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**MIKE HILGERS**  
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February 2, 2026

The Honorable Jim Jordan, Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Grassley, Chairman  
Committee on the Judiciary  
U.S. Senate  
Washington, D.C. 20510

The Honorable Darrell Issa, Chairman  
Subcommittee on Courts, Intellectual  
Property, Artificial Intelligence and the  
Internet  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

**Re: Investigation of Federal Judicial Center's Biased Science Manual**

Dear Chairman Jordan, Chairman Grassley, and Chairman Issa:

We, the undersigned Attorneys General of 22 States, write to urge you to expand the House Judiciary Committee's ongoing investigation into improper influence of federal proceedings regarding scientific issues. The Federal Judicial Center recently published a scientific reference manual for judges that is tainted by biased authors, reviewers, and sources involved in ongoing litigation. The House Judiciary Committee should investigate this inappropriate attempt to rig case outcomes in favor of one side.

Earlier this year, the House Judiciary Committee launched a much-needed investigation into allegations that a climate law group—Environmental Law Institute (“ELI”)—is improperly influencing federal judges who may preside over climate change lawsuits through its Climate Judiciary Project (“CJP”).<sup>1</sup> In its investigative letter to the group, the Committee explained that “[p]ublic reports have documented concerns around apparent efforts by ELI and CJP to influence judges who potentially may be presiding over lawsuits related to alleged climate change claims.”<sup>2</sup> Concerningly, “[t]hese efforts appear to have the underlying goal of predisposing federal judges in favor of plaintiffs alleging injuries from the manufacturing, marketing, use, or sale of

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<sup>1</sup> Elizabeth Elkind, *House GOP launches probe into alleged climate group influence on federal judges*, FOX NEWS (Jan. 14, 2026), <https://www.foxnews.com/politics/jim-jordan-launches-house-gop-probe-alleged-climate-group-influence-judges>.

<sup>2</sup> *Ibid.*

fossil-fuel products.”<sup>3</sup> In an August 2025 letter, 23 State Attorneys General called on EPA to defund ELI because of these improper efforts to influence federal judges.<sup>4</sup>

Those same improper influence concerns apply to the Federal Judicial Center and its new “Reference Manual on Scientific Evidence.”<sup>5</sup> The manual seeks “to assist judges in identifying issues commonly in dispute and to help judges reach an informed and reasoned assessment of those issues based on expert evidence that is faithful to the law and within the boundaries of scientifically sound knowledge.”<sup>6</sup> What the manual contains is important because it was designed for in camera judicial consultation outside the normal adversary process, which tests scientific claims through expert testimony from both sides, *Daubert*, and cross-examination. In the foreword, Supreme Court Justice Elena Kagan claims that past editions of the manual have “helped bring about better and fairer legal decisions.”<sup>7</sup>

But unlike past editions, the Federal Judicial Center’s new reference manual contains a chapter on climate science. Like ELI’s Climate Judiciary Project that the Committee is investigating, the new chapter presents a highly biased, agenda-driven view favoring radical interests pursuing lawsuits against producers and users of traditional forms of fossil fuel energy.

Start with who wrote the climate change chapter. Co-author Jessica Wentz is a climate change advocate at Columbia Law School’s Sabin Center for Climate Change Law.<sup>8</sup> Wentz is an expert in the Climate Judiciary Project,<sup>9</sup> where she authored curriculum on “Government Action and Climate Science.”<sup>10</sup> In an amicus brief opposing the oil-drilling “Willow Project” in Alaska, Wentz argued that “the world needs to phase out fossil fuels as rapidly as possible in order to avert potentially catastrophic levels of global warming and climate change.”<sup>11</sup>

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<sup>3</sup> *Ibid.*

<sup>4</sup> Emma Colton, *EPA urged by state AGs to axe funds for ‘radical’ climate project accused of training judges*, FOX NEWS (Aug. 26, 2025), <https://www.foxnews.com/politics/epa-urged-axe-funds-radical-climate-project-accuse-training-judges>.

<sup>5</sup> *Reference Manual on Scientific Evidence, Fourth Edition*, Federal Judicial Center, <https://www.fjc.gov/sites/default/files/materials/15/Reference%20Manual.pdf>.

