



# A Return to Maryland

*by David Reich*

**DONALD TOBIN**, the expert on tax and election law who recently became dean of Maryland Carey Law, made what may have been his first legal argument one day many years ago when he came home from school and, with help from his friend Sean, polished off a box of Entenmann’s cookies. That evening, discovering evidence of the spree, Tobin’s father said, “You ate the whole box?” Tobin denied it. After all, the box had already been opened by the time he got to it; someone else must have eaten at least one cookie.



*Tobin shakes hands with Congressman John Lewis (D-GA) after testifying before the House Ways and Means Committee in 2012.*

courtesy of Ohio State University Moritz College of Law

“My father was understandably upset and considered it a lie,” recalls Tobin.

Tobin’s after-school indulgence appears to have been an isolated incident, but his response to it revealed an enduring attention to articulated expectations, detail, and precise language. “I was very much a rule follower as a child,” he says, “Still, to this day, I don’t like breaking rules.”

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Tobin’s father was a medical researcher in Baltimore, and his mother a schoolteacher who went on to get her doctorate and teach education at Johns Hopkins. “If you asked my parents what they wanted for me and my two brothers, they’d say, ‘How do we teach them to be good and just?’”

When Tobin was four, his parents moved the family to Columbia, a planned community outside Baltimore whose founder, the developer James W. Rouse, had a vision of a place where, in Tobin’s words, “people of different races, religions, and economic status lived together. I knew diversity in the school yard, the playground, and in the living room.” Living that way, he says, engendered “respect for people.”

After graduating as an economics major from Duke in 1989, he joined the staff of Paul Sarbanes, then a U.S. senator from Maryland. “In short order,” recalls Sarbanes, “he was doing very substantive work for me.” Tobin continued to support the senator’s work on the staff of the Joint Economic Committee of Congress and then the Senate Budget Committee.

One of Tobin’s proudest accomplishments as a senate staffer was his work to extend

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*Paul Sarbanes  
Former Senator; D-MD*

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unemployment benefits in 1991. “I was a very small part of the effort,” he says, “but the effort ... changed the dialogue of that economic downturn from ‘we’re going to have to wait this thing out’ to ‘how do we help people?’”

Bill Dauster, now deputy chief of staff to Senate Majority Leader Harry Reid, served with Tobin on the Hill and calls him “a key player” on President Clinton’s first budget, which included a tax increase on upper-income earners. The budget was controversial and a central part of the President’s agenda. According to Sarbanes, Tobin’s listening skills helped him forge successful compromises. “A budget represents ... a range of decisions across a range of issues,” says the retired senator. “You have to put that together in a package that commands support. He was very good at that. ... He listens to people, he’s respectful of them, he hears them out and sees if there’s some way to work out differences. He doesn’t have a my-way-or-the-highway attitude, which was very important to the way I worked.”

While working on the Hill, Tobin took night classes at Georgetown Law School. After earning his JD and passing the bar in 1996, he clerked for Judge Francis Murnaghan Jr., of the U.S. Court of



Appeals for the Fourth Circuit. Along with Sarbanes, Murnaghan “taught me the importance of integrity,” says Tobin. “Both Senator Sarbanes and Judge Murnaghan cared deeply about public service and the people of this country. I couldn’t have asked for two better mentors.”

Tobin next joined the Justice Department, where he argued tax cases in the Courts of Appeals. “Donald was hired for a very junior position and quickly demonstrated his superior abilities,” says Gilbert Rothenberg, chief of the department’s appellate tax section, “and that’s why he progressed so quickly in getting increasingly difficult cases.”

Tobin calls the department “a great place to train to be a law professor. You write, do legal research, and try cases—all tremendous foundational skills for teaching law. Also it’s a great job. You get phenomenally interesting cases and a lot of responsibility early in your career.”

Tobin had taken the job at Justice with one eye on a future career in legal education. “I always wanted to be a teacher,” Tobin recalls. “My mother was a high school teacher and then a professor, and my father was a researcher. I saw firsthand how teachers and researchers could make a difference in people’s lives. They inspired me. They taught me to want to make the world a better place.”

It’s a goal he’s pursued ever since. “As a professor, I have the opportunity to teach and do research about the law, and be part of an institution with enormous potential to transform people’s lives. I can’t think of a better job,” Tobin says.

Tobin started publishing in law reviews even before he got his

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JD, but after 2000, his articles focused more narrowly on not-for-profits engaged in political activity and their treatment under tax law. Along the way, he came to believe that such groups should have to disclose major donors, a practice that he sees as having two main virtues: empowering voters and engendering faith in the fairness of our political system. “How do we feel about a system where the donor knows who gave the money and the candidate knows who gave the money, but no one else does?” he asks rhetorically.

