

## WHO HAS STANDING TO SUE UNDER THE EMOLUMENTS CLAUSES?

Three pending lawsuits challenge President Trump's practice of accepting payments and other benefits from foreign governments through his businesses as violative of the Foreign Emoluments Clause. They also allege that the President's practice of accepting payments and benefits from state or federal governmental units violates the Domestic Emoluments Clause. These actions raise interesting questions about the meaning of two little-discussed provisions of the Constitution. But before reaching the merits the courts where these cases are pending will first have to grapple with issues of justiciability - in particular, with the question whether plaintiffs have "standing" to bring their claims in federal court. This article explains why, under the Supreme Court's Article III standing case law, the plaintiffs in the three pending actions do have standing to sue, and to demand most, if not all, of the relief that they seek.



**Professor Matthew I. Hall**

**Monday, October 16, 2017**  
**Noon - 1:00 p.m.**  
**Seminar Room 20**

**Matthew I. Hall** is Associate Professor at the University of Georgia School of Law. His research is in the area of federal jurisdiction and civil procedure, with a focus on the Article III jurisdiction of federal courts. His work has been published by the *Fordham Law Review*, *George Washington Law Review*, *University of Pennsylvania Law Review*, *University of Southern California Law Review*, *Stanford Law Review* and *UCLA Law Review*.

Before entering academia, Hall served as a judicial clerk for Judge David F. Levi of the U.S. District Court for the Eastern District of California and for Judge Marsha S. Berzon of the U.S. Court of Appeals for the 9th Circuit. He also practiced law for five years in San Francisco, and spent one year as Special Assistant to the chairman of the federal judiciary's Standing Committee on Rules of Practice and Procedure. Hall then served as an adjunct professor at the University of California, Davis, School of Law and as a visiting assistant professor at the University of the Pacific, McGeorge School of Law.