

DANIEL T. KOBIL

CAPITAL UNIVERSITY LAW SCHOOL, 303 EAST BROAD STREET, COLUMBUS, OH 43215-3200
OFFICE (614) 236-6675 • FAX (614) 236-6956 • e-mail: dkobil@law.capital.edu

Employment

PROFESSOR OF LAW: 1987 TO PRESENT
Capital University Law School Columbus, Ohio

Courses Taught: Criminal Procedure; Constitutional Law (1 & 2); Marshall-Brennan Advanced Constitutional Law Seminar and Practicum; Torts (1 & 2); Academic Success Program; State Constitutional Law; Advanced Criminal Procedure; Comparative Constitutional Law; Commercial Transactions; Commercial Paper; Legal Research and Writing; Appellate Practice and Procedure.

Selected Committee Service: Dean Search Committee (Chair, 2019-20); Faculty Appointments Committee (Chair, 1995-98; 2010-11); Admissions Committee (1987 to 2019; Chair: 2013 to 2019); Sullivan Lecture Committee (Chair, 2010 to present); Communications Committee; Clerkships and Externships (Chair, 1990-1995); ad hoc Tenure Standards Revision Committee; Long Range Planning Committee; Senate Academic Affairs Committee (2009-12); University Senate Academic Affairs Committee (2010-14); Advisor to the Capital University Law Review (1990 to 2021).

Awards: 1992 Simpson Faculty Appreciation Award (based on scholarship).

ATTORNEY AT LAW: 1984 TO 1987
Baker & Hostetler Columbus, Ohio

Experience in many areas of commercial litigation including contractual disputes, administrative law, personal injury, and labor law. Substantial expertise in appellate work of all kinds.

JUDICIAL CLERK: 1983 TO 1984
Judge Albert J. Engel,
United States Courts of Appeals for the Sixth Circuit Grand Rapids, Michigan

BAR AFFILIATIONS:

Member of Ohio Bar since November, 1983. Licensed to practice before the United States Supreme Court; United States Court of Appeals for the Sixth Circuit; United States District Court for the Southern District of Ohio; United States District Court for the Northern District of Ohio.

Education

JURIS DOCTORATE: 1983
University of Toledo College of Law, Toledo, Ohio
Magna Cum Laude
Grade Point Average: 3.6/4.0
Class Rank: 7/141

Honors:

Order of the Coif

Editor-in-Chief, University of Toledo Law Review 1982-8
Member of the Law Review 1981-82
Awarded Ritter Scholarship (full tuition; merit-based) by College of Law 1980-83

ENGLISH GRADUATE PROGRAM 1978 to 1979
University of Virginia
Grade Point Average: 3.75/4.0

Honors:

Awarded Bradshaw Fellowship for Graduate Study in English: 1978 - 79
(full tuition and stipend; merit-based)

B.A. 1978
University of Toledo Toledo, Ohio
Summa Cum Laude
Grade Point Average: 3.9/4.0
Major: Liberal Arts

Honors:

Danforth nominee, University of Toledo 1978
Ohio Finalist in Rhodes Scholarship Competition 1978
Honors Scholarship, University of Toledo (partial tuition; merit-based) 1974-75

Publications:

Scholarly Publications (Cited by numerous secondary sources and courts including the U.S. Supreme Court, U.S. Courts of Appeals for the 5th and 8th Circuits, and the Alaska, Mississippi, and Louisiana Supreme Courts):

- *"Compelling Mercy: Judicial Review and the Clemency Power,"* 9 U. St. Thomas L.J. 698 (2013)
- *"Reviving Presidential Clemency in Cases of "Unfortunate Guilt,"* 21 Federal Sentencing Reporter 150 (2009)
- *"Should Mercy Have a Place in Clemency Decisions?,"* a chapter in the book, *"Forgiveness, Mercy, and Clemency,"* published by Stanford University Press (Austin Sarat, ed. 2007).
- *"Pardons and Commutations,"* for the *Encyclopedia of American Civil Liberties*, published as part of a four volume encyclopedia by Routledge Press (Paul Finkelman, ed., 2006).
- *"Pardons"* for the *Encyclopedia of Prisons & Correctional Facilities* published as part of a two volume encyclopedia by Sage Publications (Mary Bosworth, ed., 2005).
- *"How to Grant Clemency in Unforgiving Times,"* 31 Cap. U. Law Review 219 (2003)
- *"Should Clemency Decisions be Subject to a Reasons Requirement?,"* 13 Federal Sentencing Reporter 150 (2001)(peer reviewed)
- *"Advocacy on Line: Brandenburg v. Ohio and Speech in the Internet Era,"* 31 University of Toledo Law Review 227 (2000).

- *"The Evolving Role of Clemency in Capital Cases,"* Chapter 20, in *America's Experiment with Capital Punishment* (Carolina Academic Press, 1998)(revised and updated for 2nd ed., 2004; revised and updated for 3d ed., 2014).
- *"Due Process in Death Penalty Commutations: Life, Liberty and the Pursuit of Clemency,"* 27 University of Richmond Law Review 201-226 (1993).
- *"Do the Paperwork or Die: Clemency, Ohio Style?"* 52 Ohio State Law Journal 655-704 (1991).
- *"The Quality of Mercy Strained: Wrestling the Pardoning Power from the King,"* 69 Texas Law Review 569-641 (1991), reprinted in, *Prisoners and the Law* (Clark Boardman Company, Ltd., Ira Robbins, ed. 1992). This article was also cited by the United States Supreme Court in *Herrera v. Collins*, 113 S. Ct. 853 (1993).
- *Note, "The Expansion of Title VII Protections Against Sex-Based Wage Discrimination: County of Washington v. Gunther,"* 13 University of Toledo Law Review 189-213 (1982).

