

Case Brief

Civ Pro, personal jurisdiction, constitutional requirement of notice.

Bauer 3/7/15

Identity of Case

Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)

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Summary of Facts/Procedural History

Hanover runs a common trust fund, and each year it has to (by law) judicially settle it. Basically, it goes to court, says this is what we did with your money, invites any beneficiary to object, and if they don't, they can't object and the year goes on. Mullane was the attorney representing "persons known" who had not responded to the notice/summons.

Hanover complied with the minimum requirement of the law, publishing notice of service in the newspaper. Mullane objects that this is insufficient notice and therefore unconstitutional under the 14th amendment, since property rights of the known and unknown beneficiaries are affected.

Statement of the Issue

Does complying with the minimum under the law provide sufficient notice?

Holding

For persons known, no. For persons unknown, yes.

Reasoning

The law can require whatever level of notice is reasonable, so long as it is sufficient under the 14th amendment to provide due process of law.

For persons known, it is incredibly likely that the bank knows where they are, has been sending them checks already, and can easily send them a letter. Although these letters are more expensive than publication, they aren't unreasonable.

For persons unknown, it is a bit unreasonable to ask the bank to track them down. How can they find them if they don't even know who they are? Publication is fine.

Evaluation