

STANDING

Article III

Section 1

The **judicial power** of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may ... establish

Creation of courts and vesting of power

Section 2

The judicial power shall extend to **all cases**, in law and equity, arising under this Constitution, the laws of the United States, and treaties made ...[and] **to controversies**

Limitation on power

see also

Subject Matter Jurisdiction

Case or Controversy

Justiciability Doctrines

Advisory Opinions

Mootness Ripeness

Standing

Political Question

Judicial Restraint (principles of avoidance)

Congress can influence this determination, but not others

Concrete facts
Adversariness
Finality

Adversariness

Causation

Redressability

Focus

1
Distinct and palpable injury

2
Resulting from defendant's action

3
Remediable by the court

4
Violating plaintiff's personal rights

No generalized grievances

Legally cognizable injury

Causal nexus between def't's (illegal) action and plaintiff's injury

If judicial relief can't cure injury, then it becomes advisory

Association standing
Taxpayer standing

Zone of interest
Jus tertii standing

Class actions OK

Hohfeldian injury; Const'l, statutory, common law rights

Difficult to establish if 3rd party is proximate cause

examine the specific remedy sought by plaintiff

Requires nexus between right and injury

Exceptions: 1st amend; special relationship

related inquiries