

CURRICULUM VITAE

Matthew James Steilen

University at Buffalo, The State University of New York
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- Born: July 10, 1977
St. Louis Park, Minnesota
- Education: J.D., Stanford Law School, 2008
- Ph.D., Philosophy, Northwestern University, 2005
Dissertation Chair: Professor Charles Travis
- B.A., *magna cum laude*, Philosophy, Carleton College, 1999
Commencement Speaker
Phi Beta Kappa, Distinction
National Merit Scholar
- Employment: University at Buffalo, The State University of New York
Professor, School of Law, 2017–
Associate Professor, School of Law, 2011–2017
Affiliated Faculty, Department of Philosophy, College of Arts and Sciences
- Covington & Burling LLP, 2009–2011
Associate in San Francisco office. Civil litigation practice.
Represented BP in insurance litigation arising out of Deepwater Horizon oil spill.
Represented plaintiffs in *Melendres v. Arpaio*, a racial profiling case.
- United States Court of Appeals for the First Circuit, 2008–2009
Law clerk to the Honorable Kermit V. Lipez.
- Northwestern University, 2000–2004
Teaching assistant in Department of Philosophy.
- Research: Areas of Specialization
Constitutional Law: separation of powers, presidential power, judicial review
- Legal History: development of legal institutions, and their relationship to class and race; history of the common law; history of Parliament; history of the American colonies, the American Revolution, and the Federalist and Republican periods
- Writing: “Presidential Whim,” *Ohio Northern Law Review* (forthcoming, 2020 or 2021),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3557903.
- “The Constitutional Convention and Constitutional Change: A Revisionist History,” *Lewis & Clark Law Review* 24 (2020), 1-51.

“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).

“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.

Constitutional Law: Sources and Problems (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.

“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.

“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.

“Collaborative Departmentalism,” *Buffalo Law Review* 61 (2013), 345–411.

“Reason, the Common Law, and the Living Constitution,” *Legal Theory* 17 (2011), 279–300 (peer-reviewed).

“The Democratic Common Law,” *The Journal Jurisprudence* 10 (2011), 437–86.

“Minimalism and Deliberative Democracy: A Closer Look at the Virtues of ‘Shallowness,’” *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:

“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).

“The Constitutional Convention and Constitutional Change,” Loyola University of Chicago Tenth Annual Constitutional Law Colloquium, November 2019.

“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.

“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.

“The Josiah Philips Attainder and the Institutional Structure of the American Revolution,” 2016 Law & Humanities Junior Scholar Workshop, June 2016.

“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.

“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.

“*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.

“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:

Classes Taught

Constitutional Law

Federal Courts

Administrative Law

Administrative History Seminar

Separation of Powers

Due Process

History of the Common Law Seminar

Civil Procedure

Complex Litigation

Fellowships:

International Center for Jefferson Studies Fellow, Monticello, July 2020.

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

Service:

Selected University Service

Law School Appointments Committee, 2017–2019, 2012–2014

Chair, “Mitchell Lecture” Planning Committee, 2018–2019

Visiting Committee for a Junior Faculty Member (promotion and tenure), 2018–2019

Faculty Senate, State University of New York at Buffalo, 2015–2017

Executive Committee, 2015–2017

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

“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.

- Steering Committee, James Otis Lecture, 2016–

“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:

California Bar (2008-2019)

U.S. District Court for the Northern, Central, and Eastern Districts of California