Reserve Your Space at the False Claims Act and Qui Tam Trial Institute 2017

June 14-16, 2017
American University
Washington College of Law
Washington, DC

Join the conversation #ABAFCT17
False Claims Act and *Qui Tam* Trial Institute 2017

**To register, visit**

[ambar.org/fct2017](http://ambar.org/fct2017)

**Program Description**

Once again, the award winning False Claims Act Trial Institute will feature a two-day mock False Claims Act jury trial, in which very experienced False Claims Act lawyers from the government, relators’ and defense bar will try a health care fraud case to a jury. A hallmark of this innovative program is the televised jury deliberations. The Institute presents a unique opportunity to see how the issues in a FCA trial play out in court and to observe how a jury evaluates the evidence, the witnesses and the arguments of counsel. It also affords an unparalleled opportunity for faculty and attendees to discuss the challenges an FCA trial presents.

The FCA Institute offers the benefits of a mock jury exercise at a fraction of the cost! It will be invaluable for anyone interested in gaining insight into the evidentiary and advocacy challenges that FCA cases uniquely present.
Register Now and Save!

<table>
<thead>
<tr>
<th></th>
<th>Rates Effective Now</th>
<th>Rates Effective May 17, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Public</td>
<td>$1,285</td>
<td>$1,375</td>
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<tr>
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The ABA reserves the right to correct all typographical errors. Fees do not include travel or lodging.

To register, visit ambar.org/fct2017

Presented by
Criminal Justice Section
Health Law Section
Section of Public Contract Law

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Lance Youts
Director
Pricewaterhouse Coopers
Dallas, TX

Maryana Zubok
Senior Corporate Counsel
Pfizer, Inc.
New York, NY

* Steering Committee
# Agenda

**Wednesday, June 14, 2017**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
</table>
| 12:30 – 12:45 | **Opening Remarks**  
David L. Douglass, Joel M. Androphy                                               |
| 12:45 – 2:15  | **How Courts Are Applying Escobar**                                               |
|               | Perhaps the only thing government, relator, and defense counsel can agree on is   |
|               | that Universal Health Services v. U.S. ex rel. Escobar is a game changer for the   |
|               | future of False Claims Act litigation. The case paved the way for future litigation |
|               | under an implied certification theory, but set a high and demanding bar for       |
|               | establishing materiality. It has been a year since the Supreme Court issued       |
|               | Escobar. So what have we learned in that short period of time? Come hear from an   |
|               | expert panel who will squeeze the hundred or so district and appellate decisions   |
|               | that have applied Escobar into a lively and action-packed ninety minute discussion.|
|               | Moderator: Jason M. Crawford  
Government: Benjamin C. Wei  
Relator: Sarah M. Frazier  
Defense: Matthew W. Turetzky                                               |
| 2:15 – 2:30   | **Break**                                                                        |
| 2:30 – 4:00   | **From the Trenches: Government/Relator**                                         |
|               | The unique features of the *qui tam* provisions of the false claims act require   |
|               | government attorneys and relator’s counsel to collaborate effectively, despite often|
|               | having different roles and goals. This panel will examine the decisions and       |
|               | challenges government and relator’s counsel must address in litigating an FCA case|
|               | through trial.                                                                    |
|               | Moderator: Sarah M. Frazier  
Panelists: Regina D. Poserina, Scott Simmer, Darrell C. Valdez, David Wiseman   |
| 4:00 – 4:15   | **Break**                                                                        |
| 4:15 – 5:45   | **From the Trenches: Defendant’s View.**                                          |
|               | The successful defense of an FCA case requires a strong partnership between trial  |
|               | counsel and client. This panel will explore the process from the client’s         |
|               | perspective. It will review the key decisions, pressures and choices that a FCA   |
|               | defendant must confront and negotiate in defending an FCA case.                   |
|               | Moderator: Andy Liu  
Panelists: William E. Bucknam, William Kruse, Robert T. Rhoad, Maryana Zubok     |
| 5:45 – 7:30   | **Reception**                                                                    |

*Agenda subject to change without notice.*
Thursday, June 15, 2017

The Main Event! The False Claims Act Mock Trial


<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Speaker(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 – 9:45</td>
<td>Pre-trial</td>
<td>This panel begins the mock trial by presenting the elements of effective trial graphics.</td>
</tr>
<tr>
<td>9:45 – 10:45</td>
<td>Jury Selection</td>
<td>This panel will discuss jury selection, including the use of mock juries. It will culminate in a voir dire of the jurors for U.S. ex rel Saunders v. Affirm Senior Living, Inc., No. 13-CV-123, U.S. District Court.</td>
</tr>
</tbody>
</table>
| Jury Consultant: Aref Jabbour  
Gov/Relator’s Counsel: Joel M. Androphy  
Defense Counsel: Michael E. Clark |
| 10:45 – 11:00 | Break                        |                                                                             |
| 11:00 – 12:00 | Opening Statements  | Gov: Jennifer Short  
Defense: David L. Douglass                                           |
| 12:00 – 1:00 | Lunch: Keynote Speaker: Andy Mao |                                                                             |
| 1:00 – 2:30 | Relator: Clayton E. Wire  
Gov/Relator: John R. Thomas  
Defense: Robert T. Rhoad |                                                                             |
| 2:30 – 4:00 | Government Expert: TBD  
Gov/Relator: Chet H. Rabon, Jr.  
Defense: Michael E. Clark |                                                                             |
| 4:00 – 4:15 | Break                        |                                                                             |
| 4:15 – 5:45 | Defense Witness: Caroline Lee  
Defense: Jack E. Fernandez  
Gov/Relator: Sarah M. Frazier |                                                                             |
#### Monday, June 19, 2017

