

But What Is the Immediate Impact of the Decision?

“ . . . because of their unique vulnerabilities, their stage of development as youth, and their average longevity on the planet in the future, Plaintiffs face lifelong hardships resulting from climate change.”

Taking care of its citizens is the fundamental role of government. The lawyers in the *Held v Montana* trial won the case because, as this quote from the District Court’s Findings of Fact suggests, they proved that the State of Montana is harming Montanans, especially our children.

The big picture is that lawyers for 16 Montana kids proved what [one legal analyst called “a causal chain”](#) between the State’s permitting authority for massive fossil fuel projects responsible for 166 million tons a year of greenhouse gas (GHG) pollution and the intensifying damage to the planet’s climate.

Despite this victory, the District Court’s decision, [affirmed by the Montana Supreme Court](#), is very narrow in scope. It doesn’t shut down any of Montana’s vast coal mines, which produce 34 million tons a year. It doesn’t cap its 4,000 oil wells or its 5,000 methane gas wells. It doesn’t close refineries or close any pipeline valves. It simply declares unconstitutional two laws passed by the Legislature that prohibited State agencies from evaluating the climate impacts in their environmental analysis.

The decision doesn’t prevent the State’s permitting future fossil fuel development. From now on, the State is merely required to acknowledge and make public the climate impacts of those developments.

As modest as it is, this is the clearest legal marker yet for climate activists, especially young activists, and it happened in the reddest of states. [It made headlines throughout the U.S.](#) because it opens the door for courts to play a larger role in halting climate change.

[The decision sends a jolt of legal precedence nationwide](#) and, in doing so, poked a hornet’s nest. This is an era of political retribution, not bipartisanship or even dialog. But Montana climate-denying officials, elected and not, are reacting as if the District Court dictated an order to shut down Montana’s entire fossil fuel economy.

[More than two dozen bills in the 2025 Montana Legislature want to strip Montana’s courts of their independence.](#) Many in power don’t like the fact that the right to a “clean and healthful environment” includes constitutional protections. They prefer the good old days when judges were loyal to industry, and industry got its way.

“It’s a really big headline,” says Melissa Hornbein, one of the Montana lawyers who worked with the kids and alongside the Oregon-based nonprofit, Our Children’s Trust. “It’s the first-time

climate science was on trial, and the Court confirmed the science with over 200 findings of fact. The District Court said that a clean and healthful environment includes a stable climate.”

When Our Children’s Trust filed the lawsuit in 2020, there were no guarantees the case would get to trial. The State put its resources to work filing motions to dismiss the case. Three years of briefings and hearings cluttered the court schedule before the eight-day trial went live in June 2023.

“From the beginning the State pulled out all the stops to prevent this trial from taking place,” said Barbara Chillcott, another Montana lawyer representing the kids.

The State even asked for psychological examinations of some of the kids, wanting to thoroughly interview eight of the plaintiffs about their “psychological and behavioral history, alcohol and drug use, school performance, and exposure to trauma.” This was an unusual legal ploy that one Supreme Court Justice termed “patently ridiculous.”

“The trial was really significant for these kids,” said Nate Bellinger, a lawyer for Our Children’s Trust. “It was the first time in our nation’s history kids got a chance to testify how climate change was affecting them. Testifying in court with the State fighting them every step of the way was nerve-wracking. And the threat of psychological examinations had no legal basis. It was meant to intimidate.”

[The State was not successful in stopping the trial, but defense lawyers did curtail the focus.](#)

Originally, the kids’ lawyers wanted the State to write an emissions reduction plan that the court would then supervise. This proved too lofty a goal, and the District Court limited the trial to the two laws passed by the Montana Legislature to limit State agencies’ consideration of climate impacts, both of which were declared unconstitutional.

So what happens next?

“It’s just the beginning,” said Chillcott. “Judge Seeley’s decision and the Montana Supreme Court laid out the climate impacts. Every ton of greenhouse gas emitted matters. Now it’s up to us. We’re entitled to a stable climate.”

The first post-Held ruling came in early January when [the Montana Supreme Court told Montana’s politically powerful utility, NorthWestern Energy, it must reapply for its permit](#) to operate its new \$320 million, 175-megawatt Laurel methane gas plant. An earlier permit was declared invalid because the Montana Department of Environmental Quality hadn’t analyzed the climate impacts of the 770,000 tons of CO₂ the plant will emit every year.

“It will take more litigation to show the agencies how to do their job,” Chillcott said

“We have the fundamental tools to challenge the State’s permitting,” said Hornbein. “It’s time for the State to stop bellyaching and save taxpayers money” by transitioning to clean energy, which unrefuted testimony showed is technically feasible and, by mid-century, will save ratepayers 70 percent over a fossil fuel system.

Bellinger points to [a settlement reached between the State of Hawaii and 13 children](#). The case didn’t go to court because Hawaii officials saw the evidence in the *Held* case. They had already read the expert reports that would be presented. They were going to lose in court, and they chose to stop fighting and begin working with the youth plaintiffs.

“They’re now working to completely decarbonize Hawaii’s transportation system by 2040,” Bellinger said. A youth council will work with the Governor and transportation officials to create a plan to achieve zero emissions in all ground transportation, and interisland sea and air transportation by 2045. It’s another ambitious marker in the advance of the climate movement due to Our Children’s Trust and insurgent lawyers.

“The Montana Supreme Court’s decision is binding law,” Bellinger said. “It means the State can’t keep allowing permits to increase greenhouse gases without further litigation. Maybe Montana officials should begin thinking about the benefits of decarbonizing. But, if more litigation is required, that’s what we and our partners will do.”

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