



HOW RADICAL ENVIRONMENTAL SPECIAL INTERESTS MANIPULATE THE FEDERAL JUDICIARY

Interim Staff Report

Committee on the Judiciary

U.S. House of Representatives



September 30, 2026

EXECUTIVE SUMMARY

A cornerstone of the American legal system is an impartial judiciary composed of unbiased and impartial federal judges. To maintain a fair and just judicial system, judges are required to remain neutral—and to maintain the appearance of neutrality—when performing their duties.¹ Impartial judicial proceedings ensure that the outcome of a case is determined by facts and evidence, not by a judge’s opinion or belief.² This principle is so important that federal law requires “any justice, judge, or magistrate judge of the United States [to] disqualify himself in any proceeding in which his impartiality might be reasonably questioned.”³ When a judge is improperly influenced by an external source, it not only weakens the credibility of the particular proceeding, but also the entire judicial system.

The Environmental Law Institute (ELI) and its Climate Judiciary Project (CJP) falsely claim to provide federal and state judges with unbiased information about climate science so that judges may make more informed decisions when presiding over climate-related cases. ELI is a left-wing environmental activist group that pushes for greater regulation of American industries. It runs the CJP, a program that seeks to indoctrinate federal and state judges into blindly accepting disputed assertions about climate change, including that it is “real” and “largely human caused.”⁴ ELI and CJP target judges whom they believe may be likely to hear disputes surrounding climate change.⁵ This targeted influence campaign undermines the American tradition of unbiased neutrality by predisposing federal and state judges in favor of plaintiffs alleging injuries from the manufacturing, marketing, or sale of fossil-fuel products.⁶

Since August 2025, the Committee and its Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet have been conducting oversight of ELI’s attempts to bias federal judges through its “educational” programs.⁷ To date, the Committee and Subcommittee have received and reviewed more than 15,000 pages of documents and received day-long testimony from key players in ELI’s initiative. The Committee’s and Subcommittee’s oversight has highlighted the scope of radical environmentalists’ efforts to indoctrinate and bias judges. Among other things:

- **CJP intentionally invites judges who have a high likelihood of presiding over climate cases to participate in its biased environmental law education programs.**⁸ These judges are from regions where CJP anticipates a growing volume of climate-related cases.

¹ *Due process (procedural) and the Supreme Court*, EBSCO, <https://www.ebsco.com/research-starters/law/due-process-procedural-and-supreme-court> (Last Visited Aug. 28, 2026).

² U.S. Constitution Amendment V.

³ 28 U.S. Code § 455.

⁴ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 24, *see* Ex. 34.

⁵ *Id.*

⁶ *Id.*; *see also* *Climate Science and Law for Judges: Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Env’t L. Inst. (Jan. 2023).

⁷ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jordan Diamond, President, Env’t. Law Inst., (Aug. 29, 2025).

⁸ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 64-67, *see* Ex. 34.

When a climate event occurs, such as a drought or wildfire, oftentimes plaintiffs bring legal claims in an attempt to recoup damages caused by the climate event.⁹ When selecting a location for a judicial “education” seminar, CJP looks for areas “where climate impacts would be significant” because it expects an increase in cases in those areas.¹⁰ According to information provided to the Committee and Subcommittee, at least 140 federal judges have attended CJP’s judicial training sessions.¹¹

- **Under the guise of providing information about climate science, CJP presents seminars that are designed to predispose judges to rule in favor of radical environmentalists.**¹² Paul Hanle, CJP’s founder, explained in a transcribed interview with the Committee and Subcommittee that many judges do not believe that climate change is human-caused.¹³ He elaborated that CJP seminars have the express purpose of “educating” judges that climate change is “real” and is caused by humans.¹⁴ Dr. Hanle specifically testified that the seminars aim to provide judges with “context and tools” to evaluate evidence in climate-related litigation.¹⁵ In private emails to aligned academics, Dr. Hanle bragged about CJP’s success in persuading judges to accept unsettled matters of climate science and even admitted that CJP’s efforts would “make a great difference in the final outcome of cases.”¹⁶ These admissions plainly demonstrate ELI’s and CJP’s goal. In litigation where liability turns on whether a climate event was caused by a particular set of actions, environmental special interests stand a better chance of success if the judge utilizes the CJP-approved “context and tools” to evaluate the evidence.
- **Documents show that CJP lacks a formal conflict-of-interest policy to ensure that authors and presenters at its seminars are not also participating in active climate litigation before the judges in attendance.**¹⁷ Instead, CJP relies on internal reviews conducted by its founder and senior staff to assess the neutrality of potential presenters and identify potential conflicts.¹⁸ Although CJP states that it selects curriculum authors, presenters, and Advisory Committee members based on expertise, professional standing, objectivity, and presentation skills, the entity does not evaluate or disclose participants’

⁹ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 90, *see* Ex. 34.

¹⁰ *Id.*

¹¹ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Apr. 10, 2026) (on file with the H. Comm. on the Judiciary), *see* Ex. 2; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (May 8, 2026) (on file with the H. Comm. on the Judiciary), *see* Ex. 3.

¹² Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 24, *see* Ex. 34.

¹³ *Id.* at 25.

¹⁴ *Id.* at 26.

¹⁵ *Id.* at 63-64.

¹⁶ Email from Paul Hanle, Founder, CJP, to Kristie Ebi, Advisory Committee Member, CJP (Sept. 22, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 18; Email from Paul Hanle, Founder, CJP, to Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory (May 12, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 4.

¹⁷ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 52-53, *see* Ex. 34.

¹⁸ *Id.* at 22.

affiliations with climate litigants, advocacy organizations, or ongoing climate litigation.¹⁹ For example, influential members of CJP’s curriculum Advisory Committee, a group of key ELI staff and scientists who review and approve curriculum to be used in seminars, have ongoing communications with individuals working on climate litigation and with environmental advocacy groups.

- **Evidence indicates that one CJP contributor coordinated with an environmental special interest attorney while the attorney represented Multnomah County, Oregon, in its \$50 billion lawsuit against energy producers.**²⁰ Dr. Michael Wehner, a senior scientist at the Lawrence Berkeley National Laboratory and a contributor to CJP, shared a prepublication CJP module, *Drawing the Causal Chain: The Detection and Attribution of Climate Change*, with special interest attorney Roger Worthington. The module explained how attribution science—the research discipline that aims to compare how the environment would be affected without human-caused climate change²¹—can be used to connect greenhouse gas emissions to specific weather events, localized impacts, and resulting economic or human harms.²² In other words, a lawyer with an active dispute before the federal courts had prepublication access to a training module that meant to influence judges about the very subject matter at issue in his case.²³
- **The federal judicial system has allowed environmental special interests to infiltrate its supposed unbiased scientific resource manual.** Since 1994, the Federal Judicial Center (FJC) and the National Academies of Sciences, Engineering, and Medicine (NASEM)²⁴ have published a Reference Manual on Scientific Evidence. This manual is meant to be a resource that judges may use to better understand “the basic tenets of key scientific fields” and to find “examples of cases in which that evidence has been used.”²⁵ The manual is supposed to be a neutral, fact-based text that judges can access in order to make “informed and reasoned” judgements.²⁶ On December 31, 2025, FJC and NASEM published the fourth edition of the Reference Manual on Scientific Evidence, which included a controversial chapter on climate science.²⁷ In January 2026, a coalition of twenty-seven state attorneys general challenged the chapter’s objectivity, arguing that it compromised judicial neutrality and presented contested issues, like event attribution, as

¹⁹ *Id.* at 15.

²⁰ Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (June 2, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 17.

²¹ *See*, Union of Concerned Scientists, *What Is Attribution Science*, (Mar. 18, 2025), <https://www.ucs.org/resources/attribution-science>.

²² Michael F. Wehner, *Drawing the Causal Chain: The Detection and Attribution of Climate Change*, (Jan. 2023).

²³ Motion to Strike, County of Multnomah v. Exxon Mobil Corp. (Sept. 12, 2025); Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 19, *see* Ex. 33.

²⁴ “The National Academies are private, nonprofit institutions that provide independent, objective analysis and advice to the nation and conduct other activities to solve complex problems and inform public policy decisions related to science, technology, and medicine.” *Health and Medicine Division*, National Academies, <https://www.nationalacademies.org/units/HMD-HMD-21-P-360> (last visited Sept. 14, 2026).

²⁵ *Reference Manual on Scientific Evidence, Fourth Edition*, FJC, <https://www.fjc.gov/content/396456/reference-manual-scientific-evidence-fourth-edition> (last visited Sept. 10, 2026).

²⁶ *Id.*

²⁷ *Id.*

settled science.²⁸ The chapter reflects many of the same biases as the CJP’s seminar curriculum. In February 2026, the FJC removed the Climate Science Chapter highlighting the need for neutrality and transparency in judicial education.²⁹

America’s judicial system is based on the premise of fair proceedings before a neutral arbiter.³⁰ However, from documents and testimony available to the Committee and Subcommittee, it appears that ELI and CJP are working to influence federal judges outside the courtroom and away from public eyes. Their judicial “education” seminars seek to bias federal and state judges about disputed issues in climate-change science, such as attribution and causation. By biasing judges that these issues are “settled” science, ELI and CJP stacks the deck against some litigants before they even enter the courtroom. The Committee and Subcommittee will continue to conduct oversight to inform legislative reforms to better protect the integrity of the judiciary and judicial proceedings.

²⁸ Letter from John B. McCuskey, Att’y Gen. of W. Va., to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr. (Jan. 29, 2026), *see* Ex. 20.

²⁹ Letter from Hon. Robin L. Rosenberg, Director, Federal Judicial Center, to Hon. John B. McCuskey, Attorney General, West Virginia (Feb. 6, 2026), *see* Ex. 21.

³⁰ U.S. Constitution Amendment V; The Declaration of Independence (U.S. 1776).

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BACKGROUND

Since August 2025, the Committee and Subcommittee have been investigating ELI's and CJP's attempt to influence the outcome of environmental lawsuits in favor of environmental special interests through biased judicial educational programs. ELI and CJP work, in part, to condition judges that climate change is human-caused, an assertion that improves the odds of environmental special interests succeeding in climate change litigation. In this way, ELI aims to tilt the playing field against American energy producers and in favor of environmental special interests.

Founded in 1969, ELI is a nonprofit that purportedly works to “[foster] innovative, just, and practical law and policy solutions to enable leaders across borders and sectors to make environmental, economic, and social progress.”³¹ The organization claims to create neutral analyses of various environmental matters that can be used to inform the decision making of “government officials, environmental and business leaders, academics, members of the environmental bar, and journalists.”³² Its resources include peer-reviewed papers, podcasts, seminars, and events conducted in the United States and overseas.³³

In 2018, Dr. Paul Hanle founded ELI's CJP, which is described as a resource to help educate state and federal judges on environmental issues.³⁴ According to its website, CJP claims:

[T]o provide neutral, objective information to the judiciary about the science of climate change as it is understood by the expert scientific community and relevant to current and future litigation . . . [CJP's] collaborators . . . are likewise known for their impartiality and are at the top of their fields in science and judicial education.³⁵

According to Dr. Hanle, “[t]he idea was to educate an important audience, judges, about the science of climate change and how it arises in law.”³⁶ One of the ways in which CJP has sought to accomplish this goal has been by inviting judges to training seminars around the country. As of November 2025, CJP has provided advocacy materials and information to over 2,000 state and federal judges.³⁷

Documents and testimony reveal how ELI and CJP have operationalized the judicial indoctrination campaign. A group of environmental science specialists, ELI staff, and

³¹ *Who We Are*, Env'tl. Law Inst., <https://www.eli.org/who-we-are> (last visited Aug. 31, 2026).

³² *Id.*

³³ *Access Our Resources*, Env'tl. Law Inst., <https://www.eli.org/access-our-resources> (last visited Aug. 31, 2026); *ELI's International Programs*, Env'tl. Law Inst., <https://www.eli.org/international-programs> (last visited Aug. 31, 2026).

³⁴ *About CJP*, Env'tl. Law Inst., <https://cjp.eli.org/about> (last visited Aug. 31, 2026); *Paul A. Hanle*, Climate Judiciary Project, <https://cjp.eli.org/team/paul-hanle> (last visited Sept. 28, 2026).

³⁵ *Climate Judiciary Project*, Env'tl. Law Inst. <https://www.eli.org/climate-judiciary-project> (last visited Aug. 31, 2026).

³⁶ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 10, *see* Ex. 34.

³⁷ *About CJP*, Env'tl. Law Inst., <https://cjp.eli.org/about> (last visited Aug. 31, 2026).

environmental law experts, known as CJP’s “Advisory Committee,” created CJP’s judicial seminar curriculum.³⁸ Once the curriculum was created, the group began producing targeted “modules” on particular topics.³⁹ Modules are peer-reviewed educational resources that CJP claims to be “authored by leading scientific and legal experts in their respective disciplines” and available for seminar participants to use as a reference.⁴⁰

Next, CJP organized seminars at which it could present the modules to federal and state judges.⁴¹ CJP selected a location for the seminar and invited experts in the fields of environmental law and environmental science to present at these events.⁴² Once those details had been finalized, CJP’s partner organization, the Federal Judicial Center (FJC), invited judges to attend the seminar.⁴³ Established in 1967, FJC is the “research and education agency of the judicial branch of the U.S. government.”⁴⁴ FJC’s Education Division is responsible for providing federal judges with educational resources and trainings.⁴⁵ These resources include “orientation seminars for newly appointed judges as well as continuing judicial education programs.”⁴⁶

³⁸ *Id.* at 31.

³⁹ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 29 – 38, *see* Ex. 34.

⁴⁰ *About the Climate Judiciary Project*, Env’tl. Law Inst., <https://www.eli.org/news/about-climate-judiciary-project> (last visited Aug. 31, 2026).

⁴¹ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 29-3, *see* Ex. 34.

⁴² *Id.* at 29-38, 90.

⁴³ *Id.* at 55.

⁴⁴ FJC, <https://www.fjc.gov/> (last visited Aug. 31, 2026).

⁴⁵ *About the FJC*, FJC, (Oct. 2024)

https://www.fjc.gov/sites/default/files/materials/42/About%20the%20FJC_October%202024.pdf (last visited Aug. 31, 2026).

⁴⁶ *Id.*

THE ONE-SIDED, BIASED CURRICULUM FROM CJP AMOUNTS TO IMPROPER EX PARTE INFLUENCE ON FEDERAL JUDGES

ELI's CJP has worked with various environmental advocates to create a judicial educational curriculum purportedly designed to help federal and state judges better understand "the legal and scientific issues" that arise in climate litigation.⁴⁷ However, the Committee's and Subcommittee's investigation found that in developing and presenting the curriculum available to judges, CJP partnered with presenters, attorneys, and climate advocates who are aligned with special interest plaintiffs in climate litigation. CJP also identified and targeted "key judges" in jurisdictions where climate litigation was either pending or likely to occur and presented its biased seminars to those judges.

A. The CJP targets "key" judges to receive its biased curriculum.

CJP partners with judicial institutions, including the FJC, to expand its reach within the judiciary for judicial education seminars.⁴⁸ CJP's founder, Dr. Paul Hanle, claimed that it deferred to the FJC for inviting judges to educational seminars and that CJP did not directly invite judges.⁴⁹ During his transcribed interview, Dr. Hanle asserted that FJC was the only organization "charged with inviting the judges."⁵⁰ However, according to internal documents, CJP leadership communicated with individuals and organizations involved in or who support climate litigation to discuss how to use "back-channel efforts" to target states and key judges for upcoming climate-related judicial seminars.⁵¹

For example, on May 12, 2022, Dr. Hanle wrote to Lawrence Berkeley National Laboratory (LBNL) scientist Dr. Michael Wehner, an academic focusing on applied mathematics and computational research, to discuss Dr. Hanle's efforts at CJP.⁵² Dr. Hanle introduced Dr. Wehner to the goal of CJP, writing: "I'd like to tell you how we are going about reaching key judges, and I have a specific idea about attribution for your consideration that could make a great difference in the final outcome of cases."⁵³

⁴⁷ *Curriculum Summary*, CJP, <https://cjp.eli.org/curriculum> (last visited Sept. 10, 2026).

⁴⁸ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 85, *see* Ex. 34.

⁴⁹ *Id.* at 54-58.

⁵⁰ *Id.*

⁵¹ Email from Paul Hanle, founder, Climate Judiciary Project, to Michael Gerrard, founder, Sabin Ctr. for Climate Change L. (June 11, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 7; Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 90, *see* Ex. 34.

⁵² *Michael Wehner*, AMCR, <https://amcr.lbl.gov/profile/mfwehner/>; Email from Paul Hanle, Founder, CJP, to Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory (May 12, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 4.

⁵³ *Id.*

From: [REDACTED]
To: [REDACTED]
Cc: 'Sandra Nichols Thiam' [REDACTED]
Subject: An important climate initiative
Date: Thu, 12 May 2022 16:19:40 +0000

Michael,

I don't believe we have met, but as president of Climate Central from 2011 to 2018, I followed your work with interest. You may recall that Climate Central, under Heidi Cullen's leadership, launched the World Weather Attribution project on extreme event attribution as the secretariat to the WWA group in 2014. After the US elections and Heidi's departure to MBARI, I stepped down from running Climate Central to start a new effort to educate judges on climate science and impacts, and how they may come to bear on court cases involving climate change. It seemed to me that without legislative or executive action to address the climate problem, real government action might still be derived from court decisions based on scientific understanding of the consequences of global warming. So I joined the Environmental Law Institute as a visiting scholar and founder of what we call the Climate Judiciary Project.

