



PARTNER

JOSH S. TATUM

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📍 Indianapolis

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OVERVIEW

Josh Tatum works with businesses, faith communities, and nonprofits in both litigation and nonlitigation matters.

Josh's appellate and litigation experience includes constitutional law, insurance, employment, healthcare, public records, and other complex topics. He has advocated in more than 100 appeals in Indiana and other state appellate courts, the U.S. Supreme Court, and lower federal appellate courts. Before private practice he spent two years clerking for then-Chief Justice of Indiana, Randall T. Shepard.

Josh also counsels for-profit and not-for-profit entities, advising them on corporate governance, employment, contracts, insurance coverage, intellectual property, tax exemptions, land use, legal compliance, and risk management. His clients include corporations, limited-liability companies, religious organizations, charities, trade associations, and membership organizations.

Josh actively participates as a member of state and local legal communities. He has chaired the appellate sections of both the Indiana State Bar Association and the Indianapolis Bar Association and served in other ISBA leadership positions.

AWARDS

- 2022, Awarded Indiana State Bar Association Presidential Citation



- 2014-2020, Selected for inclusion in *Indiana Rising Stars—Appellate*
- 2013, Graduate of the Indiana State Bar Association’s 2013 Leadership Development Academy
- 2013, Recipient of *Indiana Lawyer’s Up and Coming Lawyer Award*
- 2012, Harrison Legal Writing Award, 3rd Place co-recipient as contributor to Randall T. Shepard’s “Jesse W. Weik: The Young Indiana Lawyer Who Made *Herndon’s Lincoln Possible*,” *Res Gestae*, Vol. 55, No. 2 (September 2011)

EDUCATION

- J.D., 2008, Vanderbilt University Law School
- M. Div., 2008 Vanderbilt Divinity School
- A.B., 2003, (Political Science and History), *summa cum laude*, Wabash College

BAR ADMISSIONS

- State of Indiana, 2008
- United States District Court for the Southern District of Indiana, 2010
- United States District Court for the Northern District of Indiana, 2010
- United States Court of Appeals for the Seventh Circuit, 2012
- United States Supreme Court, 2016

EXPERIENCE

- *Holcomb v. Bray*, (2022) (representing historians as amicus supporting Gov. Eric Holcomb’s position that the Indiana Constitution grants the governor, not the General Assembly, the power to call special sessions of the General Assembly)
- *G&G Oil Co. v. Continental Western Insurance Co.*, 165 N.E.3d 82 (Ind. 2021) (reversing summary judgment in favor of policyholder facing losses from ransomware attack)
- Defense of church against allegations of sexual abuse
- Advise national membership organizations on Indiana and other states’ provisions governing remote membership meetings
- Serve as general counsel to trade associations, charities, and other nonprofits
- Advise charities in multistate fundraising registrations and compliance
- Representations involving governance disputes between factions of religious organizations
- *Indiana Department of Correction v. Toomey* (2021) (successfully seeking public records related to Indiana’s implementation of capital punishment and constitutional



challenges to related statute based on limits of General Assembly's powers)

- *Adamowicz v. Anonymous*, 112 N.E.3d 228 (Ind. Ct. App. 2018)
- *Town of Knightstown v. Wainscott*, 70 N.E.3d 450 (Ind. Ct. App. 2017)
- *T.M. v. Adult & Child Mental Health Ctr., Inc.*, 2016 Ind. App. Unpub. LEXIS 303, 50 N.E.3d 154 (Ind. Ct. App. Mar. 15, 2016)
- *Tramill v. Anonymous Healthcare Provider*, 37 N.E.3d 553 (Ind. Ct. App. 2015) (selection of panelists for medial malpractice review panel)
- *Meredith v. Pence*, 984 N.E.2d 1213 (Ind. 2012) (representing several religious colleges and universities as amicus)
- *Witt v. Jay Petroleum*, 964 N.E.2d 198 (Ind. 2012)

AFFILIATIONS

PROFESSIONAL AFFILIATIONS

- Barrister, McKinney-Shepard Indianapolis Inn of Court (2009–Present)
- Member, American Bar Association, Litigation Section (Appellate Practice Committee), Judicial Division Appellate Judges Conference, Business Law Section (LLCs, Partnerships, and Unincorporated Entities Committee, Nonprofit Organizations Committee)
- Indiana State Bar Association, Member, Amicus Committee (2023-present) Treasurer (2017-18), Member, Budget Committee (2014–18, Chair 2016–17), Appellate Practice Section (Chair, 2020-21), Secretary, 2017-18, Section Council member 2014–present, Treasurer 2016–17), Leadership Development Academy Committee (2013–19), Parliamentarian to the House of Delegates (2018-19)
- Member, Indianapolis Bar Association, Appellate Practice Section (Chair 2022) Executive Committee 2013–Present, Indiana Appellate Institute (Chair 2017–present), Amicus Committee (Chair 2019)
- Member, Evangelical Lutheran Church of America Attorneys Association (2011–Present)

