

The Final Round¹

Everett Rutan

ejrutan3@ctdebate.org

Warde High School, January 6, 2024

This House regrets climate lawsuits.

A Note about the Notes

These are my notes from the final round at Warde High School in Fairfield. They are limited by how quickly I could write and how well I heard what was said. I apologize for any errors, but I hope debaters will appreciate this insight: what a judge hears may not be what the debater said or thinks they said.

There are two versions of the notes. The one below is chronological, reproducing each speech in the order in which the arguments were made. It shows how the debate was presented. The second is formatted to look more like my written flow chart, with each contention “flowed” across the page as the teams argued back and forth. It’s closer to the way I take notes during the debate.

The Final Round

The final round at Warde was between the Joel Barlow team of Griffin Speck and Cade Frafel on Government and Bethel team of Willa Zalaznick and Jack Wolleck on the Opposition. The debate was won by the Opposition team from Bethel.

1) Prime Minister Constructive

- a) Exxon oil spills in Alaska “punished” with low fines
 - i) =>courts are the wrong approach
- b) Intro/motion
- c) Definition: “TH” is an average US citizen
 - i) Framework: which side is more effective against climate change
- d) G1²: Litigation oversimplifies the problem
 - i) NJ, CA, NY suits blame specific companies
 - (1) Like blaming one potato chip for obesity
 - ii) No clear “fault” for climate change
 - (1) Successful suits would set a bad precedent
 - iii) Even if climate change intensifies
 - (1) One company doesn’t contribute much to harm
 - (2) No way to prove a link

***POI: So companies simply get off causing harm?
No, but suits won’t solve the problem***

 - (3) Climate change not solely due to fossil fuels
- e) G2: Courts are the wrong place

¹ Copyright 2024 Everett Rutan. This document may be freely copied for non-profit, educational purposes.

² “G1” indicates the Government first contention, “O2” the Opposition second contention and so forth.

- i) Suits an over-reach by the judiciary
 - (1) Violates separation of powers
 - (2) Writes new law, ignores precedent
 - ii) Judges know less than Congress
 - (1) Congress can bring in outside expertise

POI: Isn't Congress more biased than the courts?
Judges are biased, look at the Supreme Court
 - iii) 2nd Circuit NY case said must apply Federal and common law
 - (1) This means Congress/EPA regulations
 - (2) Suits violate 2nd Circuit ruling
 - (3) =>problem better resolved by Congress
 - f) G3: Climate lawsuits are ineffective
 - i) Only 55% decisions favor the environment
 - (1) Better to prevent the problem than litigatge
 - ii) International agreements are possible
 - (1) E.g., Millennial Goals on smallpox, poverty, infant mortality
- 2) Leader of the Opposition Constructive**
- a) Intro
 - b) We agree with Gov definitions
 - c) Re Exxon example, fines weren't the only remedy
 - i) Case led to policy actions
 - d) G1: We agree this is no magic, instant solution
 - i) Lawsuits are one step in a long process

POI: Do you have an example of a lawsuit leading to change?
We present these later in the speech
 - ii) Gov narrative is wrong, as suits not limited to oil companies
 - e) G2: Separation of powers?
 - i) Suits allow citizens to be involved
 - ii) Courts v Congress?
 - (1) Court cases take a long time, include outside research
 - f) G3: Ineffective
 - i) Can lead to small steps, better than no action
 - ii) Only 55% help climate?
 - (1) Decision itself not the only impact
 - (2) Lawsuits lead to greater awareness of the problem
 - g) O1: Climate lawsuits force accountability
 - i) Need to understand what is happening
 - (1) Companies operate behind closed doors
 - (2) Lawsuits bring awareness to public
 - (3) =>sway corporate policy
 - (4) Cancel culture works!