I am writing today at the recommendation of Heidi and Claudia Tebaldi to ask if I might speak with you about this timely and important project. I'd like to tell you how we are going about reaching key judges, and I have a specific idea about attribution for your consideration that could make a great difference in the final outcome of cases. My colleague and partner in the project is Sandra Nichols Thiam, Director of Judicial Education and a vice president of ELI, and with your agreement I would ask her to join us as well.

I hope you would be willing to speak with us sometime next week or the following week, at a time convenient to you. If you are willing to do this, would you please suggest a time or two. We will send you a Zoom link for the meeting.

Please let me know if I can answer any questions you might have for clarification prior to speaking.

Thanks very much for considering it.

Best regards,

Paul

Paul A. Hanle, PhD

Founder

Climate Judiciary Project

Environmental Law Institute

A May 12, 2022, email from Dr. Hanle to Dr. Wehner, asking to speak to him about CJP's judicial trainings.

Dr. Hanle contacted Dr. Wehner because he was seeking a scientist who specialized in attribution science who could provide input on the content of a CJP module about attribution.⁵⁴ Attribution science is "a scientific field that analyzes whether and to what extent human-caused climate change influenced an individual extreme weather event, such as a specific heat wave or hurricane."⁵⁵ Dr. Hanle anticipated that future climate-related litigation would revolve around the

⁵⁴ *Id.*; Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) at 63-64, *see* Ex. 34; Michael Wehner, AMCR, <https://amcr.lbl.gov/profile/mfwehner/> (last visited Sept. 14, 2026).

⁵⁵ *The Science of Extreme Event Attribution — Which Analyzes Climate Change's Influence on Specific Weather Events — Has Advanced, But Challenges Remain*, NATIONAL ACADEMIES, (July 15, 2026)

legitimacy of attribution science.⁵⁶ Dr. Wehner has published papers supporting the assertion that humans cause climate change.⁵⁷

When asked during his transcribed interview about his communication with Dr. Wehner, Dr. Hanle defended CJP's tactics in identifying "key judges" to receive CJP's information about attribution science.⁵⁸ He testified:

Q. . . . [W]hat makes a judge a key judge? Who are we referring to here in the judiciary?

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

Q. And what did you mean by you . . . "have a specific idea about attribution for [Dr. Wehner's] consideration that could make a great difference in the final outcomes of cases."

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

A. Well, and again, this is about the entirety, not any one case. . . . [T]he specific idea about attribution is that we would develop a module on the state of attribution science, which I knew to be coming in cases and being used.

Q. And did you believe [that] specific module you're referring to right now would . . . make a great difference in the final outcome of cases?

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

Q. And then those better informed decisions would . . . make a difference in the final outcome of cases?

A. Well, . . . in totality if judges are better informed, hopefully

<https://www.nationalacademies.org/news/the-science-of-extreme-event-attribution-which-analyzes-climate-change-s-influence-on-specific-weather-events-has-advanced-but-challenges-remain>.

⁵⁶ Email from Paul Hanle, Founder, CJP, to Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory (May 12, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 4.

⁵⁷ *See, e.g.,* Michael F. Wehner, *Operational Extreme Weather Event Attribution Can Quantify Climate Change Loss and Damages* (2022); Michael F. Wehner et al., *Attribution of 2020 Hurricane Season Extreme Rainfall to Human-induced Climate Change* (2022).

⁵⁸ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) at 63-64, *see* Ex. 34.

they would be able to make better-informed decisions.

Q. . . . And what makes a decision a better-informed decision?

A. Well, if the . . . judges have the context and tools that they need to evaluate evidence, and that context and tools is what we're providing in climate science.

Q. . . . And the information that you're providing in that context . . . is that . . . climate change is real, that it's caused by humans, is that the . . . goal of this attribution?

A. It was—well, attribution is a part of the entire curriculum that we offer, and, like all of it in the curriculum, the idea was that we would enable judges to understand how the climate science works, the method, and some of the conclusions that climate science has brought.⁵⁹

ELI has defended its seminars by asserting that “CJP does not participate in litigation, support or coordinate with any parties related to any litigation, or advise judges on how they should rule on any issue or in any case.”⁶⁰ However, documents available to the Committee and Subcommittee make clear that the group coordinates closely with individuals and organizations that have close ties to climate litigation. One of these groups is the Sabin Center for Climate Change Law, an environmental law research institute at Columbia Law School.⁶¹ The Sabin Center actively works to shape “the evolving field of climate litigation through research, documentation, and analysis of how courts worldwide are responding to the climate crisis.”⁶² The Center supports the work of CJP by providing guest speakers and content for seminars.⁶³ The Sabin Center’s founder and director, Michael Gerrard, even serves on the CJP’s Advisory Committee.⁶⁴

⁵⁹ *Id.*

⁶⁰ Elizabeth Elkind, *House GOP launches probe into alleged climate group influence on federal judges*, Fox News, (Jan. 14, 2026), <https://www.foxnews.com/politics/jim-jordan-launches-house-gop-probe-alleged-climate-group-influence-judges>.

⁶¹ *About Us*, Sabin Ctr. for Climate Change L., <https://climate.law.columbia.edu/content/about-us> (last visited Sept. 14, 2026).

⁶² *Climate Change Litigation*, Sabin Ctr. for Climate Change L., <https://climate.law.columbia.edu/content/climate-change-litigation> (last visited Sept. 21, 2026).

⁶³ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Apr. 10, 2026) (on file with the H. Comm. on the Judiciary), *see* Ex. 2; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (May 8, 2026) (on file with the H. Comm. on the Judiciary), *see* Ex. 3.

⁶⁴ Email from Jarryd Page, Staff Attorney, ELI, to Helene Kransoff, Director, CJP et al, (Mar. 11, 2025) (on file with the H. Comm. on the Judiciary), *see* Ex. 15,

On occasion, CJP's leadership asked Gerrard to recommend reading materials for judges to review before or after a seminar.⁶⁵ For example, on June 20, 2019, Sandra Thiam, a CJP attorney, asked Gerrard for a list of recommended reading for judges attending a CJP seminar.⁶⁶ Gerrard sent Thiam three articles about climate change, including an opinion piece making an emotional appeal to "our obligation to future generations."⁶⁷

From: Michael Gerrard [REDACTED]
Sent: Thursday, June 20, 2019 4:16 PM
To: Sandra Nichols Thiam [REDACTED] Paul Hanle [REDACTED]
Subject: Re: Preparations and July 12

I suggest these.

https://www.amoldporter.com/-/media/files/perspectives/publications/2011/09/what-litigation-of-a-climate-nuisance-suit-might-_files/publication/fileattachment/amoldporterlptheyalelawjournal091311.pdf?

<https://thehill.com/opinion/energy-environment/415307-the-childrens-climate-case-our-obligation-to-future-generations>

<https://quillette.com/2018/10/30/previously-unrecognized-rights-climate-change-lawsuits-and-the-rule-of-law/>

On Thu, Jun 20, 2019 at 4:01 PM Sandra Nichols Thiam [REDACTED] wrote:

Will do. It's One Washington Circle, quite close to GW.

We also wanted to ask if you had ideas of anything that would be appropriate to include in a list of recommended reading that we will include in the materials that the judges will receive at the event(s). We'll be listing the Burger/Horton/Wentz paper but thought it could be good to list a few more.

Thanks!

Sandra

A June 20, 2019, email in which CJP asked the Sabin Center's Michael Gerrard for a list of recommended reading materials for judges attending CJP's judicial training.

CJP also asked Gerrard to review draft judicial modules in advance. According to an email dated December 22, 2021, Thiam asked Gerrard to review a draft module, authored by a law professor about procedural techniques used in climate litigation.⁶⁸

⁶⁵ Email from Sandra Nichols Thiam, Vice President for Research and Policy Programs, Env'tl. Law Inst., to Michael Gerrard, Founder, Sabin Ctr. for Climate Change L. (June 20, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 5.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Email from Sandra Nichols Thiam, Vice President for Research and Policy Programs, Env'tl. Law Inst., to Michael Gerrard, Founder, Sabin Ctr. for Climate Change L. (Dec. 22, 2021) (on file with the H. Comm. on the Judiciary), *see* Ex. 6.

Message

From: Michael Gerrard [REDACTED]
on behalf of Michael Gerrard [REDACTED]
Sent: 12/22/2021 10:53:44 PM
To: Sandra Nichols Thiam [REDACTED]
CC: Paul Hanle-forward [REDACTED] Sarah Roth [REDACTED]
Subject: Re: request for a review

Thanks. I'll be happy to do this. Feel free to send me the draft module as soon as it's ready; you needn't wait until after the holidays.

On Wed, Dec 22, 2021 at 4:13 PM Sandra Nichols Thiam [REDACTED] wrote:

Dear Michael,

I hope you are enjoying some quiet and family time as the holidays are upon us.

In addition to our engagements at the COP in November, the Climate Judiciary Project has made a lot of progress with our curriculum development during the second half of this year and some of our modules are to the point of being ready for peer review.

Robin Kundis Craig has written a draft of the module on procedural techniques on climate litigation. Each such piece will be reviewed anonymously by three relevant experts, including at least one member of our advisory committee. As you know, the modules have been drafted based on the course outline developed by CJP and validated by our expert advisory committee and have been formulated to fit in with our methodology for educating judges. That said, the accuracy, clarity, and opportunity to teach both climate concepts and the ways they relate to litigation are of paramount importance, and so we are asking reviewers to focus on these aspects when completing a high-level substantive review.

I'm attaching the current table of contents for the whole curriculum and the author guidance for a reminder of the background and context. After the holidays, would you be able to do a review of this draft for us? If you had time to do it at some point in January, that would be great.

Please let us know if you would be available to do this or if you have any questions. If you agree, my colleague Sarah will send you the draft and follow up with any further details.

Thanks in advance and enjoy the holidays! I look forward to being in touch in the New Year!

Best,

Sandy (and Paul!)



Sandra Nichols Thiam (she/her)
Director, Judicial Education
Associate Vice President for Research and Policy
Environmental Law Institute

A December 22, 2021, email from CJP to Gerrard, asking him to review a draft CJP module on procedural techniques used in climate litigation.

Other documents suggest that Sabin Center officials recognized the potential effect that CJP seminars have on “key decision makers” overseeing climate change litigation.⁶⁹ On April 29, 2019, Gerrard emailed a colleague, Dr. Radley Horton, and passed along an invitation from Dr. Hanle and Sandra Thiam to present at a CJP seminar “about climate change for federal judges” to be held at Columbia Law School.⁷⁰ In the email, Gerrard stressed that he hoped Dr. Horton would be available to “give a scientific presentation” because “key decision makers” would be in attendance.⁷¹ Dr. Horton promptly accepted the invitation.⁷²

From: Radley Horton [REDACTED]
Sent: Monday, April 29, 2019 1:55 PM
To: Michael Gerrard [REDACTED]
Cc: Paul Hanle [REDACTED]; Sandra Nichols Thiam [REDACTED]
Subject: Re: Judicial conference on June 28

Hi Mike,

Sounds fascinating. I am in town that day, so I should be able to make it work.

I look forward to learning more.

Best wishes
Radley

On Mon, Apr 29, 2019 at 1:12 PM Michael Gerrard [REDACTED] wrote:
Radley --

The Sabin Center is working with the Environmental Law Institute on a training session about climate change for federal judges. It will be held on June 28 at the Law School. I'll be giving a presentation to the judges about climate change litigation, and Paul Hanle and Sandra Thiam of the Environmental Law Institute would like to invite you to give a scientific presentation. This note is a heads up that you'll be hearing from them with the details. It would be great if you could do this if you'll be in town, given that the audience will have some key decision makers.

Michael

An April 29, 2019, email from Michael Gerrard to Dr. Radley Horton, inviting Dr. Horton to an ELI judicial seminar that will have “key decision makers” in the audience.

About one month before the seminar, on May 14, 2019, Michael Gerrard contacted Dr. Hanle, CJP’s founder, to inquire about the number of individuals registered to attend the event.⁷³ In his reply, Dr. Hanle indicated CJP had “21 federal judges who expressed interest and expect[s] the final number of judges to be 17 to 20.”⁷⁴ Dr. Hanle further told Gerrard that Dr. Horton had agreed to be “the science expert” and that he was working with Dr. Horton on “his big paper.”⁷⁵

⁶⁹ Email from Michael Gerrard, founder, Sabin Ctr. for Climate Change L., to Radley Horton, Associate Research Professor Sabin Ctr. for Climate Change L. (Apr. 29, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 8.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ Email from Michael Gerrard, founder, Sabin Ctr. for Climate Change L., to Paul Hanle, founder, Climate Judiciary Project (May 14, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 9.

⁷⁴ *Id.*

⁷⁵ *Id.*

From: Paul Hanle[O=ELI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=75D058F1DD2E4A0A9B38E84976D18FC0-PAUL HANLE]
Sent: Tue 5/14/2019 4:21:27 PM Eastern Daylight Time
To: Michael Gerrard [REDACTED]
Cc: Sandra Nichols Thiam [REDACTED]
Subject: RE: Judicial conference on June 28

Michael,

Glad you asked. We have 21 federal judges who have expressed interest and expect the final number to be 17 to 20 plus Marcy. We think that is a full house. But the idea of law clerks is a really good one, and we will keep it in mind for the next sessions and future programs. The next up will be DC on July 12.

This coming Monday, I will be meeting with Radley, who has agreed to be the science expert, and am working through his big paper right now. I imagine some of it will be useful on the 28th. What do you think of the idea to offer the judges a few links to readings, including that one?

Best,
Paul

A May 14, 2019, email from Dr. Hanle to Michael Gerrard about the June 2019 CJP seminar.

On June 11, 2019, Dr. Hanle asked Gerrard to review the draft slide deck for Dr. Horton's presentation at CJP's judicial seminar scheduled for June 28.⁷⁶ In the same email, Dr. Hanle invited Gerrard to be CJP's "legal landscape expert again for [another] event on July 12."⁷⁷ Dr. Hanle specifically noted that the July seminar would "reach a different and important group of judges at a likely higher level."⁷⁸ Dr. Hanle explained that CJP was even conducting "a back-channel effort to have one or more Supreme Court Justices attend" its seminar.⁷⁹ He acknowledged that while it might not "work out," the effort could win attention "at the top level."⁸⁰

⁷⁶ Email from Paul Hanle, founder, Climate Judiciary Project, to Michael Gerrard, founder, Sabin Ctr. for Climate Change L. (June 11, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 7.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

We are looking forward to the event at Columbia on June 28. We received a deck of slides from Radley, and will be passing them along to the AAAS for their "review" as agreed with them and the FJC. Would be happy to share them with you. I'm wondering if you need anything further to prepare your talk—just let us know if you do.

We have been organizing the DC program scheduled for July 12 and have some interesting developments. That program will include a mix of leading federal and state judges, including probably from New Jersey, New York, Vermont, and maybe one or two other states. Also, I'm really pleased to tell you that Jeremy Fogel has agreed to moderate the issues discussion among the judges, Steve Pacala and our legal expert. There is also a back-channel effort to have one or more Supreme Court Justices attend. Not sure that will work out, but at the very least it will win some attention for the project at the top level. All in, the quality of this event has risen considerably since we began planning it in May.

For this reason, and with apologies for the lateness, I wanted to ask if you might be willing to consider being our legal landscape expert again for this event on July 12. It would be an occasion to reach a different and important group of judges at a likely higher level, and with a different set of presenters. You could make it a day-trip if you wanted (we are starting at 10:30 to allow for a train ride that morning for a couple participants), or we would be happy to have you stay the night before at the hotel. Naturally we would cover your travel expenses. And hopefully you would have little preparation required, since you will have done it two weeks before in NY. Would you think this over and let me know?

Thanks very much for all you have done to help us get this launched. I'm confident it will be very successful—and interesting.

Best,
Paul

A June 11, 2026, email from Dr. Hanle to Michael Gerrard inviting him to present at CJP's July 12, 2019, judicial seminar and disclosing "back-channel" efforts to have a Supreme Court Justice attend.

When confronted by the Committee and Subcommittee about CJP's efforts to reach Supreme Court justices with its seminars, Dr. Hanle could not recall the back-channel efforts he was referring to in the email.⁸¹ He testified:

Q. [C]an you talk about what those back-channel efforts were?

A. No. Honestly, I don't recall.⁸²

These email exchanges demonstrate a coordinated effort by CJP leadership to use its judicial seminars to influence federal judges, including "key decision makers" "at the top level."⁸³ Contrary to what ELI and CJP assert, it is clear that CJP and the Sabin Center were well-aware that the training seminars sought to target judges and to influence the outcome of climate-related cases.⁸⁴

Beyond targeting "key" judges, however, CJP also targeted key regions where it expected increased climate-related litigation to occur. CJP holds judicial training seminars in regions

⁸¹ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 61, *see* Ex. 34.

⁸² *Id.*

⁸³ Email from Michael Gerrard, founder, Sabin Ctr. for Climate Change L., to Radley Horton, Associate Research Professor Sabin Ctr. for Climate Change L. (Apr. 29, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 8; Email from Paul Hanle, founder, Climate Judiciary Project, to Michael Gerrard, founder, Sabin Ctr. for Climate Change L. (June 11, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 7.