COMMUNITY AFFILIATIONS

- Finals Judge, Indiana University McKinney School of Law Moot Court (2022)
- Volunteer, Tabernacle-Presbyterian Church Cub Scout Pack 72, (2020-present)
- Member, Wabash College Task Force on Regional Groups (2019)
- Parliamentarian, North/West Lower Michigan Synod Assembly (2019)
- Member, Evangelical Lutheran Church of America Churchwide Committee on Discipline (2011-2017)
- Volunteer, Indiana YMCA Youth and Government (2009-present); (Advisory Board



2017)

- Member, Indiana-Kentucky Synod of the ELCA Synod Assembly Advice and Counsel Committee (2012–present)
- Church Council and Education Director, Our Redeemer Lutheran Church (2009–2015)
- Director, Wabash Club of Indianapolis (2010–present, President, 2019)
- Parliamentarian, Indiana-Kentucky Synod of the ELCA Synod Assembly (2012–present)
- Trinity Lutheran Seminary Summer Seminary Sampler Advisory Board (Member, 2011–2017) (Chair, 2013–2016)
- Judge, McKinney School of Law Robert H. Staton Intramural Moot Court Competition (2012)
- Member, Indiana Supreme Court Committee on Character and Fitness (2013–present)
- Judge, McKinney School of Law National Professional Responsibility Moot Court Competition (2013)
- Judge, Indiana State Bar Association Law Student Conclave Moot Court Competition (2017)

ARTICLES & EVENTS

- 2023 | Publication
Editor, *Handbook for Indiana Appellate Practitioners*, Indiana State Bar Association
- 2023 | Speaker
“Fiduciary Duties of Church Boards”
- 2022 | Speaker
“What Church Lawyers Need to Know about the BSA Bankruptcy,” Evangelical Lutheran Church in America Attorneys Association Legal Forum
- 2022 | Publication
“[A Friendly Post on Pronunciation](#),” Indianapolis Bar Association Appellate Practice Section (2022)
- 2021 | Speaker
“Employment Pitfalls for Indiana Small Employers,” Indiana Pharmacy Association
- 2021 | Speaker
Presentation with Peter Racher on experience representing death-row inmate to



Indiana University undergraduate class “The Death Penalty in America”

- 2021 | Presenter
“Don’t Tell My Mother I’m a Public Defender, She Thinks I Play Piano in a Whorehouse: Gideon v. Wainwright: The History of Public Defenders in Marion County,” McKinney–Shepard Indianapolis Inn of Court
- 2020 | Speaker
Digital Ready Communities Legal Topics: Access to Public Records and Meetings and Keeping Politics Separate from Government Business, Purdue University Extension’s Digital Ready Businesses
- 2020 | Presenter
“The Impeachment Trial of Samuel Chase,” McKinney–Shepard Indianapolis Inn of Court
- 2020 | Publication
“Doing Business through COVID-19: Can Indiana Nonprofits Hold Membership and Board Meetings Remotely”
- 2019 | Speaker
ABCs of CBD in Indiana, Indiana Pharmacists Association Annual Convention
- 2018-21 | Publication
“Employment Discrimination,” *Indianapolis Bar Association’s Commonly Asked Questions Guide*
- 2018 | Speaker
Speaker, “Basics of a Not-for-Profit: Governance, Taxes, and Employees,” National Sheriffs’ Association, Committee of State Sheriffs’ Association fall meeting
- 2018 | Presenter
“The Separation Of Powers Doctrine In Indiana: From Political Theory To Constitutional Reality And Interpretation In Indiana Supreme Court Precedent,” McKinney–Shepard Indianapolis Inn of Court
- 2017 | Publication
Federal Court Strikes Down Obama-Era Overtime and Minimum-Wage Requirements
- 2017 | Publication
Preparing to Argue in Front of an Appellate Court? Utilize the Indiana Appellate



Institute!

- 2016 | Speaker
“Legal Issues Related to the Aging Workforce,” Indiana State Bar Association Utility Law Section’s Spring Seminar
- 2016 | Speaker
“Appellate Practice Section Task Force Report on Indiana Supreme Court Practice and Rules,” ISBA Annual Meeting
- 2015 | Publication
Ind. Ct. App.: First Amendment blocks pastor’s wage claim against former employer-congregation
- 2015 | Publication
7th Circuit: Milwaukee Archdiocese’s cemetery trust fund not off limits from abuse victims in bankruptcy court
- 2015 | Speaker
“Magna Carta and the Roots of Due Process,” McKinney-Shepard Indianapolis Inn of Court
- 2014, 2019 | Publication
Editor, Indiana State Bar Association Handbook for Pro Se Appellate Litigants, *Going It Alone: A Step-by-Step Guide to Representing Yourself on Appeal in Indiana*
- 2013 | Speaker
Speaker, What’s Fair in Love, War, and Social Media?, Indianapolis American Inn of Court 2013
- 2012 | Speaker
Sinning Boldly: One Lutheran Lawyer’s Trials in Discerning & Answering His Call, Wabash College 2012
- 2012 | Speaker
Selected Indiana Cases in the U.S. Supreme Court, Indiana Supreme Court Legal History Lecture Series (with Justice Frank Sullivan, Jr. and Indianapolis American Inn of Court team)