

# Constitutional Law (Bar Exam)

## Questions and answers

Requirements for  $\Pi$  to have Standing: **CORRECT ANSWERS**  $\square$  1) injury: the  $\Pi$  must allege and prove that he or she has been injured or imminently will be injured; injury is NOT established with only IDEOLOGICAL OBJECTION;  $\Pi$ s may only assert injuries that they personally have suffered;  $\Pi$ s seeking INJUNCTIVE or DECLARATORY relief must show a likelihood of future harm

2) causation and redressability: the  $\Pi$  must allege and prove that the  $\Delta$  caused the injury so that a favorable court decision is likely to remedy the harm.

3) no third party standing: a  $\Pi$  cannot assert claims of others, of third parties, who are not before the court, because  $\Pi$ s must present PERSONALLY SUFFERED.

4) no generalized grievances: the  $\Pi$  must not be suing solely as a citizen or taxpayer interested in HAVING THE GOVERNMENT FOLLOW THE LAW.

exceptions to "no 3rd party standing requirement" **CORRECT ANSWERS**  $\square$  - EXCEPTION #1 (most important exception): third party standing is allowed if there is a CLOSE RELATIONSHIP between the  $\Pi$  and the injured third party which means the  $\Pi$  can be trusted to ADEQUATELY REPRESENT the interests of the third party

-EXCEPTION #2: third party standing is allowed if the injured third party is unlikely to go to court themselves

-EXCEPTION #3: organizations

requirements for organizations to sue on behalf of its members: **CORRECT ANSWERS**  $\square$  i) the members would have standing

ii) the interests are germane to the organization's purpose

iii) neither the claim nor relief requires participation of individual members

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**M Walker**



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she started the cherokee community library when she retired she started the free book center