

JOSEPH A. TOMAIN

Indiana University Maurer School of Law
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ACADEMIC APPOINTMENTS

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN

Senior Lecturer in Law, July 2022 – Present; *Lecturer in Law*, August 2018 – June 2022
Teaching Information Privacy Law I and II, Internet Law, and Contracts

Director, Cybersecurity and Information Privacy Law Program, August 2018 – Present
Administer Certificate and Master's Programs

Visiting Lecturer, August 2016 – July 2018

Taught Information Privacy Law I, Information Privacy Law II and Internet Law.

Adjunct, January 2016 – May 2016

Taught Information Privacy Law I.

INDIANA UNIVERSITY SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS, Bloomington, IN

Adjunct, January 2018 – May 2019

Taught Media Law and Policy.

INDIANA UNIVERSITY CENTER FOR APPLIED CYBERSECURITY RESEARCH, Bloomington, IN

Senior Fellow, August 2016 – Present

Contributing to various projects, including the CACR Speaker Series and Faculty
Supervisor for CACR Student Affiliate Program

GEORGIA STATE UNIVERSITY COLLEGE OF LAW, Atlanta, GA

Adjunct, January 2015 – May 2016

Taught Cyberlaw.

UNIVERSITY OF GEORGIA SCHOOL OF LAW, Athens, GA

Adjunct, August 2015 – December 2015

Taught Cyberlaw.

FLORIDA COASTAL SCHOOL OF LAW, Jacksonville, FL

Associate Professor, August 2013 – May 2014; *Assistant Professor*, August 2011 – July 2013

Taught Contracts I, Contracts II, Cyberlaw, Media Law, Entertainment Law and a
seminar on Free Speech and Free Press.

UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW, Louisville, KY

Visiting Assistant Professor, August 2009 – June 2011

Taught Cyberlaw, Intellectual Property Survey and Contracts I.

XAVIER UNIVERSITY COMMUNICATION DEPARTMENT, Cincinnati, OH

Adjunct, January 2008 – May 2009

Taught Media Law and Policy.

UNIVERSITY OF CINCINNATI COLLEGE CONSERVATORY OF MUSIC, Cincinnati, OH
Adjunct, September 2005 – December 2008
Taught Media Law and Policy.

ARTICLES

[*“The Virus of Liberty”*](#): John Perry Barlow, *Internet Law, and Grateful Dead Studies*, 5 GRATEFUL DEAD STUDIES 14 (2021/2022) (invited; peer-reviewed)

[*Online Privacy and the First Amendment*](#): *An Opt-In Approach to Data Privacy*, 83 U. CINN. L. REV. 1 (2014).

[*First Amendment, Fourth Estate and Hot News*](#): *Misappropriation is Not a Solution to the Journalism Crisis*, 2012 MICH. ST. L. REV. 76 (2012).

[*Cyberspace is Outside the Schoolhouse Gate*](#): *Offensive Online Student Speech Receives First Amendment Protection*, 59 DRAKE L. REV. 97 (2010).

ESSAYS AND BOOK CHAPTERS

[*Teaching Information Privacy Law*](#), 59 WASHBURN L.J. 445 (2020) (invited).

[*Big Data and the Fourth Estate*](#): *Protecting the Development of News Media Monitoring Databases*, 12 J. BUS. & TECH. L. 53 (2016) (invited).

[*Advancing Technology and Aging Democracy*](#), FREE SPEECH IN AN INTERNET ERA (Carolina Press 2013).

OTHER PUBLICATIONS

Mandatory Drug Testing Will Do St. X More Harm than Good, CINCINNATI ENQUIRER (March 2019) (op-ed).

Book Review: Media Law for Journalists By Ursula Smartt, 12(3) MALR 396 (2007).

Burdens in Representing the Media at Trial, ABA LITIGATION JOURNAL, Vol. 32, No. 3 (2006) (co-author).

Talk Show Torts Turn Deaf Ear to Plaintiffs, ABA COMM. LAWYER, Vol. 23, No. 1 (2005).

We Can't Fight Racism with Hate, CINCINNATI ENQUIRER (April 2007) (op-ed).

Rethink Position on Torture, CINCINNATI ENQUIRER (January 2006) (op-ed).

EDUCATION

UNIVERSITY OF NOTRE DAME LAW SCHOOL, Notre Dame, IN
Juris Doctor, May 2001
Cum Laude

UNIVERSITY OF NOTRE DAME, Notre Dame, IN
Bachelor of Arts, 1998
Dean's Honor List: Spring 1996, 1997 and 1998; and Fall 1998.

BAR LICENSES

IL (2001 – inactive); OH (2003); KY (2009); GA (2015 – inactive); and IN (2017).

PROFESSIONAL EXPERIENCE

AMERICAN MEDIA, INC. / RADAR ONLINE, LLC, remote
Senior Media Counsel, March 2009 – March 2020
Provide media law services, including pre-publication review, contract review, and newsroom legal seminars.

