

ALLEN E. SHOENBERGER

John J. Waldron PROFESSOR OF LAW

ONE EAST PEARSON

CHICAGO, ILLINOIS

312 915 7141

EMAIL: ashoen1@luc.edu

Elected Member American Law Institute

Education

Swarthmore College, BA with Honors, 1966 National Merit Scholar

Columbia University School of Law, J.D. With Honors, 1969 Harlan Fiske Stone Scholar, 1966-67, 1968-69

Articles Editor, Columbia Journal of Law and Social Problems

New York University School of Law, LL.M., 1972 Ford Urban Law Fellow

Employment

Full time appointment with the School of Law of Loyola Chicago since 1972

Adjunct Associate Professor of Social Work 1978-84 and Adjunct Associate Professor of Preventive and Community Dentistry 1981-1990.

1993)

Instructor in the Department of Medical Humanities, Stritch

School of Medicine (1985- 2000).

Primary law courses include: Constitutional Law, First Amendment Freedoms, Comparative Free Speech, Administrative Law, Internet Speech, Environmental Law, Law and Medicine, International Human Rights Law (Rome Program) European

Human Rights (Strasbourg, Luxembourg & Brussels), European Union Law, and Appellate Practicum (clinical course).

Also taught Law, Medicine and

Technology, Law and Persons with Disabilities, Law and Social

Work, various short courses to medical students.

Initial Director, Loyola Center for Health Care Law.

Consultant, Administrative Conference of the United States

Arbitrator, Circuit Court of Cook County Arbitration program since 1990.

Hearing Officer, Illinois Pollution Control Board, 1974-1997.

Hearing Officer, United States Department of Energy, 1984-1987.

Arbitrator, National Futures Association, Since 1985.

Summer Intern, Health Services Administration, New York City,

Visiting Lecturer, 1969-71, Nairobi University Law Faculty, Nairobi, Kenya

International Legal Center Fellow, 1969-71

Assistant Editor, East African Law Reports 1969-71

Founding Editor, Kenya High Court Digest

Law Clerk, IBM, Summer 1968; IBM World Trade, 1969

Professional Licenses

Illinois Supreme Court, 1973 United States District Court for the Northern District of Illinois, 1973, Trial Bar, 1989,

Central District of Illinois, 2001,

Eastern District of Wisconsin, 2004

United States District Court for the Western District of Texas, 1999

United States Courts of Appeal for the Seventh Circuit, 1977, Sixth Circuit, 1994, Eighth Circuit, 1995, Fourth Circuit, 1999

United States Supreme Court, 1977

Selected Publications

Book Chapter, in JUSTICE AND SCHOOL SYSTEMS, Desegregation in

Chicago, Settlement without a Trial, Temple University Press 307

(1990)

States Disability Services Procedures for Determining and Redetermining Social Security Claims for the Social Security Administration ADMINISTRATIVE CONFERENCE OF THE UNITED STATES, RECOMMENDATIONS AND REPORTS, 1987, Vol. I, 579 on the basis of which the Administrative Conference of the United States adopted Recommendation 86-7, Vol. I at 30

Articles:

Freemen and the Constitution: Tragic, Ungrounded Decisions of the United States Supreme Court
Freemen and the Constitution: XVIII Southern Journal of Policy and Justice (forthcoming)

Tragic, Ungrounded Decisions of the United States Supreme Court
The Unitary Executive Theory is Plainly Wrong and Anti-American: "Presidents are not Kings" 85 Albany Law Review (2022).

A Constitutional Right to a Functioning United States Government? Are Shutdowns Unconstitutional? 20 BYU Journal of Public Law 101 (2021)

Defamation Actions as Weapons Against Political Speech in Europe: Weapon of Press Destruction 1 Trento Student Law Review 39 (2019)

Human Rights in a Time of Terror: Comparison between Treatment in the European Courts of Human Rights and the United States [Freedom from Fear](#). [Gonzaga Journal of International Law](#), 12 (2018),

William Marshal, Great Knight and Protector of Magna Carta: The Unknown Founder of the Rights of Englishmen and Americans! (2016)

Punishment for Unjust War: First International Court Decision Awarding Damages for Aggression: Will it be Enforced? (2015).

