

Confidential Review Draft – 20 March 2016

Potential State Causes of Action Against Major Carbon Producers:  
Scientific, Legal and Historical Perspectives

25 April 2016  
Harvard Law School, Cambridge MA

Co-organized by Harvard Law School and the Union of Concerned Scientists

Meeting Objectives:

- Create a 'safe space' for a frank exchange of approaches, ideas, strategies, and questions pertaining to potential state causes of action against major carbon producers and the cultural context in which such cases might be brought.
- Share legal and scientific information having an important bearing on potential investigations and lawsuits.
- Surface and consider key concerns, obstacles, or information gaps that may need to be addressed for investigations and lawsuits to proceed.
- Establish trusted and productive networks to support ongoing development of these ideas.

Meeting Agenda:

- 12-12:30: meet, mingle, lunch
- 12:30-1:00: Welcome and introductions (moderator: Goho)
- Professor Richard Lazarus, Harvard Law School
  - Ken Kimmell, President, Union of Concerned Scientists
- 1:00-2:00: Introductory/overview panel (moderator: Frumhoff)
- The question of climate responsibility Naomi Oreskes, Harvard
  - Lessons from tobacco litigation: Sharon Eubanks, Bordas & Bordas
  - The case for state-based investigations and litigation: tbd
  - Key legal issues: Shaun Goho, Harvard Law School
- Open Discussion (15 min)
- 2:00-3:00: Attributing Impacts to Climate Change and Carbon Producers
- Extreme weather and climate change: Phil Mote, Oregon State
  - Sea level rise and coastal flooding: Ben Strauss, Climate Central
  - Tracing impacts to carbon producers Peter Frumhoff, UCS
  - Climate harms from a legal perspective Carroll Muffett, CIEL
- Open Discussion (20 min)
- 3:00-3:20: Break

3:20-4:20 State Causes of Action  
➤ Public nuisance claims: Harvard, tbd.  
➤ Consumer protection claims: UCLA  
➤ Key obstacles & opportunities to address them Ken Kimmell, UCS  
Panel Discussion (30 min) (additional participants tbd)

4:20-5:15 Open Discussion (include messaging/communication/public dimension; process for ongoing expert input and dialogue;)

5:15: Wrap up and next steps

5:30: Adjourn

Continued information dialogue over dinner in Harvard Square, location tbd