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:30 – 9:30</td>
<td>Closing Arguments</td>
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<tr>
<td></td>
<td>Relator: Joel M. Androphy</td>
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<td></td>
<td>Defense: Richard W. Westling</td>
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<td></td>
<td>Government: Benton Curtis</td>
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<tr>
<td>9:30 – 10:15</td>
<td>Jury Instructions</td>
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<td>Hon. Dena H. Palermo</td>
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<tr>
<td>10:15 – 10:30</td>
<td>Break</td>
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<tr>
<td>10:30 – 12:30</td>
<td>Jury Deliberations / Verdict, Trial Analysis and Discussion with Jury and Lawyers</td>
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<tr>
<td></td>
<td>Lunch Break</td>
</tr>
<tr>
<td>1:00 – 2:30</td>
<td>Ethical Issues in FCA Litigation</td>
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<td></td>
<td>There is never a shortage of ethical issues to manage in a False Claims Act investigation or litigation. This panel will discuss best practices for conducting ethical, effective, and efficient internal investigations as well as addressing ethical dilemmas that frequently arise in litigation.</td>
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<tr>
<td></td>
<td>Moderator: Maurice Bellan</td>
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<td></td>
<td>Panelists: Gregory M. Luce, Frederick M. Morgan, Jr., Jennifer Short</td>
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<td>2:30</td>
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Step 1: Registration Rates

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Save when you register one or more attorney for this National Institute.

- 3-5 attendees – save 5%
- 6-10 attendees – save 10%
- 10+ attendees – contact the ABA Center for Professional Development

To register your group of 3 to 10 and receive the discount, please call the ABA Service Center at 800-285-2221. (Not applicable to government rates.)

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- Enroll me in the Criminal Justice Section - $45
- Enroll me in the Health Law Section - $50
- Enroll me in the Section of Public Contract Law - $45

Step 3: Course Materials*

Electronic course materials are provided on-site as part of your registration. Printed course materials are available for an additional fee.

- Please provide printed course materials on-site for $50. Enter your $50 fee on line 4D.

* If you cannot attend, but would like to order the Course Materials, please visit us at ambar.org/fct2017 or call (800) 285-2221 for pricing and availability. Course materials will be shipped after the event.
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| Law Firm/Organization |
| Address Suite/Apt. |
| City State Zip Code |
| Telephone |
| Email ABA Member ID |

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### Step 4: Your Total Amount Due

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<thead>
<tr>
<th>Registration Rate (from Step 1)</th>
<th>$</th>
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</thead>
<tbody>
<tr>
<td>Three or More People Registering (from Step 1) ($50/person discount. Applicants must register together to receive discount. Not applicable to government rates.)</td>
<td>$ -</td>
</tr>
<tr>
<td>ABA Criminal Justice Section Enrollment - $45 (from Step 2)</td>
<td>$ +</td>
</tr>
<tr>
<td>ABA Health Law Section Enrollment - $50 (from Step 2)</td>
<td>$ +</td>
</tr>
<tr>
<td>ABA Section of Public Contract Law - $45 (from Step 2)</td>
<td>$ +</td>
</tr>
<tr>
<td>ABA Section Membership Enrollment (from Step 2)</td>
<td>$ +</td>
</tr>
<tr>
<td>Printed Course Materials - $50 (from Step 3)</td>
<td>$ +</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$</strong></td>
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### Step 5: Payment Information

- ABA Credit Card from Bank of America
- Visa
- Mastercard
- American Express
- Check Payable to American Bar Association

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<tr>
<th>Name as it appears on Card</th>
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<tbody>
<tr>
<td>Account Number</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Billing Zip Code</td>
</tr>
</tbody>
</table>
Step 6: 4 Easy Ways to Register

Visit ambar.org/fct2017
Call (800) 285-2221
Fax this form to (312) 988-5850

Complete and mail this form:
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Event Registration Unit
321 N. Clark St. Fl. 16
Chicago, IL 60654

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  - Transliterator  
  - Oral  
  - Tactile  
  - Trilingual  
  - Deaf  
  - Other (please specify): ______________

- Communication Access Realtime Translation (CART) (realtime speech to text translation displayed on computer or large screen)

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- Reader

Assistive Listening Devices:  
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- FM Systems  
- Infrared Systems  
- Other (please specify): ______________

- Headphones/Earbuds to Connect to Assistive Listening System

Materials in Alternative Formats:  
- Large Print (specify font Size: ___)
- Braille  
- Audio  
- Digital Files  
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Special Diet:  
- Vegetarian  
- Vegan  
- Gluten-free  
- Dairy-free  
- Nut-free  
- Pre-cut Meal  
- Other (please specify): ______________

- Accessible Transportation:  
  - Event ________________ Date(s) __________________
  - Time(s) __________________ Location(s) ________________

ADA Accessible Guestroom:  
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- Shower/tub chair  
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- Audible alerts/alarms  
- Scent free  
- Wheelchair/Mobility Device Accessible  
- Other (please specify): ______________

- A personal care attendant will be accompanying me.
- A service animal will be accompanying me.
- I will be using a mobility device at the conference.
- Additional needs (please specify): ______________
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Program Location:
American University Washington College of Law
4300 Nebraska Avenue, NW
Washington, DC 20016

Hotel Information
Omni Shoreham
2500 Calvert Street, NW
Washington, DC 20008
Rate: $239

Make your reservation by calling 202.234.0700 or 800.545.8700. Refer to ABA False Claims Trial to receive the group rate.

Hotel Deadline: May 24, 2017

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