

Tuesday, February 12, 2008

If Mickey Mouse were a criminal court judge.

Â Bill of Rights.Â (From the public domain.)Â Yesterday, the Lansing State Journal interviewed me about the legitimacy of a disciplinary action against students where not all the disciplinary board members had been legitimately seated inÂ their positions. The article is here <http://www.lansingstatejournal.com/apps/pbcs.dll/article?AID=2008802120324>Â (I am at a computer that will not enable me to insert links without using HTML language). Â I said that if any of theÂ disciplinary board membersÂ were improperly appointed, "I certainly would use that as one of my defenses to reverse the sanction because if the board is without authority, then its sanction is meaningless." "It's like appointing Mickey Mouse to be a criminal court judge and having Mickey Mouse order someone to go to jail for five years." "The order for five years of jail by Mickey Mouse is null and void."Â Moving beyond Mickey Mouse to Joseph Stalin, some of the most draconian and unfair tribunals in theÂ United StatesÂ are student disciplinary bodies, which often act more like star chambers than people who want true fairness. Particularly at private schools -- because at least state-run schools are required to operate in conformity with the due process requirements of the Constitution (which does not automatically mean they do)Â -- some of the most shocking violations by student disciplinary authorities will be seen, including some places that do not even let an attorney in the hearing room with the student, and others that allow an attorney's presence but do not let the attorney speak to the disciplinary panel. Â I have been defending students in disciplinary matters for over seven years. It is a rush to stand up for their rights. My first article on the topic is here: <http://markskatz.com/students.htm>. Jon Katz

Posted by Jon Katz in Constitutional Law at 11:30