

JONATHAN P. TOMES
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TOMES & DVORAK, CHARTERED
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SUMMARY OF QUALIFICATIONS

- Graduated first in my law school class.
- Member of the Illinois, Missouri, Kansas, and Oklahoma bars and the U.S. District Courts for the Northern District of Illinois (trial bar), Western District of Missouri, District of Kansas, U.S. Courts of Appeals for the 5th, 7th, 8th, 10th, and Federal Circuits, and the U.S. Supreme Court.
- Extensive litigation and transactional experience.
- National Arbitration Forum, NASD, CTFC, and Illinois Uninsured Motorist Arbitrator. Arbitration experience in securities, employment, credit, and personal injury cases.
- Extensive mediation experience in health, personal injury, and business law.
- Author of more than 50 books and dozens of articles, primarily in the health law area.
- Extensive teaching experience.
- Nationwide recognition as expert in health law, information law, and military law.
- AV rated by Martindale-Hubbell (rated as “pre-eminent” in the law and highest ethics).

PROFESSIONAL EXPERIENCE

July 1995 to present. TOMES & DVORAK, CHARTERED. Admitted to the Missouri and Kansas bars. Most significant cases included a \$3.4 million settlement for failure to report child abuse, a \$4.5 million recovery for a \$340,000 contract error, and full military and veterans benefits for a disabled veteran in a lawsuit against the Commandant of the Marine Corps in the U.S. District Court for the Northern District of Illinois. Former and current clients include Deloitte & Touche, LLP; MedeAmerica; Camtronics, Inc.; Curative Health Services; Emergency Medical Services Group; the New York Stock Exchange; Johnson County, Kansas; CompSpec, Inc. (medical benefits); and individuals, including physicians and Fortune 500 company vice presidents.

In addition to law practice, became national expert on the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). Provided legal opinions, consulted, wrote, and taught HIPAA nationwide. Clients included the U.S. Public Health Service, Indian Health Services; Alabama Department of Mental Health and Mental Retardation; Missouri Department of Mental Health; Wayne County, Michigan (Detroit); Genzyme, Inc.; Johnson County, Sedgwick County, and Lyon County, Kansas; Amador County, San Joaquin County, and Marin County, California; and hundreds of hospitals, physician practices, and other health care providers nationwide. Remain as Johnson County’s HIPAA consultant, among others. Published dozens of books and articles on HIPAA compliance. Gave speeches and seminars nationwide on HIPAA, including speaking for the Healthcare Financial Management Association, the American Health Information Management Association, and the American Association of Healthcare Auditors, and was keynote speaker at the HIPAA Road Map II—a national HIPAA conference. Hired and testified as an expert witness on medical malpractice and health information issues.

Transactional experience:

- Drafted and reviewed state, county, and private company documents.
- Drafted and reviewed real estate documents.

- Drafted and reviewed HIPAA policies and other documents.
- Reviewed transactions to prevent violation of the federal anti-kickback laws for health care providers.
- Reviewed legality of medical diagnostic equipment.
- Drafted and reviewed corporate policies and procedures, such as sanction and termination procedures.

Litigation experience (sampling of cases):

- *Orscheln Family Trusts v. Allied Insurance Co.* As plaintiff's counsel, turned a \$340,000 contract error into \$4.5 million recovery.
- *Flynn v. United States*, \$3.4 million settlement for failure to diagnose child abuse.
- *[Client name withheld per settlement agreement] v. Motorola*. Approximately \$1 million settlement for my client for age, disability, and sex discrimination.
- *Rocawich v. U.S. Environmental Protection Agency*. Represented client in wrongful termination case before the Merit Systems Protection Board, settled for reinstatement, promotion, damages, and payment of her legal fees.
- *Ristow v. United States*. Obtained approximately \$1 million settlement for my client for the transfusion of HIV-infected blood before testing blood became the standard of care.
- *United States v. Barr*. Successfully defended U.S. Coast Guard Warrant Officer charged with possession and attempted distribution of cocaine by demonstrating that he had a serious mental disease or defect that prevented him from understanding right from wrong and adhering to the right.
- *Kimmell v. United States*. Six-figure settlement for leaving a foreign object in client's fallopian tube.
- *Public Health Service v. LeClair*. Successfully defended Public Health Service Officer charged with misconduct.
- *Missouri Board of Regulation of the Healing Arts v. Dr. [name withheld]*. Successfully defended physician before a licensure revocation board.

