

Chevron Attorney Admits What Trump Won't

By Brianna Tsutsui, J.D. Candidate 2019 | April 2, 2018

Amidst a major lawsuit accusing Chevron and four other energy companies of misrepresenting their contributions to global warming, Chevron attorney, Theodore Boutros, claimed it does not dispute that humans have induced climate [change](#) at a court hearing in late March.

Both Oakland and San Francisco filed a lawsuit against ConocoPhillips, Exxon Mobil Corp, Royal Dutch Shell PLC, BP PLC, and Chevron last year. The cities are pursuing an abatement fund as a remedy for the flooding they claim is directly linked to global warming. Democratic party leaders filed the lawsuits as a means to confront the massive issue of climate change in the judiciary. To date, more than 900 lawsuits regarding global warming span 25 different countries.

The United States' climate change policy has dramatically changed since President Donald Trump was appointed. In addition to expressing his intent to remove the United States from the Paris Agreement, President Trump has gone as far as advocating for heavier fossil fuel production. The President has unapologetically stated that his administration is "putting an [end](#) to the war on coal," and has even stated climate change was a [hoax](#).

Most recently, the President issued a directive ordering the federal government to cease using climate change as a factor in its decision-making, even though the climate has been a consideration in every major court decision within the past few years. The directive further revealed the Trump Administration's plans to table the Clean Power Plan. The Obama Administration implemented the plan in 2015 as a means to reduce power plants' carbon [pollution](#) across the nation.

In the heat of this political pivot in climate change, plaintiffs' lawyers will also have to overcome tricky [precedents](#) surrounding tort claims relating to global warming. For example, *Kivalina v. ExxonMobil* is a Ninth Circuit decision from 2009, which granted a motion to dismiss a case where Eskimos sought monetary relief for damages they suffered as a result of climate change.

The oil giants are confident this lawsuit will also get thrown out. In their recent filing, they argue that only Congress can legally monitor carbon emissions. The oil companies rely on *AEP v. Connecticut*, a Supreme Court decision from 2011, determined that climate change "is an undertaking for the political branches."

Although none of the companies admitted liability for climate change, all of them acknowledged the scientific merits of global warming.

