

GLOBAL WARMING: HERE COME THE LAWYERS

It's the next wave of litigation
—after tobacco, guns, and junk
food. Why Detroit, Big Oil, and
utilities should worry

BY JOHN CAREY AND LORRAINE WOELLERT

TWO DAYS AFTER HURRICANE Katrina smashed into the Gulf Coast, F. Gerald Maples returned to his hometown of Pass Christian, Miss., to utter devastation. Most of his neighbors' houses were totally destroyed. His was in ruins. "It broke our hearts and absolutely changed our lives," he says. It also made Maples, a veteran asbestos plaintiffs' attorney in New Orleans, determined to fight back. "I couldn't stand by when my entire cultural history was destroyed by an event that could become more frequent because of global warming," he says.

So when friend and fellow trial lawyer Timothy W. Porter showed up to help with food and water, the two plotted a legal assault. Since Katrina's fury was powered by unusually warm Gulf water, and since such warmth could result from global warming, companies that have pumped the atmosphere full of greenhouse gases like carbon dioxide should be liable for damages, they figured. "To me, Katrina was a clear result of irresponsible behavior by the carbon-emissions corporate economy," says Maples. He recruited suddenly homeless neighbors like Ned Comer and filed a class action on their behalf in federal court in Gulfport, Miss.

The defendants? Dozens of oil companies, utilities, and coal producers, from Chevron and Exxon Mobil to American Electric Power and Xcel Energy. "This is a heartfelt effort," Maples says. "I don't want to leave this global warming mess to my children."

BROAD ASSAULT

NEITHER, APPARENTLY, do a host of other lawyers, in what is becoming an ambitious legal war on oil, electric power, auto, and other companies whose emissions are linked to global warming. At least 16 cases, drawing on a variety of legal strategies, are pending in federal or state court. It may seem like an unconnected hodgepodge of initiatives, but whether it's a case now before the U.S. Supreme Court seeking to force the Environmental Protection Agency to crack down on greenhouse gases or the effort by a coalition of Texas cities to require cleaner plants than 17 now proposed by utilities, the challenges spring from a common concern: the lack of action in Washington. "This boomlet in global warming litigation represents frustration with the White House's and Congress' failure to come to grips with the issue," says John Echeverria, executive director of Georgetown University's Environmental Law & Policy Institute. "So the

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