

Exhibit 36

Email from Jessica Wentz, Non-resident Senior Fellow, Sabin Ctr. for Climate Change L., to Beth Wiggins, Dir. of Research Division, Federal Judicial Center (Nov. 3, 2023)

Message

From: Jessica Wentz [REDACTED]
on behalf of Jessica Wentz [REDACTED]
Sent: 11/8/2023 8:54:13 PM
To: Beth Wiggins [REDACTED]
CC: Radley M. Horton [REDACTED]
Subject: Re: Comments on your chapter for the RMSE

Hi Beth,

Thanks -- that all makes sense. I'll be back in touch once we have a better sense of when we can finish the revisions.

All best,

Jessica

On Sat, Nov 4, 2023 at 6:52 PM Beth Wiggins <[REDACTED]> wrote:

Hi again Jessica,

I got my answer more quickly that I thought I would. It's fine to share the sense of the comments but not the comments verbatim.

Beth

From: Beth Wiggins
Sent: Saturday, November 4, 2023 9:27 PM
To: Jessica Wentz [REDACTED]
Cc: Radley M. Horton <[REDACTED]>
Subject: RE: Comments on your chapter for the RMSE

Hi Jessica,

Congratulations on your [REDACTED] and I am so sorry [REDACTED] Please take good care of yourself.

I was glad to hear you and Radley think you'll will be able to respond to the comments effectively, and happy to talk at any point as you work through them. I think writing a response document is a really good idea.

I've attached the Word document you wanted.

Re your third question: The Committee did not mention specific areas – but generally made point that when issues re admissibility come before judges, the expert evidence was not one-sided and understanding what they might hear would be useful. When I read the chapter the first time, I was struck by your effort to talk about the areas in which science is more uncertain and where genuine factual disputes may arise. Repeating the general finding about the established link between carbon emissions and global warming at the beginning of so many discussions may have undermined this effort. Also, I think to some extent, these points didn't come through to all readers because of the focus on findings, rather than on methods. It might be helpful to say more straightforwardly how the scientific uncertainties (and thus factual disputes) stem from insufficiency of data, tools to acquire that data, difficulty/impossibility of modelling complex systems, etc. – and how this manifests itself with the different issues. All this might go a long way to addressing this point. More specifically, I'm not sure mentioning old debates would be helpful. I would focus on science debates the judges may currently hear – and the counter arguments (even if not supported by most scientists) that might be raised. As you move along, let's talk about this more.

I need to check on Monday about your sharing the comments. My thought is that it would be OK to share the sense of the comments with people from whom you'd like to seek advice, but not share the comments verbatim as a whole, but I need to check.

Again, best wishes that all goes well for you personally, and let's keep in touch with your progress on the chapter.

Beth

From: Jessica Wentz [REDACTED]
Sent: Friday, November 3, 2023 5:48 PM
To: Beth Wiggins [REDACTED]
Cc: Radley M. Horton [REDACTED]
Subject: Re: Comments on your chapter for the RMSE

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Hi Beth,

Radley and I conferred about the Climate Science chapter. We appreciate the Committee's feedback. We agree that we can shorten the chapter substantially, in large part through cuts to the "scientific findings" sections. We also think that we can respond effectively to essentially all of these comments (although we may contact you with questions as we work through this). We will plan to send a "responses to comments" document where we explain how we've addressed each item of feedback, in addition to the track changes version of the Chapter.

We do have a few questions as we get started:

1 - Would it be possible for you to send the word version of the re-formatted chapter (with the line numbers)?

2 - Regarding the comment about Michael Burger: we included the acknowledgement because we drew so heavily on our past work with him. We did not have time to do an internal peer review process because the timeline for the initial drafting of this chapter was so short. But we are definitely on board with adding acknowledgements to other peer reviewers.

3 - Did the Committee have any specific topics in mind when it said: "it would be helpful to understand what the rejoinder to some of the points made in the chapter would be, that is, what opposing experts might say." We did try to be explicit about areas of scientific consensus and areas where genuine factual disputes may arise (e.g., whether a specific impact is attributable to climate change). Outside of those contexts, we are not sure what "contrary scientific findings" should be included in this report. We could discuss old debates that have now been settled, e.g., the debate regarding satellite observations and the "hiatus" in warming during the 1990s; we could debunk common myths about climate change (e.g., that warming is caused by solar radiation or water vapor); or we could go into more detail re: areas of scientific uncertainty, such as uncertainty about climate equilibrium and the fact that some scientists view IPCC findings as too conservative.

4 - Would it be alright if we share the Committee's feedback with other lawyers and scientists?

Please let us know if you think a zoom or phone call would be helpful to discuss other aspects of the comments.

Regarding the timeline for review: the Committee's feedback arrived at a very challenging time [REDACTED]. [REDACTED] I intend to work on the revisions during my medical leave, but it is very difficult to predict how long these revisions will take. We will aim to get something to you in January but cannot say for sure. We can keep you posted on progress, if that would help.

All best,

Jessica

On Wed, Oct 25, 2023 at 5:25 PM Jessica Wentz [REDACTED] wrote:

Hi Beth,

Thank you for getting the comments back to us. Radley and I will be meeting next week to review the comments and then we will be able to get back to you about timing and any questions as we get started on revisions.

Best,

Jessica

On Fri, Oct 20, 2023 at 6:22 PM Beth Wiggins [REDACTED] wrote:

Hello Jessica and Radley,

Thank you for the draft of a climate science chapter for the new edition of the *Reference Manual on Scientific Evidence*. Attached are the Committee's comments, as well as a line-

numbered PDF of your chapter to which the comments are keyed. I apologize for the delay in getting the Committee's comments to you. As you will see, the committee appreciated the chapter's thoroughness and straightforward tone, though offered a number of overarching and specific comments to guide your revising it.

After you've had a chance to review the comments, could you let me know when you might be able to provide the revision? It'd probably be helpful for us to discuss the comments as you start revising.

Thanks again.

Best regards,

Beth