Magna Carta, The Charter of the Forest and the Origin of the Jury System, 24 Nottingham L.J. 156 (2015).

Property Obligations of a Nation State for Government Occupation of Private Property as

A Result of Terrorist Action, *The International Law Annual* 11, (2014), by Government Law School, Mumbai, India.

George Anastaplo, *A Man for All Seasons*, 45 *Loy. U. Chic. L.J.* 926 (2014),

The United States Constitutional History through the Barristers and Political Theories of the Middle Temple Inn of Court, 18 *J. Jurisprudence* 117 (2013).

Loyola Law School, *State secrets, the American Revolution, The War of 1812: The Maritime Connections of the Middle Temple*, 43 *J. of Maritime Law and Commerce*, 293 (2012).

State Secrets, The American Revolution, The War of 1812: The Maritime Connections of the Middle Temple, 43 *J. Mar. L. & Com.* 293 (2012),

The Roberts's Supreme Court Takes a Sledge Hammer to Ashwander and Cautious Constitutional Jurisprudence, Akron Law School, *Strict Scrutiny* (2010) (*Akron Journal of Constitutional Law and Policy* (2010)).

Connecticut Yankee Speech in Europe's Court: Alternative Vision of Constitutional Defamation Law to *New York Times v. Sullivan*? 28 *Quinnipiac Law Review* 101 (Winter 2009-2010).

INFILTRATION OF THE ANGLO-AMERICAN CASE LAW SYSTEM OF PRECEDENT INTO THE CIVIL LAW SYSTEM, 55 *Loy. L. Rev.* 5, (2009) (lead article)

ALTERNATIVE VISIONS OF THE FAMILY: THE EUROPEAN CONSTITUTIONAL PERCEPTION OF FAMILY LAW: COMPARISON WITH AMERICAN JURISPRUDENCE, 18 *Transnat'l L. & Contemp. Probs.* 419, (2009)

Privacy Wars: EU versus US: Scattered Skirmishes, Storm Clouds Ahead , 17 *Ind. Int'l & Comp. L. Rev.* 355(2007)

Fundamental Rights in the European Union, 29 *Human Rights Q.* 1131 (2007) (book review)

Muzzling and Caging Administrative Law Judges: The Social Security Administration Attempts to Control its Most "Notorious" Employees, 25 *J. Nat'l Ass'n. Admin. L. Judges* 429 (2005)

Messages from Strasbourg: Lessons for American Courts from the Highest Volume Human Rights Court in the World - The European Court of Human Rights, 27 *Whittier L. Rev.* 357 (2005) [L1]
[SEP]

Book Review (invited), *Fundamental Rights in the European Union*, 29 *Human Rights*

Q. 1131 (2007)

The Not So Great Writ: The European Court of Human Rights Finds Habeas Corpus and Inadequate Remedy: Should American Courts Reexamine the Writ? 56 Cath. U.L.Rev. 47 (2006)

The European View of American Justice, 36 Loy.U.Chi. L.J. 603 (2005) [article]; reprinted in EU Legal Order: An Overview (2009) (D. Naresh Kumar editor) ICFAI U. Press

Larry Kalevitch, Man for All Seasons: Differences in Professional School Student Cohorts in Law, Medicine, Business, Nursing and Education, 28 Nova L.Rev. 311 (2005)

ALJ Control of the hearing: What does an ALJ do about an unruly witness, or obstreperous attorney? 23 J.NAALJ 91 (2003)

October Term, 1999: the Supreme Court Last Term of the Twentieth Century, Increasing deference to Administrative Agencies, 21 J.NAALJ 213 (2001) (lead article)

Lessons from the Harrison Case, 2 Judicial Division Record, ABA26 (1999)

The Active Administrative Law Judge: Is there harm in an ALJ Asking? 18 J.NAALJ 395 (1998)

Security of Tenure of Administrative Law Judges: How much can an ALJ say and still stay an ALJ, 17 J. N.A.A.L.J. 219 (1997).

