

May 19, 2026

The Honorable Robert Conrad
Director
Administrative Office of United States Courts
One Columbus Circle, NE
Washington, DC 20544

Dear Director Conrad:

I have twice urged the judiciary to reconsider its decision to strike the climate science chapter from the Federal Judicial Center's (FJC) Reference Manual on Scientific Evidence. Earlier this year, the FJC rescinded that chapter under pressure of a campaign from fossil fuel polluters and their allies. At the same time, judges continue to attend junkets funded by the fossil fuel industry as part of an effort to influence judges. The attack on the science chapter and the junkets propagating "alternative" science share the same goal: convincing judges of the false narrative that billionaire-funded climate denial is simply a competing view that merits equal time to legitimate, evidence-backed climate science. It's not; it's false, and I am not aware of any court decision anywhere that says otherwise.

The FJC's climate science chapter provided federal judges an evidence-based guide for evaluating climate-change-related science and data. In response, the fossil fuel industry and its allies pressured the FJC into rescinding the chapter and have tried to discredit and intimidate the FJC and anyone else who might provide evidence-based guidance to federal judges.¹

The fossil fuel industry prefers that judges rely on industry-funded front groups to learn its version of climate "science." Industries have spent decades funding seminars to "educate" federal judges.² Twenty years ago, Congress scrutinized these junkets after the public learned they were little more than all-expenses-paid luxury vacations where industry talking points were promoted by industry-funded front groups like the Antonin Scalia Law School's "Law & Economics Center" at George Mason University.³

¹ Abraham Lustgarten, *Event With Links to Oil Industry Teaches Judges "Healthy Skepticism" of Climate Science*, ProPublica (May 2, 2026); Lesley Clark, *GOP senators take aim at federal court system's research arm*, E&E News (Apr. 16, 2026); Ashley Oliver, *Climate seminars for judges face funding trail probe amid fears of outside influence on courts*, Fox News (May 5, 2026).

² See, e.g., Nate Raymond, *US judges' educational trips resemble 'paid luxury vacations,' group says*, Reuters (Aug. 21, 2023); Chris Young et al., *Corporations, free-market nonprofits foot bill for judicial seminars*, Reveal News (Mar. 28, 2013); Peter Overby, *Judge Junkets Come Under Scrutiny*, NPR (May 26, 2006).

³ Brett Murphy & Kirsten Berg, *The Judiciary Has Policed Itself for Decades. It Doesn't Work.*, ProPublica (Dec. 13, 2023); Joe Stephens, *Judges' Free Trips Go Unreported*, Wash. Post (June 29, 2000).

The Judicial Conference responded with ethics advice and disclosure rules.⁴ I have warned the Conference before that these rules are not enough. In 2022, I pointed out that judges were attending George Mason University antitrust junkets funded by corporations facing major antitrust liability, like Amazon, Facebook, and Google.⁵ Despite the judiciary’s ethics opinions, judges still attended, and, despite the judiciary’s disclosure rules, the host listed only “George Mason University Foundation” as the event’s funder.⁶

New reporting by ProPublica proves again these rules are failing. The Law & Economics Center recently hosted as part of its “Judicial Education Program” a symposium on the “Scientific Methodology, Expert Testimony, and the Judicial Role.”⁷ Based on the speakers and reading materials, the symposium’s goal was apparently to discourage judges from trusting plaintiffs in climate liability and mass-tort cases.⁸ Because the judiciary’s rules are so porous, the Law & Economics Center’s disclosure did not list—and never has listed⁹—any of the millions in fossil-fuel-related funding that George Mason University, its law school, or its Law & Economics Center have received.¹⁰ Aside from a seemingly affiliated email, many of these disclosures fail to identify the Law & Economics Center as the host *at all*, which is notable given the amount of funding fossil fuel donors send specifically to this Center.¹¹

Even if existing rules allow for those omissions, they do not permit the Law & Economics Center to omit funding earmarked for judicial education.¹² Yet, the organization has never disclosed such funding, even though new reporting reveals it has likely received more than \$1 million in Koch funding specifically for the Judicial Education Program and its events.¹³

Nor is the judiciary’s ethics advice dissuading judges from attending these industry-funded junkets, even when the junket is designed to benefit industries with business before those judges. For example, this symposium discussed “debates” on the “trustworthiness of tools for evaluating science” in climate cases.¹⁴ Its case study was the FJC’s climate science chapter.¹⁵

⁴ Nina Totenberg, [U.S. Judiciary Agrees to Greater Transparency](#), NPR (Sept. 20, 2006); Letter from Hon. Roslynn Mauskopf to Sen. Sheldon Whitehouse et al., at 1-4 (May 2, 2022).

