

Constitutional Law (Bar Exam) Questions and answers

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

2) causation and redressability: the PLAINTIFF must allege and prove that the **DEFENDANT** caused the injury so that a favorable court decision is likely to remedy the harm.

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

4) no generalized grievances: the PLAINTIFF 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** -

-EXCEPTION #1 (most important exception): third party standing is allowed if there is a CLOSE RELATIONSHIP between the PLAINTIFF and the injured third party which means the PLAINTIFF 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** 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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