



Climate Change Trial Concludes. *Held v. Montana* Now in the Hands of Judge Seeley

After a nearly two-week trial to Court, on June 20, 2023, the parties in *Held v. Montana* presented closing arguments in the first climate change case of its kind to go to trial. Although the timing of the decision is uncertain, State District Judge Seeley will now take the matter under advisement, review the evidence, and make a ruling.

An earlier [blog](#) that I prepared outlined the history of the case; the pre-trial rulings by the District Court; and the issues to be presented in the trial.

Embracing the public trust doctrine and alleging challenges pursuant to the Montana Constitution, the 16 youth plaintiffs challenge the constitutionality of Montana's fossil fuel-based State Energy Policy and the "climate change exception" in the Montana Environmental Policy Act (MEPA). The complaint alleges that the Governor and state agency defendants had continued "to act affirmatively to exacerbate the climate crisis" despite their awareness that the plaintiffs were living under "dangerous climatic conditions that create an unreasonable risk of harm."

The youth plaintiffs claim that the Montana State Constitution guarantees residents "the right to a clean and healthful environment," and that the Governor and the state agency defendants are responsible for maintaining and improving the environment for present and future generations (See the [full complaint](#)).

The plaintiffs asked the court for declarations that the State Energy Policy and the climate change exception violate the public trust doctrine and constitutional provisions that protect the right to a clean and healthful environment; the right to seek safety, health, and happiness; and the right to individual dignity and equal protection.

Trial on Zoom. If you watched the trial on Zoom, as I did, the testimony of the stream of experts was impressive; but the most powerful testimony related to the impacts of climate change came from the youth plaintiffs themselves. Professor Ved Nanda is the Director of the Ved Nanda Center for International Law at the University of Denver Sturm College of Law and a former law professor of mine. He summarized the potential impact of the case today in an [op-ed piece](#) in *the Denver Post*:

Held vs. Montana is significant because the judge has heard the evidence from climate experts and, although there surely will be an appeal to the Montana Supreme Court no matter who wins, the courts could be the site for providing the remedy on climate change. The children indeed are well-placed to make convincing arguments for holding governments responsible and for intergenerational justice.

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