Selected Newspaper Articles and Web Commentary:

- *Commentary: Ending Racism Requires Change of Perspective,* The Columbus Dispatch (June 13, 2020).
- *Commentary: Save North America's birds: Elect environment protectors,* The Columbus Dispatch (Sept. 27, 2019).
- *Commentary: Unfree speech as envisioned by Justice Clarence Thomas,* The Columbus Dispatch (Mar. 11, 2019).
- *Commentary: High court suggests Arpaio guilty as pardoned,* The Columbus Dispatch (Sept. 2, 2017).
- *Commentary: Presidential Pardons after Joe Arpaio,* American Constitution Society Expert Forum, <https://www.acslaw.org/expertforum/a-presidential-pardon-for-joe-arpaio/> (Aug. 25, 2017).
- *Commentary: Delaying court nomination twists the Constitution,,* The Columbus Dispatch (April 12, 2016).
- *Commentary: Can Congress Require the Purchase of Insurance?* The Columbus Dispatch (Feb. 16, 2012).
- *Commentary: How Might Next President Affect the Supreme Court?* The Columbus Dispatch (Oct. 13, 2008).
- *Does Duty Call for Clemency?* Richmond Times Dispatch (January 5, 2006)
- *"Norfolk Four": Does Duty Call For Clemency?* The Richmond Times Dispatch (Jan. 5, 2006).
- *Governor should have mercy for the mentally ill,* Nashville Tennessean (Jan. 15, 2006).
- *Democracy Stronger Because of Dissent,* Toledo Blade (Dec. 19, 2005).
- *Solid Rationale for Clemency in Williams Case,* Indianapolis Star (June 27, 2004).
- *Perry's Duty: Show Mercy to Joe Lee Guy,* Austin-American Statesmen (June 8, 2004).

- *Quality of mercy in commutations: The history behind clemency powers*, Chicago Tribune (December 4, 2002).
- *Clinton Properly Makes No Promises on use of Pardons*, The Columbus Dispatch at 13A (Nov. 15, 1996).
- *Freedom for the Flag*, The Cleveland Plain Dealer at 9B (January 8, 1996).
- *Don't Deck the Halls of Government*, The Columbus Dispatch at 9A (Dec. 11, 1995).
- *The Law and Commutations*, The Cleveland Plain Dealer at 7B (Sept. 27, 1994).

Other Publications:

- *"The Elusive Appeal of the Fantastic," Mythlore*, Number 16, June, 1977 (first-place University of Toledo Essay Writing Competition 1977).

SELECTED MEDIA APPEARANCES:

PBS NewsHour (Dec. 23, 2020); *Here and Now*, (Dec. 1, 2020); *Reveal*, "Pardon Me," (July 6, 2019); *Wolf Blitzer's Situation Room*, CNN (Dec. 26, 2008); *All Things Considered: Reversal of Presidential Pardon Analyzed*, NPR (Dec. 25, 2008); *Morning Edition: Is Bush Planning Pardons for His Administration*, NPR (Dec. 24, 2008); *Morning Briefing with Tim Farley*, Sirius XM Satellite Radio (Nov. 26, 2008); *Lou Dobbs*, CNN (Nov. 18, 2008); Interview with Jonathan Beale, *Dilemmas of U.S. Presidential Pardons*, BBC News (Nov. 27, 2008); Cliff Kelley Radio Talkshow on WVON in Chicago on Dec. 2, 2008; Interview with Bob Miller on KPAM, Portland, OR (Dec. 11, 2008).

Quotations in various national and local newspapers including the *USA Today*; *New York Times*; *Los Angeles Times*; *Chicago Tribune*; *Washington Post*; *Cleveland Plain Dealer*; *Columbus Dispatch*; *Miami Herald*; and *Nashville Tennessean*.

Activities:

Numerous *pro bono* and civil rights cases including *Co-counsel* before Ohio Parole Board representing death row prisoner Gregory Lott (resulting in 6-2 recommendation of Board that Governor DeWine commute death sentence); *Counsel of Record* for *amicus curiae* American Civil Liberties Union in *Ohio Adult Parole Authority v. Woodard*, U.S. Supreme Court Case No. 96-1769 (1998); *Counsel of Record* for *amicus curiae* American Civil Liberties Union of Ohio in *Wisconsin v. Mitchell*, U.S. Supreme Court Case No. 92-515(1993); litigated *Perdue v. Wilkinson*, a prison conditions case in the Southern District of Ohio that led to the implementation of substantial fire safety improvements at the Chillicothe Correctional Institute; assisted in the U.S. Supreme Court appeal of Tennessee death row inmate Greg Thompson *see, Bell v. Thompson*, 125 S.Ct. 2885 (2005); counsel of record for an *amicus curiae* brief filed with the U.S. Supreme Court on behalf of a bipartisan group of current and former governors in support of the petitioner in the case of *Edward Jerome Harbison v. Ricky Bell* (Case No. 07-8521); argued and primary author of briefs in *Ohio Citizen Action v. Englewood*, 671 F.3d 564 (6th Cir. 2012)(Section 1983 suit striking down city law limiting door-to-door canvassing after 6:00 p.m.).

REFERENCES AVAILABLE ON REQUEST