<sup>6</sup> *Id.* at xvii.

<sup>7</sup> *Id.* at xiii.

<sup>8</sup> *Id.* at 1561.

<sup>9</sup> Climate Judiciary Project, *Jessica A. Wentz*, <https://cjp.eli.org/experts/jessica-wentz>.

<sup>10</sup> Climate Judiciary Project, *Curriculum Summary*, <https://cjp.eli.org/curriculum>.

<sup>11</sup> See Doc. 101-1, Amicus Brief of the Sabin Center for Climate Change Law in Support of Plaintiffs, *Sovereign Inupiat for a Living Arctic v. Bureau of Land Mgmt.*, No. 3:23-cv-00058-SLG

The other co-author is Radley Horton, a climate professor at Columbia University's Climate School.<sup>12</sup> Horton inappropriately trained judges on climate change at the Climate Judiciary Project's first events.<sup>13</sup> He has argued that "it's absolutely critical that there be a global effort to do everything we can to dramatically draw down emissions."<sup>14</sup>

Next look at who reviewed the climate change chapter. In their acknowledgements, the authors thank Michael Burger for "the insights and helpful feedback."<sup>15</sup> The chapter also repeatedly cites to an article by Burger on "The Law & Science of Climate Change Attribution."<sup>16</sup> Burger represents the City of Honolulu in its climate change case against energy companies,<sup>17</sup> and he is of counsel at the Sher Edling law firm that is leading most of the climate lawsuits pending in the United States.<sup>18</sup> In other words, the Federal Judiciary Manual's climate change chapter was reviewed by, and relies on, a plaintiffs' attorney in pending climate change cases.

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(D. Alaska July 26, 2023), 2–3,  
<https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/Willow%20amicus%20brief%20-%20FILED.pdf>.

<sup>12</sup> Reference Manual, *supra* note 5, at 1561.

<sup>13</sup> See C. Scott Fulton, *Educating the Judges for the Climate Litigation of Today and Tomorrow*, Environmental Law Institute (Oct. 30, 2019), <https://www.eli.org/vibrant-environment-blog/educating-judges-climate-litigation-today-and-tomorrow>; *Judging in a Changed Climate*, ELI Policy Brief No. 17 (July-Aug. 2022), 58 <https://www.eli.org/sites/default/files/files-pdf/Judging%20in%20a%20Changed%20Climate.pdf>.

<sup>14</sup> Radley Horton, *Dangerous Climate Change Is Here and Worse to Come, Major Report Warns*, THE REAL NEWS NETWORK (Nov. 28, 2017), <https://therealnews.com/rhorton1127climate>.

<sup>15</sup> Reference Manual, *supra* note 5, at 1640.

<sup>16</sup> *Id.* at 1586 n.77, 1609 n.182, 1636 n.295, 1645; *see also id.* at 1639 n.308.

<sup>17</sup> See Compl., *City & Cnty. of Honolulu v. Sunoco LP, et al.*, 1CCV-20-0000380 (Hawai'i 1st Cir. Mar. 9, 2020), [https://www.climatecasechart.com/documents/honolulu-sued-fossil-fuel-companies-in-state-court\\_550e](https://www.climatecasechart.com/documents/honolulu-sued-fossil-fuel-companies-in-state-court_550e); Br. for Respondents City and County of Honolulu, and Honolulu Bd. of Water Supply, *Sunoco LP v. City & Cnty. of Honolulu*, Nos. 23-947& 23-952 (U.S. May 1, 2024), [https://www.supremecourt.gov/DocketPDF/23/23-947/308817/20240501143151593\\_2024-05-01%20HNL%20Resp%20to%20Writ%20Petitions%204855-4880-3514%20v.1.pdf](https://www.supremecourt.gov/DocketPDF/23/23-947/308817/20240501143151593_2024-05-01%20HNL%20Resp%20to%20Writ%20Petitions%204855-4880-3514%20v.1.pdf).

<sup>18</sup> Michael Burger, *Sher Edling LLP*, <https://www.sheredling.com/team/#michael-burger>.

