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“Tip of the Month”

The Equity Court

Once upon a time, long ago in a land across the sea (Merry Olde England), there were two courts, the law court and the equity court. The law court was the province of feudal lords and the King, who enforced criminal laws and passed judgment over civil disputes, usually involving money or property.

The equity court was under the jurisdiction of the Church. Sometimes called the ecclesiastical court or the chancery court, the equity court decided matters not involving money, but rather involving issues for which there was no adequate remedy at law, sometimes on an emergency basis. Issues involving land, title, and family squabbles were decided by the clergy, the bishops and the archbishops, usually applying standards of fairness and reasonableness.

The line between law and equity was never real clear. It remains fuzzy today. Over time, American law has joined law and equity together. Some distinctions remain. For example, most equity petitions are not for money damages. Equity cases often involve requests to make someone stop doing something (injunctions) or to make someone do what they are supposed to (specific performance), such as, to convey real estate as agreed under a contract for sale.

Another distraction is that equity issues are decided by the judge. There is no constitutional right to a jury trial on issues in equity. Thus, if a lawsuit for money damages and a petition for equitable relief are tried together, the jury will decide only the part related to the damages, though the jury’s findings of fact might help the judge decide the equity issues.

The equity court also operates under some “fairness” principles, such as the “clean hands” doctrine. In order to get equity, a person must do equity. People who come to the equity court with unclean hands might be denied the relief they seek.

Another unique rule in the equity court is the doctrine of “laches.” This is a bit like a statute of limitations, but without a specified time frame. The principle is that people seeking equity must do so promptly and diligently. If people sit on their hands when they could have sought an equitable remedy, and time and circumstances then make that remedy more difficult, laches might apply as a defense to block the requested relief. Thus, the time frame for laches to apply in equity is variable and must be determined on the facts of each case.

If you have any questions about procedure in the equity court, or would like to know more about the kinds of cases decided in equity, please feel free to give us a call at 603-669-1971 or by email at Meslaw@aol.com.

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