

## **JOSEPH A. TOMAIN**

Indiana University Maurer School of Law  
211 S. Indiana Ave., Bloomington, IN 47405  
[jtomain@indiana.edu](mailto:jtomain@indiana.edu) ~ (812) 855-0466

### **ACADEMIC APPOINTMENTS**

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#### **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**

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[\*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**

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[\*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**

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*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**

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**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**

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

## **PROFESSIONAL EXPERIENCE**

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**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**

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**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**

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**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

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### 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**

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### 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