Using litigation to advance climate change policies is an objective of another reviewer the authors thanked for his insights and helpful feedback, Michael Gerrard.<sup>19</sup> Gerrard co-authored a book published by ELI titled, “Legal Pathways to Deep Decarbonization in the United States,” which he hoped to finish “in time to present it to an incoming Hillary Clinton administration.”<sup>20</sup> The American people’s election of President Trump foiled that plan, which caused Gerrard to focus even more heavily on the courts. “Until and unless elections bring to power a president, a Congress, and local officials who will take the necessary measures,” Gerrard has argued, “litigation is needed to inhibit those who will try to move backwards, spur on those with good intentions, help implement the policies set by wise Congresses past, and continue the quest for redress for victims.”<sup>21</sup>

Finally consider the sources relied upon by the Federal Judicial Center’s manual. The climate change chapter relies upon at least three individuals<sup>22</sup> who supported climate change litigants just last year through expert testimony in on-going lawsuits.<sup>23</sup> One of the individuals is reportedly on retainer with the law firm leading climate change lawsuits against energy

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<sup>19</sup> Reference Manual, *supra* note 5, at 1640.

<sup>20</sup> Michael B. Gerrard, *An Environmental Lawyer’s Fraught Quest for Legal Tools to Hold Back the Seas*, 149 DÆDALUS 79, 88 (2020), [https://www.amacad.org/sites/default/files/publication/downloads/Fa20\\_Daedalus\\_06\\_Gerrard.pdf](https://www.amacad.org/sites/default/files/publication/downloads/Fa20_Daedalus_06_Gerrard.pdf).

<sup>21</sup> *Id.* at 79.

<sup>22</sup> See Reference Manual, *supra* note 5, 1601 n.137, 1601 n.139 (citing Myles Allen); 1622 n.239 (citing Richard Heede); 1610 n.185 (citing Justin S. Mankin); 49 n.2, 53 n.10, 81 n.85, 98 n.130, 1603 n.147, 1648 n.324 (citing Naomi Oreskes); 1602 n.144, 1603 n.146, 1615 n.215, 1621 n.236 (citing Friederike E.L. Otto).

<sup>23</sup> See, e.g., Decl. of Richard Heede, *Cnty. of Multnomah v. Exxon Mobil Corp.*, No. 23CV25164 (Oregon Cir. Ct. Apr. 11, 2025); Decl. of Justin S. Mankin, Ph.D., Doc. 86, *United States v. New York*, 1:25-cv-03656-PKC (S.D.N.Y. Oct. 27, 2025), [https://cdn.climatepolicyradar.org/navigator/USA/2025/united-states-v-new-york\\_882ae2711d0110a875a50d8154d7be24.pdf](https://cdn.climatepolicyradar.org/navigator/USA/2025/united-states-v-new-york_882ae2711d0110a875a50d8154d7be24.pdf); Decl. of Naomi Oreskes, Ph.D., *City & Cnty. of Honolulu v. Sunoco LP*, No. 1CVV-20-0000380 (Hawai’i 1st Cir. May 8, 2025) (PDF p. 29), [https://climateintegrity.org/uploads/media/HNL\\_MSJ\\_SOL\\_Plaintiffs\\_Opposition\\_Brief\\_Declarations.pdf](https://climateintegrity.org/uploads/media/HNL_MSJ_SOL_Plaintiffs_Opposition_Brief_Declarations.pdf); see also Isabella Kaminski, *In Courtrooms, Climate Change Is No Longer Up for Debate*, UNDARK (June 17, 2019) (describing expert testimony by Myles Allen), <https://undark.org/2019/06/17/in-courtrooms-climate-change-is-no-longer-up-for-debate/>.

companies.<sup>24</sup> These individuals also have filed amicus briefs supporting climate change litigants.<sup>25</sup> In a moment of candor, one individual relied upon by the Federal Judicial Center’s manual admitted that her research “[has] always been tied to the possibility of legal action” as its purpose: “Unlike every other branch of climate science or science in general, event attribution was actually originally suggested with the courts in mind.”<sup>26</sup>

