

Megan Brown Comments on High-Profile Supreme Court Case

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Megan Brown, a partner in Wiley Rein's Appellate and Litigation Practice, was quoted in two *National Law Journal* articles previewing a blockbuster climate change case the Supreme Court will hear next week. The Court is scheduled to hear oral argument in *American Electric Power v. Connecticut* on Tuesday, April 19. The case is part of a high-stakes debate for the business and environmental communities over whether public nuisance suits can be used to combat climate change.

Last year the 2nd U.S. Circuit Court of Appeals sided with a coalition of eight states, environmental groups and New York City, ruling they could proceed with a public nuisance lawsuit that seeks to force several of the nation's largest coal-fired utilities to reduce their greenhouse gas emissions. The defendants then filed, and were granted, an appeal with the Supreme Court. Ms. Brown has filed an *amicus* brief in the case on behalf of the Cato Institute.

Ms. Brown told NLJ that this case is different than *Massachusetts v. EPA*, where the court decided in 2007 to allow states to challenge the Environmental Protection Agency's climate change policies under the Clean Air Act. Ms. Brown said that "If this suit is allowed to go forward, you encourage the legislature and the EPA to stand down and avoid making the tough choices." While discussing possible dispositions, Ms. Brown added that Justice Anthony Kennedy "may be intensely uncomfortable with how far the Massachusetts case has been pushed."

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In a second article, NLJ also noted the large number of *amicus* briefs the case has attracted, with 23 in support of the power companies and nine on the side of the states. "You get the idea that this is not just the Chamber [of commerce], it's also 23 states that don't feel they are being represented by the other states," said Ms. Brown. "You get the sense how momentous this case is."