I recently posted about when various key environmental terms surfaced in the law review literature. It occurred to me that it would be interested to compare with the courts, so I did a similar search of Westlaw's database for all state and federal court opinions. Here is how the results compare:

Term	**Law reviews**	**Courts**
Environmental law	1970	1971
Air pollution	1949	1949
Water pollution	1920	1906
Endangered species	1970	1970
Cost-benefit analysis	1963	1969
Climate change	1970	1990

Although legal academics like to think we're a step or two ahead of the courts in recognizing new issues, that isn't reflected in this table. There are two exceptions: academics started discussing cost-benefit analysis a few years earlier, and climate change became a topic for academic discussion much earlier than the issue reached the courts. But otherwise, courts and professors seemed to turn their attention to issues at about the same time, presumably because society as a whole was doing so.

———————-

A few side-notes. First, I want to thank Dean Rowan for showing me how to exclude the West key numbers from the search, since those are changed retroactively. Dean also confirmed my initial results in a more inclusive database of law review articles. Second, "climate change" was used in some earlier judicial opinions in a non-environmental sense, as in "a climate change in the precedents." Third, the phrase "air pollutions" was used in passing in one 1909 opinion but never again.