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*Expanding the Zone, Tilting the Field:
Zone of Interests and Article III Standing Analysis After Bennett v. Spear*

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Abstract by Alex M. Johnson

This article explores the potential impact on Article III standing for judicial review of regulatory entities in light of the decision in *Bennett v. Spear*, a Supreme Court case in which the Court departed from its decision in *Lujan v. Defenders of Wildlife* and applied a procedural rights analysis under the “zone of interests” test developed from the Administrative Procedure Act (APA). The “zone of interests” test, which the Court applied in an inconsistent manner prior to *Bennett*, delineates criteria to determine when a litigant claim encompasses the sphere of interests emanating from the statutory provision at issue. After reviewing the doctrine of standing in the context of administrative law standards, the author discusses the “zone of interests” test before and after the decision in *Bennett*, as well as the facts leading to the Court’s decision.

The author emphasizes the significance of the “alters the legal regime” test articulated in *Bennett* and contends that it should be the sole provision applicable to violations of procedural rights. Next, the article addresses the proper judicial role for determining procedural rights by drawing a comparative analysis between the opinion in *Lujan* and *Bennett*. Further, the author provides a detailed assessment of the potential consequences of this decision, taking an introspective look at the current judicial and legislative practices addressed by the courts. Finally, the author concludes by criticizing the *Bennett* confusion over “zone of interests” standing criteria, and questions the Court’s refusal to follow the precedent set in *Lujan*. Overall, this article presents a complex analysis of a complicated decision with the potential to change the entire landscape of plaintiff procedural challenges to regulatory agency missteps.