

# Cozen O'Connor Secures Victory for Climate-Change Scientist Dr. Michael Mann in Decade-Long Defamation Case; Jury Awards Over \$1 Million in Punitive Damages

Thursday, February 8, 2024

**Philadelphia, February 8, 2024** – Cozen O'Connor secured a decisive victory for a prominent climate scientist, Dr. Michael Mann, in a long-running defamation claim against an adjunct scholar with the Competitive Enterprise Institute (CEI) and a TV/radio personality who wrote for the National Review. Following a four-week jury trial, Dr. Mann was awarded over \$1 million in punitive damages by a jury in the District of Columbia Superior Court.

The Cozen O'Connor team was led by Pete Fontaine, chair of the firm's Environmental Practice, and included associate Amorie Hummel and paralegal Melanie DeMattia. Today's verdict followed 12 years of litigation by Dr. Mann and the entire legal team, which included Washington, D.C. defamation practitioner John Williams as lead trial counsel, and Patrick Coyne of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, joined by paralegal Daniel Doku.

Dr. Mann, a member of the National Academy of Sciences and currently a Presidential Distinguished Professor at the University of Pennsylvania, was a lead author along with Dr. Raymond Bradley and Dr. Malcolm Hughes of groundbreaking research in 1998 and 1999 that demonstrated a sharp increase in global temperatures linked to increasing greenhouse gas emissions. Dr. Mann's research reconstructed historical temperatures over the past 1,000 years using natural temperature archives. That temperature reconstruction is represented on a graph shaped like a hockey stick lying on its side with the blade pointing upward. The graph, which came to be known as the "Hockey Stick" graph, was prominently featured by the Intergovernmental Panel on Climate Change (IPCC) in its 2001 report.

Dr. Mann filed his defamation suit in 2012 after Rand Simberg writing for CEI and Mark Steyn writing for National Review published articles comparing Dr. Mann to the convicted child molester and former Penn State football coach Jerry Sandusky. The articles asserted that Dr. Mann had falsified his Hockey Stick research and called Dr. Mann "the Jerry Sandusky of climate science" who "molested and tortured data" and committed "scientific and academic misconduct."

Under the Supreme Court's *New York Times v. Sullivan* standard, Dr. Mann was required to show by clear and convincing evidence that the defendants published their writings with "actual malice," a heavy burden under the First Amendment of the U.S. Constitution. The trial team showed that the defendants either knew or recklessly disregarded multiple investigations clearing Dr. Mann of misconduct in the wake of the 2009 Climategate controversy involving stolen emails from a research unit in the United Kingdom. Two of those investigations were key pieces of evidence in the case: one completed by Pennsylvania State University (where Dr. Mann was a professor for 17 years) and a second by the National Science Foundation, which funded the research.

According to Mr. Fontaine, "Today's verdict vindicates Mike Mann's good name and reputation. It also is a big victory for truth and scientists everywhere who dedicate their lives to answering vital scientific questions impacting human health and the planet."

According to Dr. Mann, "I hope this verdict sends a message that falsely attacking climate scientists is not protected speech."

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