

Megan Brown Discusses Supreme Court Decision in *AEP v. Connecticut* with the *National Journal* and Law360

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Megan L. Brown, a partner in Wiley Rein's Appellate Practice, provided analysis to the *National Journal* and *Law360* on the Supreme Court's ruling in *AEP v. Connecticut*. Ms. Brown, who filed an *amicus* brief on behalf of the Cato Institute supporting the petitioner/defendants in *AEP*, commented to *Law360* that, "The Supreme Court's unanimous decision is a strong rebuke to plaintiffs asking federal courts to impose liability or order emissions caps to address climate change. Plaintiffs sought to transform federal judges into mini-EPAs, and the entire Court was intensely uncomfortable with that enterprise. Because the Court left several legal questions open and promised to superintend whatever decision emerges from EPA, litigation over climate change will not soon end. But this decision is a victory for the separation of powers; the court confirmed that Congress is the appropriate branch to make policy about whether and how to address global warming."

In a *National Journal* article on the decision, Ms. Brown described the unanimous ruling as an "incredibly strong rebuke" against legal action on climate change. The decision that Congress and the EPA, not the courts, should be responsible for regulating greenhouse gas emissions is "an obstacle" to the plaintiffs in the case and "takes away their momentum," she added.

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