



New Docs Reveal Hefty Taxpayer Costs Associated With Boulder’s Climate Lawsuits

by Chris White

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Colorado taxpayers could be on the hook for a sizable chunk of change if Boulder city’s climate lawsuit against various oil companies fails in the courts, according to a report Saturday from Western Wire.

Boulder County signed a contingent fee agreement with Hannon Law Firm and a pro bono retainer agreement with the non-profit organization Earth Rights International (ERI) in April, the report noted. The contracts stipulate that Boulder taxpayers might have to pay as much as \$1 million if the county’s lawsuit against ExxonMobil and Succor is unsuccessful.

The agreement details the commitments Board of County Commissioners of Boulder County must abide by if they wish to acquire ERI’s services in the city’s lawsuit against ExxonMobil and Succor, both of which are being sued for contributing to the effects of global warming. Officials want both companies to pay the costs to fortify the city against future climate-related events.

Cindy Domenico, chair of the Board of County Commissioners, signed both documents on April 17, the day the lawsuit was formally announced. The City of Boulder and San Miguel County are also plaintiffs in the lawsuit. ERI partnered with Hannon because ERI is not permitted to practice law in Colorado, according to the agreements.

Hannon is seeking an attorney fee of 20 percent “of the gross amount of the recovery collected,” and estimates the “costs of this matter through trial but not including appeals is approximately \$1,000,000,” the agreement states. ERI promised to take the case pro bono on one big caveat.

“Your obligations to pay,” ERI lays out in one section detailing exposure taxpayers might be facing. “In some cases, a court may order you to pay certain costs or fees,” the contract states. “If we lose the case, the court may order you to pay the defendants’ costs of litigation.”

“In some cases, if a lawsuit is frivolous, not reasonably based in law or fact, and/or brought solely to harass or to coerce a settlement, a court may order you to pay the defendants’ attorneys’ fees and/or pay a penalty,” the contract continues.

Boulder County accepts that in order to pay the salaries of those involved in the litigation, “the Attorneys may seek and obtain funding from individuals, organizations, or corporations who are not parties to this action.” The agreement did not detail the names of the other groups or organizations.

Several outside groups have provided assistance to the city on the lawsuit. The Rockefeller Brothers Fund gave the Niskanen Center a \$200,000 donation for its climate program in February less than two months before the former libertarian group wedded itself to the lawsuit. RBF is not the only activist group to give Niskanen money.

Niskanen also got \$350,000 from the Energy Foundation and a \$300,000 grant from the William and Flora Hewlett Foundation. Niskanen is an offshoot of the Cato Institute — a benchmark D.C.-based libertarian group mired in turmoil shortly after the 2012 death of co-founder William Niskanen.