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Oral Arguments Heard in Utah Youth Climate Case

In Natalie R. v. State of Utah, youth argue state's ongoing promoting of fossil fuels causes and contributes to Utah's air quality and climate crises, violating the youth plaintiffs' constitutional rights

SALT LAKE CITY, Utah—Youth plaintiffs and their attorneys in the constitutional climate case [*Natalie R. v. State of Utah*](#) appeared today before the Honorable Robert Faust at the Third District Courthouse to present the youth's position on why the court should let the case proceed to trial. Judge Faust said he would issue a ruling on the state's motion to dismiss the case within a few days.

In *Natalie R. v. State of Utah*, the youth plaintiffs argue that state statutes requiring government agencies to maximize, promote, and systematically authorize the development of fossil fuels violate young Utahns' constitutional rights to life, health, and safety. Fossil fuel development permitted by the State is actively causing Utah's hazardous air quality and dangerous climate crisis impacts like drought and fire. The youth plaintiffs claim that their state government has long known of the dangers of fossil fuels, yet continues to promote fossil fuel development that worsens air pollution and the climate crisis in the Beehive State.

Arguing on behalf of the youth plaintiffs, attorney Andrew Welle told Judge Faust that the State did not dispute that the youth's health and lives are being harmed by fossil fuel development and that the State is a cause of those harms. Welle also argued that one of the most important roles of the court is to interpret the constitution and declare whether enacted laws violate fundamental rights, which is what the youth seek as their remedy in *Natalie R. v. State of Utah*.

Jeffrey Teichert, Assistant Attorney General for Constitutional Defense and Special Litigation and attorney for the state defendants, argued throughout the morning that the youth can't have their right to life claim heard because harm to their lives is tied to environmental degradation and the political branches of government get to do what they want without judicial review. The State suggested that instead the legislature can weigh harm to young people against jobs and other economic factors and could even convene working groups.

Andrew Welle, Senior Staff Attorney at Our Children’s Trust and counsel for the youth plaintiffs, stated, “Deferring to the legislature to decide a constitutional question with working groups would turn Utah’s Constitution and constitutional law on its head. Under the State’s proposed model of convening working groups to decide whether children’s constitutional rights are being violated, courts would have to defer to legislative working groups on every other constitutional question, from parental rights to segregation and affirmative action, to COVID mask mandates, to the Affordable Care Act. The courthouse doors would be closed to any constitutional claim that the State decided had economic or job implications. That is not the way the law works. The State can’t strip the judiciary of its vital role in interpreting the Utah Constitution and deciding life-threatening constitutional questions.”

Welle concluded, “It’s critically important that Utah’s courts hear these youth’s constitutional claims. Every day that the state continues to promote and systematically authorize fossil fuel development worsens Utah’s dangerous air pollution and climate crisis and further endangers these youth’s lives, health, and safety. It’s the courts duty to determine whether that violates these youth’s constitutional rights.”

Youth plaintiff Natalie R. stated, “We hope Judge Faust will let us move forward to trial, letting us present our case for how the state of Utah is actively contributing to climate change and dangerous air pollution, violating our constitutional rights.”

Lola M., youth plaintiff, remarked, “It was exciting to congregate today and watch as our attorney argued for our right to move on to trial. I hope to see Judge Faust rule in favor of our case so we can present evidence on how our lives have been harmed by the state’s support of the fossil fuel industry.”

Counsel for the *Natalie R.* youth plaintiffs include Andrew Welle of [Our Children’s Trust](#), and Andrew Deiss, John Robinson, and Corey Riley with [Deiss Law PC](#).

In addition to *Natalie R. v. State of Utah*, Our Children’s Trust represents and supports young people in global and U.S. state climate litigation such as *Navahine F. v. Hawai’i Department of Transportation*, *Layla H. v. Commonwealth of Virginia*, and *Held v. State of Montana*, which will be the first-ever children’s constitutional climate trial in U.S. history when it goes to trial in June 2023. Our Children’s Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, where the plaintiffs are currently awaiting a decision in their case that could put them back on the path to trial.

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Our Children’s Trust is the world’s only nonprofit public interest law firm that exclusively 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 safe climate, based on the best available science. www.ourchildrenstrust.org

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