of judges from a wide range of ideological points of view. We will
16 take great care to appeal to shared judicial values of both Conservative and Liberal Judges: the rule of
17 law, protection of the institution of the courts, judicial independence, and, most importantly,
18 reliance on rational, objective, evidence-based reasoning -- the value that law and science hold most
19 in common, end quote.

20 A I'm proud of having written that.

21 Q So it's fair to say that this was your goal from the very beginning of this project?

22 A It is.

23 Q And you still enact that belief today?

24 A Absolutely.

25 Q Do judges from a wide array of ideological backgrounds participate in the trainings

1 provided by CJP?

2 A Yes, they do.

3 Q And did you establish CJP to influence particular court cases or to influence those court
4 cases in favor of plaintiffs with the climate change-related claim?

5 A We did not want to influence anything -- any particular court cases or any
6 particular decisions.

7 Q And, once again I'm going to refer back to this prospectus, because I think it's important
8 that this was written at the start of this project and kind of identifies a lot of the goals and values that
9 you brought into the project. So that's why I keep referring back to it.

10 But I'll look at page 4 of the prospectus, the very top of the page: Our purpose is not to
11 influence outcomes of specific court cases. This effort is solely in aid of science-informed
12 decisionmaking intended to benefit sound judicial processes and, therefore, good governance.

13 Do you still believe that today?

14 A I do indeed, as I did then.

15 Q So I want to switch gears a little bit. And we -- we talked a lot in the prior hour about
16 neutrality, the neutrality of your presenters, the neutrality of your material. Can you explain to me
17 what in your mind neutrality means in this particular space?

18 A Well, I think -- I ask that question, the question for me, neutrality means not trying to
19 bias any outcomes of court cases. It also means not political and not advocacy --
20 advocating particular solutions or positions--

21 Q And why was --

22 A --other than I should say the basic understanding of climate science and the reality of
23 climate change.

24 Q And why was it so important to you to bring the value of neutrality to CJP, whether it be
25 through the presenters that are presenting at conferences, or the training modules, or other papers

1 and documents that are created through the program?

2 A Well, first of all, because I believe in it, and I think it is very important. And, secondly, I
3 thought that the judges would care very much about receiving neutral perspective, not -- not
4 attempt -- attempting to be biased.

5 Q Why do you think it's so important to maintain neutrality?

6 A Because that's the fundamental process of the rule of law in this Nation I believe.

7 Q And do you think that most well-established and well-respected scientists and
8 academics would also agree that it's important to present this kind of information in a neutral,
9 nonbiased way?

10 A I think that's true, yes.

11 Q And is that, generally speaking, important to the work being taken seriously?

12 A That they believe it?

13 Q That -- that the work is neutral. That it is presented --

14 A Absolutely.

15 Q -- in a objective way?

16 A Yes, indeed.

17 Q And you testified that you reviewed -- reviewed all writing from presentations for
18 neutrality because you, quote, value that a lot, correct?

19 A Yes.

20 Ms. Grooms. To the best of your recollection.

21 Mr. Hanle. To the best -- yes, to the best of my recollection.

22 BY [REDACTED]:

23 Q You made an effort to do so?

24 A Yes, and it was part of the ethos of the team reviewing it, too, I might add.

25 Q And you advised authors and speakers on the importance of remaining neutral and

1 nonpolitical as a general rule?

2 A We did.

3 Q And you specifically tried to review presentations in advance to ensure that they were
4 neutral?

5 A Absolutely we did.

6 Q And you reviewed writings before they were published on your website or in other
7 materials for neutrality?

8 A Yes, we did.

9 BY [REDACTED]:

10 Q Does CJP lobby Members of Congress?

11 A No.

12 Q What about their staff?

13 A No. No, I would just say no.

14 Q What about State lawmakers, local?

15 A Lawmakers, no. To the best of my recollection, no.

16 Q What about any policymakers in the executive branch?

17 A We've had conversations with people in the executive branch, but never lobbying, never
18 attempting to push for a particular position.

19 Q Are you involved in any litigation?

20 A No.

21 Q Do you file amicus briefs?

22 A So that's a question for ELI. I'm not the lawyer here.

23 Q CJP does not?

24 A No, certainly not.

25 Q Okay. Do you hold rallies?

1 A Rallies?

2 Q Uh-huh.

3 A No, we don't hold rallies.

4 Q Do you advocate for any specific outcomes in cases?

5 A No, we do not advocate for specific outcomes of cases.

6 [REDACTED]: Okay.

7 [REDACTED]: Sure.

8 Ms. Grooms. You were speaking for CJP?

9 Mr. Hanle. I am speaking for CJP, right.

10 BY [REDACTED]:

11 Q So, in your letter to Mr. Cooke that was the cover page, so to speak, of the prospectus
12 from January 2019, I'll read a quote from that. So, in that block, quote, the final two sentences or
13 so: Such education -- and you're referring to judicial education I believe -- must be without political
14 tilt, intended as it is to separate fact from fiction, wherever on the ideological spectrum such fiction
15 may exist. The purpose of this project is to benefit society as a whole by aiding objective
16 science-informed decisionmaking and sound judicial process and, thus, good governance.

17 I think I partly quoted before.

18 Why is it so important that these trainings be without political tilt? And that speaks to what
19 you testified to before on a neutrality. But, specifically talking about political tilt, policymaking, why
20 is it so important that the trainings be without political tilt?

21 A Well, in my view and in our view, politics should not influence decisionmaking in a court
22 of law, and this -- our effort was to help judges receive the objective, fair, balanced information
23 about science, not politics.

24 Q I'm going to turn to the training curriculum that was developed for a moment. So I'd
25 like to introduce for the record a document produced by ELI titled "Climate Judiciary Project, Climate

1 Science and Law, Course Curriculum, Discussion Draft." Just give her a moment to pass that out.

2 [REDACTED]: This will be exhibit 2.

3 [Hanle Exhibit No. 2.

4 was marked for identification.]

5 Mr. Hanle. Yes, I recognize this.

6 BY [REDACTED]:

7 Q You recognize this document?

8 A I do.

9 Q Can you explain what it is in your own words?

10 A It's a document that was put together for our Curriculum Advisory Committee to read in
11 advance.

12 Q So this document was sent to the folks that were part of your Curriculum Advisory
13 Committee?

14 A That's correct.

15 Q And no surprise I'm going to read from the document again.

16 A Okay.

17 Q So, at the top of the second paragraph, it starts with the course is, quote: The course
18 is not intended to influence the outcome of any particular cases; rather to help judges meaningfully
19 understand how climate science is applied to the law. The course will introduce judges to key
20 cases, litigation trends, and thorny aspects of cases involving science.

21 Is it still the case for the curriculum that it's not intended to influence the outcome of specific
22 court cases?

23 A It is. It is absolutely still true.

24 Q And you have advised your Advisory Committees that the curriculum is not meant to
25 influence specific court cases?

1 A Yes, we have. In this document particularly, but subsequent conversations, too.

2 Q So you advised them verbally. You advised them in writing that the goal of this project
3 is not to influence specific court cases?

4 A That is correct.

5 Q That's essential tenet of the curriculum?

6 A It is essential, the central idea, the central tenet.

7 Q The third paragraph reads: The course avoids raising policy questions as much as
8 possible, but in discussing the science of climate change, the impacts, and the jurisprudence, issues
9 of policy will inevitably arise. The course will be presented from a fact-based stance and is designed
10 not to influence policy decisions.

11 Is it still the case that the curriculum is not intended to influence policy decisions?

12 A It is still the case.

13 Q And you once again in writing advised your Advisory Committee that this curriculum was
14 not meant to influence policy decisions?