FROST BROWN TODD, LLC, Cincinnati, OH
Senior Associate and Associate, May 2003 – May 2009
Attorney in the Litigation Department with a concentration on First Amendment and Media Law. Experience includes: trial team member in a defamation and invasion of privacy case; representing the AP in a prior restraint case; serving as local counsel in access to exit poll litigation; and representing a student newspaper in a public records dispute.

INNODATA CORPORATION, remote
Legal Consultant, February 2003 – April 2003
Drafted plan for teaching legal writing in the Philippines.

ROSS AND HARDIES, Chicago, IL
Litigation Associate, September 2001 – January 2003
Attorney in the Litigation Department working on product liability and commercial litigation.

SELECT ACADEMIC PRESENTATIONS

WASHBURN UNIVERSITY SCHOOL OF LAW, Topeka, KS
Washburn Law Journal Symposium, November 2019 (invited)
Teaching Information Privacy Law

UNIVERSITY OF MARYLAND SCHOOL OF LAW, Baltimore, MD
Journal of Business & Technology Law Symposium, April 2016 (invited)
Big Data & the Fourth Estate: Protecting Development of News Media Monitoring Databases

LOYOLA UNIVERSITY SCHOOL OF LAW, Chicago, IL
Constitutional Law Colloquium, November 2014
The First Amendment Right to Receive Information

LOYOLA UNIVERSITY SCHOOL OF LAW, Chicago, IL
Constitutional Law Colloquium, November 2013
Online Privacy: First Amendment Analysis of an Opt-In Regime

SANTA CLARA UNIVERSITY SCHOOL OF LAW, Santa Clara, CA
Internet Law Work-In-Progress Conference, March 2013
Online Privacy: First Amendment Analysis of an Opt-In Regime

SANTA CLARA UNIVERSITY SCHOOL OF LAW, Santa Clara, CA
Internet Law Work-In-Progress Conference, March 2011
Hot News Misappropriation and the Journalism Crisis

OTHER SELECT PRESENTATIONS

INDIANA LEGISLATIVE SERVICES AGENCY
Information Privacy Law Highlights CLE, November 2022

AMERICAN INSTITUTE FOR INDONESIA STUDIES, Webinar
Criminal Defamation and Free Speech in the Digital Age: Perspectives from Indonesia and the United States, August 2020

FRATERNAL LAW CONFERENCE, Cincinnati, OH
Free Speech & Student Privacy: Unifying Principles in Divisive Times, November 2019

INDIANA UNIVERSITY MAURER SCHOOL OF LAW
DNA: Law, Ethics, and Technology, March 2019
Organized and Moderated panel discussion. (video available [here](#))

INDIANA UNIVERSITY SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS, Bloomington, IN
SPEA White House Wednesdays, October 2017
Revocation of Broadcast Licenses and NFL Kneeling Issue (w/ Prof. Jeannine Bell).

INDIANA UNIVERSITY MEDIA SCHOOL, Bloomington, IN
Cybersecurity for Journalists (and Everyone!), February 2017
Organized and moderated interdisciplinary panel on law, policy and practical considerations regarding secure online communications.

CLARKE CENTRAL HIGH SCHOOL, Athens, GA
Journalism Course, January 2016
Pre-Publication Review presentation to journalism students.

UNIVERSITY OF LOUISVILLE BRANDEIS SCHOOL OF LAW, Louisville, KY
Constitution Day, September 2010
Wasteland of the Free: Citizens United v. Federal Election Commission.

Constitution Day, September 2009
Fleeting Expletives and the Shadow of the First Amendment.

SELECT MEDIA APPEARANCES

LOUISIANA ILLUMINATOR

Claire Sullivan, *Free Speech Experts Place LSU on Shaky Legal Ground for Firing Grad Assistant Over Voicemail*, LOUISIANA ILLUMINATOR ([July 26, 2023](#)).

INDIANAPOLIS STAR

Johnny Magdaleno, *Breaking a Non-Disclosure Agreement From Todd Rokita's Office Could Cost Employees \$25,000*, INDY STAR ([July 19, 2023](#)).

INDIANA PUBLIC MEDIA – NOON EDITION

Nathan Moore, *What the Dominion Lawsuit Says About News Media*, NOON EDITION ([Apr. 25, 2023](#)).

CHICAGO TRIBUNE

Johnny Alex Dalton, *Rule Change Will Bring News Cameras Inside Some Indiana Courtrooms*, CHI. TRIB. ([Mar. 18, 2023](#)).

THE RACE - SCRIPPS

Episode 169, *Free Speech – Drag Restrictions*, Scripps Networks ([Mar. 2023](#)).

WIRED

Chris Stokel-Walker, *The \$1 Billion Alex Jones Effect*, WIRED ([Oct. 13, 2022](#)).
Brian Barrett, *Hey, Apple! 'Opt Out' Is Useless. Let People Opt In*, WIRED ([Aug. 2, 2019](#)).

WASHINGTON POST

Rachel Weiner and Jeremy Barr, *Fox News Stars Questioned by Election Tech Company in Defamation Case*, WASH. POST ([Aug. 30, 2022](#)).

INDIANA LAWYER

Jordan Morey, *Indiana Justices' Opinion in 'Revenge Porn' Case Lauded*, INDIANA LAWYER ([Feb. 2, 2022](#)).

