

# Global trends in climate change litigation: 2025 snapshot

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To accompany the report by Joana Setzer and Catherine Higham available at: www.lse.ac.uk/granthaminstitute/publications-global-trends-in-climate-change-litigation-2025



# **ANNEX 1. Methodological notes**

#### **Data collection**

Information about the cases discussed in this report was primarily derived from the two Climate Change Litigation databases maintained by the Sabin Center for Climate Change Law. Data was downloaded from the Center's US and Global databases on 15 May 2025. Both databases have been updated since then. More detail on the data collection methodology can be found on the 'About' page of the Sabin Center's databases.

The databases are the primary source for the large majority of cases identified in this report. In the course of drafting and updating case classifications, we identified some updates to cases and new cases not yet included in the databases. We provided information about these updates to the Sabin Center and it will be subsequently added to the databases.

At the time of release of our 2024 report, the Sabin Center's Global Climate Litigation databases contained more than 900 cases. Since then, close to150 new cases have been added to the Global dataset. Many of the cases added were filed in years prior to 2023. Readers should, therefore, keep in mind that the figures presented in this 2025 report are likely to be an underestimation of cases from around the world, as cases previously not known to the researchers continue to be identified.

At the time of our data download for this report, the Sabin Center's US Climate Litigation Database contained over 1,960 case bundles. Case bundles refer to multiple individual claims that are combined into a single legal action. In such instances, a case bundle may contain information about more than one complaint when these are filed on the same subject matter and have been consolidated before a court. For example, the 2023 case of Western States Trucking Association Inc. v. EPA involves six separate challenges to the Environmental Protection Agency's (EPA) decision to grant a waiver of Clean Air Act pre-emption, allowing California's Air Resources Board to introduce new emissions standards for heavyduty vehicles. These challenges are filed by a range of claimants, including trade associations, states and campaign groups. A similar case involving multiple complaints that have since been consolidated is the case of Center for Biological Diversity v. EPA, which involves nine separate challenges to new EPA rules on renewable fuel standards, some filed by environmental associations and others by companies, and trade associations or industry bodies. This case is counted once in the overall case count but is also counted in both the climate-aligned and non-climate-aligned categories.

As noted in Part I of the main report, based on the Sabin Center's databases alone, it appears that although the overall body of climate cases continues to grow, the rate of growth may be slowing down. However, it is possible that this apparent decline may simply be caused by a delay in the identification of new cases. As the field of climate change litigation has become more complex, spread across more jurisdictions, and involves cases in different languages, data collection and processing has also become more complex. We know there can be a time lag between cases being filed and their entry into the database: at the time of publication of our 2022 report, for example, there were just over 200 cases recorded for 2021 and now there are more than 300, meaning that around 100 additional cases have been recorded in the intervening three-year period.

To test the theory that data collection is partially driving the apparent decline in new cases, we considered whether substituting case numbers from national databases, which adopt broader definitions of what cases are considered climate cases, and may be easier to keep up-to-date due to a narrower scope, would change the shape of the graph in Figure 1.1. We substituted the numbers of Australian and Brazilian cases in the Global database for those in the national databases maintained by the University of Melbourne and PUC-Rio (see Box A in the Introduction). While this did lead to an overall increase in the number of cases filed each year – in part because the University of Melbourne uses a broader

<sup>&</sup>lt;sup>1</sup> Figures from the Argentine Observatory of Climate Litigation and the Platform of Climate Litigation for Latin America and the Caribbean were not included as the former actually records fewer cases than the Sabin Center's Global database and the latter does not appear to be substantially more up-to-date.

definition of climate litigation than that employed by the Sabin Center – it did not alter the shape of Figure 1.1 (the total number of climate litigation cases globally over time) very substantially. We interpret these results as suggesting that the apparent slowdown in the rate of new cases being filed may be due to more than just data collection issues.

Alternative explanations for the rate slowing down in the filing of new cases could include:

- Strategic consolidation: Many of the cases filed in and around 2021 are still making their way through the courts. We may therefore be seeing a pause in the filing of new cases by some organisations as they concentrate resources on existing litigation. Others may also be waiting to see the outcome of these cases before filing new challenges.
- Regulatory changes may reduce the number of cases in a certain area. For example, regulatory attention and a raft of new legislation and guidance on environmental and climate claims from recent years (see Chan et al., 2023) may have contributed to a short-term increase in new climate-washing cases, followed by a drop as companies start to understand the new rules and to react to the litigation.
- Changes to political landscapes: The pace of filing in some jurisdictions may change due to changes in the political landscape. For example, the number of 'systemic' cases filed in Brazil during the Bolsonaro years has been identified as being far higher than under the current administration (Moreira et al., 2024).

### Approach to case classification

When classifying cases for these reports we primarily base our findings on the Sabin Center's case summaries. In cases where it is challenging to make a determination about a case based on the information available in the summaries, we also review the full case documents in the databases, as well as academic analyses and/or media reports. Some classifications will be assigned based on review by one member of the research team. However, where there is uncertainty about a classification, this case is reviewed and discussed in detail by the authors before a final determination is made.

