

Oregon District Court Permits Portions of Childrens' Federal Climate Case to Proceed

Article By:

J. Michael Showalter

Samuel A. Rasche

Climate change litigation continues in the headlines, this time with an Oregon federal court evaluating claims by 21 children that the federal government violated their constitutional right to a habitable environment.

In the waning days of 2023, an Oregon trial court hearing the [Juliana v. United States](#) case on remand from the Ninth Circuit [found that the children had standing to sue](#). Below, we break down the recent court decision and outline key issues to monitor in this space going forward.

Procedural Background

Perhaps because it is in federal court, the *Juliana* case has received a fair amount of attention, and indeed, we've [written about it](#). Other climate cases are percolating through various federal and state courts. We have previously discussed [Held v. State of Montana](#), [climate-related claims in the environmental, social, and governance \(ESG\) space](#), and tort suits focused on climate that remain pending in states including Hawaii (see [here](#)).

The district court's recent decision in *Juliana* relates to whether the plaintiffs had standing to bring their claims. This standing inquiry requires evaluating whether the judicial branch has a role in addressing climate issues. When this matter was previously before the Ninth Circuit, the court urged caution on this point, counseling that "not every problem posing a threat . . . to the American Experiment can be solved by federal judges."

To have standing in federal court, the plaintiffs must show (1) a concrete and particularized injury, (2) that is caused by the conduct challenged, and (3) is likely redressable by a favorable decision in court. The Ninth Circuit agreed that the children had concrete injuries caused by climate change and had plausibly argued US federal climate policy was a "substantial factor" in causing those injuries.

However, the court “reluctantly” found that redressing the issue required a “host of complex policy decisions” that were beyond the court’s constitutional power. Ultimately, the Ninth Circuit remanded the case with instructions for the trial court to dismiss for lack of standing.

The District Court Decision

Following the Ninth Circuit decision, the plaintiffs filed an amended complaint emphasizing a new claim that seeks a court declaration that “the national energy system” violates the Constitution and the public trust doctrine, and requests injunctive relief only if the court deemed it necessary, in favor of their past request for a broad institutional-reform style injunction.

The court again wrestled with the plaintiffs’ standing and whether it had the authority to grant the requested relief. The court explicitly contrasted a declaration — a formal statement from the court on what the law is — with injunctive relief, where the court directs the parties on how to comply with the law. The court dismissed the request for injunctive relief “if necessary,” noting that even the plaintiffs’ “scaled down” demands would be “more expansive than any case of which the Court is aware.”

Still, the court held that declaratory relief alone was enough to make the plaintiffs’ claims “redressable.” If the plaintiffs were successful in their request for declaratory relief, the parties could collectively work together to fashion a remedy, as happens in institutional reform cases related to issues like desegregation. Accordingly, the district court permitted the plaintiffs to move forward with claims for violation of the public trust doctrine and those related to the plaintiffs’ due process rights.

What’s Next?

We expect this is far from the last word in *Juliana*. Narrowly, the federal entities will likely seek to appeal this case to the Ninth Circuit, even though the district court denied the entities’ request to file for interlocutory review of this decision. Approval for interlocutory review could come from the Ninth Circuit. Absent an appeal, the case will proceed in district court. Stay tuned.

© 2025 ArentFox Schiff LLP

National Law Review, Volume XIV, Number 12

Source URL: <https://natlawreview.com/article/oregon-district-court-permits-portions-childrens-federal-climate-case-proceed>