⁸⁴ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 63-64, *see* Ex. 34.

affected by recent extreme weather events, such as heatwaves or hurricanes,⁸⁵ because it anticipates a growing volume of climate-related cases in those regions.⁸⁶ For example, CJP might hold a seminar in an area that recently sustained damage from a hurricane because CJP anticipates that climate litigation will occur in that area. During his transcribed interview with the Committee, Dr. Hanle testified:

Climate change has many effects, impacts, such things as intensified storms, heat waves, drought, significant contribution to wildfires. Those events typically lead to damages—or damage, I should say, broadly speaking—and often may end up coming in to court cases. What we were looking for is places where the climate impacts would be significant, such that they might end up being in court cases.⁸⁷

In addition to targeting areas where future climate litigation may occur, CJP worked with the FJC, the federal judiciary’s education arm, to hold its initial seminars in major areas around the country.⁸⁸ These first four seminars were held in New York, New York; Washington, D.C.; Berkeley, California; and Chicago, Illinois.⁸⁹ The selection of these locations allowed CJP to extend its reach to judges in major cities where environmental cases were being brought.

- On June 28, 2019, CJP held its first judicial seminar in New York, New York.⁹⁰ According to documents received by the Committee, CJP targeted and invited at least 20 judges to attend the seminar.⁹¹
- On July 12, 2019, CJP held its second judicial seminar in Washington, D.C.⁹² According to documents received by the Committee, CJP targeted and invited at least 10 judges to attend the seminar.⁹³

⁸⁵ *Id.* at 90.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.* at 61.

⁸⁹ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹⁰ *Id.*

⁹¹ Climate Judiciary – New York City Participants (on file with the H. Comm. on the Judiciary, *see* Ex. 10; Climate Science for Judges-Towards a Climate Science Curriculum: Pilot Program Launch (June 28, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 11; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹² Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹³ Climate Science for Judges-Towards a Climate Science Curriculum: Pilot Program Launch (July 12, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 12; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

- On September 13, 2019, CJP held its third judicial seminar in Berkeley, California.⁹⁴ According to documents received by the Committee, CJP targeted and invited at least 21 judges to attend the seminar.⁹⁵
- On December 6, 2019, CJP held its fourth judicial seminar in Chicago, Illinois.⁹⁶ According to documents received by the Committee, CJP targeted and invited at least 19 judges to attend the seminar.⁹⁷

Internal CJP documents reflect that the group made a concerted effort to convene its seminars in locations where climate-change litigation may occur. In one email to a CJP Advisory Committee member in June 2022, Dr. Hanle confirmed that CJP intentionally “target[s]” states where climate cases are being brought.⁹⁸ In the email, Dr. Hanle discussed outreach to chief justices in every state to select a judge to serve as a “Judicial Leader in Climate Science.”⁹⁹ Dr. Hanle noted that he was “very pleased that all but one of our target states (where cases were being brought)” choose to participate in the CJP program.¹⁰⁰ He elaborated that the program would “develop” judges’ “leadership skills and their knowledge of climate science, and it then explicitly charges them to become ambassadors to their judicial colleagues in the states,” and that it was “vital that these judges have a working knowledge of health impacts of climate change.”¹⁰¹

⁹⁴ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹⁵ Federal Judicial Center, Env’tl. Law Inst., and the American Association for the Advancement of Science Present: *Climate Justiciary Project Seminar*, Participant List (Sept. 13, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 13; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹⁶ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹⁷ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

⁹⁸ Email from Paul Hanle, Founder, CJP, to Kristie Ebi, Advisory Committee Member, CJP (June 28, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 14.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

On Jun 28, 2022, at 12:45 PM, [REDACTED] wrote:

Hi Kris,

I hope you are well. We are making good progress with our climate science curriculum, and at some point soon I'd like to brief you on it. In the meantime, however, I have a short report and a request.

Among the many threads of the project is a year-long course for select state judges in collaboration with the National Judicial College. We engaged NJC to reach out to the Chief Justices of every state and ask each to nominate one judge to be a "Judicial Leader in Climate Science." 21 states and Puerto Rico decided to participate, and we were very pleased that all but one of our target states (where cases were being brought) opted in. The program develops both their leadership skills and their knowledge of climate science, and it then explicitly charges them to become ambassadors to their judicial colleagues in the states. This coming September, the second of two multi-day courses for these JLCS judges will be held in Woods Hole, where we are delivering talks, conversations, and interactive activities focusing mostly on climate science.

We believe it is vital that these judges have a working knowledge of health impacts of climate change. And so we have scheduled a portion of the program for an expert to speak to the topic and lead a discussion of how these impacts might come to bear in court cases they or their colleagues may hear. We are hoping to attract a leading scholar who might be willing to come for a day in mid-September to this beautiful location and important center for scientific research to engage with the judges on health impacts. So, I want to ask if you might have any suggestions for potential speakers on the topic. We will, of course, cover their travel expenses. We are trying to favor people from the Northeast, to make it easier for all concerned, but we would also entertain inviting someone from a greater distance if necessary, and we have funds to cover this option.

With thanks for any suggestions you might have.

Best regards,
Paul

A June 28, 2022, email from Paul Hanle to Dr. Kristie Ebi, discussing CJP's effort to engage with state chief justices in "target" states.

B. CJP presents unresolved scientific theories as facts, promoting a biased framework for climate litigation and creating the illusion of certainty.

CJP states that its curriculum is designed to provide judges with an understanding of climate science and how scientific issues arise in climate-related litigation.¹⁰² CJP claims to provide neutral, unbiased education to help judges make more informed decisions in the court room.¹⁰³ However, evidence show that CJP presents disputed scientific theories as fact, promoting a biased evidentiary framework for climate litigation.¹⁰⁴

CJP argues that it offers a "consensus" perspective on the theory that human greenhouse gas emissions cause global warming and exacerbate extreme weather events;¹⁰⁵ however, the science is far from settled. Dr. Hanle, CJP's founder, testified that CJP was justified in promoting disputed theories as fact because "the vast majority of—overwhelming majority of climate

¹⁰² *About CJP*, Climate Judiciary Project, <https://cjp.eli.org/about> (last updated Nov. 2025).

¹⁰³ *Id.*

¹⁰⁴ Paul A. Hanle & Michael D. Mastrandrea, *How Climate Science Works*, Climate Judiciary Project (Jan. 2023).

¹⁰⁵ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 25, *see* Ex. 34.

scientists—understand that climate change is real, human caused, caused largely by greenhouse gas emissions.”¹⁰⁶ He continued:

- Q. So are the trainings viewed with the goal of . . . educating judges on the fact that climate change is real and that it’s human caused. Is that the goal of the training?
- A. Explaining climate science, its basis, understanding for it. And one of the consequences of all of that is that they would see that climate change is what I just said—real, human caused.¹⁰⁷

Documents obtained by the Committee and Subcommittee show that Dr. Hanle was very much aware of how CJP’s seminars presented disputed science as fact.¹⁰⁸ In an email to a CJP Curriculum Advisory Council member, Dr. Hanle bragged about the effectiveness of the seminars in persuading judges.¹⁰⁹ He wrote, “One judge let us know that he had begun as a skeptic about the effects on health but was turned around by your presentation. What a great validation of your presentation . . . and the project!”¹¹⁰

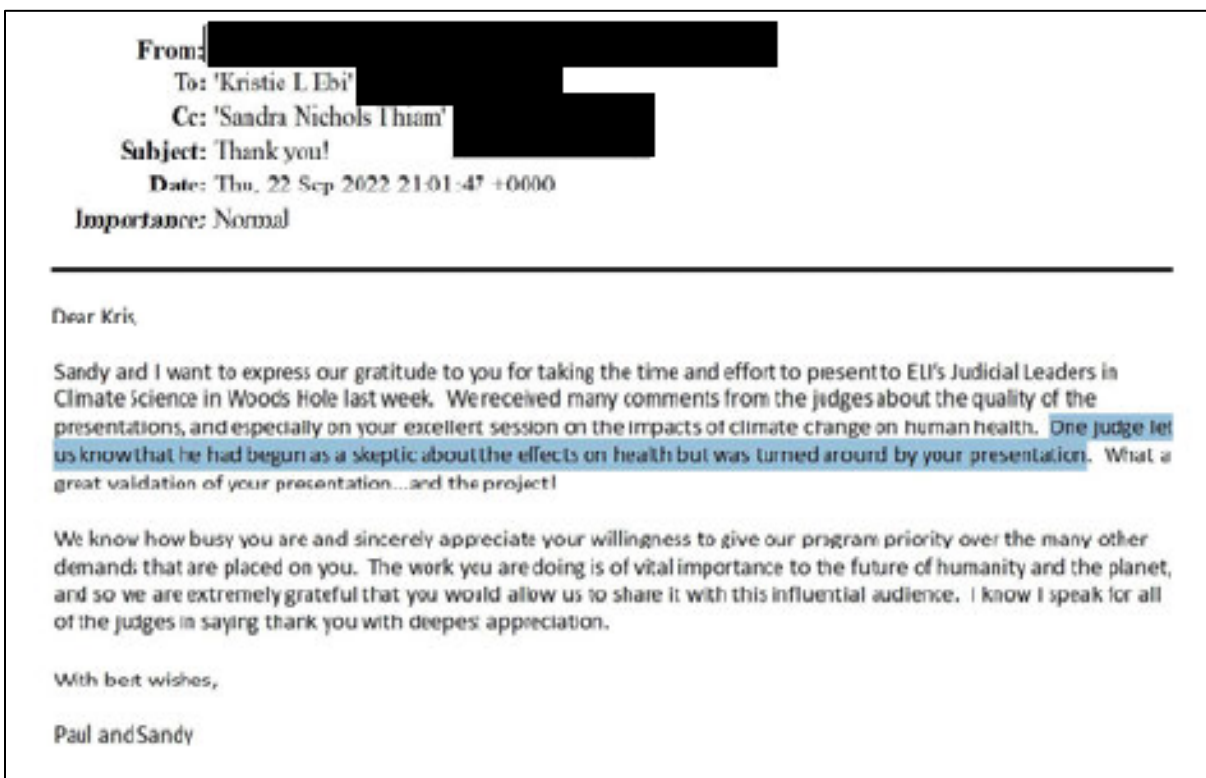
¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 26.

¹⁰⁸ Email from Paul Hanle, Founder, CJP, to Kristie Ebi, Advisory Committee Member, CJP (Sept. 22, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 18.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*



A Sept. 22, 2022, email from Dr. Hanle bragging about the success of a CJP judicial training seminar (highlighting in the original).

CJP emphasizes educating judges on the scientifically disputed concept of attribution science.¹¹¹ Attribution science aims to quantify how much human activity influences the frequency and severity of localized weather events.¹¹² Dr. Hanle testified that “attribution is a part of the entire curriculum that we offer, and, like all of it in the curriculum, the idea was that we would enable judges to understand how the climate science works, the method, and some of the conclusions that climate science has brought.”¹¹³

However, the models used in attribution science suffer from unreliable data because, as other sources confirm, it is nearly impossible to separate human influence from natural variance in weather.¹¹⁴ According to a 2023 Congressional Research Service report, there are at least three sources of uncertainty in extreme event attribution, including: (1) uncertainty in the observational data and ways to interpret it, (2) uncertainty in the understanding of natural climate variability, and (3) uncertainty in the bias and performance of climate models.¹¹⁵ In some cases, in fact, “experts have disagreed as to the attribution of the same set or type of events.”¹¹⁶

¹¹¹ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 64, *see* Ex. 34.

¹¹² Michael F. Wehner, *Detection and Attribution of Climate Change*, Climate Judiciary Project (June 2023).

¹¹³ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 64, *see* Ex. 34.

¹¹⁴ Cong. Rsch. Serv., R47583, *Is That Climate Change? The Science of Extreme Event Attribution* (2023).

¹¹⁵ *Id.*

¹¹⁶ *Id.*

Weather and climate data availability varies around the world.¹¹⁷ Therefore, scientists running extreme event attribution models can only use the data that happens to be available. This data shortage increases the uncertainty of models used as the basis of event attribution science.¹¹⁸ According to a 2024 academic paper by researchers from the National Institute of Standards and Technology (NIST) and the University of Maryland, attributing extreme weather events to climate change is more complex than measuring global temperature averages.¹¹⁹ Scientists still do not fully understand how global weather patterns and wind systems react to increased greenhouse gas emissions, which leads to low confidence and large uncertainty when trying to model extreme weather events.¹²⁰

CJP continues to promote attribution science as reliable evidence for climate litigation despite hesitancy from the very academics who specialize in attribution. A 2026 report from the National Academies of Sciences, Engineering, and Medicine (NASEM), which provides an overview of the current capabilities of extreme event attribution, warned:

[T]he field still faces significant challenges, including a limited understanding of how climate change impacts the dynamical aspects of climate for some extremes, developing robust methods for compound and record-breaking events, and addressing the persistent issue of observational data gaps, especially in vulnerable regions.¹²¹

CJP's presentation of this disputed information to judges attending CJP seminars is particularly significant because its curriculum addresses scientific questions that bear directly on issues disputed in climate litigation.¹²² One of the principal litigation strategies that environmental special interests have employed is arguing the validity of attribution science.¹²³ Tort common law has been the basis for several recent climate-related lawsuits centered around issues of foreseeability and reasonableness, meaning that a plaintiff must prove a direct link between a company's business practices and a specific weather event or environmental impact.¹²⁴ Environmental special interest attorneys seek to use attribution science to satisfy this legal standard by arguing that science can ascertain a company's share of global emissions and determine how much climate change worsened a specific extreme weather event.¹²⁵

¹¹⁷ *Id.*

¹¹⁸ Lennart Olsson et al., *Ethics of Probabilistic Extreme Event Attribution in Climate Change Science: A Critique*, 10 *Earth's Future* e2021EF002258 (2022).

¹¹⁹ Yating Zhang et al., *Incorporating Extreme Event Attribution into Climate Change Adaptation for Civil Infrastructure: Methods, Benefits, and Research Needs*, 3 *Resilient Cities & Structures* 103 (2024).

¹²⁰ *Id.*

¹²¹ Nat'l Acads. of Scis., Eng'g, & Med., *Attribution of Extreme Weather and Climate Events and Their Impacts* (2026), <https://www.nationalacademies.org/projects/DELS-BASCP-23-02/publication/28590>.

¹²² Sabin Ctr. for Climate Change Law, Common Law Claims (US), Climate Litigation Database, <https://www.climatecasechart.com/search?cpl=category%2FCommon+Law+Claims+%28US%29> (last visited August 17, 2026).

¹²³ Michael Gerrard, *The Role of Attribution Science in Climate Litigation*, Climate L. Blog (June 17, 2026), <https://blogs.law.columbia.edu/climatechange/2026/06/17/the-role-of-attribution-science-in-climate-litigation/>.

¹²⁴ Cong. Rsch. Serv., LSB10805, *Climate Liability Suits: Is There a Path to Federal Court?* (2022).

¹²⁵ Robin Kundis Craig, *Procedural Techniques Available for Climate Litigation*, Env't L. Inst.: Climate Judiciary Project (Jan. 2023).

For example, lawsuits filed by state and local governments against energy producers seek to link corporate carbon production to localized climate events and recover damages for climate-related impacts. In *Sunoco LP v. City and County of Honolulu*, the City and County of Honolulu filed a claim against several energy producers in 2020 alleging that the energy producers have known for decades that carbon emissions contribute to climate change.¹²⁶ In *Baltimore v. BP, et al.*, the City of Baltimore, Maryland, brought claims against energy producers for tort claims like nuisance and failure to warn, as well as violations of Maryland’s Consumer Protection Act.¹²⁷ Baltimore alleged that the energy producers were responsible for a significant portion of the greenhouse gases emitted in the atmosphere.¹²⁸ In *Suncor Energy v. County Commissioners of Boulder County*, the County of Boulder argued that it could not pay the costs associated with mitigating the effects of climate change.¹²⁹ The County argued that the costs should be partially borne by energy producers because they allegedly knowingly caused and contributed to climate change.¹³⁰ In each of these cases, CJP’s theory of attribution science—if accepted by the judge overseeing the case—would benefit the plaintiff in litigation.

CJP encourages using attribution science as a litigation tool, pushing uncertain conclusions as facts.¹³¹ One CJP module states, “[g]iven tort law’s preponderance of the evidence causation standard—which asks whether challenged conduct was more likely than not to have caused a harm—such scientific attribution analyses are almost tailor-made to support legal attribution of an extreme event to anthropogenic [human-caused] climate change.”¹³² This attribution theory seeks to provide the “causal chain” that links greenhouse gas emissions to the observed effects of weather.¹³³ While some CJP materials caveat select scientific theories with disclaimers about uncertainty or reliability, those concerns are blown past as the material lays out how climate litigation has progressed, and how it might progress as if these theories were indisputable facts.¹³⁴

¹²⁶ *City & Cnty. of Honolulu v. Sunoco LP*, 153 Hawai‘i 326, 537 P.3d 1173 (2023).

¹²⁷ *Mayor & City Council of Baltimore v. BP p.l.c.*, No. 24-C-18-004219 (Md. Cir. Ct. Balt. City July 20, 2018).

¹²⁸ *Id.*

¹²⁹ *Cnty. Comm’rs of Boulder Cnty. v. Suncor Energy U.S., Inc.*, 2025 CO 21.