15 A We did.

16 Q And have you reiterated that in discussions as well?

17 A I would say so, to the best of my recollection on that.

18 Q You talked a little bit earlier -- I'm switching gears again, about consensus science.

19 A Yes.

20 Q Can you explain what that is to me?

21 A Yeah, so, I mean, the best way to understand it is look at the leading scientific
22 institutions in the world. Maybe, in my view, one of the leading institutions is the National
23 Academy of Sciences. The academy evaluates certain scientific questions, and it brings scientists in
24 who represent a broad range of views, and it writes consensus reports. And those reports
25 represent the broad understanding of the scientific community, and are represented -- are presented

1 that way by the national academy.

2 "Consensus" means the shared view of -- and usually in -- the scientific community,
3 and consensus such as the academy has put together.

4 Q And, in your trainings and materials, do you present scientific consensus to judges?

5 A Yes. We are -- for the most part, we try to present the scientific consensus science to
6 judges.

7 Q And, if you present or give any information that isn't consensus science, in other words,
8 there still might be some uncertainty or debate around the scientific premise that's being presented,
9 do you identify those potential uncertainties to your audience?

10 A Absolutely. It's -- it's an important part. And sometimes we will talk about
11 nonconsensus science. But always with the caveat of what the scientific community
12 understands, how it takes those.

13 Q And would you say that it's your ethical obligation to identify the strength of the
14 premise that you're presenting to them? So, in other words, if there's uncertainty do you feel an
15 ethical obligation to tell your audience there's some uncertainty here. This is not consensus
16 science?

17 A I feel an ethical obligation. I also feel that's a scientific obligation to say both what we
18 know and the degree of confidence we have in that.

19 Q And you would never suggest that a premise or concept has broad consensus if there
20 was actually substantially conflicting data or science around it?

21 A I would not.

22 Q Just give me one moment. We talked a little about your criteria for selecting
23 employees, members of your Advisory Committee, and you said, "I believe expertise is numbers one,
24 two, and three" --

25 A Yes.

1 Q -- on the list of things that you look for.

2 A Yes.

3 Q What would constitute expertise?

4 A So --

5 Q What does that mean?

6 A Expertise in science would have a number of indicators. One is, first, their academic
7 degrees. Also, whether they are active in research and publishing. The third is their
8 acknowledged leadership or standing in the scientific community in a particular area. I think
9 those are probably the three biggest ones.

10 Q And are you confident that every member whose been selected to serve on your
11 Advisory Committees for your curriculums has the -- has the expertise required to contribute
12 meaningfully and neutrally to the curriculum?

13 A I am very -- I'm very confident of that, yes.

14 Q And do you feel --

15 A I'm proud of what we've come up with.

16 Q And do you feel that members of these Advisory Committees share your commitment to
17 keeping these trainings, objective, neutral, and, quote, without political tilt?

18 A Members of the Advisory Committee particularly share that, yes, they do, very much.

19 [REDACTED]. That's all my questions for now. We can go off the record.

20 [Recess.]

21 BY [REDACTED]:

22 Q Did the Climate Judiciary Project maintain a written conflict of interest policy?

23 A I don't believe so.

24 Q Generally, what happens when a conflict of -- when a conflict is identified, if there has
25 been?

1 Ms. Grooms. And sorry. Just to clarify. You don't mean, like -- can you clarify what kind
2 of conflict you're talking about because there are financial conflicts of interest that I assume ELI as
3 a nonprofit -- like ELI has for its board and stuff like that, but I assume you're talking about
4 something different than that?

5 BY [REDACTED]:

6 Q Yeah, if there's a conflict, like a legal conflict, if there's legal counsel that's
7 providing -- sorry. I was choking on water before this. If there's a -- if there's let's say someone
8 from the plaintiff's bar is providing written material to provide judges at some CJP event and that
9 conflict is identified, what's the process? What's happens?

10 A We try to the best of our ability to avoid conflicts like that, and I think also, to the best
11 of our ability, we didn't have those conflicts for our -- for the authors of the curriculum or the presenters.

12 Q Okay. I'd like to turn now to judicial outreach, and just within the CJP educational
13 programs, who's -- who's eligibility to attend a CJP program?

14 A So "eligible" might be a little strong, but we -- typically, the staff of the CJP would, the
15 senior staff of CJP would attend. And, beyond that, I think there were no others who would attend
16 these events typically.

17 Q So I could attend an event?

18 A No. That's not what I was saying. Sorry if I wasn't clear.

19 Q Okay. That's what I mean. Like who are these --

20 A No, outside people were not generally invited to attend those events.

21 Q To attend the educational programs.

22 A That's correct.

23 Ms. Sawyer. Can we just identify the timeframe and what events you're talking about?

24 [REDACTED]: All CJP events from the beginning of CJP to today.

25 Mr. Hanle. Does that apply to the States as well?

1 Ms. Grooms. No, we're not talking about State court events so --

2 [REDACTED]: I mean could a Federal judge attend a State court event?

3 Mr. Hanle. Let me think about that.

4 Ms. Grooms. I think we gave you a list of events for which we thought Federal judges
5 attended.

6 [REDACTED] You did.

7 Ms. Grooms. So, if we could keep this to the Federal judge list. But I also think it's just -- I
8 think the question is also just generally confusing.

9 [REDACTED] Okay. So --

10 Ms. Grooms. So, if we could --

11 [REDACTED] Who comes up with a list of attendees for the event?

12 Ms. Grooms. And do you mean outside attendees? Do you mean particular like -- do you
13 mean the judges? Is that what we're talking about?

14 [REDACTED] Correct.

15 [REDACTED] Yes.

16 Ms. Grooms. Okay.

17 Mr. Hanle. So those invitees were in the hands of the Federal Judicial Center. That's their
18 responsibility.

19 BY [REDACTED]:

20 Q So do you -- does CJP contact the FJC and ask them to invite judges on your -- on your
21 behalf or --

22 A Yeah, I think it depends on which events, but I will say, it -- early in our partnership of
23 FJC, that was the case.

24 Q So the --

25 Ms. Grooms. Wait. Can you explain what was the case because I think you misunderstood

1 his question.

2 Mr. Hanle. Oh. Okay. Sorry.

3 Ms. Grooms. You partnered with FJC and explained how judges were invited by FJC.

4 Mr. Hanle. Yeah. Shall I do that?

5 Ms. Grooms. Go ahead.

6 Mr. Hanle. Okay. So FJC was charged with inviting the judges. We were not. To the
7 best of my knowledge, we did not invite the Federal judges to come.

8 BY [REDACTED]:

9 Q Okay. To the best of your knowledge, does the -- does the CJP contact judges for any
10 case in any example, like, for followup, maybe, feedback on how the presentation went, or is there
11 no contact between the CJP and Federal judicials or Federal judges?

12 A Oh, I think that we certainly had contact with Federal judges. We were present at the
13 events and had conversations sometimes.

14 Q Okay. So Federal judges attend the events. Is that correct, these CJP events?

15 A No. Sorry.

16 Q No?

17 A What I'm -- let's start over again. You asked me the question about Federal Judicial
18 Center events. Is that correct?

19 Q I guess is there --

20 Ms. Grooms. I think it'd be easier if we stick to like one category of events and then --

21 [REDACTED]. Yeah, I'm talking about the CJP events that Federal judges attend for
22 in -- have those presentations and all -- do we agree we're on the same page with the CJP events?

23 Ms. Grooms. So I think -- I think the way he would think about this is --

24 [REDACTED] Yeah.