Consulting Services: President, EMR Legal, Inc.:

- Consulting on HIPAA and now also HITECH Act compliance.
- Clients include Wayne County, Michigan; Alabama Department of Mental Health and Mental Retardation; Johnson County, Sedgwick County, and Lyon County, Kansas; San Joaquin County, Amador County, and Alameda County, California; St. Croix County, Wisconsin, U.S. Public Health Services; Indian Health Service; Kaw Valley Hospital; Encompass Medical Group; Align Technologies, Inc.; Recall, Inc.; CompSpec; and dozens of other health care providers, insurers, and business associates.

Expert Witness:

- Hired as expert in *McKinley v. Evanston Northwestern Healthcare Corp.*, No. 07 L 7796, in the Circuit Court of Cook County, Illinois (HIPAA and electronic protected health information).
- Hired as expert in *Adolescent and Family Institute of Colorado, Inc. v. Colorado State Department of Human Services, Division of Behavioral Health f/k/a Alcohol and Drug Abuse Division*, No. 09 CV 7898, in Division 9, District Court, City and County of Denver, Colorado (HIPAA Privacy Rule and release of substance abuse records).
- Hired as expert in *Fritz, as Special Administrator for the Estate of Gladys Geneva Cade, v. Provena St. Joseph Hospital, et al. and Shirley M. Stenzel, v. Nicholas Schlagetter, M.D., et al.*, both in the Circuit Court of Cook County, Illinois (medical and business record-keeping).

- Testified in *Phillips et al. v. Snyder, Weiner, Weltchek, Volgelstein, & Brown, et al.*, CA#2-0003996, Superior Court of the District of Columbia (Was failure to file medical malpractice claim under Military Claims Act for failure to diagnose Leigh's disease (mitochondrial disorder) legal malpractice?).
- Hired as expert in *State v. Mark Roy Buffalohead*, District Court of the 14th Judicial District of the State of Oklahoma sitting in and for Tulsa County (was it a HIPAA violation to disclose the defendant's admissions to paramedics thereby rendering the statements inadmissible).

July 1994 – July 1995: The Law Offices of Jonathan P. Tomes, Chicago, Illinois. Handled primarily criminal, military, and employment law matters. Later formed the firm Tomes, Lee, and Dvorak, with offices in Chicago and Kansas City (the Kansas City branch also handled domestic law, construction law, and business law). Continued to arbitrate for the NASD. Adjunct professor at IIT Chicago-Kent College of Law, teaching evidence, criminal procedure, hospital law, and professional responsibility. Continued to coach law school moot court teams, including Illinois Bar Association Champion. Admitted to the trial bar for the U.S. District Court for the Northern District of Illinois. Gave seminars on health information legal issues around the country. Rated "AV" by Martindale-Hubbell. Most important case was a military malpractice claim in which I obtained a seven-figure settlement for failure to properly screen donors before HIV testing became the standard of care.

August 1988 – July 1994: Visiting Assistant Professor of Law, IIT Chicago-Kent College of Law, Chicago, Illinois. Taught administrative law, appellate advocacy, criminal procedure, evidence, hospital law, legal research and writing, and professional responsibility. Assisted with trial advocacy, serving as a trial judge. Served as Dean of Students for two years. Black Law Student Advisor. Published 24 books and numerous articles. Promoted to Visiting Associate Professor of Law. Awarded the Harold Washington Award from the Black Law Students Association twice (only white professor ever to win it) and Professor of the Year from the Student Bar Association for my last year as a full-time member of the faculty. Practiced on the side, including courts-martial defense and litigation both in the Cook County system and in the U.S. District Court for the Northern District of Illinois. Wrote an *amicus curiae* brief for the American Bar Association concerning whether military members on the temporary disability retired list could sue for medical malpractice. Presented seminars for the American Bar Association and others regarding the use of medical records in litigation. Began arbitrating cases for the National Association of Securities Dealers ("NASD") and others.

