

# **MICHAEL P. SENG**

The John Marshall Law School  
315 South Plymouth Court  
Chicago, Illinois 60604  
(312) 427-2737

## **ACADEMIC POSITIONS**

### **1983 - Present**

Professor, The John Marshall Law School, Chicago, IL

### **1979 - 1983**

Associate Professor, The John Marshall Law School, Chicago, IL

### **1976 - 1979**

Assistant Professor, The John Marshall Law School Chicago, IL

Subjects: Constitutional Law, Public Law Litigation, Federal Jurisdiction, Civil Rights, Comparative Law, National Security Law, Fair (Anti-Predatory) Lending and Home Preservation Law, Restorative Justice Law, Fair Housing Law

### **Co-Executive Director, The John Marshall Fair Housing Legal Support Center (since 1991)**

Serving with F. Willis Caruso as co-director of the Fair Housing Legal Support Center, he plans and oversees conferences on fair housing law, responds to inquiries from attorneys and organizations on fair housing law, and prepares fair housing informational materials for attorneys and the general public. The Center has conducted trainings in Fair Housing Investigations and Conciliation for HUD investigators and enforcement personnel. The Center has planned, prepared materials for, and participated in fair housing trainings for agencies and organizations throughout the United States. He is a regular speaker at conferences and trainings throughout the United States on fair housing law and enforcement.

Since 2004, he has organized a new course at The John Marshall Law School on Fair (Anti-Predatory) Lending and Home Preservation Law. As part of the course, law students go out into the community to educate persons about predatory home lending issues and to review lending documents of borrowers to see if they contain terms that may be predatory. The course and project are funded through grants by HUD and the City of Chicago.

He has also taught a course on Fair Housing Law to college and university students in the Chicago Metropolitan area. As part of the course, students work as interns with a local fair housing agency or organization. The Course is funded by a grant from HUD.

**Executive Director, The John Marshall Law School Fair Housing Legal Clinic (since 1992)**

Supervises clinical attorneys and consults with students who investigate and litigate fair housing cases in both administrative and judicial forums. He also is responsible for securing foundation and government funding for the operation of the first law school clinic in the United States that handles solely issues involving housing discrimination.

**Co-Director, The Restorative Justice Project (Since 2010)**

Serving with Judge Sheila M. Murphy (ret.), the Restorative Justice Project is a committed effort to bring about the intersection of restorative justice tools and techniques within the construct of a law school. The Project is committed to training students and new lawyers about restorative justice so that they realize that the application of justice is not just punitive but can also be restorative.

The Project is bringing restorative justice practices, tools, and techniques to students in Chicago's Public Schools as an effort to stop truancy and anti-social behavior in the schools and to eliminate violence in the community.

**Director of Foreign Programs, The John Marshall Law School (Since 2008)**

Assists foreign students attending The John Marshall Law School in both the J.D. and LL.M. programs, and coordinates John Marshall's various foreign programs and sister school agreements.

**Faculty Liaison for Czech/Slovak Legal Institute (since 1993)**

Coordinates activities for The John Marshall Law School Czech/Slovak Legal Institute, which maintains sister school relationships with the Faculties of Law, Masaryk University in Brno, the Economics University in Prague, the School of Public Administration and International Relations in Prague, and the Czech Supreme Court. It also organizes continuing legal education programs with the Czech Bar Association. Since 2001, it conducts a week-long program to train new Czech and Slovak attorneys in American law, professional responsibility, and alternative dispute resolution. He served as a visiting Professor of American Constitutional Law at the Faculty of Law, Masaryk University from February through June 1996, and has regularly taught shorter courses at the Prague School of Economics and at Masaryk University.

**Fulbright Lectureship (September, 1983 - July, 1984)**

Senior Lecturer on the Faculty of Law, University of Maiduguri, Maiduguri, Nigeria. Subjects: Constitutional Law, Contracts, and Conflicts of Laws

**Coordinator of Russian IP Program (1998-99)**

Coordinated grant from United States Information Service to conduct Intellectual Property Law training in Russia

### **Consultant on Clinical Legal Education (1995)**

Served as consultant to the American Bar Association, Central and Eastern Law Initiative program on Clinical Education in Lithuania

### **Fulbright Senior Consultant (2002 – 2007)**

Selected by the Fulbright Association to be a senior consultant upon request of foreign universities. Selected to by the Economics University of Prague to act as a consultant for a two-year period to set up a program in American Legal Studies. On three different occasions he has taught courses at the Economics University in American Law and in American Constitutional Law. In March 2005, he was a visiting Fulbright professor at Masaryk University in Brno where he taught courses in Professional Responsibility and in American Constitutional Law. He taught a course on American National Security Law at the Economics University in Prague in March 2007. He has been invited back annually to teach one-week courses each spring to students at Masaryk University in Brno. Courses have covered such topics as National Security Law, the American System of Federalism, Freedom of Speech, and Freedom of Speech and New Technology.