25 Ms. Grooms. The Federal Judicial Center events is a category for him.

1 [REDACTED]: I guess --

2 Ms. Grooms. If I'm making sense.

3 [REDACTED]: Okay. So I -- can you explain that relationship. There are CJP events in
4 connection with the FJC, the Federal Judicial Center. Do you have events together? I'm confused
5 why that's a separate category.

6 Mr. Hanle. Yeah.

7 Ms. Grooms. Go ahead.

8 Mr. Hanle. We worked out with the FJC that they would be a -- I believe the term they use
9 was sponsor, a cosponsor of the programs, and their responsibility was to recruit the judges to come
10 to the events.

11 [REDACTED]: Okay. And what are these events? Are these CJP events?

12 Mr. Hanle. These were with the Federal Judicial Center. These were a set of seminars we did in
13 2019 and early 2020 that were events that we helped with our partner, The American Association for
14 the Advancement of Science, to recruit speakers to, and organize those.

15 [REDACTED]: Okay.

16 BY [REDACTED]:

17 Q Beyond the events that FJC cosponsored, and I know you're talking about a specific
18 timeframe 2019 to 2020. Is that correct?

19 A Yes.

20 Q Has FJC cosponsored any other events that CJP has held?

21 A I don't think so, to the best of my knowledge.

22 Q Beyond the events that are cosponsored by FJC, are there any other CJP events that
23 judges attend?

24 A That --

25 Q That Federal judges attend.

1 A That Federal judges attend. I think that there were -- so we have a partnership with
2 NJC, The National Judicial College, and Federal judges were -- could have attended those, but I don't
3 know which ones.

4 Q Okay. Does CJP host any events individually, or is there typically a cosponsor of the
5 event?

6 A Almost. Typically for sure there's a cosponsor that's one of the judicial education
7 organizations.

8 Q Okay. So, beyond NJC and FJC, when they cosponsor CJP events, are there any other
9 events that Federal judges attend?

10 A In the most recent time, there have been with other partners, judicial education
11 partners.

12 Q And those most recent times, when were those years?

13 A '25 and this year.

14 Q So 2025?

15 A Uh-huh.

16 Q And 2026?

17 A Uh-huh.

18 Q So, between 2020 and 2025, were there any events that CJP held in connection with
19 another organization that Federal judges attended?

20 A Not to my recollection.

21 Q Okay.

22 Ms. Grooms. I think he said that there were NJC events. Federal judges could have
23 attended. He just doesn't know.

24 Mr. Hanle. Thank you.

25 Ms. Grooms. And I think we gave you a list of which ones.

1 BY [REDACTED]:

2 Q And so, to the extent that the FJC invites the judges to their cosponsored events with
3 CJP, does NJC do the same? Do they invite the judges to cosponsored events?

4 A They did, yes, for those two main things they did.

5 Q Okay. And, just thinking about the FJC partnership here for those -- when they
6 cosponsored events, was there any interaction before the event between CJP staff and judges?

7 A So I'm not -- I'm not aware that that happened. It's possible, but I'm not aware.

8 Q Okay. And, post event, this is the FJC-partnered events with CJP that Federal judges
9 attended --

10 A Yes.

11 Q -- was there any contact between CJP staff and Federal judges following the event?

12 A There might have been, might have been followup from judges or some kind of
13 follow-up.

14 Q And, when you say "followup," what do you mean by "followup"? If the judges had
15 questions, are there like surveys that are filled out on how the presentation was?

16 A Yeah. So there was one followup that was very important to us, which was that we did
17 ask for an evaluation of the program.

18 Q Okay. And, when you do those evaluations, is it CJP interacting with the judges to pass
19 along the evaluation, or does that go through the FJC?

20 A No. Actually, I mentioned The American Association for the Advancement of Science.
21 We asked -- tasked them, asked them to develop and perform evaluations.

22 Q And did -- so the judges I'm assuming turned those evaluations into the other entity. Is
23 that correct?

24 A That's right.

25 Q Okay. And then how did CJP obtain those evaluations?

A We received them -- we received summaries as I recall. This was some time ago, as I recall, summaries of them from AAAs.

Q And then I know you were talking to my colleague, [REDACTED], about CJP staff attending the events with the Federal judges, and maybe there was some sort of conversation that took place. Can you tell us what context that would have been in?

A Breaks I would suspect. We -- the FJC seminars usually included some food in events, and so passing social graces.

Q So you would say those conversations are organic if they occurred?

A They were informal and organic.

Q Okay.

[REDACTED]: Has there ever been a time where someone from the SJP has personally contacted --

Mr. Hanle. CJP.

██████████. I'm sorry. CJP. I keep doing that. From the CJP to contact a specific judge to try to get them to come to a CJP event?

Ms. Grooms. To the extent that you recall.

[REDACTED]. Yeah.

Mr. Hanle. Yeah.

Ms. Grooms. And Federal judges.

Mr. Hanle. And Federal judges?

Ms. Grooms. Yes.

Mr. Hanle. It's possible, but I really don't recall.

[REDACTED]. Okay. This will be exhibit 3. I'm going to show you an email from June 11, 2019 between yourself and Michael Gerrard.

[Hanle Exhibit No. 3.

1 was marked for identification.]

2 Ms. Grooms. June 11, 2019?

3 [REDACTED]. June 11, 2019.

4 [REDACTED]. It's an email chain. It starts on the second page, Bates stamp 966, an email
5 from you to Michael.

6 [REDACTED]. Take your time. No rush.

7 [REDACTED]. Just let me know when you're ready.

8 Mr. Hanle. Okay.

9 BY [REDACTED]:

10 Q Okay. So, on the page that's Bates 967, I believe it's the second to last page.

11 A Yes.

12 Q The top paragraph starts as "we are looking." We can focus on the second paragraph
13 that starts with we have been organizing.

14 A Uh-huh.

15 Q There's a line 3 from the bottom that says: There's also a back-channel effort to have
16 one or more Supreme Court Justices attend.

17 Do you see that line.

18 A I do see it.

19 Q Who is conducting that back-channel effort?

20 Ms. Grooms. Well, can we pause? Is this State Supreme Court Justices or Federal Supreme
21 Court Justices?

22 [REDACTED]. I mean, it just --

23 Ms. Grooms. To the extent that you recall. I'm just trying to get people from --

24 Mr. Hanle. You're asking me?

25 Ms. Grooms. Yes. Yes.

1 Mr. Hanle. So this is just a refresh right now. I think there's a good chance that what we
2 were talking about is State Supreme Court Justices here.

3 BY [REDACTED]:

4 Q Why do you think that?

5 A Because I had met a couple at an earlier event before I was with CJP and ELI.

6 Q Okay. And so can you talk about what those back-channel efforts were?

7 A No. Honestly, I don't recall.

8 Q Okay.

9 BY [REDACTED]:

10 Q Are there similar back-channel efforts that are used to get Federal judges to attend
11 events?

12 A No, not to my recollection. I'm surprised to -- I'm thinking I don't know what this really
13 is.

14 Q Okay. Are specific judges targeted to attend -- targeted in a sense of are there specific
15 judges that you're aware of that the FJC reaches out to to attend certain events, or is it broadly
16 wide -- or broadly kind of -- the invite is broad, and they reach out to multiple jurisdictions, or is it
17 one jurisdiction that's targeted?

18 A So it was my sense that they would send messages out to entire districts, circuits,
19 whole groups, and those who wished to attend would choose.

20 Q And how is the circuit selected for -- for which judges would be invited? Was it where
21 the CJP, FJC event was held, or was there an effort to target specific jurisdictions?

22 A No, it was actually pretty close to what you were talking about. We had five locations
23 in the pilot programs each around the country. And the FJC and we together identified what
24 would be the circuits from which the judges would be drawn so that we could -- so that all circuits
25 could be covered.