July 1987 – August 1988: Lieutenant Colonel, JAGC, Chief, Special Claims, U.S. Army Claims Service, Fort Meade, Maryland. Processed, investigated, and adjudicated all claims against the military occurring in most overseas jurisdictions (including Korea and Europe), including wrongful death, personal injury, and medical malpractice. Supervised two attorneys and support staff. Headed organizational development effort to reorganize the Claims Service to improve efficiency. Awarded Legion of Merit (the Army's second-highest achievement award) upon my retirement from the Army for these services.

July 1983 – July 1987: Chief Military Law Instructor, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas. Major, JAGC. Taught military criminal law, ethics, military administrative law, leadership, stress on the battlefield, and effective military writing. Academic counselor to a staff group, allied officer sponsor, and alternate military magistrate (reviewing pretrial confinement and issuing search and arrest warrants). Promoted to Lieutenant Colonel. Published first book, *Servicemember's Legal Guide* (Harrisburg, PA: Stackpole Books, 1987, now in its 5th edition). Wrote a law review article on military jurisdiction that was cited by the United States Supreme Court in the most important military case of the last half of the 20th Century. Adjunct faculty for St. Mary's College, Park College, and Wichita State University, teaching, among other courses, constitutional law and business law.

July 1982 – July 1983: Major, JAGC, Student, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas. In addition to studies, taught military law to student sections that the military law instructor assigned. Graduated as an Honor Graduate and was selected to remain at the College on the faculty.

May 1979 – July 1982: Major, JAGC, Circuit Judge, First Judicial Circuit, Fort Campbell, Kentucky. Promoted to Major. Presided over courts-martial (both bench trials and jury trials). Rode a circuit that included Fort Campbell, Kentucky; Fort Knox, Kentucky; Fort Benjamin Harrison, Indiana; Fort Sheridan, Illinois; and Fort Leonard Wood, Missouri. Also served as military magistrate reviewing pretrial confinement and issuing search and arrest warrants. Army representative to American Bar Association Annual Convention to vote on issues of concern to military lawyers. Received two letters of commendation, awarded another Meritorious Service Medal, and selected to attend the U.S. Army Command and General Staff College (extremely rare for an Army lawyer).

May 1978 – May 1979: Captain, JAGC, Office of the SJA, Fort Knox, Kentucky. Held three full-time Major's positions simultaneously: Chief of Administrative Law (equivalent to a city attorney—responsible for all labor, environmental, procurement, and similar matters; supervised three attorneys and support staff); Instructor of Law, U.S. Army Armor School (taught student officers military justice and the law of war); Command Judge Advocate, 194th Armor Brigade (legal advisor to the commander of the largest combat brigade in the Army, responsible for all military justice matters in the brigade).

Awarded Meritorious Service Medal for performance at Fort Knox—first JAGC Captain ever to receive this award at Fort Knox—normally reserved for field grade (major and higher) officers.

June 1977 – May 1978: Captain, JAGC, Chief Defense Counsel, Office of the SJA, Fort Knox, Kentucky. Defended soldiers before courts-martial and administrative discharge boards. Supervised three other defense counsel and support staff. Received letters of commendation from the Judge Advocate General and the Chief of the Defense Appellate Division.

October 1976 – May 1977: Captain, Judge Advocate General's Corps, U.S. Army ("JAGC"), served as Chief of Military Justice, Office of the Staff Judge Advocate, Fort Knox, Kentucky. Responsible for all prosecutions on a military installation that was at that time the third largest city in Kentucky. Supervised six full-time trial counsel (prosecutors) and support staff for a very busy criminal jurisdiction. Inducted into the Honorable Order of Kentucky Colonels for improving coordination between military and civilian jurisdictions.