Based on reactions to his articles by congressional staffers and employees of federal agencies, Tobin believes his scholarship is making a difference. “I think my writing has informed the debate,” he says. He’s also testified before Congress as well as the Federal Election Commission. Says FEC Commissioner Ellen L. Weintraub, who has known Tobin since his days on the Hill, “It’s really important to have smart, thoughtful, solid people like Donald doing good scholarship to back up policy decisions.”

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Ellen L. Weintraub  
Commissioner  
Federal Election Commission

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In 2001, Tobin left his job at the Justice Department for Ohio State University’s law school, where he remained until this spring, starting out as an assistant professor and ending as an endowed professor. Over the years, he taught

basic tax law, tax policy, and tax ethics, as well as legal writing and a course on legislation. “I see all the teaching evaluations and I talk to students,” says Garry Jenkins, a colleague at Ohio State who succeeded Tobin as associate dean, “and I know he is a gifted teacher, beloved as well as fully committed to students.” Tobin admits that he is passionate about tax law and persuading students to be as excited about it as he is. “I’ll dance on the table to get a student to like tax,” he jokes.

At Ohio State, Tobin quickly distinguished himself as a leader as well as an instructor. From the first, says Nancy Rogers, the law school’s dean when he arrived and a former attorney general for Ohio, “It was clear to me that he had something special. He had an attitude I would describe as follows: *We’re here to solve problems and add value in ways consistent with the law school’s values.*”

Tobin and Jenkins co-founded the law school’s program on law and leadership, which aims, as Tobin puts it, to expose



law students to “certain aspects of leadership—communicating with people, understanding groups, moving issues forward—skills that they weren’t getting in class.” The innovative program included a new course in leadership; workshops led by corporate trainers on topics like group decision-making and emotional intelligence; and open conversations with lawyers who are leaders: law firm managing partners, entrepreneurs, business and nonprofit executives, and public officials.

As associate dean, Tobin relied on skills he had used in the Senate—listening to stakeholders, hashing out differences, looking for consensus, and promoting compromises. As collegial institutions, he says, with students, alumni, staff, and faculty all playing crucial roles, law schools require a collaborative leadership style. “I will never succeed as a leader,” he says, “if I try to move the institution by myself. We need to move forward together.”

This attitude impressed the search committee at Maryland Carey Law, as did his interest in the law school’s public and social justice mission. “He’s a tax attorney by training, has experience with budgets, experience as an associate dean, has developed programs to meet the needs of clients who are going to be hiring” young lawyers, says Christine Edwards ’83, chair of the law school’s Board of Visitors and a search committee member. “Yet when we asked Donald Tobin his thoughts on social responsibility in a law school environment, his whole demeanor changed, because he began to speak from his heart. He talked about his upbringing in Columbia ... he talked about responsibilities of one person to another and of public institutions to the people, and how what lawyers do fits into that context.”

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*Christine Edwards ’83, Partner, Winston & Strawn  
Chair, Maryland Carey Law Board of Visitors  
Member, Dean’s Search Committee*

“I’ve done an enormous amount of recruiting and hiring in a variety of other institutions,” adds Edwards, a partner at Winston & Strawn, the big Chicago law firm, “and rarely do you see a candidate who stands out head and shoulders from the rest.”

Tobin’s scholarship also weighed in his favor, says search committee member Professor Richard Boldt. Not only is its

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“WOW, this is awesome. This is what political candidates do when they’re deciding whether to run for office,” Alex Tobin said when his father, Donald, announced that he was calling an official family dinner to discuss whether or not he should even consider applying for the deanship at Maryland Carey Law. Alex is a 17-year-old high school senior in Columbus, OH, where he remains enamored of and immersed in all things political.

Tobin explains, “Alex has always been disappointed that I wasn’t more successful. He still can’t understand why I haven’t run for President of the United States. “At least with the deanship, he believes I am starting to live up to my potential.”

Anne, Alex’s sister and a 14-year-old freshman at Friends School of Baltimore, is interested


in science and wants to be a professor, like her father. “I want to be the daddy of science,” as she puts it. “Anne is really magical,” Tobin says. “She takes joy in doing so many things, especially playing tennis and the French horn. But what is particularly impressive about Anne is her willingness to try almost anything.”