1 [REDACTED]: Has the Climate Judiciary Project ever invited judges because they were
2 assigned to climate-related litigation?

3 Mr. Hanle. Not to my knowledge.

4 [REDACTED]: Okay. So I'm going to show you another document. This will be exhibit 4.
5 It is an email from you to Michael Wehner dated May 12th, 2022.

6 [Hanle Exhibit No. 4.

7 was marked for identification.]

8 Mr. Hanle. Good.

9 BY [REDACTED]:

10 Q Okay. Who's Claudia Tebaldi?

11 A Claudia was a former staffer at -- staff member of Climate Central.

12 Q Okay. Does she -- does she work at CJP or ELI?

13 A No.

14 Q Do you know where she currently works?

15 A No, I don't.

16 Q Okay. In the second paragraph, starting "I'm writing today at the recommendation of,"
17 you say: I'd like to tell you how we are going about reaching key judges, and I have a specific idea
18 for attribution for your consideration that could make a great difference in the final outcome of
19 cases.

20 Do you see that?

21 A Uh-huh.

22 Q Do you remember how you -- what you were talking about? How you -- what -- how
23 you were going about reaching key judges?

24 A How I was going about reaching key judges?

25 Q Yeah, what did you --

1 A That's the question?

2 Q Yeah. What -- can you tell us what you meant by "reaching key judges" in that
3 sentence?

4 A Well, I think it refers to the ongoing program that we have that this fellow Wehner did
5 not know about. So it would have been at that time, looking at the day, it would have been about
6 how our judicial education program was going forward.

7 Q To reach key judges?

8 A Yes.

9 Q What --

10 A And that would have been in cooperation with the National Judicial College.

11 Q Okay. What is -- what makes a key -- what makes a judge a key judge? Who are we
12 referring to here in the judiciary?

13 A Broadly speaking and in the overall picture, it was judges who would have one way or
14 another an interest in climate science.

15 Q And what did you mean by you have specific -- quoting you: I have a specific idea
16 about attribution for your consideration that could make a great difference in the final outcomes of
17 cases.

18 Can you explain that, what you meant by the "final outcome of cases"?

19 A Well, and again, this is about the entirety, not any one case. Okay. And the -- the
20 specific idea about attribution is that we would develop a module on the state of attribution science,
21 which I knew to be coming up in cases and being used.

22 Q And did you believe that that specific module you're referring to right now would have a
23 difference -- would make a great difference in the final outcome of cases?

24 A Well, our -- our objective was to provide the best science about climate change and that
25 included attribution science. So our hope was that judges would make better informed decisions by

1 the science that we were providing.

2 Q And then those better informed decisions would have -- would make a difference in the
3 final outcome of cases?

4 A Well, in total -- in totality if judges are better informed, hopefully they would be able to
5 make better-informed decisions.

6 Q Okay.

7 [REDACTED]. And what makes a decision a better-informed decision?

8 Mr. Hanle. Well, if the judge has -- our philosophy in what we've written down is, if judges
9 have the context and tools that they need to evaluate evidence, and that context and tools are what
10 we're providing in climate science.

11 [REDACTED] Okay. And the information that you're providing in that context, I know we
12 talked about this earlier, is that the, you know, that climate change is real, that it's caused by
13 humans, is that the -- was that the goal of this attribution?

14 Mr. Hanle. Well, attribution is a part of the entire curriculum that we offer, and, like all of it
15 in the curriculum, the idea was that we would enable judges to understand how the climate science
16 works, the method, and some of the conclusions that climate science has brought.

17 [REDACTED]. So has the -- has the CJP ever considered pending cases when determining
18 who to invite to any events?

19 Mr. Hanle. Not to the best of my knowledge or recollection.

20 [REDACTED]. Does CJP ever consider pending cases in the context of what events to hold,
21 what should be included in the curriculum?

22 Mr. Hanle. We didn't think of it that way. What we would think of is what were the
23 climate issues of the time that might come into consideration in court cases.

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[12:16 p.m.]

█. And how do you determine what the climate issues at the time are?

Mr. Hanle. By impacts of climate change, for example. If there's a hurricane that's coming through and it causes damage, this might come into consideration.

█. Does the CJP target State judges?

Ms. Grooms. What do you mean by "target"? Do you mean like programming of State judges.

█. Yeah, like do they target certain judges to come to certain events or programs?

Mr. Hanle. Not certain judges. No, not specific judges.

[Hanle Exhibit No. 5.

was marked for identification.]

BY █:

Q Okay. I am going to show you another document which will be exhibit 5. It is an email from June 28th, 2022, from you to Kristie Ebi, I believe?

A Ebi.

Q Ebi?

A That's okay. It took me years to get that right.

Q And getting Thiam right. For the last six months I've been saying it wrong.

A Thank you.

Q You ready?

A Give me a second on the last paragraph.

Q No problem.

A I'm ready.

1 Q Okay. So the second paragraph, starting with "Among the many threads," the second
2 sentence starting with, "We engaged."

3 You wrote: "We engaged NJC to reach out to the Chief Justices of every state and asked
4 each to nominate one judge to be a 'Judicial Leader in Climate Science.' 21 states and Puerto Rico
5 decided to participate, and we were very pleased that all but one of our target states (where cases
6 were being brought) opted in."

7 Do you see that sentence?

8 A I do.

9 Q Okay. So do you -- does the CJP target State judges?

10 A No.

11 Q Can you explain what this -- what is being said here?

12 A What we're talking about is State representation, entire States. And as you can see,
13 it's defined as where cases were being brought.

14 BY [REDACTED]:

15 Q What cases?

16 A A whole range of cases, presumably. I can tell you that this effort was to find
17 representative judges from States where there would be some climate impact and therefore some
18 likelihood of cases being brought.

19 Q So there was a likelihood that cases would be brought in that specific State that would
20 involve some sort of component of climate science? Is that correct?

21 A I think that's fair to say, the way you said it.

22 [REDACTED] And so these judges that you're speaking about here, these are, you said,
23 "Judicial Leaders in Climate Sciences."

24 Can you describe that relationship with the CJP? Are they -- I guess, what is a judicial leader.
25 What do you base that on? What role are they playing?

Ms. Grooms. Yeah, this is entirely a State court judge program. So like you can explain the general program, but I think we probably will stop it there.

Mr. Hanle. So our partner -- one of our partners in judicial education is -- was the National Judicial College. And they had a program of judicial leaders, which we applied to climate science. That's how we carried it out.

BY [REDACTED] :

Q Okay. So in addition to the judicial leaders for State judges, did you also have a similar program with any other organization for Federal judges?

A No.

Q Were there any -- were you targeting any specific States for Federal cases, like you were here for the State cases?

Ms. Grooms. I think he said he was not targeting here, but --

BY [REDACTED] :

Q The target State. I guess, let's -- I mean, just taking what you wrote, target States, are there any -- does that apply in the Federal realm at all?

A We didn't distinguish Federal and State in that respect. The question was whether there were States where there would be climate impacts and whether those climate impacts might likely end up in court proceedings.

[Hanle Exhibit No. 6.

was marked for identification.]

[REDACTED]. Exhibit 6, I believe, is another email from September 22nd, 2022, from you to Kristie Ebi.

Mr. Hanle. Are we talking this --

Ms. Grooms. He hasn't given it to you yet.

Mr. Hanle. Totally confused.

1 [REDACTED]: We'll get to that.

2 Ms. Grooms. Is this highlighting from the -- I don't know where this is from, but is the
3 highlighting from the original? Do you know?