EDUCATION

Juris Doctor with Highest Distinction, first in my class, Oklahoma City University School of Law, 1975.

Activities and honors include the following:

- Board of Governors' Award for highest graduating grade point average.
- Oklahoma Bar Association Outstanding Law Student Award.
- Phi Alpha Delta Scholastic Award.
- Law Review.
- Senior Teaching Fellowship (legal research and writing).
- Faculty Research Assistant.
- American Jurisprudence Award; Corporations
- Production Editor, then Managing Editor, and finally Editor-in-Chief of THE VERDICT.

Bachelor of Science in Advertising Design, University of Cincinnati, 1968.

PUBLICATIONS

NONFICTION

BOOKS:

- THE COMPLETE GUIDE TO HIPAA POLICIES AND PROCEDURES, with accompanying CD of sample policies and procedures, Overland Park, KS: Veterans Press (forthcoming 2013).
- HOW TO EXERCISE YOUR PATIENT PRIVACY RIGHTS, Overland Park, KS: Veterans Press (forthcoming 2013).
- HAVE YOU HEARD ABOUT HIPAA? A PRACTICAL HIPAA COMPLIANCE GUIDE FOR AUDIOLOGISTS AND SPEECH PATHOLOGISTS, Overland Park, KS: Veterans Press (2012).
- MENTAL AND BEHAVIORAL HEALTH AND HIPAA: AN UNEASY ALLIANCE, Overland Park, KS: Veterans Press (2012).
- HOW TO HANDLE HIPAA AND HITECH ACT BREACHES, COMPLAINTS, AND INVESTIGATIONS: EVERYTHING YOU NEED TO KNOW, Overland Park, KS: Veterans Press (2011).
- COMPLIANCE GUIDE TO HIPAA & THE DHHS REGULATIONS, with accompanying HIPAA Documents Resource Center CD, 5th ed., Overland Park, KS: Veterans Press (2011) (4th ed., 2009) (3rd ed., 2006) (2nd ed., 2002) (1st ed., 2000) (6th ed. forthcoming 2013).
- MEDICAL RECORDS RETENTION GUIDE, 4th ed., Overland Park, KS: Veterans Press (2011) (3rd ed., 2011) (2nd ed., 2006) (1st ed., 2001), with Michael I. Spak and Richard D. Dvorak.
- ELECTRONIC HEALTH RECORDS: A PRACTICAL COMPLIANCE GUIDE, 3rd ed., Overland Park, KS: Veterans Press (2011) (2nd ed., 2010) (1st ed., 2007).
- “Medical Records” (chapter for the American Health Lawyers Association’s HEALTH LAW PRACTICE SERIES (2008).
- “Electronic Medical Records” (chapter for the American Health Lawyers Association’s HEALTH LAW PRACTICE SERIES (2008).
- “HIPAA” (chapter for the American Health Lawyers Association’s HEALTH LAW PRACTICE SERIES (2008).
- SERVICEMEMBER’S LEGAL GUIDE, 5th ed., Harrisburg, PA: Stackpole Books (2005) (4th ed., 2001) (3rd ed., 1996) (2nd ed., 1992) (1st ed., 1987).
- PHYSICIAN GUIDE TO HIPAA COMPLIANCE, Overland Park, KS: Veterans Press (2002).
- HIPAA BUSINESS ASSOCIATE GUIDE, Overland Park, KS: Veterans Press (2002).
- THE MENTAL HEALTH CARE PROVIDER BOARD OF DIRECTORS’ GUIDE TO HIPAA & THE DHHS REGULATIONS, Oxford, OH: CMHC Systems (2002).
- COMPREHENSIVE GUIDE TO ELECTRONIC HEALTH RECORDS, 7th ed., New York: Faulkner & Gray (2000) (with various co-authors) (6th ed., 1999) (5th ed., 1998) (4th ed., 1997) (3rd ed., 1996) (2nd ed., 1995) (1st ed., 1994).
- RESPONDING TO AIDS: THE HEALTHCARE PROFESSIONAL’S GUIDE TO LEGAL ISSUES & RESPONSIBILITIES, Chicago: Probus Publishing (1995).
- COMPLIANCE GUIDE TO ELECTRONIC HEALTH CARE PAYMENTS, New York: Faulkner & Gray (1994).
- HEALTHCARE PRIVACY & CONFIDENTIALITY, Chicago: Probus Publishing (1994).
- THE COMPLETE GUIDE TO MEDICAL STAFF PRIVILEGES, Chicago: Probus Publishing (1994).