Leigh, Tobin’s wife, has known him since they met during their freshman year of college. She traveled west to attend law school at Berkeley and then was an attorney with the California Indian Legal Services. Her passions include her children and animals, especially an old horse and small terrier. “When I first met Leigh, I was struck by her beautiful blue eyes,” recalls Tobin. “But what I fell in love with was her thoughtfulness and intelligence. She destroyed me academically at Duke, and I knew I had met my match. I thought it would take me a long time to convince her to

marry me, but I didn’t think it would take me 11 years.”

Passion and perseverance run in the Tobin family, perhaps in the genes. “My father retired almost 20 years ago, but he is busier today than he was before he retired. He loves technology, and he loves learning. He volunteers helping various organizations with their technology needs, and he takes college classes for fun. I just feel sorry for the students in the class who have to compete with him.”

Tobin’s mother was just as passionate about education and persistent in pursuing it, first, as a high school history teacher and later, as a professor at Johns Hopkins. She raised three sons while earning her doctorate. “My mother was an incredibly strong and intelligent woman,” Tobin remembers. “In fact, my mother not only taught me the importance of love and family, but also the



*The Tobin family: first row (from left to right) wife Leigh, father Jordan, stepmother Jeanne, Dean Tobin. Second row (from left to right) son Alex, daughter Anne, and brother Steve.*



importance of hard work and perseverance. When I was a child, I thought my mother could accomplish anything. But I also knew she would do anything for her kids. I shake my head when I think about all the things my mother accomplished. How did she do it?"

Although Tobin was thriving at Ohio State, he kept in touch with former colleagues back in Washington and Baltimore. In August 2013, when Tobin was in Maryland for a reunion of Senator Sarbanes' staff members, he started talking to Senator Sarbanes about Maryland Carey Law and the deanship. "The Senator was very positive about the school and encouraged me to apply. When I spoke with the search committee in December, Maryland Carey Law seemed like a perfect fit," Tobin recalls. The next step was the undecided candidate's official family dinner. After hearing about their dad's opportunity, both Alex and Anne looked at him and didn't hesitate: "Go for it!" they said.

—Jane Wilson

quality high, he says, but it's unique, or nearly so, in its crossing of subject areas. "It integrates tax law, election law, and the First Amendment," Boldt explains. "In the words of another search committee member, few if any scholars in the United States have the mix of expertise to produce that scholarship." That Tobin managed to produce it "while serving as a senior associate dean," says Boldt, "suggests a potential to be a strong intellectual leader for the law school."

Another point in Tobin's favor was his strong connection to the state, says search committee member Professor Deborah Eisenberg, director of the Center for Dispute Resolution. "His affection for the state and his knowledge of the state shone through. ... He wanted to be dean at Maryland because it was Maryland, not just to be dean. One colleague described the response of the law school community to him as 'positive-to-ecstatic.'"

In his new position, Tobin says the most urgent job is dealing with the budget pressures that result from shrinking law school enrollment. "Maryland is very well-equipped to deal with these challenges," he says, "but job one is to deal with them." This means raising money and finding ways to keep law school affordable. It also means making the law school more attractive to potential students by helping recent graduates find desirable jobs. He talks about creating a program that puts

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Richard Boldt  
Professor of Law, Maryland Carey Law  
Member, Dean's Search Committee

newly minted JDs into fellowships in corporate legal departments—a program that helps the legal departments fill their needs for entry-level legal work and doesn't increase costs for the law school. A similar program exists at Ohio State and "the outcomes have been incredible," he says. "I think the students who finish fellowships are getting much better jobs than they would have gotten otherwise."

Tobin is counting on the passion and energy of alumni—an "extraordinary resource," in his view—to help him increase scholarships and job opportunities for students. "Their passion and energy ignited mine when I was interviewing for the deanship," he says.

While still settling into his new position, Tobin is clearly thrilled to have it. "President Jay Perman has created a terrific environment

for interprofessional learning on this campus," Tobin observes. He believes the opportunities for interprofessional collaboration are particularly rich because of the great synergies between the law school and the health sciences schools.

"When I say that I'm honored, it's what a dean is supposed to say. But as a Marylander," Tobin says, "I understand the importance of this institution to the state, so to be embraced by its community and get the privilege of being part of its success is just a real honor. ... My father once advised me to take a job I would do for free if I were a millionaire. I've been very lucky to have those kinds of jobs."

*David Reich has published profiles of nationally known political figures as well as articles on politics, business, science and technology, the arts, the law, and law enforcement. His novel The Antiracism Trainings was published in 2010, and he's currently working on a memoir on serving as an old friend's executor.*