### **Visiting Lecturer at National Chiao Tung University, Taipei (Summers 2004, 2006 – 2011, 2013, and 2014)**

Taught summer courses on Professional Responsibility, American Constitutional Law, and Federal Jurisdiction at National Chiao Tung University Institute of Technology Law in Taipei, Taiwan. During the summer of 2007, he presented a lecture on judicial ethics for the Judicial Yuan in Taipei.

### **Lecturer in the JMLS Intellectual Property Summer Program in China (Annually since 2010)**

Taught a summer course in Freedom of Speech and New Technology for The John Marshall Law School Intellectual Property Center in Beijing China. Participants include both American and Chinese students.

## **EXPERIENCE AS LAWYER**

### **1976 - Present**

In addition to teaching, he has served as counsel in a number of cases in the state and federal courts. Most of these cases have involved constitutional or public law issues, including a number of civil rights cases. Co-counsel in a suit attacking the Illinois Residential Picketing Statute as violative of the First Amendment, *Carey v. Brown*, 447 U.S. 455 (1980), and in an appeal to the Supreme Court on the validity of a referendum under the Equal Protection Clause, *City of Cuyahoga Falls v. Buckeye Community Hope Foundation* (2003), and in Voting Rights Act suits against the Cook County judiciary and the City of Chicago Heights, Illinois.

### **Directing Attorney for the Land of Lincoln Legal Assistance Foundation in Cairo, Illinois (July, 1972 to August, 1976)**

The office was opened in 1969 as a special project of the Lawyer's Committee for Civil Rights under Law and was merged (administratively) with other downstate Illinois legal services offices in 1972.

While in Cairo, he worked on civil rights and poverty law problems for Alexander, Pulaski and Union Counties, Illinois. These counties are statistically the poorest in the state, and they have a long history of racial polarization and conflict. The Lawyers' Committee opened its office in Cairo at a time when violence and shootings were a daily occurrence in the city. By channeling civil rights complaints through the courts, the office helped defuse the violence and improve racial relations in this troubled city. For an account of the Cairo activities, see 61 Ore. L.Rev. 285 (1982).

### **Associate, Jenner & Block, Chicago, Illinois (July, 1968 - July, 1972)**

Engaged in general practice; argued Kirby v. Illinois, 406 U.S. 682 (1972), in the United States Supreme Court; and did volunteer legal work for the Legal Aid Clinic in the Cabrini-Green housing project in Chicago and for a senior citizens group in the Uptown area of Chicago.

### **Judicial Clerk (August, 1967 - August, 1968)**

Clerk to the Honorable John F. Kilkenny of the United States District of Oregon. Accompanied the judge when he sat for a month each on the District Courts in San Juan, Puerto Rico and Tucson, Arizona

### **Admitted to Practice**

Oregon, 1967; Illinois, 1968; United States Supreme Court, 1971

### **Boards and Community Organizations**

Member of the Board of Trustees of the Woodstock Institute, since 2011, Vice President 2012 - present

Member of the Board of Trustees of the National Czech and Slovak Museum, Cedar Rapids, Iowa, since 2013

Member of the Board of Trustees of the Council of Higher Education (Council awards scholarships to Americans and Canadians of Czech and Slovak ancestry) 1997- present, President 2005 – 2010

Member of the Board of Directors of the Community Nutrition Network, which administers the Meals on Wheels Program for Cook County, Illinois, since 2004, Secretary 2008 – 2009, Vice-President 2010- 2014, President since 2014

Treasurer, the Hattie Kendrick Scholarship Fund, which provides a scholarship to a graduating senior from the Cairo, Illinois High School in honor of a Cairo teacher and civil rights leader, since 1991

Member and Chair of the Advisor Board for the Common Law Society, Charles University, Prague, Czech Republic, since 2007

Member of the Board of Directors of the Illinois Division of the American Civil Liberties Union, 1987-1995

Member of the State of Illinois Residential Mortgage Board, which is an advisory board to the Director of the Illinois Division of Banks and Real Estate under the Office of Office of Professional Regulation, 1997-2009, President 2002-2009