HEALTHCARE FRAUD, WASTE, ABUSE AND SAFE HARBORS: THE COMPLETE LEGAL GUIDE, Chicago: Probus Publishing (1993).

HEALTHCARE RECORDS MANAGEMENT, DISCLOSURE & RETENTION: THE COMPLETE LEGAL GUIDE, Chicago: Probus Publishing (1994).

HEALTHCARE RECORDS: A COMPLETE LEGAL GUIDE, New York: Warren, Gorham & Lamont (1992 and 1993 update).

FRAUD, WASTE, ABUSE & SAFE HARBORS: A GUIDE FOR THE HEALTHCARE PROFESSIONAL, Chicago: Probus Publishing (1993).

INDUSTRY REGULATION: A GUIDE FOR THE HEALTHCARE PROFESSIONAL, Chicago: Probus Publishing (1993).

INFORMED CONSENT: A GUIDE FOR THE HEALTHCARE PROFESSIONAL, Chicago: Probus Publishing (1993).

A TRUSTEE'S GUIDE TO UNDERSTANDING MEDICAL STAFF PRIVILEGES, Westchester, IL: Healthcare Financial Management Association (1992).

A TRUSTEE'S GUIDE TO UNDERSTANDING HEALTHCARE ANTITRUST LAW, Westchester, IL: Healthcare Financial Management Association (1992), revised and reprinted as ANTITRUST LAW: A GUIDE FOR THE HEALTHCARE PROFESSIONAL, Chicago: Probus Publishing (1993).

A TRUSTEE'S GUIDE TO HEALTHCARE ENVIRONMENTAL LAW, Westchester, IL: Healthcare Financial Management Association (1992), revised and reprinted as ENVIRONMENTAL LAW: A GUIDE FOR THE HEALTHCARE PROFESSIONAL, Chicago: Probus Publishing (1993).

A LAWYER'S GUIDE TO UNDERSTANDING, OBTAINING, AND USING MEDICAL RECORDS AND MEDICAL EXPERTS AT TRIAL, Chicago: American Bar Association (1992).

OBTAINING MEDICAL RECORDS IN ILLINOIS, Springfield, IL: Illinois Institute for Continuing Legal Education (1991).

REVIEWING MEDICAL RECORDS, Springfield, IL: Illinois Institute for Continuing Legal Education (1991).

HEALTH CARE RECORDS: A PRACTICAL LEGAL GUIDE, Westchester, IL: Healthcare Financial Management Association and Kendall/Hunt Publishing Company (1990).

STUDENT TEXT 27-1, MILITARY LAW, Fort Leavenworth, KS: U.S. Army Command and General Staff College (1987, 1986, 1985, and 1984).

ARTICLES:

“What Lawyers Need to Know about Recent HIPAA Changes,” *Bar Bulletin*, King County (Washington) Bar Association, vol. 32, issue 2 (October 2013), pp. 12-13.

“Let’s End Those Pesky Tax Appeals” (with Richard D. Dvorak), *Journal of Real Estate Finance*, Vol 30, No. 4 (forthcoming 2013).

“Federal Regulation of Lawyers?” *AHLA Connections*, Vol. 17, issue 8, p. 20, (August 2013).

“Electronic Medical Records: Metadata as Evidence in Litigation,” (with James G. Meyer and Lee Neubecker) *Illinois Bar Journal*, Vol. 101, No. 8 (August 2013).