Voices Fade in Dockets, Clatter Chicago Daily Law Bulletin, April 25, 1998, p. 22.

Statistics Tell Interesting Story Of Presidential Nominations For Supreme Court, Chicago Daily Law Bulletin, Sept. 24, 1991, p.2.

Law Professor Analyzes Appeals Court Opinions By Judge Thomas Chicago Daily Law Bulletin, July 3, 1991, p.2.

Proximate Causation of Injury: the Value of the Loss of a Chance to Survive, 6 Journal of Legal Medicine 51 (1985)

Book Review, THE SUPREME COURT REVIEW, 1983, 95 Ethics 964 (1985)

Your Children's Rights to Education, Parts I and II, PAC Bulletin, 1984 and 1985

Voluntary Commitment of Mentally Ill or Retarded Children: Child Abuse by the Supreme Court, 7 Dayton L.Rev. 1 (1981)

The FCC, Cable TV, and Visions of Valhalla, Judicial Scrutiny of Complex Rulemaking and Institutional Competence, 14 U. Of Rich. L.Rev. 113 (1980)

A Prolegomena to Reviving the Civil Rights Act of 1866: White Standing Under Section 1981 - A Federal Common Law Right to Contract 8 Loy. U. Chi. L. J. 81 (1976).

Letter, ABA Journal, May, 2009, 95 A.B.A.J. 8, AN IRONIC FOOTNOTE

Benchbook: Illinois Rules of Evidence for the Administrative Law Judge, published by the Illinois Bar Association, (2011)

Editor, Journal of the National Association of Administrative Law Judges, from 1996 until 2000.

Briefs in the United States Supreme Court published on Westlaw and Lexis.

Pet. Brief, Brecht v. Abrahamson, 1993 WL 469370

Pet. Reply Brief, Brecht v. Abrahamson, 1993, 1992 WL 545125

Pet. Brief, [McNeil v. United States, 508 U.S. 106 \(1993\)](#), 1993 WL 347113

Pet. Reply Brief, McNeil v. United States, 1993 WL 347190

Institute of Education, S.S.M.I.L.E., Denver, 1972.

Law Reform Related Activities:

Brought Street Law program to Illinois under which at one time or another, every Chicago High School had a Loyola Student teach a class in Street Law

First Director Loyola Center for Health Care Law

Consultant to ACUS: recommendation to preserve in person hearings in the social security system state disability redetermination level.

Editor National Association of Administrative Law Journal for many years.

Appointed chairperson by the presiding judge, Circuit Court of Cook County, for the Building Court of Cook County. Recommendations to improve effectiveness of the building court on matters such as lead paint removal, vacant property, code violations such as fire, safety, etc.

The Illinois Comprehensive Health Insurance Program (ICHIP) came from an initiative that I proposed to the then Attorney General's Office of Illinois that a special statewide

program make health insurance available to persons who were unable to obtain health insurance because of preexisting illnesses and/or physical disabilities. I worked with the committee that persuaded the Illinois Legislature to enact ICHIP under which thousands of Illinois residents have been helped.

As a consultant to the Office of Governor of Illinois, I authored a legal opinion that was utilized to persuade the legislature to accept an amendatory veto that made health care insurance coverage available to children in Illinois through parents' health insurance until age 26. (Now provided for by federal law, but not at the time this was being considered in Illinois)

Cases argued before the U.S. Supreme Court include one 9-0 vote preserving a constitutional right attached to the Miranda decision (the Doyle rule) and helped lead to the abandonment of the theory that Miranda was "prophelactic" but instead a Constitutional Contract Like guarantee to Americans.

Worked on hundreds of cases before the Seventh Circuit representing individual prisoners with law school students. Results include many published opinions and sentence reductions including terms of years from one to 100 years and even a life sentence elimination.