## **EDUCATION**

### **J.D., Notre Dame Law School (June, 1967)**

Rank: top 10% of my class. Received the Justice Brennan Law Scholarship for academic achievement and worked as a prefect in an undergraduate dormitory. Staff member of the Notre Dame Lawyer, 1965-67. Works published while in Law School:

Note, "The Legal Status of Franchises That Specify That a Dealer Must Confine His Sales to a Designated Territory," 42 Notre Dame Lawyer 412 (1967)

Note, "Intervention by Third Parties in Federal Administrative Proceedings," 42 Notre Dame Lawyer 71 (1966)

Note, "Labor Law -- Unfair Labor Practice -- Employer May Violate §8(a)(1) in Attempting to Ascertain Union Majority Status," 41 Notre Dame Lawyer 579 (1966), cited and relied upon by NLRB in *Struksnes Const. Co.*, 1967 NLRB 2 21, 558

Note, "Federal Taxation -- Capital Gains Treatment Given Proceeds from Bootstrap Transfer of Corporation to Tax-Exempt Organizations," 41 Notre Dame Lawyer 273 (1965)

### **B.A., cum laude, University of Notre Dame (1964)**

Major: History. Awarded O'Brien Prize for research paper on Food Relief in Belgium during World War I. Attended St. Ambrose College, Davenport, Iowa, freshman year. During college, worked summers for the Federal Agricultural Stabilization Service in DeWitt, Iowa. Also worked for the Music Department at Notre Dame

### **National Endowment for the Humanities Fellowship (Summer, 1980)**

Awarded a fellowship to study Race, Racism, and American Law at the Harvard Law School

## PUBLICATIONS

### Books

Restorative Justice in Practice: A Holistic Approach (Vandeplas Pub. Co. 2015)  
(with Sheila M. Murphy)

Eyewitness Testimony - Strategies and Tactics (West Pub. Co. 1984, 2d edition  
2003 and Annual Supp.) (with William K. Carroll)

One or Many? The Law and Structure of the European Union and the United  
States (2011) (Michael P. Seng, editor)

### Chapters in Books

Chapter, "Achieving Integration Through Private Litigation," The Integration  
Debate, Hartman & Squires, editors (Routledge 2009) (with F. Willis Caruso)

Chapter, "Legal Protection Against Discrimination in Housing in the United  
States," Pocta Valdislavu Davidovi (ed. Czech Supreme Court Justice Ludvik  
David, Olomouc University, Czech Republic 2007)

Chapter, "Discrimination in Housing," Advising Elderly Clients and Their Families,  
(Illinois Institute for Continuing Legal Education (2000, 2006, 2008) (with F. Willis  
Caruso)

Chapter, "Constitutional Restraints on the Regulation of Business in the United  
States," Freedom of Contract Conference (Masaryk University, Czech Republic  
1997)

Chapters, "Judicial Ethics - The Question of an Independent Judiciary," and  
"Legal Ethics - The Duty to Provide Representation" in Conference Papers on  
Professional Ethics (Masaryk University, Czech Republic 1996)

Chapter, "The Need for a Reevaluation of the Treatment of Conscientious  
Objection under the Law of the United States" in From the Eye of the Storm,  
Bove & Kaplan, editors (Rodopi 1995)

Chapters, "Public Access to the Press and the Media under the Law of the United  
States" and "Criminal Prosecution of the Press for Publishing Subversive Material  
under the Law of the United States" in Freedom of Expression and Press  
(Masaryk University, Czech Republic 1995)

Chapters "Privacy Rights of Institutionalized and Incompetent Persons" in Privacy  
Law and Practice, Prof. George Trubow, editor (Matthew Bender 1987)

Chapter, "Fair Housing Law" in Representing Tenants, (Illinois Institute for  
Continuing Education 1975) (revised 1978, 1983, 1988, 1992, 1998, 2000).  
(with F. Willis Caruso)

Chapter, "Municipal Liability for Police Misconduct" in Police Civil Liability, Dr. Leonard Territo, editor (Hanrow Press 1984)

## **Booklets**

"From Rosa Parks to Barack Obama – The Evolution of the Civil Rights Movement in the United States," The Third Annual Rosa Parks Memorial Lecture, published as a special Supplement to The Common Law Review (Charles University, Prague) (2010)

A Layperson's Guide to the Fair Housing Laws (1995, 1998, 2001, 2005, 2010) (with F. Willis Caruso)

A Layperson's Guide to Mortgage Lending and Insurance Discrimination under the Fair Housing Laws (1997) (with F. Willis Caruso)

A Primer on Fair Housing Law (1992, 1996, 2001, 2007, 2011, 2014) (with F. Willis Caruso)

Attorney Forms Relevant to a Fair Housing Case (1992) (1996) (2002) (with F. Willis Caruso).