“The Law of Unintended Consequences: The Expansion of HIPAA Business Associate Liability,” *Journal of Health Care Finance* Vol. 39(4), pp. 28-35 (Summer 2013).

“Keeping It Private: Staying Compliant with the HIPAA Privacy and Security Rules,” *Journal of AHIMA*, March 2012, p. 34.

“Avoiding the Trap in the HITECH Act’s Incentive Timeframe for Implementing the EHR,” *Journal of Health Care Finance*, Fall 2010.

- “You Are Not Just a HIPAA Covered Entity—You May Be a Red Flag Covered Entity as Well!”
Journal of Health Care Compliance (January-February 2009).
- “Individual Criminal Liability for HIPAA Violations: Who Is Potentially Liable? Or Should We Say, Who Isn’t?” *Journal of Health Care Compliance*, 9(4):5-12 (July/August 2007).
- “Handling HIPAA Complaints and Security Incidents,” *CCH Health Care Compliance Letter*, Vol. 10, No. 8, p. 4 (April 17, 2007).
- “Spoliation of Medical Evidence,” *Journal of AHIMA* (American Health Information Management Association) (October 2005).
- “Prescription for Data Protection,” *Security Management* (American Society for Industrial Security), Vol. 49, No. 4 (April 2005), p. 75.
- “Risk Analysis: Your Key to Compliance,” *ACC Docket, The Journal of the Association of Corporate Counsel*, Vol. 21, No. 10 (November/December 2003), p. 38 (with Bao Tran).
- “Auditing for HIPAA Compliance,” *New Perspectives on Healthcare Auditing*, 22, No. 2 (Spring 2003), p. 5.
- “Eleventh Hour Plan for HIPAA Privacy Compliance,” *One* (Spring 2003), p. 15.
- “What Employers Need to Do Now to Comply with HIPAA’s Privacy Rule,” (with Susan Tahernia and Julianne W. Bramesco), *ACCA Docket*, Vol. 20, No. 3 (2002), p. 86.
- “Practice Brief: Healthcare Business Records Retention,” *Journal of AHIMA*, Vol. 73, No. 3 (2002): 56A-G.
- “A Treatment Plan for HIPAA Anxiety Disorder,” *Behavioral Healthcare Tomorrow* (June 2001), p. SR 21.
- “HIPAA Compliance: Does Behavioral Healthcare Have An Edge?” *One* (April 2001), p. 8.
- “ERISA and Corporate Counsel: An Introduction and a Warning,” (with Kathleen A. Murray, Senior Counsel, Fireman’s Fund), *ACCA Docket* Vol. 19, No. 3 (2001), p. 18.
- “HIPAA’s Privacy and Security Regulations: Administrative Complication, Not Simplification,” 28 HEALTH LAW DIGEST no. 1, p. 11 (Feb. 2000).
- “Sexual Harassment in the Military: Time for a Change of Forum?” (with Michael I. Spak) 47 CLEV. ST. L. REV. 335 (1999).
- “Courts-Martial: Time to Play Taps?” (with Michael I. Spak) 28 S.W. U. L. REV. 481 (2000).
- “Complying with Viatical Industry Regulations” (with Phillip Orscheln) J. OF FINANCIAL SERVICE PROFESSIONALS 54 (March 2000).
- “The Health Insurance Portability and Accountability Act of 1996: Understanding the Anti-Kickback Laws,” J. OF HEALTHCARE FINANCE, Vol. 25, No. 2, p. 72 (Winter 1998).
- “Damned If You Do, Damned If You Don’t: The Use of Mitigation Experts in Death Penalty Litigation,” 24 AM. J. CRIM. L., No. 2, p. 359 (Spring 1997).
- Book Review: “Contracting with Managed Care Organizations,” J. OF HEALTHCARE FINANCE, Vol. 23, No. 2 p. 90 (Winter 1996).
- “Legal Issues in the Acquisition of Computerized Medical Records and Payment Systems,” J. OF HEALTHCARE FINANCE, Vol. 22, No. 4, p. 88 (Summer 1996).
- “Understanding the Referral Services Safe Harbor,” J. OF THE HEALTHCARE FINANCIAL MANAGEMENT ASS’N, 32 (February 1994).
- “Avoiding Legal Pitfalls in Records Automation,” HEALTH DATA MANAGEMENT (March 1994).
- “Don’t Let the Debtor Collect from You: A Guide to Fair Debt Collection Practices Laws,” CREDIT CARD MANAGEMENT (1994).
- “Legal Issues: Claim Forms Laws Are a Mixed Bag,” MEDICAL CLAIMS MANAGEMENT, Vol. 1, No. 7, p. 63 (1994).