¹³⁰ *Id.*

¹³¹ Douglas A. Kysar & Isabella Soparkar, *Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Env’t L. Inst.: Climate Judiciary Project (Jan. 2023), see Ex. 32.

¹³² *Id.*

¹³³ John M. Doherty, *The Growth of Attribution Science and Its Application to Law*, Climate Judiciary Project (Feb. 2025).

¹³⁴ Sandra Nichols Thiam & Jarryd C. Page, *Overview of Climate Litigation*, Env’t L. Inst.: Climate Judiciary Project (Jan. 2023).

CLIMATE SCIENCE AND LAW FOR JUDGES

Part Two: Science in "Climate Cases"

Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation

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An excerpt from CJP's module, *Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, encouraging the use of attribution science in litigation concerning extreme weather events.

For example, CJP's curriculum includes modules on "source attribution," which tries to explain what portion of climate impacts can be attributed to specific individuals, companies, or other sources.¹³⁵ CJP modules also discuss "impact attribution" and "event attribution," which try to explain to what extent climate change has caused extreme events like wildfires, hurricanes,

¹³⁵ Michael F. Wehner, *Detection and Attribution of Climate Change*, Env't L. Inst.: Climate Judiciary Project (June 2023).

and droughts.¹³⁶ These topics are the very issues at dispute in climate-related lawsuits across the country.¹³⁷

One CJP Module, *Detection and Attribution of Climate Change*, seeks to describe the human influence on specific extreme weather events and greatly overstates the reliability and utility of attribution science.¹³⁸ The module's language has an eye towards litigation beyond just education. For example, the module states:

Thus, it is possible to estimate the fractional cost of an extreme weather event due to human-induced climate change whether that be in dollars or lives lost. . . . Judges are increasingly being asked to assign responsibility for climate change. . . . One kind of lawsuit alleges that the companies worked to delay climate policies and are therefore responsible for some amount of the climate damages with which these governments are now burdened. If and when such cases come to trial, source attribution science will likely play a central role. . . . The extension of attribution science to socioeconomic damages and inequality is now underway and is likely to become an important factor in assigning responsibility in legal proceedings.¹³⁹

Another CJP module titled, *Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, reads more like a guide to successful tort litigation than a purely educational resource.¹⁴⁰ In part, the module reads:

Many of the carbon majors lawsuits involve strategic considerations about shifting societal perceptions of a deeply entrenched industry by focusing less on the harms it causes and more on the alleged callousness of those who profit by its prevalence. This tactic worked well for plaintiffs in historical anti-tobacco litigation, but similar success for climate change plaintiffs would require them to reach the discovery and trial phases of litigation. In that federal judges are more likely to view state tort law as an inappropriate body of law to bring to bear on climate change.¹⁴¹

¹³⁶ *Id.*

¹³⁷ See Sabin Ctr. for Climate Change Law, Common Law Claims (US), Climate Litigation Database, <https://www.climatecasechart.com/search?cpl=category%2FCommon+Law+Claims+%28US%29> (last visited August 17, 2026).

¹³⁸ Michael F. Wehner, *Detection and Attribution of Climate Change*, Env't L. Inst.: Climate Judiciary Project (June 2023). The prepublication version of the module had a longer title, *Drawing the Causal Chain: The Detection and Attribution of Climate Change*. See Michael F. Wehner, *Drawing the Causal Chain: The Detection and Attribution of Climate Change* (Jan. 2023).

¹³⁹ *Id.*

¹⁴⁰ Douglas A. Kysar & Isabella Soparkar, *Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Env't L. Inst.: Climate Judiciary Project (Jan. 2023), see Ex. 32.

¹⁴¹ *Id.*

Other CJP judicial training modules are geared toward the tactics and procedures specific to climate-related litigation. One module is simply titled, *Procedural Techniques Available for Climate Litigation*, which discusses jurisdictional issues, and includes a subsection titled, *Applying Climate Change Science in the Different Kinds of Climate Change Lawsuits*.¹⁴²

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« PREVIOUS MODULE

Fundamental Rights

» NEXT MODULE «

Judicial Remedies for Climate Disruption: A Preliminary Analysis

MODULE OUTLINE

I. Subject Matter Jurisdiction Issues

A. Clean Air Act "Pollutants" and the U.S. Supreme Court's Decision in *Massachusetts v. EPA*

B. Does the Clean Air Act Preempt State Tort Claims Related to Greenhouse Gas Emissions?

C. How Should the Court Assess the Plaintiff's Standing to Bring the Climate Lawsuit?

D. Is the Political Question Doctrine Relevant?

II. Handling Challenges to the Existence of Climate Change or Humans' Role in Causing It

III. Case Management Issues

IV. Mandamus, Stays, and Interlocutory Appeals

V. Applying Climate Change Science in the Different Kinds of Climate Change Lawsuits

VI. The Role of the Judge: An Extended Example

▼ skip to bottom

An excerpt from a CJP module titled, *Procedural Techniques Available for Climate Litigation*.

These modules are all part of CJP's "Climate Science and Law for Judges" curriculum that also includes slide decks, which are being used to inform judges outside of the courtroom about unsolved issues of fact.¹⁴³ These disputed theories of attribution are presented again and again, woven into almost every piece of content that CJP produces.¹⁴⁴ Judges are being indoctrinated about climate science in the context of ongoing litigation and being predisposed to the radical environmentalists' way of thinking.¹⁴⁵

Internal documents suggest that CJP knows that its materials are going to be used for litigation and that CJP hopes those materials will be used to influence judges.¹⁴⁶ For example, in an email to CJP module author Dr. Wehner, CJP's founder Dr. Hanle admitted that he hopes that greater judicial "understanding of the consequences of global warming" would "make a great difference in the final outcome of cases."¹⁴⁷ He wrote:

¹⁴² Robin Kundis Craig, *Procedural Techniques Available for Climate Litigation*, Env't L. Inst.: Climate Judiciary Project (Jan. 2023).

¹⁴³ Curriculum Summary, Climate Judiciary Project, <https://cjp.eli.org/curriculum> (last visited Sept. 11, 2026).

¹⁴⁴ *Id.*; Resource Library, Climate Judiciary Project, <https://cjp.eli.org/curriculum> (last visited Sept. 11, 2026).

¹⁴⁵ Sandra Nichols Thiam & Jarryd C. Page, *Overview of Climate Litigation*, Env't L. Inst.: Climate Judiciary Project (Jan. 2023).

¹⁴⁶ Email from Paul Hanle, Founder, CJP, to Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory (May 12, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 4.

¹⁴⁷ *Id.*

It seemed to me that without legislative or executive action to address the climate problem, real government action might still be derived from court decisions based on scientific understanding of the consequences of global warming. . . . I have a specific idea for attribution for your consideration that could make a great difference in the final outcome of cases.¹⁴⁸

By explicitly noting the absence of traditional legislative or executive action and asserting that “real . . . action” will instead stem from court decisions, Dr. Hanle laid bare that CJP sees the court system as an alternative battleground for making climate-related policy.¹⁴⁹ In addition, the focus on reaching “key judges” and “mak[ing] a great difference in the final outcome of cases” show that CJP understood its materials would help to establish facts and liability at issue in litigation.¹⁵⁰ By focusing on case results, CJP showed a clear intention to focus not just on general judicial education, but to influence real-world litigation outcomes.¹⁵¹

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

From: [REDACTED]
To: [REDACTED]
Cc: 'Sandra Nichols Thiam' [REDACTED]
Subject: An important climate initiative
Date: Thu, 12 May 2022 16:19:40 +0000

Michael,

I don't believe we have met, but as president of Climate Central from 2011 to 2018, I followed your work with interest. You may recall that Climate Central, under Heidi Cullen's leadership, launched the World Weather Attribution project on extreme event attribution as the secretariat to the WWA group in 2014. After the US elections and Heidi's departure to MBARI, I stepped down from running Climate Central to start a new effort to educate judges on climate science and impacts, and how they may come to bear on court cases involving climate change. It seemed to me that without legislative or executive action to address the climate problem, real government action might still be derived from court decisions based on scientific understanding of the consequences of global warming. So I joined the Environmental Law Institute as a visiting scholar and founder of what we call the Climate Judiciary Project.

I am writing today at the recommendation of Heidi and Claudia Tebaldi to ask if I might speak with you about this timely and important project. I'd like to tell you how we are going about reaching key judges, and I have a specific idea about attribution for your consideration that could make a great difference in the final outcome of cases. My colleague and partner in the project is Sandra Nichols Thiam, Director of Judicial Education and a vice president of ELI, and with your agreement I would ask her to join us as well.

I hope you would be willing to speak with us sometime next week or the following week, at a time convenient to you. If you are willing to do this, would you please suggest a time or two. We will send you a Zoom link for the meeting.

Please let me know if I can answer any questions you might have for clarification prior to speaking.

Thanks very much for considering it.

Best regards,

Paul

Paul A. Hanle, PhD

Founder

Climate Judiciary Project

Environmental Law Institute

A May 12, 2022, email from Dr. Hanle to Dr. Wehner discussing CJP's efforts to "make a great difference in the final outcome of cases."

Although CJP clearly recognizes that its seminars will affect pending litigation, CJP has no formal written conflict-of-interest policy governing curriculum authors, presenters, or Curriculum Committee members.¹⁵² When questions about neutrality arise, CJP may consult outside advisors for their opinions, but CJP has no formal requirement or standardized process for conducting these reviews.¹⁵³ Instead, Dr. Hanle and CJP attorney Sandra Thiam informally

¹⁵² Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 52, *see* Ex. 34.

¹⁵³ *Id.* at 22.

review seminar presentations and educational materials for potential bias or neutrality concerns.¹⁵⁴

The Committee and Subcommittee pressed Dr. Hanle on this concern during his transcribed interview. When asked if CJP maintained a written conflict of interest policy, Dr. Hanle testified, “I don’t believe so.”¹⁵⁵ Then, when asked what would happen if a conflict of interest was identified, Dr. Hanle stated: “We try to the best of our ability to avoid conflicts like that, and I think also, to the best of our ability, we didn’t have those for . . . the authors of the curriculum or the presenters.”¹⁵⁶ Dr. Hanle explained the CJP’s informal review process but stated that authors and presenters were not always asked whether they were involved in any ongoing litigation.¹⁵⁷ He testified:

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

A. Sure. So, the number one criterion for selection of any presenter was expertise. And I would put great emphasis on that. One, two, and three expertise is the criterion. We also felt that it was important that they be able to present a fair, objective presentation. And the objectivity and fairness of it was something that we evaluated. We couldn’t know and in some cases wouldn’t know if there was any kind of—let me modify that a little bit. What I’m trying to say is that we tried as hard as we could to involve people who were not involved in litigation. . . . And that was an important aspect of it.

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

A. I didn’t always ask that question.¹⁵⁸

Although CJP claims that it selects its curriculum authors and seminar presenters based on expertise, professional standing, objectivity, and presentation skills, CJP does not evaluate or disclose their affiliations with climate litigants, advocacy organizations, or ongoing climate litigation.¹⁵⁹ Instead, Dr. Hanle explained that he relies on his “knowledge” of the “community of climate scientists” to determine if a presenter was fair and objective.¹⁶⁰ Dr. Hanle testified:

Q. And why does CJP . . . screen individuals who are involved

¹⁵⁴ *Id.*

¹⁵⁵ *Id.* at 52.

¹⁵⁶ *Id.* at 53.

¹⁵⁷ *Id.* at 27.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* at 16-17.

in litigation from being a presenter?

A. I think the feeling was that we didn't really want to put anyone in an awkward position. . . . And that would be the presenters, the judges, anyone involved in the program.

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

A. Well, in screening its presenters for giving solid, unbiased presentations, I think we've been very successful. I stand by that, and I'm proud of that. I think that we—to the best of my knowledge, and I'm not sure, but to the best of my knowledge—we have been successful at not bringing in anyone who is directly involved in litigation to present to the judges.

* * *

Q. How would you determine whether or not the speaker could speak fair[ly] and objectively?

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

Q. So based on—

A. My knowledge.

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

A. My knowledge of the network of and community of climate scientists, which is extensive.¹⁶¹

CJP's curriculum also lacks meaningful viewpoint diversity on contested or litigation-relevant scientific and legal issues.¹⁶² CJP does not routinely provide competing experts or present alternative perspectives to scrutinize or challenge conclusions presented during its judicial training seminars.¹⁶³ As a result, CJP leads judges to accept its assurance of neutrality

¹⁶¹ *Id.*

¹⁶² Climate Science for Judges-Towards a Climate Science Curriculum: Pilot Program Launch (June 28, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 11; Email from Jarryd Page, Staff Attorney, ELI, to Helene Kransoff, Director, CJP et al, (Mar. 11, 2025) (on file with the H. Comm. on the Judiciary), *see* Ex. 15.

¹⁶³ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1; Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Apr. 10, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 2; Letter from Cooley LLP, to Rep.

while employing no formal process to ensure that its curriculum is free from conflicts of interest, adequately presents competing viewpoints, or distinguishes scientific consensus from questions that remain disputed in litigation.¹⁶⁴

The available evidence demonstrates that ELI and CJP declare scientific theories as settled fact,¹⁶⁵ misleading judges on matters of fact finding and evidentiary reliability.¹⁶⁶ These groups abuse an illusion of certainty to shape climate science into a litigation tool.¹⁶⁷ ELI and CJP are not merely educating judges on emerging scientific theories. They are trying to rig the game in favor of environmental special interests with the express goal of affecting the outcome of litigation.

C. CJP's judicial seminars risk altering the court's gatekeeping role in climate litigation.

Beyond neutral and unbiased federal judges, an impartial judiciary relies on the judge's role as a gatekeeper of evidence introduced at trial. Under the Federal Rules of Evidence Rule 403, a court has broad discretion in determining what evidence is admissible in litigation.¹⁶⁸ For a judge to effectively make these determinations, Supreme Court precedent and the Federal Rules of Evidence give additional guidance.¹⁶⁹

For example, the *Daubert* Standard is an evidentiary rule that trial judges use to determine if an expert witness's testimony is reliable.¹⁷⁰ The test comes from a 1993 Supreme Court case, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, and focuses on reliability, relevance, and methods used by so-called experts.¹⁷¹ In that case, parents sued a pharmaceutical company, claiming that the prescription drug Bendectin caused birth defects in their children.¹⁷² The plaintiffs sought to introduce expert witness testimony that Bendectin caused the birth defects,

Jim Jordan, Chairman, H. Comm. on the Judiciary, (May 8, 2026) (on file with the H. Comm. on the Judiciary), *see* Ex. 3.

¹⁶⁴ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 53, *see* Ex. 34.

¹⁶⁵ Dr. Judith Curry, President of Climate Forecast Applications Network, is "a climatologist known for her criticism of alarmist doomsday rhetoric about climate change." *STEM-Talk: Judith Curry and the Consequences of Climate Alarmism*, Inst. for Hum. & Mach. Cognition (Jan. 7, 2026), <https://www.ihmc.us/news20260107/> (last visited Sept. 3, 2026); Dr. Roy Spencer is the Principal Research Scientist at the University of Alabama in Huntsville, and "believe[s] future warming from a doubling of atmospheric CO₂ would be somewhere in the range of 1.5 to 2 deg. C, which is actually within the range of expected warming the UN Intergovernmental Panel on Climate Change (IPCC) has advanced for 30 years now." Roy W. Spencer, Ph. D., *No, Roy Spencer is not a climate "denier"*, *drroyspencer*, (Jan. 13th, 2021) <https://www.drroyspencer.com/2021/01/no-roy-spencer-is-not-a-climate-denier/>; *About*, *drroyspencer*, <https://www.drroyspencer.com/about/> (last visited Sept. 3, 2026).

¹⁶⁶ Robin Kundis Craig, *Procedural Techniques Available for Climate Litigation*, Env't L. Inst.: Climate Judiciary Project (Jan. 2023); *Defending the Planet: A Columbia Law Podcast Episode 4: "Climate Change in the Courts"* COLUMBIA L. SCH., (June 21, 2021), https://www.law.columbia.edu/sites/default/files/2021-06/Defending%20the%20Planet_04%20Climate%20Change%20in%20the%20Courts_Transcript_0.pdf.

¹⁶⁷ *Id.*

¹⁶⁸ Fed. R. Evid. 403.

¹⁶⁹ Fed. R. Evid. 702.

¹⁷⁰ *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993).

¹⁷¹ *Id.*

¹⁷² *Id.*

but those experts based their conclusion on animal studies, chemical structure analyses, and unpublished analysis of previous human data.¹⁷³ In *Daubert*, the Supreme Court held that trial judges may act as gatekeepers to ensure that expert scientific testimony is both relevant and reliable.¹⁷⁴ Amendments to Rule 702 of the Federal Rules of Evidence have since codified the *Daubert* standard. Rule 702 states:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

- (a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert’s opinion reflects a reliable application of the principles and methods to the facts of the case.¹⁷⁵

ELI, through CJP, indoctrinates judges on “attribution science” to help special interest lawyers clear the *Daubert* standard governing the admissibility of expert scientific testimony.¹⁷⁶ CJP modules serve to normalize unsettled attribution methodologies before those theories face scrutiny in the courtroom, misleading judges into accepting that these methodologies.¹⁷⁷ By presenting attribution models as standardized and consensus science in curriculum for judges, CJP frames these techniques as generally accepted and reliable.¹⁷⁸ In doing so, CJP seeks to ensure that contested theories of causation and attribution are admissible under the *Daubert* standard for expert testimony, turning disputed research into expert fact that may be admissible at trial.¹⁷⁹

D. Significant sources of bias and apparent conflicts of interest exist within the CJP.

CJP’s claim of providing neutral judicial education is undermined by the backgrounds, professional affiliations, and litigation-related activities of its leadership, principal contributors, and institutional partners.¹⁸⁰ CJP’s personnel and advisors include individuals closely connected

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ Fed. R. Evid. 702.