Marilyn Odendahl, *IU Maurer Cybersecurity Programs Keep Pace With Technology*, ([Jan. 22, 2020](#)).

TIMES OF SAN DIEGO

Ken Stone, *Bankruptcy for OAN? Dominion Libel Suit Imperils San Diego Cable Outlet*, *Times of San Diego* ([Aug. 15, 2021](#)).

INDIANAPOLIS STAR

Johnny Magdaleno, *Cam IMPD Officer Win His Lawsuit vs. the NFL?*, Indy Star (June 20, 2021). Available at: 2021 WLNR 19969644.

Nyssa Kruse, *Some Think Indiana's Revenge Porn Law Could Be Struck Down*, Indy Star (Aug. 11, 2019). Available at: 2019 WLNR 24511213.

WISHTV.COM8

Richard Essex, *Attorneys for IMPD Officer, Dreasjon Reed's Family Comment on Lawsuit Against NFL*, WishTV.com8 ([June 15, 2021](#)).

INDIANA PUBLIC RADIO (various outlets)

Patrick Beane, *Twitter Ban Not a Violation of President's First Amendment Rights*, WFIU ([Jan. 11, 2021](#)).

Brandon Smith, *Holcomb Cease and Desist Letters Could Lead to Defamation Lawsuit*, 89.1 WBOI ([Dec. 2, 2019](#)).

THESTATEHOUSEFILE.COM

Erica Irish, *Indiana Joins Petition Asking FCC to Review How Social Media Sites Regulate Speech*, ([Sept. 14, 2020](#)).

INDIANA DAILY STUDENT

Carson Terbush, *Historical Marker Commemorates Bloomington's 1973 Landmark Supreme Court Case Hess v. Indiana*, IDS ([Nov. 21, 2019](#)).

Ellen Hine, *Letter Alleges White Supremacists Sell at Farmers' Market*, IDS ([June 11, 2019](#)) (quoted)

IU NEWSNET NEWSCASTS

Alexandra Rudig, *President Trump Calls for an Executive Order Protecting Free Speech On All College Campuses*, ([Mar. 7, 2019](#)) (video quote).

WJLA 7 – ABC (and other Sinclair outlets)

Stephen Loiaconi, *Attorneys Say More Lawsuits Coming as Covington Student Accuses Post of Defamation* ([Feb. 20, 2019](#)) (quoted)

ON POINT WITH SHANNON OGDEN – WTLV-TV / WJXX-TV, Jacksonville, FL

Supreme Court Preview, February 2014.

Supreme Court Round-Up, June 2013.

Privacy: NSA, Leaks, and Edward Snowden, June 2013.

FIRST COAST NEWS CONNECT – WJCT 88.9 FM, Jacksonville, FL

Net Neutrality and the Time-Warner-Comcast Merger, February 2014.

Citizens United and MoveToAmend.org, May 2013.

Privacy: Employers and Facebook Passwords, March 2012.

Privacy: Is There Any Consumer Privacy?, March 2012.

FIRST COAST NEWS – WTLV-TV / WJXX-TV, Jacksonville, FL
Where is the Line Between Hate Speech and Protected Speech?, March 2012.

STATE OF AFFAIRS – WPFL 89.3 FM, Louisville, KY
Citizens United v. Federal Election Commission, February 2010.

NEWSMAKERS – WKRC-TV, Cincinnati, OH
First Amendment Analysis of Parade Permits, April 2007.

PROFESSIONAL ASSOCIATIONS AND OTHER SELECT SERVICE

INDIANA UNIVERSITY – BLOOMINGTON CAMPUS
Member, IUB 2030 Working Group on Undergraduate Career Outcomes (2022)

INDIANA UNIVERSITY – MAURER SCHOOL OF LAW
Member, Policy Committee (2022-23) (elected)
Chair, Faculty Affairs Committee (2022-23)

IU DEMONSTRATION RESPONSE AND SAFETY TEAM
Volunteer (2019 – present)

ABA FORUM ON COMMUNICATIONS LAW
Co-Editor, Communications Lawyer, 2021 – present

Co-Chair, Training and Development Committee, 2018 – 2020
Organize Media Advocacy Workshop
Organized / Moderated panel on Access to Public Records re Parkland Shooting

Member, Training and Development Committee, 2014-2018
Co-author hypotheticals for the annual Media Advocacy Workshop.

Member, First Amendment and Media Law Diversity Moot Court Committee, 2011 – 2014
Co-authored moot court hypotheticals for the annual competition.

OHIO STATE BAR ASSOCIATION
Media Law Committee: Chair, 2008-2009; Vice Chair 2006-2007
Organized annual OSBA Media Law Conference, moderated and presented on panels at the conference, and facilitated Media Law Committee meetings.

CINCINNATI HUMAN RELATIONS COMMISSION
Member, Board of Commissioners, 2007 – 2009

UNIVERSITY OF NOTRE DAME CLUB OF GREATER CINCINNATI
President (2007), President-Elect (2006) Vice-President (2005)

WITHROW HIGH SCHOOL, Cincinnati, OH
Coach, Mock Trial Team, 2004