⁵ Letter from Sen. Sheldon Whitehouse et al. to Hon. John Roberts & Hon. Roslynn Mauskopf (Mar. 10, 2022).

⁶ *Id.*

⁷ Lustgarten, *supra* note 1.

⁸ Law & Econ. Ctr., [Judicial Symposium on Scientific Methodology, Expert Testimony, and the Judicial Role](#).

⁹ Compare Admin. Office of U.S. Cts., [Reports of Privately Funded Seminars](#) at 31-36, 38-49, 50-59, with Law & Econ. Ctr., [Past Programs – Mason Judicial Education Program](#).

¹⁰ The Koch political network alone donated almost \$130 million to the University from 2018 to 2022, attempted to leverage these donations to influence University hiring decisions, and gave \$10 million to expand and rename the Law School. Lustgarten, *supra* note 1; Colleen Scerpella, [Koch Injected Nearly \\$500 Million into Hundreds of Colleges and Universities Between 2018 and 2022](#), Ctr. for Media and Democracy (Feb. 23, 2024); Steve Eder & Jo Becker, [How Scalia Law School Became a Key Friend of the Court](#), N.Y. Times (Apr. 30, 2023).

¹¹ Compare Admin. Office of U.S. Cts., [Reports of Privately Funded Seminars](#) at 12-21, 23-29, with Law & Econ. Ctr., [Past Programs](#), *supra* note 9; [Koch and George Mason University](#); Law & Econ. Ctr., [Donors](#).

¹² U.S. Cts., [FAQs: Privately Funded Seminar Disclosure](#).

¹³ Henry N. Butler, Law & Econ. Ctr., [Charles Koch Foundation: Proposal for AY 2021-22 Support](#) at 3 (Nov. 24, 2020).

¹⁴ Law & Econ. Center, [Judicial Symposium](#), *supra* note 8.

¹⁵ *Id.*

Stunningly, instead of a practicing scientist, the discussion featured one of the fossil fuel industry’s loudest defenders against lawsuits to hold polluters accountable for damage done by climate change.¹⁶ The law firm where he and other featured speakers work has represented the fossil fuel industry or its front groups in multiple matters and was deeply involved in the tobacco industry’s fraudulent campaign to avoid accountability—a model for the fossil fuel industry’s campaign.¹⁷ Worse, the symposium promoted reading materials from fossil fuel-funded front groups and their allies, including an article by an attorney who has repeatedly represented Chevron arguing “that a key tenet of climate science . . . should be inadmissible.”¹⁸

Federal judges should know by now not to attend these industry junkets. In a 2020 solicitation for Koch funding, the Program said it wants to give judges “a healthy skepticism of the invocations of ‘science’” in cases before those judges—especially cases involving “class actions and settlements.”¹⁹ The Program said “increased” Koch funding would help “leverage the substantial investment . . . made in recent years in developing relationships with federal judges in particular.”²⁰ Language like that should be an immediate red flag for a judiciary committed to independence and impartiality.

The judiciary should not sacrifice that independence to placate an industry seeking to pollute for free. The FJC should reinstate its climate science chapter so judges have access to evidence-based guidance, not propaganda from the fossil fuel industry and its front groups. And the Judicial Conference should update its rules to protect against the undue influence of industry-funded junkets. As part of that effort, the judiciary should require the Law & Economics Center to follow existing rules and disclose earmarked funding. If judges continue to attend junkets regardless, mere disclosure and advisory opinions may no longer be enough.

I encourage the Judicial Conference, FJC, and the rest of the judiciary to resist attempts to enlist them in polluters’ climate denial scheme. To do otherwise jeopardizes the judiciary’s independence and our planet’s future.

Sincerely,



Sheldon Whitehouse
Ranking Member,
Senate Judiciary Subcommittee on
Federal Courts, Oversight,
Agency Action, and
Federal Rights

¹⁶ *Id.*; Geoff Dembicki, [Emails Reveal BP Gave \\$550,000 to Group Fighting Climate Lawsuits](#), New Republic (Oct. 8, 2024); Chris McGreal, [The man who could help big oil derail America’s climate fight](#), Guardian (Mar. 17, 2022).

¹⁷ Lustgarten, *supra* note 1; McGreal, *supra* note 16.

¹⁸ Lustgarten, *supra* note 1.

¹⁹ Butler, *supra* note 13, at 8.

²⁰ *Id.* at 10.