¹⁷⁶ Robin Kundis Craig, *Procedural Techniques Available for Climate Litigation*, Env’t L. Inst.: Climate Judiciary Project (Jan. 2023).

¹⁷⁷ Michael F. Wehner, *Detection and Attribution of Climate Change*, Env’t L. Inst.: Climate Judiciary Project (June 2023); Douglas A. Kysar & Isabella Soparkar, *Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation*, Env’t L. Inst.: Climate Judiciary Project (Jan. 2023), *see* Ex. 32.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ Helene T. Krasnoff, Climate Judiciary Project, <https://cjp.eli.org/team/helene-t-krasnoff> (last visited Aug. 31, 2026).

with climate advocacy organizations, plaintiff-side climate litigation, and groups that develop legal strategies used against energy producers.¹⁸¹ These affiliations are particularly significant because some of the same individuals who help to develop CJP’s seminars for judges also advise plaintiffs on legal strategy in pending climate-related cases or otherwise have a vested interest in litigation outcomes.¹⁸² These overlapping relationships reinforce concerns that CJP’s curriculum reflects the biased perspectives and litigation objectives of environmental special interests.¹⁸³

This bias starts at the top. Dr. Hanle founded CJP and has exercised substantial control over its development, fundraising, curriculum, and operations.¹⁸⁴ Before starting CJP, Dr. Hanle was the President and CEO of Climate Central, a climate advocacy group that promoted human-caused climate change theories through multimedia campaigns.¹⁸⁵ Dr. Hanle also served as an advisor to the Obama Administration on the attribution of extreme weather events to climate change.¹⁸⁶ During his transcribed interview, Dr. Hanle testified that he was largely responsible for CJP fundraising.¹⁸⁷

Sandra Thiam has played a significant role in CJP’s administration and substantive review process.¹⁸⁸ Thiam serves as both the Vice President for Research & Policy and Director of Judicial Education at ELI.¹⁸⁹ CJP holds Thiam out to be “an attorney specialized in developing and implementing effective legal and policy approaches to solve sustainable development challenges.”¹⁹⁰ Of particular note, Dr. Hanle testified that Thiam works with him to review CJP slide presentations and other seminar materials for potential bias.¹⁹¹

¹⁸¹ Email from Jarryd Page, Staff Att’y, Env’t L. Inst., to Helene Krasnoff, Dir., Climate Judiciary Project, et al. (Mar. 11, 2025) (on file with the H. Comm. on the Judiciary), *see* Ex. 15; *About Us*, Sabin Ctr. for Climate Change L., <https://climate.law.columbia.edu/content/about-us> (last visited Aug. 31, 2026); *About our Firm*, SHER EDLING, <https://www.sheredling.com/about/> (last visited Aug. 31, 2026); *2021 Environmental Law and Policy Annual Review Conference*, Env’t L. Inst., <https://www.eli.org/environmental-law-policy-annual-review/2020-2021-ELPAR-conference> (last visited Sept. 3, 2026).

¹⁸² Michael Gerrard, Columbia L. Sch., (last visited August 31, 2026) <https://www.law.columbia.edu/faculty/michael-gerrard>; *Michael Burger*, Sabin Ctr. for Climate Change L., <https://climate.law.columbia.edu/directory/michael-burger> (last visited Aug. 31, 2026); *Michael Burger*, Sher Edling, <https://www.sheredling.com/attorneys/michael-burger/> (last visited Aug. 31, 2026); *2021 Environmental Law and Policy Annual Review Conference*, Env’t L. Inst., <https://www.eli.org/environmental-law-policy-annual-review/2020-2021-ELPAR-conference> (last visited Sept. 3, 2026).

¹⁸³ Letter from Ted Cruz, Ranking Member, S. Comm. on Commerce, Sci., & Transp., to Jordan Diamond, President, Env’t L. Inst. (Feb. 23, 2024), <https://www.commerce.senate.gov/wp-content/uploads/media/doc/2024.02.23%20Sen.%20Cruz%20Letter%20to%20Environmental%20Law%20Institute%20.pdf>.

¹⁸⁴ *Paul A. Hanle*, Climate Judiciary Project, <https://cjp.eli.org/team/paul-hanle> (last visited Aug. 31, 2026).

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 13, *see* Ex. 34.

¹⁸⁸ *Id.* at 8, 16, 19, 22, and 23.

¹⁸⁹ *Sandra Nichols Thiam*, Climate Judiciary Project, <https://cjp.eli.org/team/sandra-nichols-thiam> (last visited Aug. 31, 2026).

¹⁹⁰ *Id.*

¹⁹¹ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 23, *see* Ex. 34.

Outside of CJP leadership, Sabin Center personnel, who frequently coordinate on and contribute to CJP events and curriculum, have biases and conflicts of interest that likely prejudice CJP’s judicial seminar materials.¹⁹² Michael Gerrard, founder and director of the Sabin Center, described himself as “one of the foremost environmental lawyers in the nation . . . an advocate, litigator, teacher, and scholar who has pioneered cutting-edge legal tools and strategies for addressing climate change.”¹⁹³ Gerrard advised Dr. Hanle on the founding of CJP,¹⁹⁴ served on the ELI Board of Directors, and served as a member of the CJP Curriculum Advisory Committee.¹⁹⁵ In these roles, Gerrard has the chance to influence CJP’s structure, curriculum, contributor selection, and treatment of climate-related legal issues.¹⁹⁶ Gerrard’s roles are significant because the Sabin Center is closely involved in research for climate litigation and because he has longstanding relationships with attorneys representing climate special interests.¹⁹⁷

Similarly, the current Executive Director of the Sabin Center, Michael Burger, serves as Of Counsel at Sher Edling, a law firm that has filed climate-related lawsuits against energy producers.¹⁹⁸ These roles put Burger at the intersection of climate litigation research, advocacy, and litigation.¹⁹⁹ In fact, in October 2019, Burger reached out to Dr. Hanle and Thiam looking for “ways to maximize [the Sabin Center’s] potential impact” of a paper he co-authored “The Law and Science of Climate Change Attribution,” through leveraging a “strategic partnership[]” with CJP.²⁰⁰

¹⁹² Michael Gerrard, Columbia L. Sch., <https://www.law.columbia.edu/faculty/michael-gerrard> (last visited Aug. 31, 2026); *Michael Burger*, SABIN CTR. FOR CLIMATE CHANGE LAW, <https://climate.law.columbia.edu/directory/michael-burger> (last visited Aug. 31, 2026); *Michael Burger*, Sher Edling, <https://www.sheredling.com/attorneys/michael-burger/> (last visited Aug. 31, 2026); *2021 Environmental Law and Policy Annual Review Conference*, Env’t L. Inst., <https://www.eli.org/environmental-law-policy-annual-review/2020-2021-ELPAR-conference> (last visited Aug. 31, 2026).

¹⁹³ Michael Gerrard, Columbia L. Sch., <https://www.law.columbia.edu/faculty/michael-gerrard> (last visited Aug. 31, 2026).

¹⁹⁴ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 11, *see* Ex. 34.

¹⁹⁵ *Id.* at 79-80.

¹⁹⁶ *Id.*

¹⁹⁷ Michael Gerrard, Columbia L. Sch., <https://www.law.columbia.edu/faculty/michael-gerrard> (last visited Aug. 31, 2026).

¹⁹⁸ *Michael Burger*, Sher Edling, <https://www.sheredling.com/attorneys/michael-burger/> (last visited Aug. 31, 2026).

¹⁹⁹ *Id.*

²⁰⁰ Email from Michael Burger, Exec. Dir., Sabin Ctr. for Climate Change Law, to Paul Hanle, Founder, Climate Judiciary Project (Oct. 11, 2019), *see* Ex. 30.

From: Michael Burger [REDACTED]
Sent: Friday, October 11, 2019 6:36 AM
To: Paul Hanle [REDACTED]
Cc: Sandra Nichols Thiam [REDACTED]; Paul Hanle [REDACTED]
Subject: Re: Event and follow up to conversation

Paul and Sandy,

I am wondering if you have a few moments today, or perhaps next week, to touch base on the Climate Judiciary Project. We have some interest from a funder in supporting next steps in our work with Radley Horton on *the Law and Science of Climate Change Attribution*, and I would like, if possible, to seek ways to maximize our potential impact through leveraging strategic partnerships - potentially with you! It just seems like it could make all kinds of sense.

Let me know if you're open to the general idea, and if so some times we might hop on a call.

All best,
Mike

Michael Burger
Executive Director
Sabin Center for Climate Change Law
Senior Research Scholar and Lecturer-in-Law
Columbia Law School
[REDACTED]

An October 11, 2019, email from Michael Burger to Dr. Paul Hanle, requesting time to speak about CJP and a possible “strategic partnership[.]”.

The Sabin Center researches climate litigation, tracks pending cases, and develops research concerning climate liability.²⁰¹ Burger’s participation in CJP-related activities therefore reinforces concerns that information, legal theories, or strategies associated with ongoing climate litigation influenced the substance of CJP’s judicial seminar materials.²⁰² On occasion, Burger would reach out to CJP leadership and request a meeting to discuss a possible collaboration. For example, on October 24, 2024, Burger sent an email to Dr. Hanle, discussing a potential collaboration on a CJP module that would address “scientific questions, misinformation and other issues that come up around local siting battles for renewable energy facilities.”²⁰³

²⁰¹ Sabin Ctr. for Climate Change Law, Common Law Claims (US), Climate Litigation Database, <https://www.climatecasechart.com/search?cpl=category%2FCommon+Law+Claims+%28US%29> (last visited August 17, 2026).

²⁰² 2021 *Environmental Law and Policy Annual Review Conference*, Env’t L. Inst., <https://www.eli.org/environmental-law-policy-annual-review/2020-2021-ELPAR-conference> (last visited Aug. 31, 2026).

²⁰³ Email from Michael Burger, Exec. Dir., Sabin Ctr. for Climate Change Law, to Paul Hanle, Founder, Climate Judiciary Project (Oct. 24, 2024), *see* Ex. 31.

From: Michael Burger <[REDACTED]>
Sent: Thursday, October 24, 2024 5:37 PM
To: Paul Hanle [REDACTED]; Sandra Nichols Thiam [REDACTED]
Cc: Matthew B. Eisenson [REDACTED]
Subject: CJI and Renewable Energy Siting

Hi Paul, Hi Sandy,

During a conversation today, Matt and I were informed that ELI's Climate Judiciary Project may be developing a module to address scientific questions, misinformation and other issues that come up around local siting battles for renewable energy facilities. We would welcome the chance to hear more about what you're up to, and see if there are any opportunities to collaborate. Our [Renewable Energy Legal Defense Initiative](#) has been very much focused on these issues for some time. See, eg, [here](#) and [here](#).)

Best,
Mike

Michael Burger
Executive Director
Sabin Center for Climate Change Law
Senior Research Scholar and Lecturer-in-Law
Columbia Law School
[REDACTED]
[REDACTED]

Pronouns: *he, him, his*

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An October 24, 2024, email from Michael Burger to Dr. Hanle, discussing a possible collaboration with CJP about “misinformation” in renewable energy facilities.

Jessica Wentz has also held a leadership role at the Sabin Center and has contributed to climate-related legal research and educational materials, including coauthoring a chapter on climate science that was removed from the fourth edition of the *Reference Manual on Scientific Evidence*, discussed further below.²⁰⁴ Wentz’s official Sabin Center biography states that “much of her research has focused on how existing U.S. laws and common law doctrines can be used in conjunction with climate science to hold governments and private actors accountable for contributions to climate change as well as failures to prepare for the impacts of climate change.”²⁰⁵ Additionally, Wentz, Dr. Horton, and Burger coauthored *The Law and Science of*

²⁰⁴ Jessica A Wentz, Sabin Ctr. for Climate Change Law, <https://climate.law.columbia.edu/directory/jessica-wentz> (last visited Sug. 31, 2026); Jessica Wentz & Radley Horton, *Defending the Climate Science Reference Guide*, Climate Law Blog (Feb. 26, 2026), <https://blogs.law.columbia.edu/climatechange/2026/02/26/defending-the-climate-science-reference-guide/>.

²⁰⁵ Jessica A Wentz, Sabin Ctr. for Climate Change Law, <https://climate.law.columbia.edu/directory/jessica-wentz> (last visited August 31, 2026).

Climate Change Attribution, which served as the outline for the controversial climate-science chapter.²⁰⁶

E. At least one climate activist attorney connected to CJP has attempted to defraud the court regarding the true origins of “expert” evidence.

Documents obtained by the Committee and Subcommittee show that at least one CJP contributor consulted with radical environmental plaintiffs in an active climate-related litigation.²⁰⁷ This coordination is demonstrated in the ongoing case of *County of Multnomah v. Exxon Mobil Corporation*.²⁰⁸

On June 22, 2023, Multnomah County, Oregon, brought a lawsuit against energy producers claiming \$50 billion in damages.²⁰⁹ The County alleged that emissions from their products were a substantial contributor to the 2021 Oregon heat dome.²¹⁰ Multnomah County hired radical environmentalist and toxic tort attorney Roger Worthington to litigate the suit.²¹¹ Worthington testified to the Committee and Subcommittee that he may have been recommended to the County by Mary Wood, an environmental law professor at the University of Oregon.²¹² In 2017, Wood participated in an ELI “Conference of Lawyers Committed to Addressing the Climate Emergency,” and in 2025, spoke on an ELI webinar.²¹³ Worthington also testified that he had previously donated money to the University of Oregon Law School to support Professor Wood’s work before pursuing the climate case.²¹⁴

While conducting due diligence prior to filing the lawsuit, Worthington contacted Dr. Sjoukje Philip, the author of a study that claimed that the 2021 Oregon heat dome was virtually impossible without the influence of carbon pollution.²¹⁵ Worthington asked Dr. Philip if any of

²⁰⁶ Michael Burger, Jessica Wentz & Radley Horton, *The Law and Science of Climate Change Attribution*, 45 Colum. J. Env’t. L. 57 (2020).

²⁰⁷ Transcribed Interview of Paul Hanle, H. Comm. on the Judiciary (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 76, *see* Ex. 34.

²⁰⁸ *County of Multnomah v. Exxon Mobil Corp.*, No.3:23-cv-01213-YY (D. Or. 2023).

²⁰⁹ *Complaint, County of Multnomah v. Exxon Mobil Corp.*, 23CV25164 (Or. Cir. Ct. June 22, 2023).

²¹⁰ Karen Zraick, *Meet the Climate Lawyer, Biker and Brewer Suing Over a Heat Wave*, NY TIMES (July 14, 2026), <https://www.nytimes.com/2026/07/14/climate/roger-worthington-portland-oil-industry-lawyer.html>.

²¹¹ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 38, *see* Ex. 33.

²¹² *Id.*

²¹³ *Lawyers and Climate Change: The First National Conference of Lawyers Committed to Addressing the Climate Emergency*, Env’t L. Inst. (Apr. 28, 2017), <https://www.eli.org/events/lawyers-and-climate-change-first-national-conference-lawyers-committed-addressing-climate>; *Examining State Climate Superfund Bills*, Env’t L. Inst. (Mar. 19, 2025), <https://www.eli.org/events/examining-state-climate-superfund-bills>.

²¹⁴ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 38-39, *see* Ex. 33; Ed Dorsch, *Gift from Roger Worthington Helps Oregon Law Address Urgent Climate Challenges*, Univ. Ore. Sch. L., <https://law.uoregon.edu/Worthington-gift> (last visited Sept. 11, 2026).

²¹⁵ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 18, *see* Ex. 33; Sjoukje Y. Philip et al., *Rapid Attribution Analysis of the Extraordinary Heatwave on the Pacific Coast of the US and Canada June 2021*, WORLD WEATHER ATTRIBUTION (June 2021), <https://www.worldweatherattribution.org/wp-content/uploads/NW-US-extreme-heat-2021-scientific-report-WWA.pdf>.

her coauthors would be willing to discuss climate attribution science.²¹⁶ Worthington explained to the Committee and Subcommittee that Dr. Philip pointed him in the direction of CJP contributor and climate activist Dr. Michael Wehner from Lawrence Berkeley National Laboratory (LBNL), who was eager to assist in preparing for the lawsuit.²¹⁷ Worthington testified:

[Dr. Philip] gave me the name of Michael Wehner. Within hours of that email communication, Michael Wehner sent me an email which attached the module . . . regarding the causal chain between emissions and extreme events. . . . And he did mention it was for the Environmental Law Institute.²¹⁸

From: Michael Wehner <[REDACTED]>
To: [REDACTED]
Subject: Re: Multnomah County vs Fossil Fuel Majors, et al
Date: Thu, 1 Jun 2023 10:29:28 -0700

This was the thing for judges that I sent earlier. The final version is being prepared now for the ELI module.
ELI Environmental Law Institute

Michael

A June 1, 2023, email from Michael Wehner to Roger Worthington, explaining that the prepublication module he shared was intended for judicial education through ELI.

