

Climate Litigation Law Review Articles: Selected Bibliography

The Climate Judiciary Project identified the following law review articles to guide learning about climate science issues raised in climate litigation, as well as the trends, parties, claims, and defenses. The information provided here is not intended to be comprehensive. It is intended to familiarize judges with common legal and scientific issues they can expect to see as climate cases enter the courtroom. The document will be updated periodically. Last updated: September 29, 2024.

The views conveyed in these articles should not be attributed to the Climate Judiciary Project, nor should any official endorsement by the Climate Judiciary Project be inferred based on the inclusion of any article. The information contained in this document was collected from many and varied sources.

For further learning, please visit the [Climate Science and Law for Judges Curriculum](#).

Climate Science in Climate Litigation

Maria L. Banda, Env't L. Inst., [Climate Science in the Courts](#) (2020)

Carolyn Brickey et al., [How to Take Climate Change Into Account: A Guidance Document For Judges Adjudicating Water Disputes](#), 40 Env't L. Rep. News & Analysis 11215 (2010)

Michael Burger et al., [The Law and Science of Climate Change Attribution](#), 51 Env't L. Rep. 10646 (2021)

Jacob Elkin, [Climate Science in Adaptation Litigation in the U.S.](#), Sabin Center for Climate Change Law (2022)

Natasha Geiling, [City of Oakland v. BP: Testing the Limits of Climate Science in Climate Litigation](#), 46 Ecology L.Q. 683 (2019)

Sabrina McCormick et al., [Science in Litigation, the Third Branch of US Climate Policy](#), 357 Sci. 979 (2017)

Joanne Spalding & Daniel Hales, [The Uses of Climate Change Attribution Science: The NGO Practitioner's View](#), 51 Env't L. Rep. 10654 (2021)

Rupert F. Stuart-Smith et al., [Filling the Evidentiary Gap in Climate Litigation](#), 11 Nature Climate Change 651 (2021)

Adaptation

Randall S. Abate, [Anthropocene Accountability Litigation: Confronting Common Enemies to Promote a Just Transition](#), 46 Colum. J. Env't L. 225 (2021)

Maxine Burkett, [Litigating Climate Change Adaptation: Theory, Practice, and Corrective \(Climate\) Justice](#), 42 Env't L. Rep. 11144 (2012)

Shana Campbell Jones et al., [Roads to Nowhere in Four States: State and Local Governments in the Atlantic Southeast Facing Sea-Level Rise](#), 50 Env't L. Rep. 10656 (2020)

Jacob Elkin, [Climate Science in Adaptation Litigation in the U.S.](#), Sabin Center for Climate Change Law (2022)

Mark Nevitt, [The Legal Crisis Within the Climate Crisis](#), 76 Stan. L. Rev. (2024)

Jim Rossi & Michael Panfil, [Climate Resilience and Private Law's Duty to Adapt](#), 100 N.C. L. Rev. 1135 (2022)

J.B. Ruhl & Robin Kundis Criag, [4°C](#), 106 Minn. L. Rev. 191 (2021)

Dov Waisman, [Failure-to-Adapt Climate Litigation at 20: An Underused Tool?](#), 54 Env't L. Rep. 10960

Case Management

Edmund H.S. Brose, [Admitting Evidence of Climate Change Under Daubert: Climate Experts as Reliable, Hyper-Qualified Technicians](#), 98 NYU L. Rev. 1979 (2023)

Joe S. Cecil & Thomas E. Willging, Fed. Judicial Ctr., [Court-Appointed Experts: Defining the Role of Experts Appointed Under Federal Rule of Evidence 706](#) (1993)

Zachary D. Clopton & David A. Dana, [Climate Exceptionalism in Court](#), 119 Nw. U. L. Rev. 1545 (2025)

Tobias Pfrommer et al., [Establishing Causation in Climate Litigation: Admissibility and Reliability](#), 152 Climatic Change 67 (2017)

James E.A. Rehwaldt, [Using Issue Certification Against a Defendant Class to Establish Causation in Climate Change Litigation](#), 52 Env't L. Rep. 10292 (2022)

Constitutional and Rights-Based

Zachary L. Berliner, [What About Uncle Sam? Carving a Place for the Public Trust Doctrine in Federal Climate Litigation](#), 21 U. Pa. J.L. & Soc. Change 339 (2018)

Barry E. Hill & Emily Bergeron, [Climate Justice Litigation in the United States—A Primer](#), 54 Env't L. Rep. 10307 (2024)

Katherine G. Horner, [Does the First Amendment Protect Fossil Fuel Companies' Public Speech?](#), 53 Env't L. Rep. 10036 (2023)

Serena L. Liss, [Shoreline Armoring and the Public Trust Doctrine: Balancing Public and Private Interests as Seas Rise](#), 46 Env't L. Rep. 10033 (2016)