4 [REDACTED]: Yeah, I didn't -- it's not my highlighting. I don't believe this is my
5 highlighting. The last one has it as well. But we just pulled these from your production.

6 Ms. Grooms. I don't think these are from my production. They're not --

7 [REDACTED]: Maybe this one isn't from your production.

8 Ms. Grooms. They're not our Bates numbers.

9 [REDACTED]: Yeah, these are public documents.

10 Ms. Sawyer. You don't know who provided the highlighting?

11 [REDACTED]: No.

12 Ms. Sawyer. They appear this way online?

13 [REDACTED]: Uh-huh.

14 Mr. Hanle. May I ask where online?

15 Ms. Grooms. You can ask anything you want.

16 [REDACTED]: Yeah, it's just public online.

17 Mr. Hanle. Okay. Anyway.

18 [REDACTED]: Where Climate Judiciary Watch (sic) is an organization that follows --

19 Ms. Grooms. You don't know if they provided the highlighting?

20 [REDACTED]: Yeah, this is from -- yeah, I mean, this is from their website. We did not do
21 the highlighting. I am not sure if they pulled it from or there's a source that gave it to them that did
22 the highlighting. This is from their website, Climate Litigation Watch.

23 Ms. Grooms. Have you had a chance to review this now?

24 Mr. Hanle. I have.

25 Ms. Sawyer. It's also true, just for the record, that is also the case on exhibit 5.

1 [REDACTED]: That's right.

2 Ms. Sawyer: So I assume it's from the same source.

3 [REDACTED]: Correct.

4 Ms. Sawyer: Again. That wasn't your highlighting. It's on some public document. And
5 you don't know who highlighted it or why.

6 [REDACTED]: No, I mean, I would -- I could just speculate, but since it's what I'll be asking
7 about as well.

8 Ms. Grooms: We won't ask you to speculate if you don't ask.

9 BY [REDACTED]:

10 Q Again, the first paragraph, second to last sentence starts with: "One judge let us know
11 that he had begun as a skeptic about the effects on health but was turned around by your
12 presentation."

13 Is this -- I guess I'm curious to know about what -- if you recall, which Kristie Ebi presentation
14 you are discussing here?

15 A I do.

16 Q Okay. And do you recall this event that was -- took place in Woods Hole?

17 A I do, yes.

18 Q Okay. What event was that?

19 A Well, this was a State judge event.

20 Q It was? Okay. That was it. All right.

21 And do you know if there are any Federal judges that attended?

22 A To the best of my recollection, there were none.

23 Q Okay. I am trying to move through these documents as fast as I can.

24 [Hanle Exhibit No. 7.

25 was marked for identification.]

1 [REDACTED]: We've got another exhibit, exhibit 7. This is the Climate Judiciary Progress
2 Report. We'll give you a copy here in just a second.

3 Mr. Hanle. Okay.

4 Ms. Grooms. Take your time.

5 Is there an email right before this? We're just trying to put it in context.

6 [REDACTED]: I am not sure if there was an email before this. This is just part of your
7 production.

8 Ms. Grooms. Do you know who is this a report to?

9 Mr. Hanle. I don't know to whom this was written.

10 Ms. Grooms. Sorry.

11 Mr. Hanle. And I don't really remember it.

12 Ms. Grooms. Okay.

13 [REDACTED]: Yeah, I just have a couple questions about just a couple things contained in
14 the document, if you're ready.

15 Mr. Hanle. Well, it's kind of long.

16 [REDACTED]: I don't know that it's necessary to read the whole thing, but of course you
17 can. I can just point you to specific --

18 [REDACTED]: I think we can ask the questions without the document, and then if it's helpful
19 to refer to the specifics of the document.

20 BY [REDACTED]:

21 Q Yeah, first of all, how many -- how often are you providing progress reports or creating
22 progress reports?

23 A Well, I'm not remembering to whom.

24 Q Okay. And so this isn't just something that is posted throughout the -- for everyone in
25 the CJP, this is probably sent to a specific person?

1 A It could be, or it could be through an Advisory Committee.

2 Q Okay. So do you record the number of judges who attend the seminars?

3 A We try to, yes.

4 Q Okay. So on 2444, which is the second page of this document, the bottom of the first
5 paragraph, it says: "Together in 2022, we'll have reached over 400 judges, delivered six seminars
6 and four short-courses, and completed the entire 13-module curriculum."

7 So reading that, I assume that you do record the judges that attend the events. Is that fair?

8 A Oh, yes, we keep a running tab --

9 Q Okay --

10 A -- numbers of judges.

11 Q Numbers of judges.

12 A Uh-huh.

13 Q But you don't keep judges' names?

14 A Not typically.

15 Q Okay.

16 Ms. Grooms. To the best of your recollection.

17 Mr. Hanle. To the best of my recollection, but a lot of that information was not accessible to
18 us.

19 [REDACTED]. Does this apply at both the State level and the Federal level? If they send it to
20 a State-level judge event do you record how many State level judges attend. And then if it's a
21 Federal event, do you record how many Federal judges?

22 Mr. Hanle. That's correct. To the best of my ability we do that.

23 Ms. Grooms. To the best of your recollection.

24 Mr. Hanle. And to the best of my recollection.

25 BY [REDACTED]:

1 Q So you are unaware if there is a roster with judges' names who have attended or
2 Federal judges who have attended events? I know you're saying --

3 A A roster of names?

4 Q But are there also -- is there also a roster of names?

5 A To the best of my knowledge, there is no such roster.

6 Q Okay. All right.

7 Does the Climate Judiciary Project track climate litigation?

8 A We don't track it specifically, to my knowledge or recollection. We don't.

9 Q I'm sorry. You don't track it specifically?

10 A We don't track climate litigation.

11 [REDACTED]: Do you keep abreast of the active ongoing litigation that involves climate
12 science?

13 Mr. Hanle. We need sources for that. There's a database for that, for example.

14 [REDACTED]: What database is that?

15 Mr. Hanle. The Sabin Center keeps a database.

16 [REDACTED]: Does the database identify judges assigned to specific cases.

17 Ms. Grooms. If you know.

18 Mr. Hanle. No, I don't think so. But I don't know for sure.

19 [REDACTED]: Okay. Does it identify the parties to the cases.

20 Ms. Grooms. Do you recall?

21 Mr. Hanle. Yeah, I don't follow this very closely myself, and so I don't recall.

22 [REDACTED]: What do you remember about the Sabin Center tracker?

23 Mr. Hanle. I remember that it has a list of cases. There are short summaries, as I recall,
24 about what the arguments are.

25 BY [REDACTED]:

1 Q Is the database public?

2 A Oh, yes.

3 Q Okay. How does CJP use the information they gain from the Sabin Center database?

4 A I think we use it broadly, in my experience, as mostly as background that is
5 understanding where cases are. I have checked it from time to time to see how science arises in
6 cases.

7 Q Does it -- does the information you gain from the Sabin Center database, does it
8 influence educational programming that the CJP may hold?

9 A I wouldn't say so. I don't believe so.

10 Q What about speaker selection?

11 A No, I don't believe so.

12 Q Does it influence curriculum development?

13 A No, I wouldn't say so, to the best of my understanding.

14 BY [REDACTED]:

15 Q So if you're going to the Sabin Center tracker to learn what climate issues are arising in
16 litigation, once you go to the Sabin Center tracker and determine that, does it play any sort of role in,
17 well, maybe it would be helpful if judges understood this nuanced piece of climate science?

18 A Well, that's kind of hypothetical. I don't recall that conversation at all.

19 Q Okay. So there's no -- you don't go to the tracker to see what issues are before judges
20 and say, well, maybe this would be helpful to have this sort of information?

