



Requirements for Due Process

As a party in court, you are entitled to the following requirements for due process:

- (1) An unbiased judge and jury.
- (2) An opportunity to have a lawyer with you.
- (3) Notice of the charges being filed against you and why.
- (4) An opportunity to explain why the charges against you should not be filed.
- (5) The right to present evidence, and the right to know what evidence the opposing party has against you.
- (6) The right to call witnesses, and the right to cross-examine, or question, the witnesses that the other party might call against you.
- (7) A decision in your case that is based only on the evidence that has been presented during the case.
- (8) A decision in your case that is written down and explained, and includes clear explanations of any facts of your case.

Adapted from Judge Henry Friendly, "Some Kind of Hearing," 1975



Due Process Scenarios

Scenario 1

Mrs. Jasper, the science teacher, finds several beakers broken on the floor of the science classroom. She makes all of the students in the science class stay following class and tells them someone must confess to breaking the beakers in order for everyone to leave. She asks each student to write a note telling her what they know about the broken beakers. Three students each write notes that say, "I saw Ann break the beakers." One of the students, Michelle, was angry with Ann after they had argued earlier in the week. Mrs. Jasper reads the three notes and tells Ann to go with her to the school office.

Scenario 2

The park manager in City Village discovers the statue in Town Square Park covered with graffiti. He reviews security footage from the previous night, and sees what appears to be a young man wearing a baseball cap spray painting the statue. William, a local middle schooler who wears baseball caps and walks through the park to and from school each day, is walking past the statue, on his way home, when the park manager stops him, and starts talking to him. The park manager asks William if he knows anything about the vandalized statue. William tells the park ranger that he is not comfortable with the ranger's questions, and asks if he can go home to his parents. The park ranger tells William that he thinks William vandalized the statute and will report it to the local police.

Scenario 3

Reggie is accused of cheating on a math test, while Reggie's friend, Robin, is accused of helping him. There is a policy at Reggie and Robin's school that anyone caught cheating or helping someone to cheat on a test will be suspended for three days. After some questioning by Ms. Smith, the math teacher, both Reggie and Robin admit to cheating on the math test. Ms. Smith fills out a report about the incident and submits it to the school office. Based on the report, Reggie is suspended for cheating, while Robin is not.