Documents show that on March 16, 2023, Dr. Wehner shared with Worthington a nonpublic, prepublication draft of a CJP module about causation and attribution science.²¹⁹ The module, titled *Drawing the Causal Chain: The Detection and Attribution of Climate Change*, focused on how attribution science links greenhouse gas emissions to specific weather events, localized impacts, and measurable financial or human costs.²²⁰ Dr. Philip informed Dr. Wehner that Worthington was the attorney for Multnomah County and that he was seeking information to prepare for a lawsuit.²²¹ Dr. Wehner also knew that the module he shared would be used by ELI to train judges.²²²

²¹⁶ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) 18-19, *see* Ex. 33.

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*; Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (Mar. 16, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 19.

²²⁰ Michael F. Wehner, *Drawing the Causal Chain: The Detection and Attribution of Climate Change*, (Jan. 2023).

²²¹ Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (Mar. 16, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 19.

²²² Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (June 1, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 16.

Worthington incorporated Dr. Wehner's work into his own work product, a memorandum that he titled, "Expert Opinions on Attributing GHG Emissions."²²³ Worthington also sought to hire Dr. Wehner as a consultant.²²⁴ He testified to the Committee and Subcommittee: "When I first talked to Michael Wehner, we had not filed a lawsuit . . . But I did offer him a chance to become a consultant on the case and he declined."²²⁵ According to Worthington, Dr. Wehner declined to participate in the litigation because of his status as a federal employee with the LBNL. Specifically, Worthington recalled:

I was interested in securing his professional expertise as a consultant. And he advised me that he was at retirement age but didn't want to retire. But he didn't, as a federal employee, want to engage on a contract basis for now with my law firm. So, after that, I didn't contact Dr. Wehner.²²⁶

Evidence suggests that attorneys for the LBNL were aware of this coordination and encouraged Dr. Wehner to decline Worthington's offer.²²⁷ On June 2, 2023, Dr. Wehner wrote to Worthington to officially decline his offer to be a paid consultant.²²⁸ Dr. Wehner's email read in part: "I spoke with Berkeley Lab attorneys today. The module for the Environment Law Institute triggered a longer discussion. In view of that, I must decline your offer of being a paid consultant, at least for now."²²⁹

From: Michael Wehner [REDACTED]
To: Roger Worthington [REDACTED]
Subject: Re: Multnomah County vs Fossil Fuel Majors, et al
Date: Fri, 2 Jun 2023 15:11:34 -0700

Roger
I spoke with Berkeley Lab attorneys today. The module for the Environment Law Institute triggered a longer discussion. In view of that, I must decline your offer of being a paid consultant, at least for now.

Given the length of the schedule, it is likely that my employment status could change during the process as I am past retirement age. I am not ready to retire at this time however.

Regards
Michael

A June 2, 2023, email from Michael Wehner to Roger Worthington, declining Worthington's offer to be a paid consultant in a climate-related litigation.

²²³ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 31-33, *see* Ex. 33.

²²⁴ *Id.* at 31-34.

²²⁵ *Id.*

²²⁶ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 26, *see* Ex. 33.

²²⁷ Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (June 2, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 17.

²²⁸ *Id.*

²²⁹ *Id.*

This coordination between CJP and the environmental activists bar came to light as the Multnomah County case progressed.²³⁰ During the pretrial phase of the case, one of the defendants filed a motion to strike testimony used in Worthington's complaint, including material from Dr. Wehner's CJP module.²³¹ The defendant argued that Worthington committed a "fraud on the court" by failing to disclose his involvement in and financial support for two climate attribution studies published in *Nature*, a scientific research journal that publishes research across all fields of science and technology, that were later cited in the \$50 billion lawsuit.²³² The judge presiding over the case rebuked Worthington, calling the lack of transparency "almost a gob smacking failure by plaintiff to do anything close to what we expect a counsel and a party to do in litigation."²³³ The defendant further argued that Worthington had a pattern of attempting to influence and prejudice the courts. It noted that a prepublication version of Dr. Wehner's module was posted directly on the website of Worthington's law firm.²³⁴ The defendant argued "a module that purports to address important issues in this case (and the broader climate litigation space) such as causation and event attribution . . . raises significant questions as to whether [Worthington's] law firm is engaged in an effort to prejudice the courts more broadly in its client's and litigation allies' favor."²³⁵

In his deposition to the Committee and Subcommittee, Worthington denied any wrongdoing, testifying:

They accuse me of perpetrating a fraud on the court. Their evidence included the allegation that because my law firm posted on our website a draft of a "module" on attribution science, because we posted that, and that module was authored by a renowned physicist at Lawrence Berkeley National Laboratory, which makes him a Federal employee, that by my simple possession and posting of a scientific treatise on our website, that this was in their mind evidence of a nefarious effort to improperly influence our State court judge.²³⁶

Worthington testified that the module remained on his website for several years and was only removed after the defendant filed its motion because it "had become contentious" and "the

²³⁰ Lesley Clark, *Chevron: Lawyer in \$51B Lawsuit Failed to Disclose Support for Climate Research*, E&E News (Sept. 17, 2025), <https://www.eenews.net/articles/chevron-lawyer-in-51b-lawsuit-failed-to-disclose-support-for-climate-research/>.

²³¹ Chevron's Mot. to Strike References to Articles at 1, 12, *County of Multnomah v. Exxon Mobil Corp.*, No. 23CV25164 (Or. Cir. Ct. Sept. 12, 2025).

²³² *Id.*

²³³ Daniel Fisher, *Judge: Oregon Climate Lawyer's Actions 'Not Acceptable'*, LEGAL NEWSLINE (Nov. 4, 2025), https://www.legalnewsline.com/attorneys-and-judges/judge-oregon-climate-lawyer-s-actions-not-acceptable/article_4fd9d681-1bdc-4b53-9881-3659d50e53a8.html.

²³⁴ Chevron's Mot. to Strike References to Articles at 10, *County of Multnomah v. Exxon Mobil Corp.*, No. 23CV25164 (Or. Cir. Ct. Sept. 12, 2025).

²³⁵ Chevron's Mot. to Strike References to Articles at 3, *County of Multnomah v. Exxon Mobil Corp.*, No. 23CV25164 (Or. Cir. Ct. Sept. 12, 2025).

²³⁶ Deposition of Roger Worthington, H. Comm. on the Judiciary (July 15, 2026) (on file with the H. Comm. on the Judiciary) at 11, *see* Ex. 33.

subject of litigation.”²³⁷

* * *

The evidence available to the Committee and Subcommittee demonstrates the degree to which ELI and CJP sought to influence the outcome of climate-related litigation by indoctrinating judges to accept unsettled science as legal fact. CJP targeted “key” judges and focused on select jurisdictions where climate-related litigation was likely to arise. It presented disputed theories of causation and event attribution as settled science to predispose judges to admit these theories as fact. And it worked with biased individuals to develop one-sided curriculum that would have a “great difference in the final outcome of cases.” These are not the actions of a fair and unbiased judicial educator, but of an ideological advocate scheming to improperly influence federal litigation.

THE FEDERAL JUDICIAL CENTER’S CLIMATE SCIENCE MANUAL: A CASE STUDY IN IDEOLOGICAL CAPTURE

Since 1994, the Federal Judicial Center (FJC) and the National Academies of Sciences, Engineering, and Medicine (NASEM)²³⁸ have published a *Reference Manual on Scientific Evidence*, which helps judges understand “the basic tenets of key scientific fields and [provides] examples of cases in which that evidence has been used.”²³⁹ The manual is supposed to be a nonpartisan, factual text that judges can access to make “informed and reasoned” judgments.²⁴⁰

On December 31, 2025, FJC and NASEM published the fourth edition of the *Reference Manual on Scientific Evidence*.²⁴¹ This edition of the manual included a controversial chapter on climate science. The climate science chapter has been heavily scrutinized because it presented contested scientific issues, like event attribution, as settled science and was authored by individuals involved in various ongoing environmental cases.²⁴² This climate science chapter reflects many of the same biases as the CJP curriculum.

Two associates from Columbia University’s Sabin Center for Climate Change Law, Jessica Wentz and Dr. Radley Horton, claim to be the authors of the chapter.²⁴³ However, there is reasonable doubt as to whether they are the actual and exclusive authors. On March 13, 2026, the *Wall Street Journal* reported that an analysis of the chapter’s text found substantial similarities

²³⁷ *Id.* at 57-58.

²³⁸ “The National Academies are private, nonprofit institutions that provide independent, objective analysis and advice to the nation and conduct other activities to solve complex problems and inform public policy decisions related to science, technology, and medicine.” *Health and Medicine Division*, NATIONAL ACADEMIES, <https://www.nationalacademies.org/units/HMD-HMD-21-P-360> (last visited Aug. 31, 2026).

²³⁹ *Reference Manual on Scientific Evidence, Fourth Edition*, FJC, <https://www.fjc.gov/content/396456/reference-manual-scientific-evidence-fourth-edition> (last visited Aug. 31, 2026).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² Letter from Hon. John B. McCuskey, Attorney General, West Virginia (et. al), to Hon. Robin L. Rosenberg, Director, Federal Judicial Center (Jan. 29, 2026), *see* Ex. 20.

²⁴³ Karen Zraick, *Top Science Body Deletes Climate Chapter From Judges’ Manual*, NY TIMES (Aug. 10, 2026) <https://www.nytimes.com/2026/08/10/climate/national-academies-climate-chapter-judges.html>.

between the chapter and a 2020 law journal article that Sabin Center Executive Director Michael Burger wrote with Wentz and Dr. Horton about causation in climate cases.²⁴⁴ If accurate, this analysis suggests Burger may have been an undisclosed third author of the chapter. In the chapter, Wentz and Dr. Horton “acknowledge[d] the insights and helpful feedback” provided by Burger but did not list him as an author.²⁴⁵ The FJC had earlier barred Burger from drafting the chapter due to involvement in several climate-related lawsuits.²⁴⁶

Reference Manual on Scientific Evidence

Acknowledgments

The authors would like to acknowledge the insights and helpful feedback provided by Vivien Gornitz, Michael Gerrard, Michael Burger, and the committee responsible for development of the *Reference Manual on Scientific Evidence*.

An excerpt from the *Reference Manual on Scientific Evidence*’s climate science chapter acknowledging Michael Burger’s contributions.

A. The Federal Judicial Center removed the Climate Science chapter from the Manual.

In February 2026, FJC Director Judge Robin Rosenberg withdrew the chapter from the *Manual* after twenty-seven state attorneys general pointed out that it took a partisan stance on legal disputes.²⁴⁷ The coalition of attorneys general argued that the chapter “places the judiciary firmly on one side of some of the most hotly disputed questions in current litigation: climate-related science and ‘attribution.’ Such work undermines the judiciary’s impartiality and places a thumb on one side of the scale.”²⁴⁸ A similar coalition of twenty-two state attorneys general also wrote a letter to Congress, raising many of the same concerns of improper influence at issue in the Committee and Subcommittee’s investigation of ELI.²⁴⁹ The letter stated that unlike previous version of the manual, the fourth edition contained a “new chapter [that] presents a highly biased, agenda-driven view favoring radical interests pursuing lawsuits against producers and users of traditional forms of fossil fuel energy . . . [T]he climate change chapter presents as

²⁴⁴ *A Judicial Climate Science Scandal*, WALL ST. J. (Mar. 13, 2026), https://www.wsj.com/opinion/federal-judicial-center-climate-manual-michael-burger-jessica-wentz-marcia-mcnutt-37f3eb86?mod=author_content_page_1_pos_9.

²⁴⁵ Nat’l Acads. of Scis., Eng’g, & Med. & Fed. Judicial Ctr., *Reference Manual on Scientific Evidence* (4th ed. 2025); This chapter has since been removed from the publication; Michael Burger is the Executive Director of the Sabin Ctr. for Climate Change L., He also serves as “Of Counsel” at Sher Edling LLP, a law firm that has filed numerous lawsuits against oil and gas companies alleging that they are responsible for harms from adverse weather. *Michael Burger*, Sher Edling LLP, <https://www.sheredling.com/team/#michael-burger> (last visited Apr. 3, 2026).

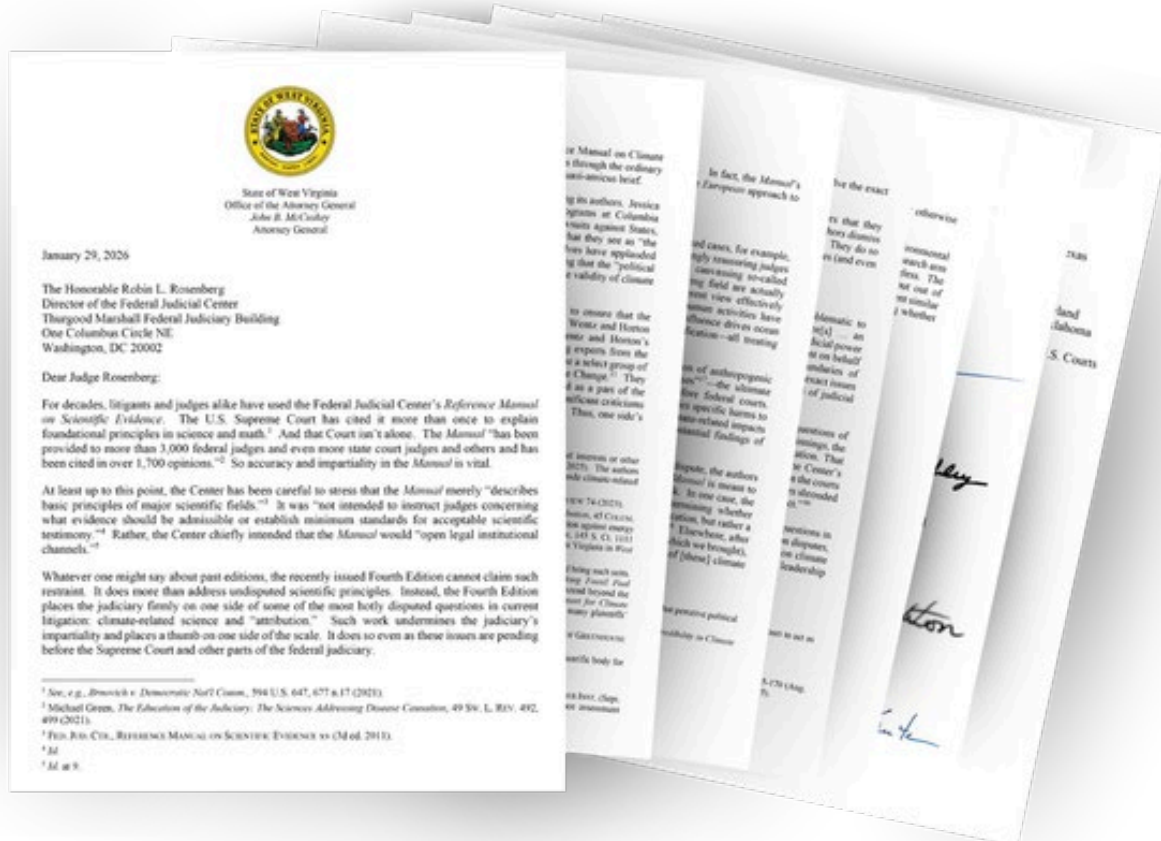
²⁴⁶ Email from Beth Wiggins, Director of the Research Division, FJC to Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. (Mar. 6, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 23.

²⁴⁷ Letter from Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr., to John B. McCuskey, Att’y Gen. of W. Va. (Feb. 6, 2026), *see* Ex. 21; Letter from John B. McCuskey, Att’y Gen. of W. Va., to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr. (Jan. 29, 2026), *see* Ex. 20.

²⁴⁸ *Id.*

²⁴⁹ Letter from 22 State Attorneys General to Hon. Jim Jordan, Chairman, Comm. on the Judiciary, U.S. House of Reps., et al. (Feb. 2, 2026) (on file with the H. Comm. on the Judiciary).

settled the very methodologies that plaintiffs rely on to impose liability on fossil-fuel defendants.”²⁵⁰



A January 29, 2026, letter from twenty-seven state attorneys general to Judge Robin L. Rosenberg, the Director of the Federal Judicial Center, requesting the removal of the *Reference Manual on Scientific Evidence*’s chapter on climate science.

In response to these concerns, FJC removed the chapter from the *Reference Manual on Scientific Evidence* on February 6, 2026.²⁵¹

²⁵⁰ *Id.*

²⁵¹ Letter from Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr., to John B. McCuskey, Att’y Gen. of W. Va. (Feb. 6, 2026), *see* Ex. 21.

THE FEDERAL JUDICIAL CENTER
THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING
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WASHINGTON, DC 20002-8003

HONORABLE ROBIN L. ROSENBERG
DIRECTOR

TEL.: 202-502-4160
Email: Robin.L.Rosenberg@fjc.gov

February 6, 2026

The Honorable John B. McCuskey
Attorney General
1900 Kanawha Blvd. E.
Building 1, Room E-26
Charleston, WV 25305

Dear Attorney General McCuskey,

In response to your letter dated January 29, 2026, I write to inform you that the Federal Judicial Center has omitted the climate science chapter from the *Reference Manual on Scientific Evidence, Fourth Edition* (RMSE):
<https://www.fjc.gov/content/396456/reference-manual-scientific-evidence-fourth-edition>

Sincerely,

Robin L. Rosenberg

Judge Robin L. Rosenberg
Director, Federal Judicial Center

A February 6, 2026, letter from Judge Robin L. Rosenberg, the Director of the Federal Judicial Center, confirming removal of the climate chapter from the *Reference Manual on Scientific Evidence*.

