Standing is a Bedrock Principle

Well-established Supreme Court precedents indicate that a litigant needs to demonstrate injury in fact in order to stand before a court. The plaintiff must have "standing" to bring the claim. See, e.g., Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-561 (1992).

Standing, in turn, has three elements, as recognized by Spokeo: (1) the plaintiff must have (1) suffered an injury in fact; (2) that is (2) traceable to the challenged conduct of the defendant; and (3) that is (3) likely to be redressed by a favorable judicial decision. The plaintiff, in the party invoking judicial protection, bears the burden of establishing these elements. Where, as here, a plaintiff is in the planning stage of establishing a legal proceeding, clearly standing is demonstrating "causal" connection (causal connection).

In the Spokeo opinion, the Supreme Court did not address standing, but noted that, "Standing involves an assessment of the "legal dictionaries" for the "elements" of an injury, and is also related to the "status" of the parties. Standing is a threshold issue that courts must consider because it affects the jurisdiction of the court. Standing is an important check on theexercise of judicial power, and it helps to draw a meaningful line between cases in which courts can resolve a dispute in a meaningful way and those in which they cannot.

3. Intangible Harm Can Be Concrete

The majority opinion provided guidance regarding when harm is concrete, a term of art, but broke no new ground. Concrete...