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**Oregon Supreme Court Chief Justice Issues Clarion Call in Dissenting Opinion That Favors Youths Seeking Climate Protection**

PORTLAND, Ore. – Today, writing in a powerful dissent, Chief Justice Martha Walters of the Oregon Supreme Court recognized the “ravages of climate change” and affirmed “the judicial branch has an important constitutional role to play and should declare the governing law.” Departing from the Supreme Court majority’s unwillingness to declare the law and duty of government at this urgent time of climate crisis, Justice Walters declared that “the time is now.”

The majority opinion denied the claims of [Kelsey Juliana and Ollie Chernaik](#), two young Oregonians who filed suit nine years ago against the state of Oregon for failing in its public trust duty to protect essential natural resources -- including water, wildlife, and the atmosphere -- from ongoing impacts of the climate crisis.

The Chief Justice explained in dissent that in reaching its decision the majority had reframed the plaintiffs’ case to reach the adverse result. In the [divided ruling](#), the Court agreed with the youth that navigable waters are subject to the public trust doctrine, but said the state has no affirmative duty to take care of its resources.

However, Justice Walters said the courts “must not shrink from their obligation to enforce the rights of all persons to use and enjoy our invaluable public trust resources. How best to address climate change is a daunting question with which the legislative and executive branches of our state government must grapple. But that does not relieve our branch of its obligation to determine what the law requires.”

Justice Walters also soundly rejected the State's separation of powers arguments (an issue not addressed by the majority) and said the State "confuses initial decisions about how to combat climate change -- decisions only the legislative and executive branches can make -- with a review of such decisions for their legality -- a review that the judicial branch is charged to conduct."

The Court left the door open for future claims. "The public trust doctrine in Oregon currently encompasses submerged and submersible lands underlying navigable waters and the navigable waters themselves. We do not foreclose the possibility that the doctrine could expand to include other resources in the future to include additional duties imposed on the state," the ruling held.

"The dissenting opinion will one day be the majority opinion. But our climate, our waters, and our drying forests do not have years to wait. Children do not have years to wait. We are considering a petition for rehearing in light of the majority's mischaracterization of our case and the errors of law addressed by the Chief Justice," said Courtney Johnson, who represents the plaintiffs.

University of Oregon Law Professor Mary Wood, a public trust law expert, agrees with Johnson: "The dissent by Chief Justice Walters is written as a majority opinion. It clearly illuminates the constitutional duty of the courts to hold the political branches accountable — which is paramount before those branches walk this nation over the climate cliff. Justice Walters' opinion will undoubtedly serve as a beacon to other judges nationwide, showing that the separation of powers principles requires a role for the court to compel the other branches of government to confront this existential climate threat before it is too late."

More than 175 individuals and groups representing government, law professors, communities of color, public health, young people, faiths, businesses, conservation and education, backed the youth plaintiffs with friend of the court briefs.

The plaintiffs are represented by the nonprofit Crag Law Center and Liam Sherlock at Hutchinson, Cox, Coons, Orr & Sherlock, P.C., and supported by Our Children's Trust, which seeks science-based action by governments to stabilize the climate system.

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***Our Children's Trust*** is a nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels. [www.ourchildrenstrust.org/](http://www.ourchildrenstrust.org/)

***Crag Law Center*** is a community-based nonprofit that provides legal aid for the environment, protecting and sustaining the natural legacy of the Pacific Northwest. [www.crag.org](http://www.crag.org)

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