

## The Rule of Five: Making Climate History at the Supreme Court

**Richard J. Lazarus**

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*The Rule of Five* is a character-driven thriller about how climate change came to the fore of US politics and legal action. Richard J. Lazarus's book is no novel, however, but a suspenseful real-life account of an inspired activist attorney who battled Washington power brokers and sparked a win in the "most important environmental law case ever decided by the Supreme Court."

Joe Mendelson, working for a tiny environmental nonprofit, petitioned the EPA to define carbon dioxide as a pollutant and to regulate greenhouse gases in the automotive and energy industries. His suggestion was punted around for years as career administrators and political appointees wrangled through the Clinton and Bush administrations, until a powerful coalition of attorneys general, cities, tribal groups, and blue-chip environmental advocates joined Mendelson to file suit in the US Court of Appeals.

The uneasy interactions of this strong-willed, competitive consortium of carbon dioxide warriors are shot through with powerful drama. Lazarus's insightful, authoritative characterizations of lawyers, clerks, judges, and the nine Supreme Court justices will make any policy wonk's heart flutter.

This backstory of the landmark Massachusetts vs US EPA ruling is absorbing as it dissects how American policy is made. Lazarus, who has argued an impressive number of cases before the nation's highest court, has insider's knowledge about how legal rulings wend their way to the Supreme Court; the arcane ways that justices make their decisions; and how elite attorneys hone their oral arguments during intense preparations.

Foreshadowed events and dynamic characters and policy ideas keep the work engaging. *The Rule of Five* is an exciting, tension-filled analysis of an improbable environmental triumph and an influential federal ruling whose effects have rippled out to the other branches of government, the states, and the private sector ever since.

RACHEL JAGARESKI (May / June 2020)

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