Not surprisingly given the strong biases of its authors, reviewers, and sources, the climate change chapter presents as settled the very methodologies that plaintiffs rely on to impose liability on fossil-fuel defendants. The chapter presents this science as authoritative without acknowledging contrary views or disclosing the many conflicts of the authors, reviewers, and sources. Ethics experts have noted that these issues raise serious ethics concerns.<sup>27</sup>

In her foreword to the Federal Judicial Center’s manual, Justice Kagan predicted that “[i]n the coming years, judges will confront lawsuits relating, for example, to ... climate science.”<sup>28</sup> But those lawsuits already are pending, and the authors, reviewers, and sources for the Federal Judicial Center’s climate change chapter support one side in those lawsuits. As the manual

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<sup>24</sup> William Allison, *Bombshell: Naomi Oreskes on Retainer with Plaintiffs’ Law Firm*, ENERGYINDEPTH (May 13, 2021), <https://eidclimate.org/bombshell-naomi-oreskes-on-retainer-with-plaintiffs-law-firm/>.

<sup>25</sup> Brief of Amici Curiae including Naomi Oreskes, Doc. 95, *Cnty of San Mateo v. Chevron Corp.*, Nos. 18-15499, 18-15502, 18-15503, 18-16376 (9th Cir. Jan. 29, 2019), [https://cdn.climatepolicyradar.org/navigator/USA/2017/county-of-san-mateo-v-chevron-corp\\_14ad40a1b6f6d2318591724e0e573ec4.pdf](https://cdn.climatepolicyradar.org/navigator/USA/2017/county-of-san-mateo-v-chevron-corp_14ad40a1b6f6d2318591724e0e573ec4.pdf); Brief of Amici Curiae including Friederike Otto, Doc. 00117533532, *Rhode Island v. Shell Oil Products Co.*, No. 19-1818 (1st Cir. Jan. 2, 2020), [https://admin.climatecasechart.com/wp-content/uploads/case-documents/2020/20200102\\_docket-19-1818\\_amicus-brief-3.pdf](https://admin.climatecasechart.com/wp-content/uploads/case-documents/2020/20200102_docket-19-1818_amicus-brief-3.pdf); Brief of Amici Curiae including Friederike Otto, Doc. 93, *Mayor & City Council of Baltimore v. BP PLC*, No. 19-1644 (4th Cir. Sept. 3, 2019), [https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190903\\_docket-19-1644\\_amicus-brief-4.pdf](https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190903_docket-19-1644_amicus-brief-4.pdf); Brief of Amicus Curiae including Donald J. Wuebbles, Doc. 144, *Delaware v. B.P. Am. Inc.*, No. 22-1096 (3d Cir. Apr. 21, 2022); Brief of Amicus Curiae including Donald J. Wuebbles, Doc. 98, Nos. 18-15499, 18-15502, 18-15503, 18-16376 (9th Cir. Jan. 29, 2019), [https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190129\\_docket-18-15499-18-15502-18-15503-18-16376\\_amicus-brief-6.pdf](https://admin.climatecasechart.com/wp-content/uploads/case-documents/2019/20190129_docket-18-15499-18-15502-18-15503-18-16376_amicus-brief-6.pdf).

<sup>26</sup> Mandi Risko, *Exposed; Plaintiff Counsel’s Fingerprints on ‘Independent’ Climate Studies*, ENERGYINDEPTH (Sept. 18, 2025) (quoting Friederike Otto), <https://eidclimate.org/exposed-plaintiff-counsels-fingerprints-on-independent-climate-studies/>.

<sup>27</sup> Michael A. Fragoso, *Bias and the Federal Judicial Center’s ‘Climate Science,’* NAT’L REV. (Jan. 17, 2026), <https://www.nationalreview.com/bench-memos/bias-and-the-federal-judicial-centers-climate-science/>.

