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# Ellison faces scrutiny for use of San Francisco firm on lawsuit against energy companies

Three legislators say the law firm, Sher Edling, LLP, has received more than \$13 million from special interest organizations outside of Minnesota.

By [Hank Long](#) - April 18, 2024



Minnesota Attorney General Keith Ellison speaks at a January 2023 press conference. (Office of Gov. Tim Walz/Flickr)

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A trio of Republican lawmakers are [asking](#) Attorney General Keith Ellison to provide the public with more details on his office's contract with a San Francisco-based law firm hired to aid in an ongoing climate change-related lawsuit against three major oil companies.

Sens. Mark Koran and Andrew Mathews, and Rep. Jim Nash sent Ellison a [detailed letter](#) last week that claims the law firm, [Sher Edling, LLP](#), has received more than \$13 million from [special interest](#) organizations outside of Minnesota to help fund its climate litigation efforts, including the one ongoing in Minnesota. And they want Ellison to provide the public with "a complete accounting of who is providing financial support for Sher Edling's work on the Minnesota case.

"If special interest groups are paying to prosecute politically-motivated cases in Minnesota, Minnesotans deserve all the answers," said Nash, a state representative from Waconia. "The Attorney General's office is [prepared to pay](#) potentially half a billion dollars to a San Francisco law firm, despite already having two full-time lawyers working on it paid for by a New York [billionaire](#). We need to know who is funding this litigation, and when the Attorney General's office knew about the special interest funding behind it."

## Litigation dates back nearly four years

In 2020 Ellison's office filed a lawsuit against ExxonMobil, American Petroleum Institute and a handful of Koch Industries entities alleging they are "major actors" in contributing to climate change.

Last summer the defendants in the litigation petitioned the United States Supreme Court to rule that the federal district court has removal jurisdiction of the case. That petition was filed after the Eighth Circuit Court of Appeals had ruled in March 2023 that Minnesota's lawsuit should proceed in state court where it was filed.

[In January](#) the United States Supreme Court [ruled](#) that the Minnesota attorney general's lawsuit may proceed in state court.

"The (court's) decision confirms these cases are properly filed in state courts," Ellison said following the Jan. 8 ruling.

Rep. Jim Nash, one of three legislators who signed the letter to Ellison, speaks on the House floor this month. (Minnesota House Info/YouTube)

"Taken together, the defendants' behavior has delayed the transition to alternative energy sources and a lower carbon economy, resulting in dire impacts on Minnesota's environment and enormous costs to Minnesotans and the world," Ellison said. "Now, the case can move forward in state court, where it was properly filed, and we can begin to hold these companies accountable for their wrongful conduct."

Several critics of the lawsuit allege that Ellison and a network of billionaire climate change activists are utilizing the litigation as a strategy "to run U.S. energy policy."

In November, former U.S. Attorney General Bill Barr [co-authored](#) an opinion piece in The Wall Street Journal alleging "progressive activists ... are filing massive lawsuits against energy companies in state courts, trying to set national climate policy under the guise of holding companies liable for polluting. Evidently unsatisfied with the Environmental Protection Agency as their energy policy maker, activists want to make blue-state judges into energy-policy czars." Barr named Ellison in the piece.

"Minnesota Attorney General Keith Ellison wants a Minnesota judge to influence national climate policy through the state's tort laws," Barr and his co-author Adam J. McWhite wrote.

## GOP legislators want answers from Ellison by the end of this month

As Ellison's office is now preparing to proceed with the litigation in state court, Koran, Mathews and Nash requested in writing that his office provide answers to the following questions:

- Explain why it was necessary for your Office to retain Sher Edling to litigate the Minnesota climate litigation, despite already having two Special Assistant Attorney General working on this litigation "full time" in addition to your existing staff.
- Explain why your Office did not publicly disclose the Sher Edling contract until being compelled to do so by an open-records request, despite having previously disclosed such contracts to the public.
- Explain the extent to which you were aware of Sher Edling's funding sources when you negotiated the fee agreement with them and, to the extent your Office knew about the millions of dollars paid by special interest to Sher Edling, why this was not disclosed to the Commission.
- Disclose the identities of all third parties and special-interest groups that have funded Sher Edling's work on the climate litigation throughout the country, including the Minnesota climate litigation, and the amount of funding Sher Edling has received from each of those entities annually.
- Disclose the extent to which Sher Edling, or any Sher Edling attorneys, donated to your 2022 reelection campaign

"Minnesotans support a full and functioning AG's office with their tax dollars already," Koran and Mathews said in a joint statement. "What they don't support is half-a-million tax dollars going to politically-motivated, west coast law firms."

"We hope the Attorney General will provide clear, concise answers to help us all understand who is behind these hirings, their funding, and their motivations," the GOP legislators continued. "Surely, it would be better for these tax dollars to stay in Minnesota, where they can be better used by the citizens of our state."

Koran, Mathews and Nash have asked for a response from Ellison by the end of this month.

Communications staff for Ellison's office have not yet returned an Alpha News request for comment on the letter.

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