The John Marshall Law School Fair Housing Testing Manual (1995, 1998, 2003, 2013) (with F. Willis Caruso and Allison Bethel)

## **Articles**

"What Do We Mean by an Independent Judiciary?" 38 Ohio Northern University Law Review 133 (2011)

"Forty Years of Fair Housing: Where Do We Go from Here?" 18 J. Affordable Housing & Community Development Law 235 (2009) (with F. W. Caruso)

"The Effect of 'The War on Terrorism' on American Law," in Terrorism and the Law (ed. Martin Bohacek, Proceedings of International Conference published by The University of Public Administration and Law, Prague 2006)

"The Fair Housing Act and Religious Freedom," 11 Texas Journal of Civil Liberties and Civil Rights 1 (2005)

"Comment on Martin C. Abravanel's 'Public Knowledge of Fair Housing Law; Does It Protect Against Housing Discrimination?'" 13 Housing Policy Debate 515 (Fannie Mae Foundation) (2002)

"USA: Povolene K Vykonu Advokatni Praxe" ("Admission of Lawyers to the Practice of Law in the United States"), 8 Bulletin of the Czech Chamber of Lawyers 94 (2002) (with Ann Melichar).

"The Legal Status of Aliens in the United States in the Aftermath of the September 11 Terrorist Attack," 2 Common Law Rev. 9 (Charles University, Czech Republic) (Spring 2002)

"Terrorismus a Pravo," ("Terrorism and Law") 3 Casopis pro pravni vedu a praxi," 233 (Masaryk University, Czech Republic) (2001)

"Aspects of the Common Law System in the United States," 1 Common Law Rev. 4, (Charles University, Czech Republic) (Autumn 2001)

Commentary – "Reflections on When 'We, the People' Kill," 34 The John Marshall Law Review 713 (2001)

Book Review – "Africa by Edward Bever," World Libraries (1997)

"Klinicka cast pravnickeho studia ve Spojenych statech" ("Clinical Legal Education in the United States") 2 Casopis Pro Pravni Vedu a Praxi, 343 (Masaryk University, Czech Republic) (1996)

"Postaveni soukromych pravnickych skol ve spojenych statech a merideych" ("The Role of the Private Law School in the United States") in Aktualni problemy vysokoskolskeho pravnickeho vzdelanvani v cesks republice (1996)

"Hate Speech and Enforcement of the Fair Housing Laws," 29 The John Marshall Law Review 409 (1996)

Forward - "A Fair Housing Symposium on Litigating a Mortgage Lending Case," 28 The John Marshall Law Review 261 (1995)

"Who Makes American Foreign Policy," 5 Casopis Pro Pravni Vedu a Praxi, 221 (Masaryk University, Czech Republic) (1994)

"In a Conflict Between Equal Rights for Women and Customary Law, The Botswana Court of Appeal Chooses Equality," 24 U. of Toledo L. Rev. 563 (1993)

Book Review - "The Constitution and a Free Press," 77 Judicature 50 (1993)

"Conscientious Objection: Will the United States Accommodate Those Who Reject Violence as a Means of Dispute Resolution," 23 Seton Hall L. Rev. 121 (1992)

"Counseling a Victim of Racial Discrimination in a Fair Housing Case," 26 The John Marshall L. Rev. 53 (1992) (with Einhorn and Brown)

Forward - "A Decent Respect to the Opinion of Mankind," 25 The John Marshall Law Review 207 (1992)

"Judicial Enforcement of the Right to an Equal Education in Illinois," 12 N. Ill. U.L. Rev. 45 (1991) (with Michael Booden)

"Religion and Rehabilitation: Must the Courts Keep Them Separate?," 78 Ill. Bar Journal 240 (May 1990)



"Freedom of Speech, Press and Assembly and Freedom of Religion Under the Illinois Constitution," 21 Loyola Law Journal 91 (1989)

"Responsibility of Academics for Unethical Conduct of Colleagues and Students," 9 Perspectives on the Professions 6 (1989)

"Discrimination Against Families with Children and Handicapped Persons Under the 1988 Amendments to the Fair Housing Act," 22 The John Marshall Law Review 541 (1989)

"The Fine Art of Evasion: An Analysis of How the Federal Judiciary Preserves the Status Quo," (with David Neely and Robert G. Johnston), 2 National Bar Ass'n L. J. 46 (1988)