<sup>28</sup> Reference Manual, *supra* note 5, at xiii.

acknowledges, biases “we all hold can influence the course of science and that scientists may interpret the same data in different ways.”<sup>29</sup> Yet by relying on counsel, advocates, and experts supporting climate change litigants, the manual presents biased information rather than “accurate, objective information and education.”<sup>30</sup>

The Committee wisely requested documents from the Federal Judicial Center as part of its investigation into the Environmental Law Institute and its Climate Judiciary Project.<sup>31</sup> The Committee did so because the investigation already had revealed “that the Federal Judicial Center may have coordinated with the ELI and CJP on biased programming for federal judges.”<sup>32</sup> As the Committee pointed out, “[i]f true, such coordination is in contravention of the Federal Judicial Center’s role ‘to provide accurate, objective information and education.’”<sup>33</sup> Like the efforts by ELI and CJP, the Federal Judicial Center’s climate change chapter “appear[s] to be designed to bias judges in climate-related cases.”<sup>34</sup> The Committee should expand its investigation and examine the development of the Federal Judicial Center’s manual and its climate change chapter. Some legal commentators have even suggested that Congress should defund the \$35 million currently allocated to the Federal Judicial Center.<sup>35</sup>

In addition to the climate change issues already outlined, the manual advances diversity, equity, and inclusion principles. The manual claims that scientists perform better when they “represent the diversity of the societies in which science is embedded.”<sup>36</sup> The manual defines “diversity” to include “racial and gender identity, of course, but also many other facets of identity and background, including culture, religion, age, sexual orientation, disability, incarceration history, class, and more.”<sup>37</sup> Based on this DEI approach, the manual advocates for more

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<sup>29</sup> *Id.* at 75.

<sup>30</sup> *Id.* at iv.

<sup>31</sup> Letter from the U.S. House of Representatives Committee on the Judiciary to the Federal Judicial Center, Jan. 14, 2026, <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2026-01-14-jdj-dei-to-fjc-judge-rosenberg-re-eli.pdf>.

<sup>32</sup> *Id.* at 1.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Id.* at 2.

<sup>35</sup> Michael A. Fragoso, *Why Is Congress Funding the Judiciary’s Support for Climate Plaintiffs?*, NAT’L REV. (Jan. 15, 2026), <https://www.nationalreview.com/bench-memos/why-is-congress-funding-the-judiciarys-support-for-climate-plaintiffs/>.

<sup>36</sup> Reference Manual, *supra* note 5, at 71.

<sup>37</sup> *Id.* at 71 n.52.

“equitable” outcomes. In the chapter on medical testimony, the manual reports that “social and economic inequities” have caused America’s healthcare system to have “substantial disparities by race/ethnicity, but also by ‘socioeconomic status, age, geography, language, gender, disability status, citizenship status, and sexual identity and orientation.’”<sup>38</sup> The manual also quotes an article arguing that “medicine is not a stand-alone institution immune to racial inequities, but rather is an institution of structural racism.”<sup>39</sup>

As the Committee observed earlier this year, “[j]udicial impartiality is a fundamental pillar of American jurisprudence.”<sup>40</sup> The Federal Judicial Center’s manual violates this fundamental pillar. State Attorneys General have opposed efforts to improperly influence judges,<sup>41</sup> and we will continue doing so. The Committee should investigate the Federal Judicial Center to restore judicial impartiality.

Sincerely,



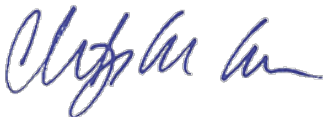
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<sup>38</sup> *Id.* at 1119–20.

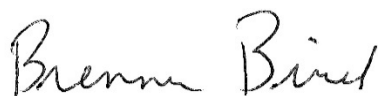
<sup>39</sup> *Id.* at 1162 (quoting Jessica P. Cerdeña *et al.*, *From Race-Based to Race-Conscious Medicine: How Anti-Racist Uprisings Call Us to Act*, 396 LANCET 1125, 1125 (2020)).

<sup>40</sup> Letter, *supra* note 31, at 1.

<sup>41</sup> See Colton, *supra* note 4.



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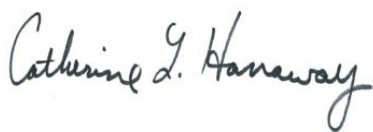
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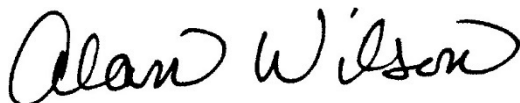
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