

A trade association in State A was formed for the purpose of protecting the state's lucrative cattle industry. The association's members, who are cattle breeders and dealers, use a grading system to grade the quality of cattle bred in the state. The grades assigned by the association are nationally recognized and prominently displayed on cattle to promote the state's cattle industry.

The commissioner of the agency that regulates cattle in State B has adopted a regulation that requires cattle sold in the state to display a grade approved by the federal government or no grade at all. The sales in State B of several members of the trade association have declined as a result of complying with this regulation. As a result, the association has filed suit against the commissioner in a federal district court, seeking an injunction against the enforcement of the regulation on the ground that it is unconstitutional.

May the court determine the merits of this suit?

- A. No, because the association itself has suffered no injury.
- B. No, because the Eleventh Amendment prohibits suits against state officials in federal court.
- C. Yes, because federal courts have exclusive jurisdiction over federal-law claims.
- D. Yes, because the association has standing to sue on behalf of its members.

## Explanation:

### Article III standing

(suing on another's behalf)

<b>Organization members</b>	Organization has standing if: <ul style="list-style-type: none"><li>• members have standing to sue on their own behalf</li><li>• their injuries relate to organization's purpose AND</li><li>• lawsuit does not require member participation (if damages sought)</li></ul>
<b>Third party</b>	Injured plaintiff has standing when: <ul style="list-style-type: none"><li>• parties share inextricably close relationship (eg, doctor/patient) AND</li><li>• obstacle prevents third party from suing (eg, privacy/retaliation concern)</li></ul>
<b>Child</b>	Parent has standing unless parental rights have been limited by court OR lawsuit may adversely affect child
<b>Assignor</b>	Assignee has standing if assigned legal claim for ordinary & good faith business purpose

A federal court cannot hear a case unless the plaintiff has **standing**—ie, a concrete interest in the outcome of the case—to bring it. When the **plaintiff is an organization** (eg, trade association), the organization has standing to sue when it has suffered an injury. It also has standing to **bring an action on behalf of its members** when:

- the **members** themselves would **have standing** to sue (ie, members suffered an injury-in-fact that was caused by the defendant and is redressable by the remedy sought)
- the interests at stake (eg, members' injuries) relate to the **organization's purpose** *and*
- if damages are sought, the lawsuit **does not require member participation** (eg, to prove monetary damages).

Here, the association's members would have standing because the decline in sales (injury-in-fact) caused by the commissioner's regulation (causation) will be remedied if the court grants an injunction (redressability). The decline in sales relates to the association's purpose of protecting State A's cattle industry. And since the association seeks an injunction (not damages), member participation is not needed. Therefore, the association

has standing to sue on behalf of its members, and the court may determine the merits of this suit.

**(Choice A)** An organization must suffer an injury-in-fact to have standing to sue on its *own* behalf. But an organization may have standing to sue on its *members'* behalf even if it has not suffered an injury.

**(Choice B)** The [Eleventh Amendment](#) generally bars private parties and foreign governments from suing a *state* in federal court for *monetary* relief. But it does not bar suits against *state officials* for *injunctive* relief (as seen here).

**(Choice C)** Federal and state courts have concurrent jurisdiction over federal-law claims unless the Constitution or Congress expressly provides federal courts with [exclusive jurisdiction](#) (not seen here).

**Educational objective:**

An organization has standing to sue on its members' behalf when (1) the members themselves would have standing to sue, (2) the interests at stake relate to the organization's purpose, and (3) if damages are sought, the lawsuit does not require member participation.

**References**

- U.S. Const. art. III, § 2 (case-or-controversy requirement).
- *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 343–45 (1977) (holding that organizations may bring actions on behalf of their members when the requirements for organizational standing are met.)