

JOEL L. THAYER

1354 Euclid Street NW, Apt. 403A • Washington, D.C. 20002 • (760) 668-0934 • jthayer@thayer.tech

EDUCATION

American University Washington College of Law, Washington, D.C.

Juris Doctor, May 2015

Activities: *Student Attorney*, DC Law Students in Court (American University's Civil Litigation Clinic); *Senior Technical Editor*, AU Intellectual Property Brief; *President*, Communications & Media Law Society; *Member*, Federal Communications Bar Association (FCBA); *Co-Chair*, FCBA's Committee on Internet of Things, *Member*, Hispanic Bar Association

Honors & Awards: FCBA Foundation Law School Summer Internship Stipend (2014); Super Lawyer's Rising Stars in Communications Law in 2022

California State University, Fullerton, CA

Bachelor of Arts in Liberal Studies with a concentration in Law and Communications, May 2011

EXPERIENCE

Digital Progress Institute (DPI), Washington, D.C.

President & Board Member

(April 2021 – Present)

- Set DPI's policy priorities, fundraising, and recruiting talent that will advance our mission.
- Write and submit DPI's legal and regulatory filings to Federal Communications Commission.
- Draft legislation for congressional members.
- Write thought pieces (e.g., white papers, opeds, and substantive blogs) that have been published in *The Wall Street Journal*, *Newsweek*, *The New York Post*, *The Hill*, and *Roll Call*.
- Develop and facilitate third-party strategic partnership opportunities, such as coalition letters, joint white papers, and joint events.
- Address press and responsible for all public engagements, which include panel discussions, government roundtables, press releases, and keynotes.

Thayer, PLLC, Washington, D.C.

Principal

(April 2021 – Present)

- Advise clients on legal matters concerning telecommunications, administrative law, cybersecurity, privacy, and antitrust.
- Represent clients in front of the D.C. District Court, appellate courts, U.S. Supreme Court, and administrative law judges.
- Develop legal strategies for clients to engage with federal agencies, such as the Federal Communications Commission, Federal Trade Commission, Department of Justice, Department of Education, and the National Telecommunications and Information Administration concerning telecommunications, privacy, consumer protection, and antitrust issues.
- Represent clients in administrative proceedings, which include, but are not limited to, filing regulatory comments, taking ex parte meetings, and participating in federal rulemakings.
- Draft and negotiate terms of service and privacy agreements on behalf of technology clients.

Phillips Lytle, LLP, Washington, D.C.

Associate

(January 2020 – April 2021)

- Advised clients on legal matters concerning telecommunications, administrative law, cybersecurity, privacy, and antitrust.
- Developed legal strategies for clients to engage with federal agencies, such as the Federal Communications Commission, Federal Trade Commission, Department of Justice, Department of Education, and the National Telecommunications and Information Administration concerning telecommunications, consumer protection, and antitrust issues.
- Represented clients in administrative proceedings, which include, but not limited to, filing regulatory comments, taking ex parte meetings, and participating in FCC meetings.
- Drafted and negotiated terms of service and privacy agreements on behalf of technology clients.

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ACT | The App Association, Washington, D.C.

Policy Counsel (January 2017 – December 2019)

- Advised the association on legal and policy issues related to antitrust, telecommunications, privacy, cybersecurity, and intellectual property.
- Served as policy lead and head of legal for the association's platform competition issue portfolio and authored key position papers on competition issues in the platform-app market in both the United States and France.
- Wrote, researched, and submitted comments to federal and international agencies (including, but not limited to, the FCC, FTC, NTIA, U.S. Trade Representative (USTR), Telecom Regulatory Authority of India, and the European Commission) on behalf of the association.
- Wrote, authored, and researched all of the association's *amicus curiae* briefs to the U.S. Supreme Court and Federal Circuit in 2017-2018.
- Authored the association's guide and developed its overall strategy for the European Union's General Data Protection Regulation.
- Served as policy lead developing the association's legal and policy positions and strategies for its national and international 5G campaigns to promote broadband buildout and encourage strategic partnerships between content providers, manufacturers, and ISPs.
- Testified on behalf of the association on digital trade priorities for the United States' NAFTA renegotiations in front of USTR.

Paul Chabot for Congress, Rancho Cucamonga, CA

Campaign Manager (August – November 2016)

- Managed the campaign's "ground game."
- Increased our volunteer membership by 30 new members, who helped execute our political strategy to over 300,000 registered republicans and independents in California's 31st Congressional District.
- Gave speeches at events with over three hundred constituents in attendance on behalf of candidate and developed the campaign's press strategies—including constructing social media and e-mail campaigns— with the press secretary to ensure consistent messaging for media outlets (*e.g.*, *Los Angeles Times*, *New York Times*, etc.), which reached over 700,000 constituents.