21 A Not typically --

22 Q That's not a calculation at all?

23 A Not typically, no. And I can't recall it ever being.

24 BY [REDACTED]:

25 Q Okay. Are you familiar with the Federal Judicial Center's climate science chapter for

1 the Reference Manual on Scientific Evidence?

2 A I am.

3 Q Did the Climate Judiciary Project participate in its
4 drafting? Ms. Grooms. Of the published chapter?

5 [REDACTED]: Of the chapter.

6 Ms. Grooms. It went up and got pulled down.

7 [REDACTED]: Yeah, that's right.

8 Ms. Grooms. Yeah.

9 Mr. Hanle. No, we had no role in that.

10 BY [REDACTED]:

11 Q No role in drafting, review, or preparation?

12 A No role at all.

13 Q No role at all. Okay.

14 Are you familiar with Jessica Wentz?

15 A Yes.

16 Q What about Radley Horton?

17 A Yes.

18 Q Did they participate in the education through CJP?

19 A Yes, they did.

20 Q Did they present?

21 A Radley Horton presented science. Jessica Wentz wrote a chapter -- sorry, we call it a
22 module -- in the curriculum.

23 Q Okay. Have they ever provided any materials that you felt were biased in one way or
24 another and asked them to change the material?

25 A No.

1 Q No?

2 A Not to my recollection.

3 [Hanle Exhibit No. 8.

4 was marked for identification.]

5 BY [REDACTED]:

6 Q Okay. We have another email, from Michael Burger, exhibit 8, an October 24th, 2024,
7 email from Michael Burger to Mr. Hanle and Sandy Thiam.

8 A Okay.

9 Q Do you know Mr. Burger?

10 A I do know him.

11 Q Do you work often with Mr. Burger?

12 A Not often.

13 Q He works with the Sabin Center?

14 A Yeah. It says here he is senior research scholar and lecturer in law.

15 Q Is it often that Sabin Center and ELI or the Climate Judiciary Project contribute on each
16 other's work or maybe collaborate? It seems like Mr. Burger here is wanting to collaborate with CJP
17 on a chapter. Is that something that --

18 A It's not frequent.

19 Q It's not frequent?

20 A No.

21 Q Do you remember what this specific chapter is -- or module -- that he's asking to
22 collaborate with or collaborate on?

23 A I need the date here.

24 Q October 24th, 2024.

25 A So there's a couple of possibilities here that I'm trying to sort out. But what he is

1 writing me about is that we were wanting to understand regarding the -- one of the databases that
2 the Sabin Center had put together.

3 Q Do you remember if you have -- if you did collaborate with him on --

4 A I am quite sure. I am fairly sure, to the best of my recollection, we did not collaborate
5 with him.

6 Q Okay. Have you ever collaborated with Michael Burger on any CJP materials?

7 A We didn't collaborate with him. We asked -- let me think about this. We asked
8 Michael Burger -- so there were -- you recall a number of mailings of a large paper that we sent to
9 some of the judges, and Michael Burger was the lead author on that. So that's the only
10 main -- that's the only use that I recall with Burger from that time. There was -- so --

11 Ms. Grooms. To the best of your recollection.

12 Mr. Hanle. Yeah, to the best of my recollection.

13 BY [REDACTED]:

14 Q Were you aware that Michael Burger was removed from and conflicted out of
15 participating in the drafting of the Federal Judicial Center's climate science chapter?

16 A No.

17 Q Had you known that, would you have collaborated with Mr. Burger?

18 Ms. Grooms. I think that's a hypothetical. We still don't know that now, I assume.

19 Mr. Hanle. Yeah, I just learned.

20 [REDACTED]. So you had no prior knowledge that he was conflicted out?

21 Mr. Hanle. Not at all.

22 [REDACTED]. Okay.

23 BY [REDACTED]:

24 Q Did you know that Jessica Wentz and Radley Horton wrote the climate science chapter?

25 A Yes, I did. After the fact, I saw it.

1 Q Okay. Does the CJP have written policies governing drafting or draft materials?

2 A Governing draft materials?

3 Q Yeah.

4 A I don't know what that means.

5 Q Are authors permitted to share their drafts with whomever, wherever, whenever, or is
6 there some kind of guidelines that CJP likes the authors to follow?

7 A We haven't put out any guidelines and expect them to behave in normal scholarly
8 standards.

9 Q So drafts aren't confidential? I don't know what scholars call scholarly standards. I
10 am not --

11 A Well, typically, drafts may not be confidential.

12 Q Are CJP drafts?

13 A Sometimes they are. It depends on the author. But not typically. And our -- no.

14 Q Did CJP request permission from -- or did CJP ask authors to request permission before
15 sharing their drafts with others?

16 A No, it never -- it didn't come up.

17 Q It never came up. Okay. Are you aware of any time when --

18 A And to the best of my recollection, I think not.

19 Q Okay. Yes, sir.

20 Do you know Dr. Wehner?

21 A I do.

22 Q Did Dr. Wehner provide drafts of an educational module titled "Drawing the Causal
23 Chain: The Detection and Attribution of Climate Change" to anyone outside the formal CJP drafting
24 team?

25 A I don't know that.

1 Q You don't know that?

2 A I -- let me think if I know.

3 Ms. Grooms. Are you asking whether he has personal knowledge of it, or that he's aware
4 from reading the reports?

5 BY [REDACTED]:

6 Q Let's go personal knowledge first. Did you have personal knowledge before reading
7 any sort of media report that Dr. Wehner shared a draft educational module with another individual?

8 A I did not.

9 Q You did not. Did you become aware, subsequently, that he had shared a draft module
10 with an outside individual?

11 A Not directly.

12 Q How did you become aware?

13 A From media.

14 [REDACTED]. When did you first learn that he shared -- that Wehner shared a draft?

15 Ms. Sawyer. Can I just make a clarification?

16 What he testified is he has read in the media.

17 [REDACTED]. Okay.

18 Ms. Sawyer. I don't think he has personal knowledge as to whether or not that actually
19 happened.

20 [REDACTED]. Okay.

21 Mr. Hanle. That's right.

22 Ms. Sawyer. To the extent.

23 [REDACTED]. When CJP read in the media that a draft was shared, were there any changes
24 made to the author guidelines?

25 Ms. Grooms. He said that there were no author guidelines.

1 [REDACTED]: There's been no change at all.

2 Mr. Hanle. We didn't change our operating practices, no.

3 [REDACTED]: Okay.

4 Go ahead.

5 [REDACTED]: And you talked about sharing materials in a scholarly way. So when a scientist
6 is working on a paper and they share it with an outside individual or maybe another scholar or
7 someone who's in the same field, what are they typically looking for when they share those
8 documents?

9 Mr. Hanle. Usually, it's about content and whether or not there is a sense that there needs
10 to be some factual correction.

11 [REDACTED]: Okay.

12 BY [REDACTED]:

13 Q How were you introduced to Michael Burger?

14 A That's a long time ago, and I don't really remember exactly.

15 Q Okay. Has he served as a speaker, an author, or reviewer, or advisor for CJP?

16 A He was not an author or a speaker for CJP. He was asked to be a peer reviewer of one
17 of the modules.

18 Q Has he participated in the curriculum development or on the Curriculum Committee or
19 Advisory Committee?

20 A No.

21 Q Okay. Do you know Michael Gerrard?

22 A I do. We talked about him before.

23 Q Yeah. How do you know Michael Gerrard?

24 A Well, I met Michael Gerrard when I was running Climate Central. But I don't know,
25 more than a decade ago.

1 Q Has he had any role in the Climate Judiciary Project?

2 A He has, as an advisor on the Advisory Committee.

3 Q Has he served as a speaker?

4 A He has also, yeah.

5 Q Has he served as an author?

6 A Michael Gerrard, no, I don't believe he is an author of ours.

7 Q Has he been -- has he reviewed -- like has he been in a peer-review sector or the section.

8 Has he peer-reviewed any of the materials?

9 Ms. Grooms. To the extent that you recall.

10 Mr. Hanle. Yeah, to the extent I recall. So that's fuzzy. I'm not sure. He might have
11 been, and he would have been considered an appropriate peer reviewer, but I don't know.

