"De Minimis Non Curat Lex –Is This Really a Legal Maxim or Just another Way for a Judge to Dismiss a Case"

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Abstract

This case will provide an excellent test for a student's basic knowledge of the concept of "De Minimis Non Curat Lex" It has long been used and designated as a legal maxim, since early English medieval times. More commonly known as "the law does not concern itself with trifles". (Black's Law Dictionary, 10th Edition 2014). It has been used and applied by various courts throughout history. Even down to the present day.

However, there appears to be no specific terms for its application other than the subjective opinions of individual judges.

As best as can be discerned, there are limited specific statutory or judicial recognitions of the maxim fir any specific cause of action. It is rather generally applied to rid the courts of insignificant or trivial claims, which would tend to bog down the court system itself, without such a creative remedy available to the judges.

Keywords: De Minimis, trifle, trivial, insignificant, Paltry, minor consequence

Introduction

This is a hypothetical case that will allow the students to examine the concept of de minimus non curat lex. It will also show that this is an equitable remedy and continues to be in a state of flux. It is generally used to avoid additional litigation and further appellate review. It is an equitable remedy wherein the trial judge has the absolute and complete control, as well as the discretion of its use and application. Students will also learn that this concept can be used in various legal situations and has a different application in various state courts.

It has yet to be overturned or eliminated by the United States Supreme Court and will continue as an avenue for individual judges to eliminate various insignificant and trivial cases, as they see fit.

Fact Scenerio

Bobby was the owner and operator of "Bobby's Lawn Care Services". One of his neighborhood customers was Mr. Milton Lipinski. During the summer months, Bobby would mow and tend to the lawns of his customers. Sometimes they would not be home when h performed his services. As he would come by every two weeks for lawn service and maintenance.

On one particular occasion, Mr. Lipinski was away with his family on vacation. Upon his return, he felt that the job has been done inadequately. Since he was able to observe pieces of mowed grass, littering and covering most of his concrete sidewalks and driveway.

As a result, Mr. Lipinski expressed his frustration and displeasure to his immediate neighbors, in that Bobby had not used the proper equipment, namely a leaf blower, as he normally does to clear the sidewalks and driveway. Consequently, Mr. Lipinski as well as several neighbors cancelled the services performed by Bobby.

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At that time, Bobby filed a defamation action against Mr. Lipinski, expressing his dissatisfaction with the comments and alleging that the statements made by Mr. Lipinski's statements cost Bobby a portion of his lawn mowing and landscaping service business.

Lipinski intends to defend on the basis that it is not only his opinion that the work was sub-standard, but that the statements were truthful, in that the work had not been completed as was the normal standard as set by Bobby from prior work.

Bobby's response was that he had a new employee doing the work on Mr. Lipinski's lawn, and that the employee was unaware that he needed to use the leaf blower to clear away the cut grass from the sidewalks and driveway.

Teaching Notes

Questions:

1.) Could a trial Court have sufficient power and authority to dismiss any claims made by Bobby ?

Yes. Courts all have the equitable authority to dismiss any claim that, it finds to be a waste of judicial time and effort. Hence, the existence of the concept of "de minimis non curat lex". Wherein it has been used to apply in civil and criminal cases alike.

2.) Are there instances where the concept is not applicable?

Yes. The students attention should be directed to the case of Leffingwell vs. Glendenning (238 S.W. 2d. 942), (Ark. 1951). In which the Court held that the maxim did not apply to real property cases. Although, some state courts have held differently.

3.) Does the concept of "Zero Tolerance" ever come into play with regard to this concept?
Yes. "Zero Toleramce" is often used when it involves such offenses as drugs and firearms. It is often times used as an absolute and does not take into account or consideration any mitigating facts or circumstances and as such, the concept of "de minimis" has no useful or acceptable application.

4.) Would it make any difference since Bobby alledges that he had an employee do the work?

Probably not. Bobby would still be held responsible under the principal of "respondeat superior". Where the employer/master (Bobby) is held responsible for the sctions of his employee/servant.
Again, the Court would have the ability to dismiss the case as being de minimis. Although, as stated before, not all state courts agree as to the disposition of tort cases in this fashion.

Summary

Not all Courts agree as to when and how to apply the doctrine. The Courts consider the wrong involved and the amount of harm before they make a decision of applying "de minimis". It is said that the maxim is a pure "exercise of judicial power and nothing else." (State v. Park), 525 P2d 586 (Haw. 1974)

References

1.) Black's Law Dictionary (10 Ed.)
2.) Goulding v. Ferrell,117 N.W. 1046 (Minn.1908)
3.) Leffingwell v. Glendenning, 238 S.W. 2d. 942 (Ark. 1951)
4.) Zero Tolerance @ http:///www.crossmyt.com/hg/zeroto/zero-tol.html
5.) "What is a trifle anyway"? 37 Gonz L. Rev. 315 (2002)
6.) Commonwealth v. Moses , 504 A 2d. 330 (Pa. Super Ct 1986)
7.) State v. Park,525 P 2d. 586 (Haw 1974)

Applicable Courses

Business Law
Contract Law
Tort Law
Legal Studies
Legal Enviornment

Additional Research

Students could also research and discuss the various forms of ownership. Specifically, sole proprietorship, Limited Liability Companies and Corporations.