

ABSTRACT

Stephen Lanza

The Liberalization of Article III Standing: The Supreme Court's Ill-considered Endorsement of Citizen Suits in Friends of the Earth v. Laidlaw Environmental Services, Inc.

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Abstract by Peter Hack

This Case note examines the Supreme Courts' recent decision in Friends of the Earth v. Laidlaw Environmental Services, Inc. The author suggests that the decision in this case has liberalized the doctrine of standing, and has opened the way for citizen enforcement of environmental law statutes. The article opens with a brief review of the evolution of standing. Although the concept of standing is rooted in the constitutional requirement that courts examine only cases and controversies, the author indicates that standing is a recent development. In fact, the article suggests that modern use and interest in the doctrine can be traced to a Supreme Court case in 1970. The author then explains the factual and procedural background of the *Laidlaw* case. The author suggests that the Supreme Court's willingness to grant Friends of the Earth standing despite a weak showing of actual injury, has liberalized the doctrine. The article explains that numerous environmental law statutes have citizen suit provisions and that an open standing doctrine will lead to increased litigation. The author suggests that this increased litigation will interfere with government enforcement and cooperation with businesses. The article concludes that the legislature must therefore narrow the concept of standing as propounded by the Supreme Court.