# Classification of strategic cases and strategies in Part II of the main report

# Classification of a case as 'strategic'

Many of the classifications in Part II – for example, determination of whether to classify a case as strategic – are based on subjective assessments. Case assessments may also be made on imperfect or incomplete information, particularly about the parties' intentions. For example, we may define a case as strategic based on the evidence of the claimants' behaviour (e.g. issuing press releases about the case) and the claimant type (e.g. a case filed by an NGO or community group with a mission and purpose to protect the environment is likely to form part of a broader advocacy strategy on the part of the NGO). This does not mean that the claimants themselves would necessarily describe the case as strategic.

Classifying a case as strategic or non-strategic also does not imply a judgement of one being better or more impactful than the other. Cases brought to achieve a relief that will apply to an isolated situation without the intention to influence the broader debate (i.e. non-strategic) can be as (or more) important as cases that actively seek the realisation of broader changes in society (i.e. strategic litigation).

Courts will not always have regard for the broader intentions of the parties when determining a case, meaning that cases brought with little or no strategic intent may nonetheless provide opportunities for courts to issue far-reaching judgments on novel legal issues. For example, the case of *Raja Zahoor Ahmed v. Capital Development Authority*, a case that was filed in 1995 and in which no legal issues related to climate change were originally argued, resulted in a judgment from the Pakistan Supreme Court in 2022 that included significant jurisprudence on the importance of integrating climate change considerations into urban planning. On the other hand, in some cases the strategic nature of the case may have positive impacts on the way the court determines the issues, and in others, as in the case of *ClientEarth v. Shell*, it may be weighed against the claimants by the courts (see Setzer and Higham, 2022).

One group of cases that present a particular challenge when we are assessing whether a case is strategic or not is cases brought or initiated by prosecutors, regulatory bodies and enforcement agencies. Typically, such cases are not classified as strategic since in bringing the case the body is usually just performing its legally mandated function. However, we are aware of certain exceptions to this rule, where relevant bodies have:

- Made public statements indicating that a group of cases is intended to send a strong message about the application of a particular area of law to climate change issues; and/or
- Worked with other actors in the legal ecosystem to develop novel arguments and methodologies with the explicit aim of addressing specific elements of climate change.

In these circumstances, we have classified the cases as strategic. Examples include:

- According to a report on the topic published in August 2024, the Australian Securities and Investments Commission (ASIC) has identified "sustainable finance and acting to reduce harm from greenwashing misconduct" as strategic priorities since 2022 (ASIC, 2024). ASIC has made a significant number of interventions to advance this priority, including issuing civil proceedings against several regulated entities. Many, though not all, of these interventions raise climate change-related issues. Where relevant ASIC interventions appear in the data reviewed for these reports, we have therefore classified them as strategic.
- In 2023, the UK's Advertising Standard Authority (ASA) issued proceedings against the energy company Equinor after Equinor placed misleading advertising in the *Economist* magazine. Unlike previous ASA cases in the database which appear to have been initiated after complaints from the public and civil society, these proceedings appear to have originated with the ASA itself. We have nonetheless classified the case as strategic because it received quite wide media coverage at the time and the ASA's Chief Executive used it as an example in an interview with the *Financial Times* in which he talked about the regulator's broader role in addressing greenwashing claims (Bryan, 2024).

# Classification of strategy types

Given that our identification of different strategy types in this report is sometimes based on only partial information about a case, it is possible that some cases may employ additional strategies that we have not identified here. We have confined our review to three strategies per case, but determining which strategy takes precedence is a subjective question and our assessment may differ from the deeper understanding afforded to the parties by their access to more privileged information. Nonetheless, we feel that the classification of cases by strategy can offer a helpful insight into similarities between climate cases, particularly given that differences in legal cultures may require different litigants to employ a variety of legal grounds to achieve the same ends.

It is important to note that not every case identified as strategic can necessarily be integrated into our existing case types. The typology itself is kept under review and new case strategies are added as necessary. For example, in our 2024 report, we included the new category of 'transition risk' cases.

In this report, data on the strategies employed in cases filed in 2024 is compared with historic data since 2015. This data was classified over a period of many years and different approaches to classification have been applied to the Sabin Center's Global and US databases.

For the Global database, we have conducted a fully comprehensive review of all cases. An assessment of case strategies has been conducted for every case filed since 2015, regardless of when this case was added to the database.

Since the US dataset is considerably larger and US cases have not been evaluated in depth in all previous reports, we have adopted an alternative approach to providing historical comparison data for the US. This approach has varied between case categories:

• For government framework cases, the historic data is derived from the dataset used for a previous report on this subset of cases, which included US cases (Higham et al., 2022). This dataset has been updated based on a thorough review of cases filed from 2022 onwards.