POI: Isn't energy/oil/gas a necessity?
Lawsuits provide an incentive to innovation
 - (5) Demand drives science
 - (6) E.g., Cargill made ships less polluting due to public pressure
 - ii) Not only oil giants

- (1) Lawsuits involve public, youth
- h) O2: Climate lawsuits foster civic involvement
 - i) Voting has limited influence
 - (1) Lawsuits often used by activists
 - ii) Should not “regret” as they help a movement of informed citizens
 - i) O3: Most effective way to force change on climates
 - i) Lawsuits often lead to legislation
 - (1) E.g., Clean Water Act
- 3) Member of Government Constructive**
 - a) Intro
 - b) G1: Will lawsuits change behavior?
 - i) No examples presented
 - (1) Cargill isn’t Shell
 - (2) Oil spill still occurred after Exxon
 - ii) Not just oil companies?
 - (1) Many suits are against oil co’s: NY, CA
 - (2) Other issues prevent these from solving problem
 - c) G2: Congress is more effective
 - i) Court evidence often “liars for hire”
 - (1) Sway case for oil companies
 - ii) Individual involvement?
 - (1) That violates legal precedent
 - (2) 2nd Circuit Court, not state law
 - (3) E.g., Clean Air Act led to regulation
 - d) G3: Public awareness?
 - i) Public is aware of problem
 - (1) Lawsuits sow false hope
 - (2) \$ spent but no change
 - ii) Legislation is more important than public involvement
 - e) O1: Accountability?
 - i) Suits are very expensive
 - (1) Better ways to expose problem
 - ii) Can’t cancel use of fossil fuels
 - (1) Economy and individuals are dependent
 - f) O2: Involvement?
 - i) Actually discourages involvement with false hope
 - ii) Big show, but no change results
 - g) O3: Effective?
 - i) Litigation only effective if it leads to new laws
 - ii) Laws don’t require litigation as a prerequisite
- 4) Member of the Opposition Constructive**
 - a) Intro/motion
 - b) G1: Oversimple?
 - i) Not just shaming, but holds defendants to account
 - (1) Avg. American wants to identify blame
 - ii) Others involved but not in lawsuit?

(1) No reason those sued should be let off

***POI: Doesn't accountability require rectifying the wrongs, not just petty fines?
Suits can have other remedies than fines***

- c) G2: Venue: Court or Congress?
 - i) On bias, courts are less biased than Congress
 - (1) Courts can't be lobbied, control outsourcing
 - (2) Congress is at its least effective in years

d) G3: We disagree litigation is ineffective

***POI: Dictators are effective, but aren't democratic elections best?
Agree Congress needs to act, but litigation helps push change***

- (1) Consider the civil rights movement
- ii) Lawsuits not just cancel culture
 - (1) Prompt a public response
 - (2) Litigation is a tool
 - (3) Need to use all resources to get change
- e) O1: Litigation provides closure
 - i) E.g., Exxon Alaska spill
 - ii) E.g., 2 dozen cities and states have sued oil companies for hiding harm
 - iii) Studies show suits result in a fall in share prices
- f) O2: Civic involvement is a good thing
 - i) These are voices often not heard in Congress
- g) O3: Public opinion has an impact
 - i) E.g., led to more electric vehicles by GM/Kia/etc.
 - ii) Cargill example is important

5) Leader of Opposition Rebuttal

- a) Intro/excited to be in the final round
- b) Re-state O1, O2, O3
- c) Can lawsuits result in change?
 - i) Contributes to climate action
 - (1) Remember the Gov framework
 - (2) Action requires more attention, more supporters
 - ii) Public opinion has power
 - (1) Just because we can't cancel oil that does not mean argument is incorrect
 - (2) Need to push to get action on climate change
 - iii) Climate lawsuits aren't the only tool
 - (1) Should not "regret" as they help change
- d) What is the effect on public opinion?
 - i) Many think climate is hopeless
 - ii) Lawsuits encourage hope and cont'd effort to solve
- e) Will lawsuits result in meaningful change?
 - i) Public opinion is a powerful tool
 - ii) History shows pressure of lawsuits can lead to change

6) Prime Minister Rebuttal

- a) Regret means "more harm than good"
- b) What benefit has Opp shown?
 - i) No positive change has resulted

- ii) Never answered our POI asking for examples
- c) Public awareness?
 - i) Leads to false hope, trust in ineffective solution
 - ii) We need effective solutions, not more activism
- d) Harms?
 - i) Action through courts violates legal precedent
 - (1) Federal law says EPA is the authority
 - (2) Fossil fuel companies not only ones to blame
 - (3) Lawsuits show a failure to learn from mistakes
 - (4) Discourages activism with false narrative that this is only way to solve
 - ii) Threatens democratic process
 - iii) Leads to a worse climate crisis
- e) Litigation is a band-aid for a broken arm
 - i) Small court cases, patchwork quilt of results
 - ii) Activism is not a tangible effect of litigation
 - iii) Says only way to act is to sue
 - (1) Hurts democracy
 - (2) Worsens climate change