- “When to Throw It Away,” ASSOCIATION MANAGEMENT, 47 (September 1992).
- “The ‘Community’ in the Community Reinvestment Act: A Term in Search of a Definition,” BOSTON U. ANNUAL REV. OF BANKING LAW, Vol. 10, p. 225 (1991).
- “*Feres to Chappell to Stanley*: Three Strikes and Servicemembers are Out,” U. OF RICHMOND L. REV., Vol. 25, No. 1, p. 93 (Fall 1990).
- Book Review: “Recordkeeping Requirements” by Donald S. Skupsky, J.D., CRM, J. OF THE HEALTHCARE FINANCIAL MANAGEMENT ASSOCIATION, 98 (December 1989).
- “Reconnoitering the Military Claims Act,” THE PRACTICAL LAWYER, Vol. 35, No. 2, p. 97 (March 1989).
- “Using the Death on the High Seas Act to Evaluate Damages for Overseas Wrongful Death Claims,” THE ARMY LAWYER 60 (November 1987).
- “Illegal Command Influence—the Unnecessary Evil,” ARMY 26 (April 1987).
- “Indirect Responsibility for War Crimes,” MILITARY REVIEW 37 (November 1986).
- “A Primer on Nonresident Command and General Staff College Instruction,” THE ARMY LAWYER 20 (January 1986).
- “The Imagination of the Prosecutor—the Only Limitation on Court-Martial Jurisdiction Now, Fifteen Years after *O’Callahan v. Parker*,” 25 AIR FORCE L. REV., 1 (1985), cited by the U.S. Supreme Court in *United States v. Solorio*, 107 S.Ct. 2924 (1987).
- “CAS³, More Than a Mere Acronym,” THE ARMY LAWYER 42 (January 1985).
- “Legal Implications of Targeting for the Deep Attack,” MILITARY REVIEW 70 (September 1984).
- “I’m Giving You a Lawful Order . . .,” ARMY 62 (April 1984).
- “A Primer on the AirLand Battle: What Every Judge Advocate Needs to Know about His Client’s Primary Business,” THE ARMY LAWYER 1 (June 1981).
- “Due Process in Administrative Actions,” SOLDIER SUPPORT JOURNAL 33 (November/December 1983).
- “A Properly Convened Court—the Third Leg of the Jurisdictional Tripod,” THE ARMY LAWYER 3 (June 1981).
- “Securities Regulation: Stock Shares in Nonprofit Housing Cooperatives Are Not ‘Securities’ under the Securities Act,” 1 OKLAHOMA CITY UNIVERSITY L. REV., p. 206 (Spring 1976).

FICTION

NOVELS:

- A UNIT OF BLOOD, Overland Park, KS: Veterans Press (epublished on Amazon Kindle 2012).
- MANY UNITS OF BLOOD, Overland Park, KS: Veterans Press (forthcoming 2013).
- HITECH HYSTERIA, Overland Park, KS: Veterans Press (forthcoming 2013).
- THE ART STING, Overland Park, KS: Veterans Press (forthcoming 2013).
- HIPAA HYSTERIA, Overland Park, KS: Veterans Press (2010).
- JAGC-OFF, A POLITICALLY INCORRECT MEMOIR OF THE REAL JUDGE ADVOCATE GENERAL’S CORPS, Overland Park, KS: Veterans Press (2010).
- LAWFUL ORDERS, Overland Park, KS: Veterans Press (hardcover 1998, Amazon Kindle version 2012).