12 BY [REDACTED]:

13 Q Okay. Did he participate in the curriculum development or on the committee?

14 A He was on the committee, so he had comments about the outline.

15 Q Okay. And then we briefly spoke about Jessica Wentz. How did you meet Ms.
16 Wentz?

17 A I believe I became aware of her from the large paper that I was speaking about a
18 moment ago. She was a coauthor with two others, and that's the first time I heard of her.

19 Q And that was -- was that Mr. Burger and Horton?

20 A Burger, Wentz, and Horton, I believe.

21 Q Okay. Has she been a speaker, an author, reviewer, or adviser for the CJP?

22 A She was an author of one of the modules, and I can't say for sure if she was a speaker.
23 I don't recall.

24 Q Did she serve on the Advisory Committee?

25 A No.

- 1 Q Did she participate in curriculum development?
- 2 A Well, she wrote a module. So in that sense she did.
- 3 Q Okay. But not the -- okay.
- 4 A Not the overall.
- 5 Q Do you know Anne Carlson?
- 6 A Yes.
- 7 Q How were you connected with Anne?
- 8 A She had been a board member of ELI, and I was first introduced to her that way.
- 9 Q Okay. Did she have any role in the Climate Judiciary Project?
- 10 A She did, yes.
- 11 Q What was her role?
- 12 A She was one of the members -- original members -- of the Curriculum Advisory
- 13 Committee.
- 14 Q Okay. So then did she also participate in curriculum development?
- 15 A Well, to the extent most of the committee members did, that is, advising on the overall
- 16 organization of the curriculum.
- 17 Q Okay. Has she served as a speaker or an author, reviewer, or advisor?
- 18 A She did serve as a speaker to one of our seminars.
- 19 Q Okay. Do you know Jenny Madkour, M-a-d-k-o-u-r?
- 20 A I don't believe I know that name.
- 21 Q She is an attorney in Oregon?
- 22 A No.
- 23 Q Okay. What about Courtney Lords?
- 24 A No. I don't believe I know that name.
- 25 Q Do you know a Mary Wood?

1 A I know of Mary Wood. She is a legal scholar, I believe.

2 Q At the University of Oregon?

3 A I don't know that for sure.

4 Q You haven't worked with her?

5 A No, I have not.

6 Q She hasn't had any part in the CJP?

7 A She has not.

8 Q Okay.

9 Ms. Grooms. To the best of your knowledge.

10 Mr. Hanle. To the best of my knowledge and memory, yes. I am not responsible for the
11 legal side of things.

12 BY [REDACTED]:

13 Q Okay. And are you familiar with the law firm Sher Edling?

14 A I am.

15 Q Does the Climate Judiciary Project have any relationship with Sher Edling?

16 A Not to the best of my knowledge. We have not, as far as I understand, been in touch
17 with them.

18 Q How are you aware of them?

19 A I'm aware because their name appears in a lot of cases.

20 Q Okay. Climate-related cases?

21 A Some, yeah.

22 Q And where do you see those cases? Via Sabin Center database or --

23 A Their cases are often described in the mass media, and I'll see their name cited there.

24 Q Okay. And we've talked a little bit about the Sabin Center. When did the relationship
25 with the CJP and the Sabin Center kind of start?

1 A I do want to make a distinction, a slight distinction. Our relationship probably with
2 Sabin Center started with Michael Gerrard, who was the founder and director of the Sabin Center.
3 So our relationship really was with individuals as academic leaders rather than an entity called the
4 Sabin Center.

5 Q Okay. And so then your relationship started with Michael Gerrard prior to the CJP?

6 A Yes.

7 Q Okay. Has the Sabin Center and the CJP, have they had meetings together?

8 A No, not to my knowledge.

9 Q Any joint programs or events?

10 A I don't believe so.

11 Q Do you often share educational materials between the two organizations?

12 A No, we don't, other than what is publicly available often. Now, that doesn't exclude
13 the possibility we shared something, but I don't recall that we did.

14 Q Okay. Do they ever recommend speakers or authors or advisors to --

15 Ms. Grooms. Do you mean the Sabin Center or you mean Gerrard?

16 [REDACTED]. I mean if Gerrard is working in -- at the Sabin Center and he is acting on the
17 Sabin Center's behalf, then I am talking Michael Gerrard with the Sabin Center, but if they're just
18 having like a conversation.

19 Ms. Grooms. I think what he has explained is that he saw his relationship with Gerrard or
20 the other individuals, right, Wentz, obviously, authored a chapter, so --

21 [REDACTED]. Right. I'm wondering --

22 Ms. Grooms. Not the entity writ large.

23 Mr. Hanle. But as academics --

24 [REDACTED]. So the answer is all --

25 Mr. Hanle. -- and experts.

1 Ms. Grooms. Well, I just want the record to be clear. Like, obviously, they were -- he was
2 talking to Gerrard about all of those things.

3 BY [REDACTED]:

4 Q Was Gerrard acting in his capacity as a member of the Sabin Center or was he just acting
5 as a fellow scholar?

6 A Well, I can't say what he was acting in. I can say that I approached him as a scholar.

7 Q And not due to his affiliation with the Sabin Center?

8 A That's right.

9 Q Okay. Have you ever approached anyone because of their affiliation with the Sabin
10 Center?

11 A Not to my recollection. I think not. I think that everyone that I have approached one
12 way or another was because of their scholarship.

13 [REDACTED]. We can go off the record.

14 [Discussion off the record.]

15 [REDACTED] We'll go back on the record.

16 BY [REDACTED]:

17 Q Turning to your relationship with the FJC, or the Federal Judicial Center, when did that
18 relationship begin?

19 A So it would have been -- it had to be '18, late '18, I think.

20 Q Okay. And do you remember --

21 A Well, so "relationship." What do you mean by relationship?

22 Q With them inviting judges, you guys have an event -- cosponsor events together --

23 A That would have been 2019.

24 Q Okay. And do you remember who initiated the relationship? Did you reach out to
25 them, or did they reach out to you?

1 A I was responsible. I reached out to them.

2 Q Okay. Have there been joint meetings with FJC in the past?

3 Ms. Grooms. What do you mean by joint meetings?

4 BY [REDACTED]:

5 Q Meetings between two parties coming up with an idea together.

6 A I don't think so. We had conversations with FJC, but they were mostly logistical and
7 practical.

8 Q Okay. Have they ever recommended speakers for events?

9 A No, I don't believe so, to the best of my recollection.

10 BY [REDACTED]:

11 Q I'm going to ask a couple of broad questions.

12 Do you have any involvement with donors to CJP?

13 A Do I?

14 Q Correct.

15 A Yes, I do.

16 Q You do. Okay.

17 And to the extent that CJP listed donors on its website, is that a complete list of donors, to
18 your knowledge? Not asking for specific donor information, just asking whether or not they're fully
19 listed on the CJP website, to your knowledge.

20 Ms. Grooms. Just to clarify, they're listed on the ELI website. So these are donors to ELI,
21 the entity.

22 Does that make sense?

23 Mr. Hanle. Yes, it does. It makes sense.

24 So I don't really know. I didn't review that.

25

1 [REDACTED]. We can go off the record.

