

ESL Brains

Suing the state

1. Think of three words or phrases that collocate with each of the words below. Then, talk about a piece of news you have recently heard related to the words.

trial

lawsuit

2. You are going to watch a video about a lawsuit against a US state. Look at the words and phrases below and guess what the lawsuit might be about.

fossil fuel activities

state policies

the right to health

youth

3. Watch the first part of the [video](https://youtu.be/F8iGoEiD9-g) [https://youtu.be/F8iGoEiD9-g] (to 02:20), check your answer and note down some details of the case.

4. Watch the second part of the [video](https://youtu.be/F8iGoEiD9-g) (from 02:21) and choose the best words or phrases.

- A. According to the counsel, governments are **guilty of/doubtful about/misinformed about** the climate crisis.
- B. The legal team is **seeking more members to/might not/is prepared to** argue the case in front of the Montana Supreme Court.
- C. The verdict means that the Montana government will have to **regulate/investigate/compensate for** fossil fuel activities.
- D. The teenager is **ready/entitled/eager** to vote.
- E. The counsel believes that state courts play a vital role in changing the **voters'/national/international** perception of important issues.

counsel:

lawyer(s) representing someone in court



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5. Look at the comments about the video and explain why you agree or disagree with them.

The Supreme Court will uphold the decision and the state will need to make changes to their environmental policies.

The growing trend of people suing governments over inaction on climate change is worrying.

The kids shouldn't have been involved in the legal proceedings.

6. Read the text and discuss the questions below.

Strategic litigation involves taking legal actions with the purpose of causing societal changes. It involves carefully selecting cases to create legal precedents and bring about systemic change. Strategic litigation cases are widely covered by the media, which draw public attention to the issues and encourage public discourse.

- Would you say that the case described in the video is strategic litigation? Why/Why not?
- Have you heard of any examples of strategic litigation? What are they?
- Have you heard of any lawsuits against governments? What are some details?
- What are some issues that strategic litigation could tackle?
- How would you assess the impact that strategic litigation has on society and the legal system?

7. Read the statements about the court case from the video and explain what the words in bold mean.

- A judge ruled Montana had violated the **plaintiffs'** constitutional right to a clean and healthful environment.
- The court's opinion is **binding** on the state and it tells the state that they're causing climate change by their fossil fuel activities.
- When we go up to the Montana Supreme Court, we have a full trial record. We have a hundred pages of findings and legal conclusions. We're confident that the Supreme Court will look at the **uncontested** evidence that the state did not **counter** and find that there are real violations and harms.
- Children's rights to a healthy future should not only be deemed important but should be **statutory**.
- This case will likely set a **precedent** for future cases.
- Other youth-led climate lawsuits in the US have not been **litigated** because they were dismissed.
- Many cases in which a state is **indicted** lead to policy changes.

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8. Answer the questions using the words in bold in ex. 7.

- A. Which word can be used with the prefix 'non-' and collocates with the word 'verdict'?
- B. Which of the words has a silent 'c'?
- C. Which word is the opposite of 'defendants'?
- D. Adding the suffix 'or' to the base of which words will create a name of a profession?
- E. Which word can be used to create a noun with the word 'argument' (spelled as one word or with a hyphen)?
- F. Which word collocates with 'duty, 'regulation' and 'speed limit'?
- G. Which word collocates with 'serve as a', 'cite a' and 'base something on a'?
- H. Which word collocates with 'claim', 'fact' and 'position'?

9. Complete the gaps with one word each. The first letters are provided.

- A. When should a person be allowed to sue the state?
 - 1. When the evidence for the state's unlawful actions cannot be easily **c**_____.
 - 2. Only when the **p**_____ has a counsel whose knowledge of the law is comprehensive.
 - 3. Every time their **s**_____ rights have been violated.
 - 4. Never. The state should have absolute immunity.
- B. Should elected government officials be personally accountable for their unlawful decisions?
 - 1. They should have immunity but be **i**_____ in criminal cases.
 - 2. **L**_____ against elected government officials should be allowed just like it is allowed in the case of any other citizen.
 - 3. Only leaders of government should be accountable for the government's unlawful decisions.
- C. How should laws be created?
 - 1. Laws should be concise and subject to judges' interpretation, with each new legal **p**_____ expanding the scope of covered scenarios.
 - 2. Laws can be **b**_____ only when they are highly specific and leaving little room for ambiguity or multiple interpretations.
 - 3. Citizens should be allowed to initiate bills.

10. Explain which of the answers in ex. 9 you agree with. Give reasons.