Judge Rosenberg confirmed that no hard copies of the *Manual* had been distributed by FJC and that any future copies omitted the climate science chapter, although separate online versions may remain accessible from other sources.²⁵² Despite removal by FJC, NASEM initially refuted any claims of bias and the chapter remained in the version of the *Manual* on NASEM's website.²⁵³ On August 7, 2026, the NASEM finally removed the chapter after determining "that questions about the processes used to develop the chapter warrant an independent review."²⁵⁴ As of this writing, no conclusions, findings, or results of NASEM's independent review have been published. NASEM stated:

This assessment is about the process used to produce the chapter and not about the validity of climate science. The focus is on our own procedures and whether they were adequate to ensure the highest

²⁵² Letter from Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr., to John B. McCuskey, Att'y Gen. of W. Va. (Feb. 24, 2026), *see* Ex. 35.

²⁵³ *Id.*

²⁵⁴ *NAS to Conduct Process Review of Chapter in Reference Manual on Scientific Evidence*, NATIONAL ACADEMIES (Aug. 7, 2026) <https://www.nationalacademies.org/news/nas-to-conduct-process-review-of-chapter-in-reference-manual-on-scientific-evidence>.

standard of objectivity that this institution requires and our nation deserves.²⁵⁵

B. The Federal Judicial Center’s author selection and review process failed to protect against bias.

The climate science chapter of the *Reference Manual on Scientific Evidence* was intended to shape judicial understanding of climate litigation by helping judges understand climate systems, attribution science, and methodologies used in modern environmental litigation.²⁵⁶ Instead, the chapter presented a one-sided view of climate science litigation.²⁵⁷ FJC’s author selection and review process did not include sufficient safeguards to ensure the neutrality of educational materials provided to federal judges.²⁵⁸

Although FJC appears to have recognized at least some potential conflicts during the author-selection process, including declining to use Michael Burger as an author because of concerns related to his involvement in climate litigation, FJC nonetheless selected other individuals with similar affiliations and conflicts.²⁵⁹ In an email dated March 6, 2023, Beth Wiggins, Director of the Research Division at FJC,²⁶⁰ informed Burger and the other authors that he could not author the chapter due to “his involvement in climate-related litigation.”²⁶¹ Wiggins explained that Burger’s “involvement might affect perceptions of the chapter’s objectivity” due to his “representation of several state and local governments in lawsuits against fossil fuel companies.”²⁶²

²⁵⁵ *Id.*

²⁵⁶ Nat’l Acads. of Scis., Eng’g, & Med. & Fed. Judicial Ctr., *Reference Manual on Scientific Evidence* (4th ed. 2025).

²⁵⁷ Letter from John B. McCuskey, Att’y Gen. of W. Va., to Hon. Robin L. Rosenberg, Dir., Fed. Jud. Ctr. (Jan. 29, 2026), *see* Ex. 20.

²⁵⁸ *Id.*

²⁵⁹ Email from Beth Wiggins, Director of the Research Division, FJC, to Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. (Mar. 6, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 23.

²⁶⁰ *Senior Staff*, FJC, <https://www.fjc.gov/about/senior-staff> (last visited Sept. 18, 2026).

²⁶¹ Email from Beth Wiggins, Director of the Research Division, FJC to Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. (Mar. 6, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 23.

²⁶² *Id.*

----- Forwarded message -----

From: **Beth Wiggins** [REDACTED]
Date: Mon, Mar 6, 2023 at 9:30 PM
Subject: RE: Invitation to Prepare a Climate Science Chapter for the Reference Manual on Scientific Evidence
To: Jessica Wentz [REDACTED]
Cc: Michael Burger [REDACTED], Cecil, Joe [REDACTED], Mazza, Anne-Marie [REDACTED], Radley M. Horton [REDACTED], Alexis Allegra [REDACTED]

Dear Mike, Jessica, and Radley,

Thank you very much for the outline of a chapter on climate science for the Reference Manual on Scientific Evidence. During its last meeting, the committee of judges and scientists overseeing the manual revision discussed the outline and the potential conflict Mike raised due to his representation of several state and local governments in lawsuits against fossil fuel companies.

With respect to the conflict:

The committee highly appreciated Mike's candor about his involvement in climate-related litigation and his recognition that his involvement might affect perceptions of the chapter's objectivity. Recognizing that the climate science chapter is likely to draw particular attention and critique, the committee decided that it would be inadvisable for Mike to author it. The committee is hopeful that Jessica and Radley would be comfortable authoring the chapter alone, and Mike would be comfortable stepping aside to allow them to do that. Please let us know if this would be agreeable to you.

A March 6, 2023, email from FJC to the authors of the climate science chapter explaining that Michael Burger could not be involved in authoring the material due to his involvement in climate-related litigation.

Ultimately, per Burger's recommendation, his Sabin Center colleagues, Jessica Wentz and Dr. Radley Horton, were selected to author the chapter.²⁶³ This decision raises questions about whether the FJC applied meaningful and objective conflict-of-interest standards or instead relied on an ad hoc vetting process. Burger, Dr. Horton, and Wentz all worked together at the Sabin Center and previously co-authored a paper similar to the climate science chapter.²⁶⁴

Documents obtained by the Committee and Subcommittee suggest that Burger was involved in the production of the climate science chapter despite FJC's direction to step aside.²⁶⁵ Burger was included on email messages with Michael Gerrard and other Sabin Center colleagues

²⁶³ Email from Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. to Joe Cecil, Senior Advisor, NASEM (Dec. 30, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 22.

²⁶⁴ Michael Burger, Jessica A. Wentz & Radley Horton, *The Law and Science of Climate Change Attribution*, 45 Colum. J. Envtl. L. 57 (2020).

²⁶⁵ Email from Michael Burger, Executive Director, Sabin Ctr. for Climate Change L., to Jessica Wentz, non-resident senior fellow, Sabin Ctr. for Climate Change L., et al. (Mar. 7, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 24.

to discuss and review the chapter.²⁶⁶ Emails also show that Burger was involved in the drafting process. On March 7, 2023, Burger emailed Wentz and Dr. Horton assuring them that he would continue to participate in the project by “contribut[ing] behind the scenes.”²⁶⁷

On Tue, Mar 7, 2023 at 7:05 AM Michael Burger [REDACTED] wrote:
I have no problem stepping aside for this, and think it is an extremely important contribution to the field. I will be happy to contribute behind the scenes. Jessica - this means it will really fall to you, though Radley I do think your close review and inputs will be critical and will provide the Committee and the chapter with even greater authority.

A March 7, 2024, email from Michael Burger to Jessica Wentz and Dr. Radley Horton noting that he would contribute to the document “behind the scenes.”

Other documents show that by the time the FJC directed Burger to step aside from the project, he had already contributed significantly to the drafting of the climate science chapter. On April 26, 2023, while drafting the chapter, Wentz sent Dr. Horton a version that included edits and comments from Burger and discussed how to incorporate “Mike’s edits.”²⁶⁸

From: Jessica Wentz [REDACTED]
on behalf of: Jessica Wentz [REDACTED]
Sent: 4/26/2023 7:38:49 PM
To: Radley Horton [REDACTED]
Subject: Re: Comments on Climate Science chapter - possible to send me what you have by 2 pm eastern today?
Attachments: Reference Guide on Climate Science - Draft 4-19-23 merged.mb.jw.docx

Thanks Radley. These edits are super helpful. If you can send me whatever else you finish this afternoon, that would be great.

Also -- after you send me the next round of edits, can you start working on the attached version of the Chapter? This is an updated version that includes Mike's edits (and my responses), the full text of Part IV, and the glossary.

An April 26, 2023, email from Jessica Wentz to Dr. Radley Horton, asking him to work on the new version of the climate science chapter that includes “Mike’s edits.”

In another email days later, Wentz detailed the changes made to the chapter based upon Burger’s feedback.²⁶⁹ She wrote “Mike, your comments and edits were also very helpful. I’ve

²⁶⁶ Email from Jessica Wentz, non-resident senior fellow, Sabin Ctr. for Climate Change L., et al., to Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. (Apr. 18, 2024) (on file with the H. Comm. on the Judiciary), *see* Ex. 29.

²⁶⁷ Email from Michael Burger, Executive Director, Sabin Ctr. for Climate Change L., to Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L., et al. (Mar. 7, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 24.

²⁶⁸ Email from Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L., to Radley Horton, Associate Research Professor Sabin Ctr. for Climate Change L. (Apr. 26, 2023) (on file with the H. Comm. on the Judiciary), *see* Ex. 25.

²⁶⁹ Email from Jessica Wentz, non-resident fellow, Sabin Ctr. for Climate Change L., to Radley Horton, Professor, Columbia University, and Michael Burger, Executive Director, Sabin Ctr. for Climate Change L. (Apr. 29, 2023), *see* Ex. 27.

made a number of changes to the legal section, addressing both yours and Radley's comments.²⁷⁰

From: Jessica Wentz [REDACTED]
on behalf of Jessica Wentz [REDACTED]
Sent: 4/29/2023 7:44:32 PM
To: Radley Horton [REDACTED]
CC: Michael Burger [REDACTED]
Subject: Re:
Attachments: Wentz and Horton - Climate Science Chapter - Reference Manual on Scientific Evidence.docx; Reference Guide on Climate Science - Draft 4-19-23 merged comments + edits.docx

Thanks Radley. As always, your comments and edits are very helpful.

Here is the revised chapter. All comments/changes are tracked on the "merged" version (Radley, I think captured all of your additional edits to the first 40 pages). I've also attached a clean version that is fully formatted and ready for submission.

Mike, your comments and edits were also very helpful. I've made a number of changes to the legal section, addressing both yours and Radley's comments. I think we've made it clear that federal judges will primarily confront claims involving the federal government's obligations or authorities. But I did retain some discussion of the corporate liability lawsuits as there is the one federal RICO claim and it is possible that state judges or judges in other jurisdictions might also want to use this manual as a resource.

I'm planning to submit tomorrow around noon. If there are any pressing issues, please let me know before then. I think it's OK if we need to make some minor edits during the next round of revisions.

Best,

Jessica

An April 29, 2023, email from Jessica Wentz to Dr. Radley Horton and Michael Burger discussing the comments and edits Michael Burger made to the climate science chapter draft.

On November 3, 2023—nearly eight months after Beth Wiggins, Director of the Research Division at FJC, informed Wentz that Burger was not to work on the climate science chapter—Wentz acknowledged to Wiggins that she and Dr. Horton “drew heavily on our past work with him,” referring to Burger.²⁷¹ Wentz did not disclose to Wiggins that Burger had provided feedback on the draft before FJC instructed him to step aside.²⁷² In an email between Wentz and Dr. Horton, they discussed removing the acknowledgements section from chapter to not include Michael Burger’s name in the final product.²⁷³ Wentz wrote, “I don’t think Mike Burger will be

²⁷⁰ *Id.*

²⁷¹ Email from Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L., to Beth Wiggins, Dir. Of Research Division, Federal Judicial Center (Nov. 3, 2023) (On file with the H. Comm. on the Judiciary), *see* Ex. 36.

²⁷² *Id.*

²⁷³ Email from Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L., to Radley Horton, Associate Research Professor Sabin Ctr. for Climate Change L. (Apr. 15, 2024) (on file with the H. Comm. on the Judiciary), Ex. 37.

offended but I'd confirm with him of course."²⁷⁴ Ultimately, Burger still appeared in the acknowledgements of the published version of the chapter.²⁷⁵

C. The climate science chapter's authors have extensive connections to ELI, CJP, and active climate litigation efforts.

The climate science chapter's authors maintained working relationships with ELI and CJP.²⁷⁶ Dr. Radley Horton, Jessica Wentz, and Michael Burger, who are all affiliated with the Sabin Center, have participated in writing, reviewing, and presenting ELI seminar material.²⁷⁷ The disputed theories discussed in the climate chapter were also promoted by CJP in its judicial training materials.²⁷⁸ Furthermore, Wentz even tried to leverage the prestige and authority of CJP contributors to provide legitimacy to the chapter by suggesting to the FJC that "people involved with Environmental Law Institute's Climate Judiciary Project" might be able to provide review from a legal perspective.²⁷⁹ In doing so, it appears that Wentz tried to use the imprimatur of CJP as a way to insert biased science into federal judicial education materials, making a slanted chapter appear neutral and peer-reviewed.²⁸⁰ The comingling of environmental lawyers, ELI contributors, and Sabin Center personnel blends judicial training with climate litigation goals, undermining ELI's claims of impartiality in the outcome of cases.²⁸¹

The example of the biased climate science chapter illustrates how radical environmental special interests have attempted to coopt benign judicial education efforts to indoctrinate judges. What was presented to federal judges as an objective resource on consensus scientific issues was really shaped by litigators with vested interests in the outcome of climate-related lawsuits. The Federal Judicial Center must be more proactive and engaged in identifying and weeding out potential attempts from radical environmental special interests to corrupt the independence and neutrality of federal judges.

²⁷⁴ *Id.*

²⁷⁵ Nat'l Acads. of Scis., Eng'g, & Med. & Fed. Judicial Ctr., *Reference Manual on Scientific Evidence* (4th ed. 2025); This chapter has since been removed from the publication.

²⁷⁶ 2021 *Environmental Law and Policy Annual Review Conference*, Env't L. Inst., <https://www.eli.org/environmental-law-policy-annual-review/2020-2021-ELPAR-conference> (last visited Sept. 3, 2026).

²⁷⁷ *Id.*

²⁷⁸ Michael F. Wehner, *Detection and Attribution of Climate Change*, Env't L. Inst.: Climate Judiciary Project (June 2023).

²⁷⁹ Email from Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L. for Climate Change Law, to Beth Wiggins, Director of the Research Division, Fed. Jud. Ctr. (Apr. 8, 2024). (on file with the H. Comm. on the Judiciary), *see* Ex. 28.

²⁸⁰ *Id.*

²⁸¹ *About CJP*, Climate Judiciary Project, <https://cjp.eli.org/about> (Last visited Aug. 28, 2026).

CONCLUSION

Since August 2025, the Committee and Subcommittee have investigated allegations of improper attempts to influence federal judges in contravention of the Judicial Code of Conduct and 28 U.S.C. § 455.²⁸² Pursuant to federal statute, “any judge . . . shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”²⁸³ Further, Canon 4 of the Judicial Code of Conduct provides that “a judge should not participate in extrajudicial activities that . . . reflect adversely on the judge’s impartiality.”²⁸⁴

It is clear that ELI and CJP are attempting to influence the impartiality of federal judges by falsely claiming to present federal and state judges with unbiased information about climate science during their judicial training seminars.²⁸⁵ The CJP curriculum actively promotes a biased legal and scientific framework for climate litigation.²⁸⁶ The individuals who helped develop this curriculum and the seminars’ training materials are well-connected to individuals involved in climate litigation.²⁸⁷ CJP also targeted judges in areas where climate cases were expected to arise and tailored its curriculum to address climate litigation issues in those areas.²⁸⁸ By targeting judges, failing to safeguard against conflicts of interest, and promoting disputed science as fact, CJP’s activities amount to an improper *ex parte* influence of the federal judiciary.

Documents received by the Committee and Subcommittee showcase the extent to which environmental special interests have attempted to indoctrinate the judicial branch to promote their own agenda. The targeted education and influence campaigns orchestrated by ELI and CJP undermine the American tradition of unbiased neutrality, threatening the essential fairness required by our courts. The importance of impartial judicial proceedings is to ensure the outcomes of cases are determined by facts and evidence, not bias or opinion. ELI’s and CJP’s work to corrupt such an essential judicial tool endangers the foundation of the U.S. judicial system.

America’s system of justice is built on the foundation of a fair and unbiased judiciary.²⁸⁹ To preserve fundamental American liberty, the judicial branch must remain free from partisan

²⁸² 28 U.S.C. §§ 455(a).

²⁸³ *Id.*

²⁸⁴ CODE OF CONDUCT FOR U.S. JUDGES, Canon 4 (JUD. CONF. U.S. 2019)

²⁸⁵ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jordan Diamond, President, Env’tl. Law Inst. (Aug. 29, 2025) (on file with the H. Comm. on the Judiciary).

²⁸⁶ Email from Paul Hanle, Founder, CJP, to Kristie Ebi, Committee Member, CJP (Sept. 22, 2022) (on file with the H. Comm. on the Judiciary), *see* Ex. 18.

²⁸⁷ Michael Gerrard, Columbia L. Sch., <https://www.law.columbia.edu/faculty/michael-gerrard> (last visited Aug. 31, 2026); *Michael Burger*, SABIN CTR. FOR CLIMATE CHANGE LAW, <https://climate.law.columbia.edu/directory/michael-burger> (last visited Aug. 31, 2026); *Michael Burger*, SHER EDLING LLP, <https://www.sheredling.com/attorneys/michael-burger/> (last visited Aug. 31, 2026).

²⁸⁸ Transcribed Interview of Paul Hanle, Founder, Climate Judiciary Project, (July 21, 2026) (on file with the H. Comm. on the Judiciary) at 90, *see* Ex. 34.