Kramer, deBour, & Keane, Indian Wells, CA

Litigation Law Clerk (August 2015 – January 2016)

- Assisted managing partners in developing its cyber-security practice by providing the Cyber Group with solid foundational research to better advise clients.
- Performed the same function for the firm's Medical Malpractice Group, while also drafting and preparing pre-litigation materials, including legal memoranda regarding litigation strategies for named partners, deposition summaries outlining flaws in oppositions' arguments, expert witness profiles for trial, and drafted motions for court submission.

Federal Trade Commission (FTC), Office of Commissioner Maureen Ohlhausen,

Washington, D.C.

Legal Clerk (January – May 2015)

- Authored analytical legal/policy briefs using legal databases (*e.g.*, Lexis Nexus, Westlaw, Thomas) to prepare Commissioner before voting on items.
- Researched and analyzed the following: data security implications of the SAFE Web Act to businesses; consumer protection concerns regarding appropriate punitive measures for companies not in compliance with the Telephone Consumer Protection Act; and appropriate FTC fencing measures related to Commission's enforcement practices against private companies granted under Section 5 of the FTC Act.

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Federal Communications Commission (FCC), Office of Commissioner Ajit Pai, Washington, D.C.

Legal Clerk (August – December 2014)

- Prepared analytical briefing memos on the FCC's legal authority to inform the Commissioner before voting on particular items, both in enforcement (*e.g.*, forfeiture orders) and rulemaking procedures under the Communications Act and Telecommunications Act, while also navigating the FCC's Electronic Comment Filing System (ECFS) to provide a more comprehensive analysis.
- Drafted an op-ed article for the Commissioner urging other FCC leadership to rescind the Sports Blackout Rule, which was submitted to national publications to advance the Commissioner's media strategy towards that effect; the Cincinnati Enquirer published the op-ed in print.
- Drafted the Commissioner's speech on the elimination of the radio contest rules that he read at the November 2014 Open Meeting.

FCC, Telecommunications Access Policy Division, Wireline Competition Bureau, Washington D.C.

Legal Clerk (May – July 2014)

- Researched and recommended legal authorities under section 706 of the Telecommunications Act, section 254 of the Communications Act, and relevant case law to provide bundled and stand-alone broadband services to USF programs including Lifeline; my reports were used in FCC proceedings leading up to the Lifeline Notice of Proposed Rulemaking and also the Report and Order that followed.

Telecommunications Industry Association, Arlington, VA

Legal Clerk (January – May 2014)

- Wrote analytical reports outlining legal issues and providing recommendations to counsel and member companies on accessibility to advanced communications devices, cloud computing, USF and the Connect America Fund, commercial spectrum policies, privacy, cyber-security, public safety communications, and intellectual property.
- Drafted an Opposition to Petition against the National Association of the Deaf requesting the FCC to broaden the term "mechanism" to require buttons, keys, and icons—a cost-prohibitive measure—which was filed at the FCC.

Congressman Lee Terry, Former Chairman of the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade, Washington, D.C.

Legal Fellow (February – May 2013, August – December 2013)

- Recommended policies to the Congressman and his counsel concerning the telecommunications industry, cybersecurity, Internet privacy, and intellectual property, which were used to advise the Congressman before voting on items.
- Developed language for the first iteration of the Data Security and Breach Notification Act debated on the House floor and a provision of the America Invents Act that would mitigate the harm of patent assertion entities (PAE) by redirecting PAE's initial complaints to the U.S. Patent and Trade Office to determine a patent's validity.

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Competitive Carriers Association (CCA), Washington, D.C.

Legal Clerk (May – July 2013)

- Researched and wrote legal memoranda on possible FCC Reverse Auction rules and FTC charges against HTC America, Inc. regarding certain cybersecurity vulnerabilities in its SMS platform for its affiliated mobile devices.
- Summarized FCC comments and monitored ECFS on issues concerning the 700 MHz spectrum band to brief member companies on license transfers and spectrum auction rule updates.

Congresswoman Mary Bono, Washington, D.C.

Legislative Correspondent (March – September 2012)

- Drafted official office correspondence to constituents on cybersecurity, telecommunications, and privacy.

BAR ADMISSIONS

- California
- District of Columbia
- D.C. Circuit
- Ninth Circuit
- Federal Circuit
- U.S. Supreme Court