



March 12, 2024

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Supporters of climate justice turn out for youth plaintiffs as they make arguments in climate case

RICHMOND, Va.—Dozens of supporters of 12 Virginia youth fighting for a livable climate gathered outside the Virginia Court of Appeals Tuesday to add their voices to the fight for children’s futures. Inside the Court, attorneys for the young plaintiffs presented oral arguments in [*Layla H. v. Commonwealth of Virginia*](#)

Noting the beauty of the natural setting outside the courthouse, youth plaintiff Layla said young people are not confident that it will exist for generations to come. But, “We know we are on the right side of history, and we hope the Court is too,” she said.

The constitutional climate lawsuit began two years ago, with the youth arguing that Virginia has violated its public trust duty to protect natural resources, including public lands, waterways and the air we breathe. Historic and ongoing permitting of fossil fuels by the Commonwealth also violate the plaintiffs’ constitutional rights by causing and exacerbating the climate crisis.

During oral arguments, plaintiffs’ attorney Andrew Welle of Our Children’s Trust said Judge Clarence N. Jenkins Jr. erred when he ruled earlier that the Commonwealth, Governor and state agencies are immune from suits for violating fundamental rights to life and liberty—rights protected by the Virginia Constitution’s Bill of Rights.

“The Virginia Court of Appeals was presented with a simple question today,” Welle said on oral argument. “Will it uphold the plainly wrong decision of the court below that would eradicate fundamental rights of Virginians by carving out an exception to constitutional oversight for fossil fuels? Or will it follow the path of justice and a growing number of courts around the country that find in favor of children’s rights to a stable climate and safe future?”

Speaking at the rally, Kat, another plaintiff in the suit, said, “Youth will disproportionately feel the impacts of climate change, and yet we have limited means of influencing the legislature. Last November was the first year in which I had the opportunity to vote, but it didn’t take 18 years for me or my fellow plaintiffs to feel the adverse effects of climate change. We’ve seen our houses flood, we’ve experienced tick-borne diseases, we’ve had school and activities and health disrupted by increasing heat and by extreme weather. It didn’t take 18 years for us to have to step into the role of “activists” and to defend our own futures. This case, if allowed to go to trial, will be the first time that the state must hear our stories and face the harm that they continue to cause. The court has a duty to protect our constitutional rights— and those rights include assurance of a liveable climate.”

During the rally, supporters of the youth shared remarks, sang and signed banners backing the fight for a safe climate and livable future for children today and future generations.

Last year in Montana, 16 youth represented by Our Children’s Trust attorneys won a case in which the state was found to have violated their constitutional rights, including their rights to equal protection, dignity, liberty, health and safety, and public trust, which are all predicated on their right to a clean and healthful environment.

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Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. www.ourchildrenstrust.org