²⁸⁹ “[King George III] has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.” The Declaration of Independence para 11 (U.S. 1776); “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . nor be

politics and avoid impermissible indoctrination from ideological special interests.²⁹⁰ The actions of ELI and CJP in corrupting judicial training seminars with the express purpose of affecting the outcome of litigation serves as a stark warning to the federal court system. The Committee and the Subcommittee will continue its oversight to preserve the independence and neutrality of the judicial branch.

deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” U.S. Const. amend. V.

²⁹⁰ Article III of the U.S. Constitution. [[1](#)]

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3	Letter from Cooley LLP to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (May 8, 2026)	2, 11, 30
4	Email from Paul Hanle, Founder, CJP, to Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory (May 12, 2022)	2, 8. 10, 26
5	Email from Sandra Nichols Thiam, Vice President for Research and Policy Programs, Environmental Law Institute, to Michael Gerrard, Founder, Sabin Center (June 20, 2019)	12
6	Email from Sandra Nichols Thiam, Vice President for Research and Policy Programs, Environmental Law Institute, to Michael Gerrard, Founder, Sabin Center (Dec. 22, 2021)	12
7	Email from Paul Hanle, founder, Climate Judiciary Project, to Michael Gerrard, founder, Sabin Center (June 11, 2019)	8, 15, 16
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16	Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (June 1, 2023)	38
17	Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (June 2, 2023)	3, 39
18	Email from Paul Hanle, Founder, CJP, to Kristie Ebi, Committee Member, CJP (Sept. 22, 2022)	2, 20, 50
19	Email from Michael Wehner, Senior Scientist, Lawrence Berkeley National Laboratory, to Roger Worthington, attorney, Worthington & Caron (Mar. 16, 2023)	38
20	Letter from Hon. John B. McCuskey, Attorney General, West Virginia (et. al), to Hon. Robin L. Rosenberg, Director, Federal Judicial Center (Jan. 29, 2026)	28, 41, 42, 45
21	Letter from Hon. Robin L. Rosenberg, Director, Federal Judicial Center, to Hon. John B. McCuskey, Attorney General, West Virginia (Feb. 6, 2026)	4, 42, 43
22	Email from Michael Burger, Executive Director, Sabin Center to Joe Cecil, Senior Advisor, NASEM (Dec. 30, 2022)	46
23	Email from Beth Wiggins, Director of the Research Division, FJC, to Michael Burger, Executive Director, Sabin Center (Mar. 6, 2023)	41, 45
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27	Email from Jessica Wentz, non-resident fellow, Sabin Center, to Radley Horton, Professor, Columbia University, and Michael Burger, Executive Director, Sabin Center (Apr. 29, 2023)	47, 48
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29	Email from Jessica Wentz, non-resident senior fellow, Sabin Center, et al., to Michael Burger, Executive Director, Sabin Center (Apr. 18, 2024)	47
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31	Email from Michael Burger, Executive Director, Sabin Center, to Paul Hanle, founder, Climate Judiciary Project (Oct. 24, 2024)	34
32	Douglas A. Kysar & Isabella Soparkar, <i>Applying Attribution: Impacts of Climate Attribution Science on Tort Litigation</i> , Env't L. Inst.: Climate Judiciary Project (Jan. 2023)	23, 25, 32
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List of Judges Associated with CJP Judicial Education Seminars

Toward a Climate Science Curriculum: Pilot Program Launch²⁹¹

New York, NY, June 28, 2019

Federal Judges

Hon. Frank Bailey, U.S. Bankruptcy Court, District of Massachusetts
Hon. Mildred Caban, U.S. Bankruptcy Court, District of Puerto Rico
Hon. Margaret Cangilos-Ruiz, U.S. District Court, Northern District of New York
Hon. Paul Davison, U.S. District Court, Southern District of New York
Hon. Joseph Dickson, U.S. District Court, District of New Jersey
Hon. Richard Eaton, U.S. Court of International Trade
Hon. Cynthia Eddy, U.S. District Court, Western District of Pennsylvania
Hon. Julio Fuentes, U.S. Court of Appeals for the Third Circuit
Hon. William Garfinkle, U.S. District Court, District of Connecticut
Hon. Nina Gershon, U.S. District Court, Eastern District of New York
Hon. Curtis Gomez, District Court of the Virgin Islands²⁹²
Hon. Page Kelley, U.S. District Court, District of Massachusetts
Hon. Jack McConnell, U.S. District Court, District of Rhode Island²⁹³
Hon. Bruce McGiverin, U.S. District Court, Puerto Rico²⁹⁴
Hon. Jerrold Poslusny, U.S. District Court, District of New Jersey
Hon. Vera Scanlon, U.S. District Court for the Northern District of New York²⁹⁵
Hon. Frederic Scullin, U.S. District Court, Northern District of New York
Hon. Brooks Smith, U.S. Court of Appeals for the Third Circuit

State Judges

Hon. Marcy Kahn, New York Supreme Court, Appellate Division²⁹⁶
Hon. Juanita Bing Newton, New York Judicial Institute²⁹⁷

Toward a Climate Science Curriculum: Pilot Program Launch²⁹⁸

Washington, DC, July 12, 2019

Federal Judges

Hon. Joseph Anderson, Jr., U.S. District Court, District of South Carolina
Hon. Cameron Currie, U.S. District Court, District of South Carolina

²⁹¹ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

²⁹² Climate Judiciary – New York City Participants (on file with the H. Comm. on the Judiciary, (on file with the H. Comm. on the Judiciary, *see* Ex. 10.

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *Climate Science for Judges—Towards a Climate Science Curriculum: Pilot Program Launch* (June 28, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 11.

²⁹⁷ *Id.*

²⁹⁸ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

Hon. Nancy B. Firestone, U.S. Court of Federal Claims
Hon. Arthur Harris, U.S. District Court, District of Ohio
Hon. Joel Hoppe, U.S. District Court, District of Virginia
Hon. Malcolm Howard, U.S. District Court, District of North Carolina
Hon. Pauline Newman, U.S. Court of Appeals for the Federal Circuit
Hon. Eugene Siler, U.S. Court of Appeals for the Sixth Circuit

State Judges

Hon. Philip Carchman, New Jersey Superior Court²⁹⁹
Hon. Jenny Rivera, New York State Court of Appeals³⁰⁰

Toward a Climate Science Curriculum: Pilot Program Launch³⁰¹

Berkeley, CA, September 13, 2019

Federal Judges

Hon. Cynthia Bashant, U.S. District Court, Southern District of California
Hon. Peter Carroll, U.S. District Court, Central District of California
Hon. Miranda Du, U.S. District Court, District of Nevada³⁰²
Hon. William Fletcher, U.S. Court of Appeals for the Ninth Circuit
Hon. Theresa Fricke, U.S. District Court, Western District of Washington
Hon. Michael Hegarty, U.S. District Court, District of Colorado
Hon. Elizabeth Laporte, U.S. District Court, North District of California
Hon. Robert Lasnik, U.S. District Court, Western District of Washington
Hon. Jeremiah Lynch, U.S. District Court, District of Montana³⁰³
Hon. Ramona Manglona, U.S. District Court, District of Northern Mariana Islands
Hon. William Orrick, U.S. District Court, Northern District of California
Hon. Michael Seabright, U.S. District Court, District of Hawaii
Hon. Suzanne Segal, U.S. District Court, Central District of California
Hon. William Shubb, U.S. District Court, Eastern District of California
Hon. Roslyn Silver, U.S. District Court, District of Arizona³⁰⁴
Hon. Michael Simon, U.S. District Court, District of Oregon
Hon. Deborah Smith, U.S. District Court, District of Alaska
Hon. Nina Wang, U.S. District Court, District of Colorado
Hon. Eilleen Willett, U.S. District Court, District of Arizona³⁰⁵
Hon. Michael Wilner, U.S. District Court, Central District of California

²⁹⁹ *Climate Science for Judges—Towards a Climate Science Curriculum: Pilot Program Launch* (July 12, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 12.

³⁰⁰ *Id.*

³⁰¹ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

³⁰² Federal Judicial Center, Env'tl. Law Inst., and the American Association for the Advancement of Science Present: *Climate Justiciary Project Seminar*, Participant List (Sept. 13, 2019) (on file with the H. Comm. on the Judiciary), *see* Ex. 13.

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

Hon. Frank Zapata, U.S. District Court, District of Arizona

Toward a Climate Science Curriculum: Pilot Program Launch

Chicago, IL, December 6, 2019

Hon. Barry Bryant, U.S. District Court, Western District of Arkansas
Hon. Jacqueline Cox, U.S. District Court, Northern District of Illinois
Hon. Scott Dales, U.S. District Court, Western District of Michigan
Hon. Thomas Durkin, U.S. District Court, Northern District of Illinois
Hon. Willie Epps, Jr., U.S. District Court, Western District of Missouri
Hon. Brian Fenimore, U.S. District Court, Western District of Missouri
Hon. Sheila Finnegan, U.S. District Court, Northern District of Illinois
Hon. Gabriel Fuentes, U.S. District Court, Northern District of Illinois
Hon. David Hamilton, U.S. Court of Appeals for the Seventh Circuit
Hon. Jerome Kearney, U.S. District Court, Eastern District of Arkansas
Hon. Young Kim, U.S. District Court, Northern District of Illinois
Hon. Robert Kressel, U.S. District Court, District of Minnesota
Hon. Thomas Lynch, U.S. District Court, Northern District of Illinois
Hon. Ann Montgomery, U.S. District Court, District of Minnesota
Hon. Michael Nelson, U.S. District Court, District of Nebraska
Hon. Thomas Perkins, U.S. District Court, Central District of Illinois
Hon. Lawrence Piersol, U.S. District Court, District of South Dakota
Hon. Charles Rendlen, U.S. District Court, Eastern District of Missouri
Hon. Karen Schreier, U.S. District Court, District of South Dakota

Toward a Climate Science Curriculum: Pilot Program Launch³⁰⁶

Atlanta, GA, March 13, 2020

Federal Judges

Hon. Joseph Anderson, Jr., U.S. District Court, District of South Carolina
Hon. Paul Baisier, U.S. District Court, Northern District of Georgia
Hon. Patricia Barksdale, U.S. District Court, Middle District of Florida
Hon. Debra Brown, U.S. District Court, Northern District of Mississippi
Hon. Helen Burris, U.S. District Court, District of South Carolina
Hon. Paul Byron, U.S. District Court, Middle District of Florida
Hon. Joseph Callaway II, U.S. District Court, Eastern District of North Carolina
Hon. Virginia Covington, U.S. District Court, Middle District of Florida
Hon. Marina Garcia Marmolejo, U.S. District Court, Southern District of Texas
Hon. Donald Graham, U.S. District Court, Southern District of Florida³⁰⁷
Hon. Robert Hinkle, U.S. District Court, Northern District of Florida
Hon. David Jones, U.S. District Court, Southern District of Texas
Hon. Gary Jones, U.S. District Court, Northern District of Florida

³⁰⁶ Letter from Cooley LLP, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, (Mar. 20, 2026) (on file with the H. Comm. on the Judiciary) *see* Ex. 1.

³⁰⁷ *Climate Science for Judges—Towards a Climate Science Curriculum: Pilot Program Launch* (Mar. 13, 2020) (on file with the H. Comm. on the Judiciary).

Hon. Dena Palermo, U.S. District Court, Southern District of Texas
Hon. Karen Roby, U.S. District Court, District of Louisiana³⁰⁸
Hon. Sage Sigler, U.S. District Court, Northern District of Georgia
Hon. Jerry Smith, U.S. Court of Appeals for the Fifth Circuit
Hon. William Stafford, U.S. District Court, Northern District of Florida³⁰⁹
Hon. Thomas Thrash, Jr., U.S. District Court, Northern District of Georgia

State Judges

Hon. Grace Gilchrist, Seventh Judicial Circuit of South Carolina³¹⁰

National Judicial College, Climate Science for Judges: Evidentiary Issues

Webinar, May 11, 2021

Hon. Audrey Fleissig, U.S. District Court, Eastern District of Missouri
Hon. Alan Johnson, U.S. District Court, District of Wyoming
Hon. Tana Lin, U.S. District Court, Western District of Washington
Hon. Susan Robinson (Ret.), U.S. District Court, District of Delaware
Hon. Michael H. Simon, U.S. District Court, District of Oregon
Hon. Frances Tydingco-Gatewood, U.S. District Court, Guam
Hon. Reggie B. Walton, U.S. District Court, District of the District of Columbia

Federal Judicial Center and Berkeley Judicial Institute, Science Seminar for Federal Judges

Virtual, August 30–September 1, 2021

Federal Judges

Hon. Marvin Aspen, U.S. District Court, Northern District of Illinois
Hon. Patricia Barksdale, U.S. District Court, Middle District of Florida
Hon. Danny Boggs, U.S. Court of Appeals for the Sixth Circuit
Hon. Sarah Cave, U.S. District Court, Southern District of New York
Hon. Maxine Chesney, U.S. District Court, Northern District of California
Hon. Elizabeth Chestney, U.S. District Court, Western District of Texas
Hon. Jacqueline Cox, U.S. Bankruptcy Court, Northern District of Indiana
Hon. Albert Diaz, U.S. Court of Appeals for the Fourth Circuit
Hon. Bernice Donald, U.S. Court of Appeals for the Sixth Circuit
Hon. Thomas Farrish, U.S. District Court, District of Connecticut
Hon. Elizabeth Foote, U.S. District Court, Western District of Louisiana
Hon. Catherine Furay, U.S. Bankruptcy Court, Western District of Wisconsin
Hon. Darrin Gayles, U.S. District Court, Southern District of Florida
Hon. Donald Graham, U.S. District Court, Southern District of Florida
Hon. James Hanlon, U.S. District Court, Southern District of Indiana
Hon. Bruce Harwood, U.S. Bankruptcy Court, District of New Hampshire
Hon. Jonathan Hawley, U.S. District Court, Central District of Illinois

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

Hon. Karin Immergut, U.S. District Court, District of Oregon
Hon. Mustafa Kasubhai, U.S. District Court, District of Oregon
Hon. Jeremy Kernodle, U.S. District Court, Eastern District of Texas
Hon. Steve Kim, U.S. District Court, Central District of California
Hon. Sandra Klein, U.S. District Court, Central District of California
Hon. Susan Lee, U.S. District Court, Eastern District of Tennessee
Hon. Ivan Lemelle, U.S. District Court, Eastern District of Louisiana
Hon. Bruce McGiverin, U.S. District Court, District of Puerto Rico
Hon. Ruth Miller, U.S. District Court, District of the Virgin Islands
Hon. Dennis Montali, U.S. Bankruptcy Court, Northern District of California
Hon. Kevin Moore, U.S. District Court, Southern District of Florida
Hon. Cynthia Norton, U.S. Bankruptcy Court, Western District of Missouri
Hon. Rebecca Pallmeyer, U.S. District Court, Northern District of Illinois
Hon. Tiiara Patton, U.S. Bankruptcy Court, Northern District of Ohio
Hon. James Peterson, U.S. District Court, Western District of Wisconsin
Hon. Michelle Peterson, U.S. District Court, Western District of Washington
Hon. Anthony Porcelli, U.S. District Court, Middle District of Florida
Hon. Jacqueline Rateau, U.S. District Court, District of Arizona
Hon. Bruce Reinhart, U.S. District Court, Southern District of Florida
Hon. Michael Shea, U.S. District, District of Connecticut
Hon. Roslyn Silver, U.S. District Court, District of Arizona
Hon. Erithe Smith, U.S. Bankruptcy Court, Central District of California
Hon. James Smith, U.S. Bankruptcy Court, Middle District of Georgia
Hon. Sidney Stein, U.S. District Court, Southern District of New York
Hon. David Tatel, U.S. Court of Appeals for the D.C. Circuit
Hon. Lori Vaughan, U.S. Bankruptcy Court, Middle District of Florida
Hon. Mary Ellen Williams, U.S. Court of Federal Claims

United States District Court Judicial Retreat

Lenox, MA, May 5, 2022

Federal Judges

Hon. Jennifer Boal, U.S. District Court, District of Massachusetts
Hon. Marianne Bowler, U.S. District Court, District of Massachusetts
Hon. Donald Cabell, U.S. District Court, District of Massachusetts
Hon. Denise Casper, U.S. District Court, District of Massachusetts
Hon. Robert Collings, U.S. District Court, District of Massachusetts
Hon. Judith Dein, U.S. District Court, District of Massachusetts
Hon. Timothy Hillman, U.S. District Court, District of Massachusetts
Hon. Angel Kelley, U.S. District Court, District of Massachusetts
Hon. Kenneth Neiman, U.S. District Court, District of Massachusetts
Hon. Katherine Robertson, U.S. District Court, District of Massachusetts
Hon. Patti Saris, U.S. District Court, District of Massachusetts
Hon. Denise Saylor, U.S. District Court, District of Massachusetts

Bolch Judicial Institute, Climate Science and the Law

Beaufort, NC, October 20-21, 2025

Federal Judges

Hon. Micaela Alvarez, U.S. District Court, Southern District of Texas
Hon. Patricia Barksdale, U.S. District Court, Middle District of Florida
Hon. Sara Darrow, U.S. District Court, Central District of Illinois
Hon. George Hanks, Jr., U.S. District Court, Southern District of Texas
Hon. Jonathan Hawley, U.S. District Court, Central District of Illinois
Hon. Daniel Irick, U.S. District Court, Middle District of Florida
Hon. Anthony Porcelli, U.S. District Court, Middle District of Florida