Friend of the earth
James Thornton’s mission is to act for the world itself. By Reena SenGupta

James Thornton was astonished by the lack of public interest law firms in the UK when he moved from the US in 2001. An experienced environmental lawyer, he was even more surprised to find there were no specialist lawyers practising at an EU-wide level on behalf of environmental organisations. The gap in the market was glaring, he says. “When Volkswagen wants something, for example, it comes with 300 carefully worded legal amendments. If someone is not doing the same thing to front the public interest, there is no balance.”

Having previously founded the Los Angeles office of the Natural Resources Defense Council, a non-profit group of environmental lawyers, in 2007 Mr Thornton set up ClientEarth in London to act for the environment and the global population. Today it employs 100 people, including more than 60 lawyers. Officially a charity, it is independently funded and uses the law as a strategic tool to further the environmental agenda. Mr Thornton says a complete perspective of what his organisation does can be summed up as following science, helping to formulate policy, passing laws and then implementing them. “When a law is in place, most environmental groups move on to the next thing. They do not focus on implementation. But when the law is passed, then the work begins,” he says.

One of ClientEarth’s first successes was to enable citizens to bring environmental claims in Germany, the UK and at EU level — three regions where the costs for individuals of going to court were prohibitive.

Mr Thornton used the Aarhus Convention, an EU-wide treaty to ensure access to justice on environmental matters is affordable. Importantly, the treaty has a compliance committee that acts as a court and can make decisions against a claim and country. This powerful mechanism has improved the ability of citizens to bring environmental cases.

Mr Thornton has since looked beyond the EU to become active in five African countries and China. In 2014, he was invited to give seminars to China’s supreme court, which was writing regulations that would define practice under a new environmental protection law. Many of his suggestions were adopted and he has trained 300 judges for the new Chinese environmental courts. One of his key recommendations was not to force losing non-governmental organisations to pay their own legal costs. One of the latest service lines from ClientEarth is its company and financial team, set up to ensure companies comply with reporting requirements on climate risk. Working with investors, pension fund managers and companies, it is helping business become compliant with climate laws. Over the past two years, it has persuaded shareholders with nearly £8tn of investment in multinationals such as BP, Shell, Rio Tinto, Anglo American and Glencore to commit to rigorous climate change reporting.

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On 5 October 2016, ClientEarth CEO James Thornton received the Financial Times Innovative Lawyers “Special Achievement Award - Winner in Europe.” ClientEarth won the New Model Legal Business Award.