SHORT STORIES:

- THE 51ST WAY TO LEAVE YOUR LOVER, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).
- PAT SUMMIT I’M NOT, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

USING MILITARY TACTICS TO SURVIVE CONTINUING EDUCATION, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

KEVIN GOES TO JUMP SCHOOL, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE HONEY TRAP, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE PROM, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE BOBBLEHEADS, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE IPPON, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE JELLYFISH, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE EXPECTANT MOTHER, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE FORMER PRESIDENT, Overland Park, KS: Veterans Press (Amazon Kindle version 2012).

WOMBLE AND THE REVERSE HONEY TRAP, Overland Park, KS: Veterans Press (Amazon Kindle version 2013).

WOMBLE AND THE DOUBLE DRIBBLE, Overland Park, KS: Veterans Press (Amazon Kindle version 2013).

WOMBLE AND THE MOTOR MOUTH, Overland Park, KS: Veterans Press (Amazon Kindle version 2013).

WOMBLE AND THE MONEY TRAP, Overland Park, KS: Veterans Press (Amazon Kindle version forthcoming 2013).

WOMBLE AND THE SHRINK, Overland Park, KS: Veterans Press (Amazon Kindle version forthcoming 2013).

WOMBLE AND THE DOUBLE HONEY TRAP, Overland Park, KS: Veterans Press (Amazon Kindle version forthcoming 2013).

SEMINARS, SPEECHES, AND MEDIA APPEARANCES

- American Speech-Language-Hearing Association (ASHA). ASHA, the professional association for 150,000 audiologists, speech-language pathologists, and speech, language, and hearing scientists, HIPAA speech at its 2011 Annual Convention in San Diego on the topic of “HIPAA and the HITECH Act: New Heightened Requirements and Enforcement,” 2013 ASHA webinar, “HIPAA: Protect Your Clients and Yourself,” and 2013 ASHA Annual Convention, “HIPAA, HITECH, and Now the Omnibus Rule: What You Need to Know to Avoid Liability.”
- American Academy of Private Practice in Speech Pathology and Audiology (AAPPSPA). AAPPSPA invited Mr. Tomes to speak at its 2011 Clinical Institute/Conference in Omaha on the topic of “HIPAA and HITECH: How to Implement Compliant Electronic Health Records.”
- Seminars on various health law topics for various organizations, such as the American Bar Association, Cross-Country Education, Heritage Professional Publishing, The Business Network, the Healthcare Financial Management Association, Lorman Business Centers, Faulkner & Gray, Mentor Health, Health-Education, and CMI Education.
- Speeches for various organizations, such as HIPAA Road Map, I, II, and III (including keynote address 2002), state Health Information Management Conventions, and American Health Information Management Association’s Privacy Institute.
- Radio and television appearances, including “American Justice” on A&E, The Nancy Grace Show, and appearances on CNN, MSNBC, and National Public Radio.

BOARD AND COMMITTEE MEMBERSHIPS

- American Health Information Management Association e-HIM Work Group – the Legal Electronic Health Record.
- Contributing Editor, *CCH Health Care Compliance Letter*.
- Editorial Board, *Journal of Healthcare Finance*.
- Editorial Board, *Health Information Compliance Insider*.
- Editorial Board, *In Confidence* (American Health Information Management Association).
- Editor-in-Chief, *HIPAA Compliance Quarterly*, 2000-2005.
- Advisory Board, University of Kansas School of Medicine Mini-Medical School.

MILITARY AWARDS AND DECORATIONS

- Silver Star.
- Legion of Merit.
- Bronze Star.
- Meritorious Service Medal with Oak Leaf Cluster.
- Air Medal.
- Army Commendation Medal.
- Combat Infantry Badge.
- Airborne Badge.
- Various service awards.