Commentary - "Will the Constitution Survive into the Twenty-First Century? Some Reflections on the Bicentennial of the United States Constitution," 21 The John Marshall Law Review 79 (1987)

"Federalism, the Courts and Individual Liberties," 75 Ill. Bar Journal 310 (Feb. 1987)

"The Press and Politics in Nigeria: A Case Study of Developmental Journalism," (with Gary T. Hunt), 6 Third World Law Journal (Boston College) 85 (1986)

"Democracy in Nigeria," 9 Black Law Journal (UCLA) 113 (1985)

"The Constitution and Informational Privacy, or How So-Called Conservatives Countenance Governmental Intrusion into a Person's Private Affairs," 18 The John Marshall Law Review 871 (1985)

"Picketing and Privacy: Can I Patrol on the Street Where You Live," (with Edward B. Arnolds), 4 S. Ill. U. L. J. 463 (1982)

"Liability of Land-Use Planners for Civil Rights Violations," 64 Chicago Bar Record 156 (1982)

"The Cairo Experience: Civil Rights Litigation in a Racial Powder Keg," 61 U. of Oregon L. Rev., 285 (1982)

"The Admissibility of Expert Testimony on the Issue of Eyewitness Identification in Criminal Cases," (with William K. Carroll and Edward B. Arnolds), 2 N. Ill. U. L. Rev. 59 (1981)

"Municipal Liability for Police Misconduct," 51 Miss. L. J. 1 (1981), reprinted in Police Civil Liability (Territo ed. 1984)

"Private Causes of Action under Sections 503 and 504 of the Rehabilitation Act of 1973," 27 DePaul Law Review 1117 (1978)

## **Studies**

"A Fair Housing Planning Guide for the City of Dubuque, Iowa", February 1996  
(with F. Willis Caruso)

"A Fair Housing Planning Guide for the City of Davenport, Iowa," June 2000

"A Fair Housing Planning Guide for the City of Dubuque, Iowa," December 2001

"Senior Housing Research Project – Findings and Conclusions," November 2007  
(funded by the Retirement Research Institute)

"Segregation in the Chicago Metropolitan Area – Some Immediate Measures to Reverse this Impediment to Fair Housing," May 2013 (Prepared for the Illinois Department of Human Rights under a grant from the United States Department of Housing and Urban Development)

"An Analysis of Impediments to Fair Housing in Dubuque, Iowa" (December 2014)

## **On-Line Articles**

Freedom of Information, Government Secrets and the Challenge of New Technology (The John Marshall Law Review, February 28, 2014).

"Standing to Complain in Fair Housing Administrative Investigations," Fair Housing Commentary (2008),  
<http://www.jmls.edu/fairhousingcenter/commentary.SHTML>.

## **Newspaper Articles**

"Housing Discrimination still exists – here's what can change that," Crain's Chicago Business, July 16, 2015

"U. S. Response to Attacks Raises Vexing Questions," Chicago Daily Law Bulletin, September 19, 2001, page 6

"Clinical Legal Education in the United States," ELSA Newsletter, December 1999, Charles University, Prague, Czech Republic

"When a Nation's Principles are put to the Test" (A discussion of the Amistad Case), Chicago Daily Law Bulletin, December 22, 1997, p. 5

"Protecting Our Civil Rights Through Ungracious Words," Chicago Tribune, July 4, 1997, sec. 1, p.21

"It's Not 'goo-goo' to back Fair Housing," Voice of the People, Chicago Tribune, January 11, 1994, sec. 1, p. 14

## **Videos**

John Marshall Restorative Justice Program (2014) (with Hon. Sheila M. Murphy, Ret., funded by the Illinois Bar Foundation)

## **Awards**

The Leonard Schrage Award presented by the Chicago Bar Foundation for teaching and public service, July 2014

The Spirit Award presented by The John Marshall Law School Board of Trustees, April 2014.

Leadership and Achievement Award presented by The John Marshall Law School, January 2010

The Elmer Gertz Award presented by the Illinois Bar Association and the Blind Services Association for work in advancing individual rights and liberties in underserved communities, December 2007

2005 Czernin Palace Bronze Award presented by the Czech Ambassador to the United States for significant contributions to the Czech Republic

2005 Masaryk Gold Metal presented by the Faculty and Rector of Masaryk University in Brno, Czech Republic for fostering exchanges between Masaryk University and The John Marshall Law School

Distinguished Service Award – The John Marshall Law School Alumni Association, May 2003

Liberty Award – The Bohemian Lawyers Association, May 2003

Pioneers of Fair Housing Award – U. S. Dept. of Housing & Urban Development, April 2003

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