

Held v. State of Montana



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On March 13, 2020, 16 young people from across Montana filed their constitutional climate lawsuit, [*Held v. State of Montana*](#), against their state government. These young Montanans assert that, by supporting a fossil fuel-driven energy system that causes and contributes to the climate crisis, Montana is violating their constitutional rights to a clean and healthful environment; to seek safety, health, and happiness; and to individual dignity and equal protection of the law.

This youth-led climate lawsuit also argues that the state's fossil fuel energy system degrades and depletes Montana's constitutionally protected public trust resources, including the atmosphere, rivers, lakes, fish, and wildlife.

The 16 youth plaintiffs are represented by Nate Bellinger of Our Children's Trust, Melissa Hornbein of the Western Environmental Law Center, and Roger Sullivan and Dustin Leftridge of McGarvey Law.

[*Held v. State of Montana*](#) is one of several youth-led climate change lawsuits represented and supported by the nonprofit law firm, [Our Children's Trust](#). Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, [*Juliana v. United States*](#), as well as climate litigation and legal actions in multiple other U.S. states and countries. Our Children's Trust is the world's only nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate.

The Western Environmental Law Center uses the power of the law to safeguard the wildlife, wildlands, and communities of the American West in the face of a changing climate. As a public interest law firm, WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish their mission.

www.westernlaw.org

McGarvey Law is a law firm in Northwest Montana that since 1975 has been advocating on behalf of individuals and businesses for healthy communities and a clean environment.

www.mcgarveylaw.com

Abridged Held v. State of Montana Timeline

March 13, 2020: Sixteen Montana youth filed a constitutional climate lawsuit against the state.

February 18, 2021: Oral arguments on the state's motion to dismiss are held.

August 4, 2021: Judge Kathy Seeley denied the state's attempt to prevent the youth plaintiffs from proceeding to trial. She ruled that the plaintiffs can sue the state over its aggressive expansion of the fossil fuel industry, a substantial contributor to the climate crisis.

February 6-17, 2023: The first children's constitutional climate trial in U.S. history will take place at the First Judicial District Court in Helena, Montana

Frequently Asked Questions About *Held v. State of Montana*

Q: Is this case about Montana's lack of action or inadequate response to climate change?

A: No. This case is about the state's *affirmative* actions -- things Montana's state government has actually done and continues to do -- to create and exacerbate climate change and violate the constitutional rights of the youth plaintiffs.

Q: What are the youth plaintiffs asking for in their lawsuit?

A: They are asking the court to declare Montana's state energy policy unconstitutionally promotes the development and utilization of fossil fuels. The youth plaintiffs are also challenging the constitutionality of a provision in the Montana Environmental Policy Act that prohibits the state from considering the impacts of climate change when making certain decisions about which projects to permit.

Q: Is this case about children's rights, human rights, or climate change?

A: This litigation is at the intersection of all three of these critical issues. Before Our Children's Trust filed legal actions on behalf of children being harmed by the climate crisis due to the actions of their governments, human rights -- especially the rights of children -- and the climate crisis were rarely linked in active litigation. However, since Our Children's Trust began representing and supporting youth plaintiffs in 2010, human rights and the right to a safe climate have been litigated together around the globe, including cases like the Urgenda case in the Netherlands and DeJusticia's case in Colombia.

Q: Are the plaintiffs seeking money from the government?

A: No. The plaintiffs want the courts to declare that their constitutional rights are being violated, both to end the climate harms they are experiencing due to the actions of their government and to hold their government accountable for future actions that must protect the constitutional rights of all Montana residents to a safe and stable climate, now and for future generations.

Q: Do you charge the plaintiffs for your legal services?

A: No. All our services are provided at no cost to the young people we represent and support.

Additional information about *Held v. State of Montana* can be found at www.ourchildrenstrust.org/montana