2 [Recess.]

3 BY [REDACTED]:

4 Q All right. In the prior hour your talked about CJP's work with FJC. Do you recall --

5 A Yes.

6 Q -- some of what you spoke about there.

7 Do you know if FJC provides resources on a wide variety of scientific topics for judges or
8 judicial staff to become educated?

9 A Yes, I believe they do. And I remembered the reason we brought AAAS into the
10 program was because they had done something on neuroscience previously.

11 Q So neuroscience. Do you know any of the other topics that they provide training or
12 resources on?

13 A I think I do, yes.

14 Q Could you list a few of them, if you know, off the top of your head?

15 A Yes, top of the head. Technology. I think that there are forensics, I believe, is one of
16 them as well.

17 Q So why are these trainings or resources on these scientific topics helpful for judges?

18 A Well, judges, generally speaking, are generalists. They don't typically have scientific
19 training. And cases come before them where scientific issues come into the cases, arise in the
20 cases. And they benefit from having the general knowledge, context, and tools to be able to weigh
21 what they have to and come to informed decisions.

22 Q So, to the best of your knowledge, judges frequently undergo training to review
23 scientific resources related to, like you said, forensics or neuroscience. There is also, I believe,
24 trainings on artificial intelligence or dementia, the opioid crisis or DNA technology. Does that all
25 sound right to you?

1 A Yes, that does sound right to me, and that's correct.

2 Q And when you present to judges on climate science or develop training materials for
3 judges on climate science, is it in the same vein as these other presentations on these other scientific
4 fields trying to educate judges on this body of science?

5 A Yeah, I think so. I have not firsthand seen some of these others. But we try to bring
6 the objective facts of climate science to the judges without bias, without any politics.

7 Q Thank you.

8 BY [REDACTED]:

9 Q A few questions on the trainings, in addition to what she just said.

10 So CJP, would it be fair to say, routinely works with leading both national and State judicial
11 education institutions to provide judicial education?

12 A Yes, we purposely do that.

13 Q And is it correct to say that CJP provides the subject matter expertise for these events?

14 A Yes. We provide the content.

15

16 Q And for the event, specifically, that you hosted or cosponsored with the Federal Judicial
17 Center, who decided who received an invite?

18 A The Federal Judicial Center managed that.

19 Q And I believe you testified to this in the prior hour, but who keeps track of the judges
20 who attend these events?

21 A By that you mean who exactly?

22 Q Correct. Yeah, who exactly attends by name?

23 A Okay. That surely would be the Federal Judicial Center.

24 Q And it's fair that at least some of the events you guys kept a number tally?

25 A Well, we did. When we worked with the Federal Judicial Center in the early going we

1 did have names of judges. That was the first pilot program. But after that number, tallies
2 were what we kept.

3 Q And does CJP have the authority to approve or reject any attendees?

4 A No.

5 Q And who selected the presenters at the events you hosted with FJC?

6 A We did at the Climate Judiciary Project.

7 Q And just to drive it home, who determined which judges would be invited?

8 A The Federal Judicial Center determined which judges would be invited.

9 BY [REDACTED]

10 Q Sorry to ping-pong. I have a few more questions.

11 So could you or anyone at ELI or CJP force a judge to partake in your trainings or read your
12 materials?

13 A Certainly not. These were, to my -- best of my understanding, these were all voluntary
14 selections and judges chose whether they wanted to come or not.

15 Q So, in other words, it was entirely optional for a judge to participate in either a training
16 or even reading or reviewing your materials online?

17 A Yes, that's correct.

18 Q And can CJP punish or penalize a judge for not participating in a training program?

19 A I would say of course not.

20 Q And even if a judge does participate in a training or looks at your materials, does that
21 mean the judge then has to believe everything you present?

22 A It's a very good question. And we -- of course, judges are free to decide and accept
23 what they wish.

24 Q So if a judge comes to your training and decides they don't believe one word of what
25 you present, there's nothing you can do about it?

1 A That's correct.

2 Q And would these judges be free to do their own research or undergo other trainings to
3 question the validity of your modules and trainings if they chose to?

4 A Yeah, absolutely.

5 Q So nothing is stopping these judges from fact-checking CJP's presentations if they
6 wanted to?

7 A That's also true.

8 Q And, generally speaking, judges are presented with information all the time, and they
9 have to decide whether or not they think that information is valid or truthful. Is that fair to say?

10 A I think so. I think that's correct.

11 Q So do you think judges should be well-equipped to broadly question the validity of
12 evidence presented to them?

13 A Certainly, I do believe that, yes.

14 Q And can CJP force a judge to rule a certain way in a case or admit certain evidence
15 because you want them to?

16 A We cannot do that.

17 Q And has CJP ever tried to instruct a judge on how they should rule in a specific case?

18 A We do not do that.

19 Q Have it ever tried to instruct a judge on what evidence the judge should admit or throw
20 out in a specific case?

21 A So, no, we do not.

22 Q And has CJP ever weighed into a judge on the strength of a party's argument in a
23 particular case?

24 A Never, to the best of my understanding -- recollection.

25 Q Thank you.

1 I am going to turn back to some of the questions that you were asked in the prior hour. You
2 were asked a series of questions about, quote, "targeting judges." Do you recall the point of
3 questioning?

4 A I do, yes.

5 Q And you testified that CJP doesn't target, so to speak, or select to try to get particular
6 judges?

7 A That's correct.

8 Q You said that you instead want to bring training to judges in areas where there is a
9 climate impact?

10 A That's correct.

11 Q Could you explain a little bit more about what that means?

12 A Yeah. Climate change has many effects, impacts, such things as intensified storms,
13 heat waves, drought, significant contribution to wildfires. Those events typically lead to damages
14 -- or damage, I should say, broadly speaking -- and often may end up coming in to court cases.

15 What we were looking for is places where the climate impacts would be significant, such that
16 they might end up being in court cases.

17 Q So you weren't looking for judges that were presiding over individual cases, individual
18 pieces of litigation?

19 A We were very specific that we were not targeting individual cases or litigation.

20 Q So you never, for example, said, "Oh, there's some litigation there against that fossil fuel
21 company, let's make sure we get that judge into training"?

22 A We didn't do that.

23 Q You would never have done anything to that effect?

24 A We did not do that.

25 Q And to the extent that you reviewed any information that was on the Sabin Center

1 tracker that you were asked about in the prior hour, it was to identify what kind of issues were
2 coming up, broadly speaking, in cases. Is that correct?

3 A I think that's right. Different people look at that database for different reasons. But
4 that certainly was my focus.

5 Q So you weren't looking at it to identify particular judges to try to get in for training?

6 A No, we weren't -- I was not doing that.

7 Q Okay. You were also in the prior hour asked a series of questions about particular
8 individuals that you have worked different capacities, whether that was Ms. Carlson or Mr. Burger or
9 Mr. Gerrard. Do you recall that line of questioning?

10 A I do, yeah.

11 Q When you decided to work with any of these individuals, in the different capacities that
12 you worked with them in, what brought you to want to work with these individuals? Why did you
13 choose to work with them?

14 A The number one criterion was their expertise. If they had something, some knowledge
15 and expert contribution to be made, and that rose to the top for us. That was why we recruited
16 these people.

17 Q So you didn't seek out individuals to work with based on their affiliation with a
18 particular entity?

19 A No.

20 Q It was based on their expertise?

21 A Yes, it was based on their expertise.

22 Now, let me think about the categories of scientists, legal scholars, and the judges. It was
23 based on expertise.

24 Q Anything else? All right.

25 Thank you. We can go off the record.

1 [Whereupon, at 1:21 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date