- For cases that typically only involve corporate defendants, historic data has been derived from a review of a dataset of corporate cases filed since 2015 developed and regularly updated by the authors. This is used to identify corporate framework cases, transition risk cases, climate-washing cases and polluter pays cases.
- For turning-off-the-taps cases, failure-to-adapt cases, and integrating climate considerations cases, which can involve both cases against corporate actors and cases against government actors, a dataset of historical comparison cases was developed for this report, using the case categorisation in the Sabin Center's database and search and filter options:
  - o To identify failure-to-adapt cases filed between 2015 and 2023, we first developed a dataset including all cases with the word 'adaptation' in any part of their classification in the Sabin Center's database. This dataset included 94 cases. Each case was then reviewed to determine whether it fell within the definition of failure-to-adapt. The original review was completed in May 2024 for the 2024 report. For this edition of the report, that review has been supplemented with a review of all new cases filed in 2023 and 2024, which was completed in May 2025.
  - o For turning-off-the-taps cases, historical comparison cases were identified by searching key terms such as 'public finance', 'bank' and 'export finance'. We also conducted a manual review of all cases in the Securities and Financial Regulation Archives in the Sabin Center's database. Few cases seeking to force financial decision-makers to incorporate climate into decision-making were identified in the data from 2015–2023, although several cases challenging the relevance of climate to such decision-making were identified. A series of cases involving import-export finance institutions was also identified, but these all predated 2015. This original review was also completed in May 2024 for the 2024 report. As with failure-to-adapt cases, that review has been supplemented with a review of all new cases filed in 2023 and 2024 for this report. That review was completed in May 2025.
  - o Integrating climate considerations is by far the most common strategy in the global data and we believe this holds true for the US data as well. However, a full review of every US case is not possible with the resources available, so this strategy type has only been assigned for cases from 2023 and 2024 and corporate cases.

## Classification of outcomes

When reviewing our classification of outcomes, readers should note that we classify outcomes at several different stages within a given case:

- The first stage at which a case may be classified as having a given outcome (as opposed to being classed as 'open') is when there is a positive ruling on a procedural issue such as permission to proceed, standing or justiciability, even if the case has not proceeded to trial. This is particularly likely to happen in a case where the issues presented are of a novel nature, or where the case runs counter to a procedural decision taken in a previous case.
- The second stage is when there is an initial ruling on the case from a court of first instance.
- The third (and sometimes fourth or fifth) stage is when the outcomes of any appeals become known. This means that the status of a case may change from 'favourable' or 'unfavourable' throughout the course of the proceedings as different decisions are issued.

In some instances, cases that may have been classified as having negative outcomes for the parties may nonetheless advance an issue of fact or law that may have positive impacts on subsequent litigation. For example, in the case of *Sacchi et al. v. Argentina*, the case has been classified as having an unfavourable outcome because it was dismissed by the Committee on the Rights of the Child. However, it could be argued that the case has in fact had positive outcomes because it has helped clarify several issues of international law. This reflects the overall limitations of imposing a quantitative assessment of outcomes on complex legal cases.

# Analysis on supreme courts and equivalent apex courts

When reviewing the analysis of cases that reached apex courts – such as supreme and constitutional courts – readers should note that each jurisdiction has its own hierarchy of courts, which may entail different apex courts for different areas of law. For example, some jurisdictions distinguish between constitutional, civil and administrative apex courts, while federal jurisdictions like the US may allow state supreme courts to act as the apex court on matters of state law that do not have a federal law component. While the majority of federal jurisdictions, such as Canada and Germany, also have circumstances in which a state supreme court was considered an apex court, one exception to this rule which is worth highlighting is Brazil, where, due to the extreme unlikelihood of a state supreme court being solely capable of acting as the final apex court, only cases that have had their outcomes considered by the Brazilian federal supreme courts (the STF and STJ) were classified as being considered by an apex court.

When classifying a case as part of the apex court analysis, the focus was on determining whether the apex court had provided an outcome for the case in question. This does not necessarily equate to full determination of a case on the merits. Cases that have been evaluated by the apex court on procedural aspects (e.g. requests from lower courts to confirm whether a case can proceed to trial on the merits), and cases in circumstances where the /apex court denied certiorari (in the case of the federal US Supreme Court) or otherwise refused to hear the full case on its merits were also included, as the relevant apex court in question still broadly considered the case and provided some form of outcome.

Further sub-classifications of the apex court data focused on the cases filed and/or determined from 2015 onwards. These cases were first classified according to the typical analysis of a case (strategic v. non-strategic, climate aligned v. non-climate-aligned, what strategy was deployed in a strategic case, and so on), as well as according to their geographical distribution. Then, additional classifications were also added to determine (a) whether a case had been accepted or refused admissibility by the supreme/apex court; (b) whether the case pertained to a procedural matter or a substantive question or both; (c) whether the case was directly filed before the supreme/apex court; (d) whether a case contained or involved rights-based claims; and (e) whether the relevant decision was made on procedural or substantive grounds or both.

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