Bruce Myers et al., [Charting an Uncertain Legal Climate: Article III Standing in Lawsuits to Combat Climate Change](#), 45 Env't L. Rep. 10033 (2015)

J. Scott Pippin & Mandi Moroz, [But Flooding is Different: Takings Liability for Flooding in the Era of Climate Change](#), 50 Env't L. Rep. 10920 (2020)

Paul Rink, [Conceptualizing U.S. Strategic Climate Rights Litigation](#), 49 Harv. Env't L. Rev. 149 (2025)

Erin Ryan, [Public Trust Principles and Environmental Rights: The Hidden Duality of Climate Advocacy and the Atmospheric Trust](#), 49 Harv. Env't L. Rev. 225 (2025)

Lydia Slobodian, [Defending the Future: Intergenerational Equity in Climate Litigation](#), 32 Geo. Env't L. Rev. 569 (2020)

Common Law

Daina Bray & Thomas M. Poston, [The Methane Majors: Climate Change and Animal Agriculture in U.S. Courts](#), 49 Colum. J. Env't L. 145 (2024)

Teresa Chan et al., [Determining Climate Responsibility: Government Liability for Hurricane Katrina?](#), 49 Env't L. Rep. 10005 (2019)

Joseph Rausch, [The Necessity Defense and Climate Change: A Climate Change Litigant's Guide](#), 44 Colum. J. Env't L. 553 (2019)

Daniel E. Walters, [Animal Agriculture Liability for Climatic Nuisance: A Path Forward for Climate Change Litigation?](#), 44 Colum. J. Env't L. 299 (2019)

Jessica Wentz & Benjamin Franta, [Liability for Public Deception: Linking Fossil Fuel Disinformation to Climate Damages](#), 52 Env't L. Rep. 10995 (2022)

Statutory and Administrative

Barry Kellman, [Climate Change in the Endangered Species Act: A Jurisprudential Enigma](#), 46 Env't L. Rep. 10845 (2016)

Cass R. Sunstein, [Arbitrariness Review and Climate Change](#), 170 U. Pa. L. Rev. 991 (2022)

Grace Weatherall, ["A Great Deal of Discretion": Bostock, Plain Text, and the Future of Climate Jurisprudence](#), 45 Harv. Env't L. Rev. 17 (2020)

State Laws

Grant Glovin, [A Mount Laurel for Climate Change? The Judicial Role in Reducing Greenhouse Gas Emissions From Land Use and Transportation](#), 49 Env't L. Rep. 10938 (2019)

Barry E. Hill, [Environmental Rights, Public Trust, and Public Nuisance: Addressing Climate Injustices Through State Climate Liability Litigation](#), 50 Env't L. Rep. 11022 (2020)

Lee A. Kaplan, [*Whose Coast Is It Anyway? Climate Change, Shoreline Armoring, and the Public's Right to Access the California Coast*](#), 46 Env't L. Rep. 10971 (2016)

Matthew Morrison & Bryan Stockton, [*What's Old Is New Again: State Common-Law Tort Actions Elude Clean Air Act Preemption*](#), 45 Env't L. Rep. 10282 (2015)

Sue Reid & Jennifer K. Rushlow, [*Behind the Curtain: Insiders' View of Developing and Enforcing State Climate Change Laws*](#), 50 Env't L. Rep. 10466 (2020)

Global

Maria L. Banda & Scott Fulton, [*Litigating Climate Change in National Courts: Recent Trends and Developments in Global Climate Law*](#), 47 Env't L. Rep. 10121 (2017)

Thomas Burman, [*A New Causal Pathway for Recovery in Climate Change Litigation?*](#), 52 Env't L. Rep. 10038 (2022)

Myanna Dellinger, [*Post-Jesner Climate Change Lawsuits Under the Alien Tort Statute*](#), 44 Colum. J. Env't L. 241 (2019)

Linnéa Norlander, [*Constitutional boundaries after Verein KlimaSeniorinnen: Lessons on domestic rights-based climate change litigation from the Swedish Supreme Court's Aurora Judgment*](#), 34 Rev. Eur. Comp. Int. Env't. L. 566 (2025).

Prakriti Shah and John M. Doherty, [*Assessing and Advancing the Climate Capability of India's Judiciary*](#), 55 Env't L. Rep. 10019 (2025).

Michael D. Wilson, [*Climate Change and the Judge as Water Trustee*](#), 48 Env't L. Rep. 10235 (2018)

Securities and Financial Regulation

Wes Henricksen, [*Intended Injury: Transferred Intent and Reliance in Climate Change Fraud*](#), 72 Ark. L. Rev. 713 (2020)

Matthew Razzano, *Going Green: The Federal Reserve's Legal Authority to Combat Climate Change*, 45 Harv. Env't L. Rev. (2020)

Hana V. Vizcarra, [*The Reasonable Investor and Climate-Related Information: Changing Expectations for Financial Disclosures*](#), 50 Env't L. Rep. 10106 (2020)