

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

January 14, 2026

Mr. David Bookbinder
Director of Law & Policy
Environmental Integrity Project
888 17th St. NW, Suite 810
Washington, DC 20006

Dear Mr. Bookbinder:

The Committee on the Judiciary is investigating allegations of improper attempts by the Environmental Law Institute (“ELI”) and its Climate Judiciary Project (“CJP”) to influence federal judges.¹ ELI has publicly stated that “CJP does not participate in litigation, provide support for or coordinate with any parties in litigation, or advise judges on how they should rule on any issue or in any case.”² In response to the Committee’s investigation, ELI has reiterated the same point.³ However, evidence has emerged that raises questions about whether ELI, CJP, or one or more of its “experts” coordinated with you on judicial training materials while you simultaneously litigated climate-related cases pending before federal courts.⁴

A document obtained by the Committee indicates that you had pre-publication access and provided peer review for materials prepared for ELI by Michael Gerrard and John Dernbach, both of whom played key roles in developing ELI and CJP’s climate judiciary curriculum.⁵ This coordination appears to have happened at the same time that you were representing the Board of

¹ Letter from Representative Jim Jordan, Chairman, House Judiciary Committee, et al., to Jordan Diamond, President, Environmental Law Institute (Aug. 29, 2025), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2025-08-29-jdj-dei-wh-to-eli-diamond-re-cjp.pdf>.

² Kamden Mulder, *Climate Activists Are Influencing Judges to Rule In Their Favor Using this ‘Educational Program*, NATIONAL REVIEW (Sept. 4, 2025), <https://www.nationalreview.com/news/climate-activists-are-influencing-judges-to-rule-in-their-favor-using-this-educational-program/>.

³ Letter from Susanne Sachzman Grooms, Counsel for the Environmental Law Institute to Representative Jim Jordan, Chairman, House Judiciary Committee, et al. (Sept. 12, 2025) (“CJP does not participate in litigation, support or coordinate with any parties related to any litigation, or advise judges on how they should rule on any issue or in any case.”) [hereinafter *September 12, 2025 Letter*].

⁴ Mulder, *supra* note 2; *see, e.g.*, Michael Gerrard & John Dernbach, *Legal Pathways to Deep Decarbonization in the United States* ii (Environmental Law Institute 2019), (“Each chapter was peer-reviewed by several people. We thank the following peer reviewers for their invaluable assistance: . . . David Bookbinder”).

⁵ *See, e.g.*, Gerrard & Dernbach, *supra* note 4; ENVTL. LAW INST., *About the Curriculum*, (March 2023), <https://cjp.eli.org/curriculum/about-curriculum>; ENVTL. LAW INST., *Meet the Experts* (last visited Dec. 11, 2025), <https://cjp.eli.org/experts/john-c-dernbach>.

County Commissioners of Boulder County, Colorado, in its climate-change related lawsuit against Suncor Energy (U.S.A.), Inc. and others.⁶ In other words, this document seems to suggest that at the same time you were representing a private party in climate-related litigation, you were also helping to develop climate-related training materials for federal (and state) judges. If accurate, this engagement raises significant concerns about the use of intermediaries—here, Mr. Gerrard and Mr. Dernbach—to make potentially improper *ex parte* contact with judges as well as calling into question the accuracy of representations that ELI has made to the Committee.⁷ Although it appears that you are no longer counsel of record in the *Board of County Commissioners of Boulder County* case, reports indicate that you remain “privy to the communications and deliberations of the legal team” handling the case.⁸

It is important for the Committee’s oversight to fully understand the scope of your communications with ELI and CJP, and its leadership, including ELI’s president, Jordan Diamond, and affiliated “experts,” including Michael Gerrard and John Dernbach. Accordingly, we ask that you produce the following material:

1. All documents and communications between or among you and any representative, employee, contractor, expert, or Advisory Curriculum Committee member of CJP or ELI, including but not limited to Jordan Diamond, Michael Gerrard, or John Dernbach, for the period January 1, 2018, to the present referring or relating to the following:
 - a. CJP or ELI;
 - b. ELI’s or CJP’s judicial training modules and other publications;
 - c. Your participation in CJP or ELI sponsored or affiliated judicial training events; or
 - d. Your participation in any other judicial education programming.
2. All documents and communications referring or relating to the lawsuit filed by the County Commissioners of Boulder County, Colorado, against Suncor Energy (U.S.A.) Inc., including but not limited to:
 - a. Communications with current counsel of record, including “communications and deliberations of the legal team” to which you remain “privy”; and
 - b. Communications with any representative, employee, contractor, expert, or Advisory Curriculum Committee member of CJP or ELI related to the County Commissioners of Boulder County suit.

⁶ See Complaint, *Bd. of County Comm’rs of Boulder County, et al., v. Suncor Energy, Inc., et al.*, No. 2018-CV-030349, 2018 WL 1866670 (Colo. Dist. Ct. Apr. 17, 2018).

⁷ Mulder, *supra* note 2 (ELI asserting that “CJP does not participate in litigation, provide support for or coordinate with any parties in litigation, or advise judges on how they should rule on any issue or in any case.”); *September 12, 2025 Letter*, *supra* note 3 (“CJP does not participate in litigation, support or coordinate with any parties related to any litigation, or advise judges on how they should rule on any issue or in any case.”).

⁸ *Attorney Involved With Boulder Climate Case Admits Suit Is A Backdoor Carbon Tax, As SCOTUS Considers Appeal*, EID CLIMATE (Oct. 11, 2025), <https://eidclimate.org/attorney-involved-with-boulder-climate-case-admits-suit-is-a-backdoor-carbon-tax-as-scotus-considerss-appeal/>.

Mr. David Bookbinder

January 14, 2026

Page 3

3. Documents sufficient to identify the identity of all state or federal judges assigned to climate-related suits in which you were involved in any manner, whether as counsel of record or otherwise.
4. All documents and communications, whether direct or through intermediaries, between or among you and any state or federal judges (or their staff) assigned to climate-related suits in which you were involved in any manner, whether as counsel of record or otherwise.

We ask that you provide these materials and information as soon as possible, but no later than 5:00 p.m. on January 28, 2026.

This letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your professional and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

The Supreme Court has recognized that Congress has a “broad and indispensable” power to conduct oversight, which “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic, or political system for the purpose of enabling Congress to remedy them.”⁹ The Committee is authorized to conduct oversight of “[t]he judiciary and judicial proceedings” and “[f]ederal courts and judges,” pursuant to the Rules of the House of Representatives.¹⁰ If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Darrell Issa
Chairman
Subcommittee on Courts, Intellectual
Property, Artificial Intelligence
and the Internet

cc: The Honorable Jamie Raskin, Ranking Member

⁹ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks omitted).

¹⁰ Rules of the House of Representatives, R. X, 119th Cong. (2025).

Mr. David Bookbinder

January 14, 2026

Page 4

The Honorable Henry C. “Hank” Johnson, Ranking Member, Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet