

# Matthew Steilen

University at Buffalo, The State University of New York

724 O'Brian Hall, Buffalo, NY 14260

[mjsteile@buffalo.edu](mailto:mjsteile@buffalo.edu)

(716) 645-8966

---

## Employment

Professor, William J. Magavern Faculty Scholar

Vice Dean for Academic Affairs

University at Buffalo School of Law

Affiliated Faculty, Department of Philosophy, College of Arts and Sciences

Member, Graduate Faculty, University at Buffalo

The State University of New York

- 2011-2017 Associate Professor, University at Buffalo
- 2009-2011 Associate, Covington & Burling LLP  
San Francisco
- 2008-2009 Law clerk to the Honorable Kermit V. Lipez  
United States Court of Appeals for the First Circuit

## Education

- 2008 J.D., Stanford Law School
- 2005 Ph.D., Philosophy  
Northwestern University  
Dissertation Chair: Professor Charles Travis
- 1999 B.A., *magna cum laude*, Philosophy  
Carleton College

## Research

Constitutional Law: separation of powers, presidential power, judicial review

Legal History: development of legal institutions; history of the common law; history of the English Parliament and American legislatures; history of the American revolution; historiography and historical methods

## Writing

- 2026 *Inventing Parliament: The Formation of a Legislative Power in Medieval England, 1100-1350* (in progress, Routledge).
- 2025 “Magna Carta and the Origins of Legislative Power,” *Buffalo Law Review* 73 (2025), 377-447.
- “The Bill of Attainder Clause of Article I, section 9,” and “The Bill of Attainder Clause of Article I, section 10,” *The Heritage Guide to the Constitution* (3d ed., 2025).
- Review of Alan D. Boyer & Mark Nicholls, *The Rise and Fall of Treason in English History* (Abingdon: Routledge, 2024), *Law & History Review* 43, no. 3 (2025).
- 2023 “Genteel Culture, Legal Education, and Constitutional Controversy in Early National Virginia,” *Law & History Review* 41, no. 4 (2023), 709-44 (peer-reviewed).
- 2022 “Life and Afterlife in the *Steel Seizure Case*,” *Buffalo Law Review* 70, no. 2 (2022), 875-911.
- 2021 Review of Edward A. Purcell, Jr., *Antonin Scalia and American Constitutionalism: The Historical Significance of a Judicial Icon* (Oxford: Oxford University Press 2020), *Law & History Review* 39, no. 3 (2021), 612-15.
- “Response: Our Imperial Federal Courts,” *Vanderbilt Law Review En Banc* 74 (2021), 125-43 (responding to Christian Burset, “Advisory Opinions and the Problem of Legal Authority”).
- “Normativity and Objectivity in Historical Writing (My Dinner with Schlegel),” *Buffalo Law Review* 69, no. 1 (2021), 133–52 (invited conference essay).
- 2020 “Presidential Whim,” *Ohio Northern University Law Review* 46, no. 3 (2020), 489–514 (invited symposium essay).
- “The Constitutional Convention and Constitutional Change: A Revisionist History,” *Lewis & Clark Law Review* 24 (2020), 1-51.
- 2019 “The Legislature at War: Bandits, Runaways and the Emergence of a Virginia Doctrine of Separation of Powers,” *Law & History Review* 37, no. 2 (2019), 493-538 (peer-reviewed).
- 2018 “The Security Court,” *Maryland Law Review Online* 78 (2018), 1–13.
- “How to Think Constitutionally About Prerogative: A Study of Early American Usage,” *Buffalo Law Review* 66 (2018), 557-668.
- 2017 *Constitutional Law: Sources and Problems* (ChartaCourse, 2017) (digital casebook).
- “The Josiah Philips Attainder and the Institutional Structure of the American Revolution,” *Howard Law Journal* 60 (2017), 413–58.
- Selected for 2016 Law & Humanities Junior Scholar Workshop.

- 2016 "On the Place of Judge-Made Law in a Government of Laws," *Critical Analysis of Law* 3 (2016), 243–60 (peer-reviewed).
- "Due Process as Choice of Law: A Study in the History of a Judicial Doctrine," *William & Mary Bill of Rights Journal* 24 (2016), 1047–106.
- "Bills of Attainder," *Houston Law Review* 53 (2016), 767–908.
- 2014 "Judicial Review and Non-Enforcement at the Founding," *University of Pennsylvania Journal of Constitutional Law* 17 (2014), 479–568.
- Selected for 2014 Harvard/Stanford/Yale Junior Faculty Forum.
- 2013 "Collaborative Departmentalism," *Buffalo Law Review* 61 (2013), 345–411.
- 2011 "Reason, the Common Law, and the Living Constitution," *Legal Theory* 17 (2011), 279–300 (peer-reviewed) (review of David Strauss, *The Living Constitution* (Oxford: Oxford University Press, 2010)).
- "The Democratic Common Law," *The Journal Jurisprudence* 10 (2011), 437–86.
- "Minimalism and Deliberative Democracy: A Closer Look at the Virtues of 'Shallowess'," *Seattle University Law Review* 33 (2010), 391–435.
- "Parental Rights and the State Regulation of Religious Schools," *BYU Education & Law Journal* (2009), 269–340.
- Book Note, *Stanford Environmental Law Journal* 25 (2006), 259–73.

## Speaking

- 2024 "Inventing Parliament: The Formation of a Legislative Power in Medieval England, 1100-1350," Osgoode Society Legal History Workshop, September 2024.
- "Why Were There Representatives in Thirteenth Century Parliaments?" York Law School, University of York, May 2024.
- "Representation in the Parliaments of Henry III and Edward III," Centre for English Legal History, University of Cambridge, February 2024
- 2021 "Violence and Peace in Virginia Legal Culture," Robert H. Smith International Center for Jefferson Studies, Monticello, July 2021.
- 2020 "The Constitutional Convention and Constitutional Change: A Revisionist History," University of Illinois College of Law Constitutional Law Colloquium, April 2020 (by video).
- "The Powers of the Presidency," Ohio Northern University Law Review Symposium, March 2020 (cancelled).
- 2019 "The Constitutional Convention and Constitutional Change," Loyola University of Chicago Tenth Annual Constitutional Law Colloquium, November 2019.

- 2018 “A Virginia Perspective on *McCulloch*,” Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, November 2018.  
Discussant, “Originalism and History,” Annual Meeting of the American Society of Legal History, November 2018.  
“What is an Article V Convention?,” Annual Meeting on Law and Society, June 2018.
- 2017 “How to Think Constitutionally About Prerogative,” Loyola University of Chicago Eighth Annual Constitutional Law Colloquium, November 2017.  
“Race, Class and Legality in War: Another Look at the Philips Case,” Ideas & Innovations Speaker, University of Wisconsin Law School, October 2017.  
“What is an Article V Convention?,” Wisconsin Discussion Group on Constitutionalism, University of Wisconsin Law School, October 2017.  
“Attainder and the Institutional Forms of Law in War,” Robert H. Smith International Center for Jefferson Studies, Monticello, Virginia, June 2017.
- 2016 “The Josiah Philips Attainder and the Institutional Structure of the American Revolution,” 2016 Law & Humanities Junior Scholar Workshop, June 2016.
- 2015 “Due Process as Choice of Law,” Loyola University of Chicago Sixth Annual Constitutional Law Colloquium, November 2015.  
“On the Place of Judge-Made Law in a Government of Laws,” Stead Seminar Lecture, University of Baltimore School of Law, March 2015.
- 2014 “The Bill of Attainder Clause and Its Application to the War on Terror,” Loyola University of Chicago Fifth Annual Constitutional Law Colloquium, November 2014.  
Moderator, “Aggregation and Disaggregation in Mass Torts,” SUNY Buffalo Law School Civil Justice Symposium, October 2014.  
“Judicial Review and Non-Enforcement at the Founding,” Harvard/Stanford/Yale Junior Faculty Forum, June 2014.  
“Judicial Review and Non-Enforcement at the Founding,” Arizona State Legal Scholars Conference, March 2014.
- 2013 “*Marbury*, Departmentalism, and the Non-Enforcement Power,” Loyola University of Chicago Fourth Annual Constitutional Law Colloquium, November 2013.  
“*Marbury*, Departmentalism, and the Non-Enforcement Power,” SUNY Buffalo Law School, June 2013.
- 2012 “Collaborative Departmentalism,” Loyola University of Chicago Third Annual Constitutional Law Colloquium, November 2012.  
Chair, “Judicial Policy and Courthouse Culture,” Midwest Law & Society Retreat, September 2012.

“Collaborative Departmentalism,” Department of Philosophy, University at Buffalo, May 2012.

## **Teaching**

Constitutional Law

Federal Courts

Administrative Law

Separation of Powers

Due Process

Civil Procedure

Complex Litigation

American Legal History

History of the Common Law (Seminar)

Administrative History (Seminar) (with Anya Bernstein)

Magna Carta (Seminar)

## **Fellowships, Grants, and Awards**

Visitor to the Faculty of Law, University of Cambridge, Lent & Easter terms 2024

Senior Visitor, Emmanuel College, Cambridge, Lent & Easter terms 2024

Visiting Fellow, Wolfson College, Cambridge, Lent & Easter terms 2024

Faculty Award, University at Buffalo School of Law, May 2022

International Center for Jefferson Studies Fellow, Monticello, July 2021

Folger Institute, Folger Library, Seminar on English Paleography, May 2021

Visiting Legal Scholar, Institute for Legal Studies, University of Wisconsin, Fall 2017

International Center for Jefferson Studies Fellow, Monticello, June 2017

Kenneth F. Joyce Excellence in Teaching Fund, Univ. at Buffalo School of Law, 2016

Summer Faculty Fellowship, Univ. at Buffalo School of Law, 2012–18

Dissertation Year Fellow, Northwestern University, Dept. of Philosophy, 2005

Searle Center Teaching Fellow, Northwestern University, 2002

University Fellow, Northwestern University, 2001–04

## **Professional Service**

Board of Editors, *American Journal of Constitutional History*, Fall 2022 –

Article Referee, *Law & History Review*

External Tenure Review (2x)

## **University Service**

Law School Decanal Review Committee, 2022-23

Law School Committee on Committees (faculty committee assignments), 2022-23

Law School *Ad Hoc* Committee on Diversity, Equity, and Inclusion, 2020-21  
Law School Appointments Committee, 2017–2019, 2012–2014  
Chair, “Mitchell Lecture” Planning Committee, 2018–2019, 2024-25  
Visiting Committee for a Junior Faculty Member (promotion and tenure), 2018–2019, 2022-  
Faculty Senate, State University of New York at Buffalo, 2015–2017, 2021-23  
Faculty Senate Executive Committee, 2015–2017, 2021-22  
Chair, *Ad Hoc* Undergraduate Education Committee, 2016–2017  
Law School Admissions Committee, 2016–2017  
Convener, Public Law Discussion Group (Workshop Series), 2015–2016  
Organizer, Roman Law Reading Group, Spring 2016.  
Faculty Advisor, “Future Advocates in Training” (Student Group), 2015–2018  
*Ad Hoc* Strategic Planning Committee, 2013

## **Public Speaking and Engagements**

“Marbury,” Robert H. Jackson Center, Online Program, May 2025.

Guest on Baldy Center Podcast, hosted by Professor Matt Dimick, April 2025.

Amicus brief on bills of attainder in *TikTok v. Garland*, U.S. Supreme Court, December 2024.

Guest on *Ipse Dixit* podcast, hosted by Professor Brian Frye, September 2024.

Amicus brief on bills of attainder in *TikTok v. Garland*, D.C. Circuit, July 2024.

Panel on “Sisters in Law,” Jewish Repertory Theatre, Buffalo, NY, November 2023.

CLE Workshop on *Dobbs v. Jackson Women’s Health Organization*, Buffalo, NY, July 2022.

“Life and Afterlife in the *Steel Seizure Case*,” Robert H. Jackson Center, Warren, PA, February 2022.

“How to Build a Legislature: Privilege, Violence, and the Design of Article I,” Constitution Day Lecture, St. Bonaventure University, Allegany, NY, September 2021.

Guest on “Connections with Evan Dawson,” WXXI News (NPR), Rochester, NY, June 2021.

“Canon, Anticanon, and Anti-canonization in Constitutional Law,” Baldy Center Blog, March 2021.

“The Place of Norms in Separating Power,” Baldy Center Blog, September 2020.

“Power, Responsibility and Prosecutorial Discretion,” Seventh Annual James Otis Lecture, Robert H. Jackson United States Courthouse, Buffalo, NY, September 2019.

“The Security Court,” Speech at the Chautauqua Men’s Club, Chautauqua Institution, July 2017.

“Speech, Free Speech, School Speech,” Third Annual James Otis Lecture, Robert H. Jackson United States Courthouse, Buffalo, NY, September 2015.

“American Constitutional Law,” Lecture to students from Genesee Community College, April 2014.

“American Constitutional Law,” Lecture to incoming LLM students, September 2015, September 2014, September 2013.

“Relative, Subjective, Objective, Absolute,” Lecture at Science & Art Cabaret 7.0, Hallwalls Contemporary Arts Center, Buffalo, NY, March 2012.

## **Memberships**

American Society for Legal History  
California Bar (2008-2019)