Civil False Claims Act

JUNE 24–26, 2020 ▶ WASHINGTON, DC

DISCOUNTED PRICING ENDS
MAY 24, 2020
DESCRIPTION OF PROCEEDINGS
The Civil False Claims Act (FCA) is one of the fastest growing areas of federal litigation, with settlements and judgments totaling billions of dollars each year. The 13th National Institute on the Civil False Claims Act and Qui Tam Enforcement will bring together experts from all areas—U.S. Department of Justice, state attorneys general, leading defense and qui tam whistleblower firms—to discuss this ever-growing area of litigation and enforcement.

PROGRAM FOCUS:
- Liability, Damages & Resolution Trends & Developments
- Relator & Defense Strategies: Investigation through Trial
- Healthcare & Procurement Updates

The ABA will seek 14.25 total hours of CLE credit in 60-minute states 17.10 hours of CLE total credit for this program in 50-minute states, including 1 hour of CLE ethics credit in 60-minute states and 1.20 hours of CLE ethics credit in 50-minute states.

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WEDNESDAY, JUNE 24, 2020

12:00–1:30 PM **FCA 101**
False Claims Act Fundamentals: This session is an introduction to the FCA for practitioners new to this practice. Experienced FCA practitioners representing the United States, defendants, and relators will discuss the nuts and bolts of the False Claims Act from each perspective.

**Moderator:** Derek Adams
Erica Hitchings, & Adam Katz

1:45–2:00 PM **Greetings from the Co-Chairs**
Sara McLean, Rick Morgan, & Lisa Noller

2:00–3:30 PM **Recent Liability Developments**
Cases like Escobar, Bookwalter, AseraCare and others provide fertile ground for debate and discussion. The panel will discuss trial- and appellate-court developments.

**Moderator:** Jamie Yavelberg
Laura Hoey, David Leviss, Tejinder Singh

3:30–3:45 PM **Break**

3:45–5:15 PM **Damages & Penalties Update**
Whether, how and to what extent damages are sought and measured can influence how to plead a case, whether the government intervenes in a case and its settlement or trial value. This panel will discuss issues such as benefit-of-the-bargain damages, statistical sampling, fairness hearings and penalty updates.

**Moderator:** Erik Sitarchuck
Ed Crooke, Pam Johnston, Lon Leavitt, Sara Vann

5:15–7:00 PM **Reception**

THURSDAY, JUNE 25, 2020

9:00–10:30 AM **Investigation Issues**
This panel will use a hypothetical fact pattern as the framework to discuss the investigation of a qui tam case from initial client contact through the intervention decision.

**Moderator:** Rick Morgan
Candice Deisher, Colin Huntley, Jeannie Rhee, Jay Strauch

10:30–10:45 AM **Break**

10:45–12:15 PM **Litigation Issues**
Your case is headed to trial! Seasoned FCA litigators share best practices, from early discovery to successful defense motions to preparing a case for summary judgment and trial, with an eye to differences between intervened cases and declined matters.

**Moderator:** Patrick Klein
Douglas W. Baruch, Greg David, Steve McCallister, Dan Miller
THURSDAY, JUNE 25, 2020 (CONTINUED)

12:15–1:30 PM  Lunch
Join Michael Granston, Deputy Assistant Attorney General and former Fraud Section Director, in a lunchtime discussion of recent developments and the view ahead.

1:30–2:45 PM  Settling an FCA Case
Most FCA cases settle. An experienced mediator and varied practitioners discuss approaches to settling FCA matters, including DOJ’s 2019 directive regarding cooperation credit, among other issues affecting resolution.

   Moderator: Sara McLean
   Stephen Altman, Sarah Frazier, Kirsten Mayer, Christen Nedwick

2:45–3:00 PM  Break

3:00–4:00 PM  Relator Issues Roundtable
As the False Claims Act has matured, lawyers who represent whistleblowers have worked to develop best practices for the investigation, initiation, litigation, and settlement or trial of qui tam cases. A panel of experienced relator’s counsel will discuss current issues affecting the vetting, initiation, resolution, and litigation of cases.

   Poppy Alexander, Jackie DeMar, Julie Popham, Sonya Rao

4:00–5:00 PM  Defense Issues Roundtable
FCA defense attorneys must advocate for clients facing daunting damage claims brought by relators and the Department of Justice. Experienced defense counsel will discuss the current landscape, with particular focus on investigations, pre-intervention discussions, cooperation, and dismissal.

   Jonathan Cederbaum, Jason Mehta, Kirk Ogrosky, Jennifer Short

5:00–7:00 PM  Reception

FRIDAY, JUNE 26, 2020

8:30–10:00 AM  Developments in Healthcare Fraud
This continues to be a consequential time in healthcare fraud proceedings. The complex fit between managed care plans and the FCA, developments in kickback and Stark litigation, new alleged lab scams, administrative remedies, and the over-hang of Escobar are among the topics that will make this an interesting discussion.

   Moderator: Lisa Noller
   Alec Alexander, Amy Easton, Stacy Race, Brian Roark, Natalie Waites

10:00–10:15 AM  Break
FRIDAY, JUNE 26, 2020 (CONTINUED)

10:15–11:15 AM  **Breakout Sessions**

**A. Procurement Fraud**
False claims in the sale of goods and services is fundamental to the False Claims Act. The panel will discuss recent DoD, GSA, Department of Energy, and other procurement fraud cases, demonstrating this area remains as consequential as ever.

**Moderator:** Michael Waldman
Jonathan Aronie, Alicia Bentley, Vince McKnight

**B. State FCA Roundtable**
Many states and a few localities have FCA analogs of their own, and increasingly they rely upon these statutes to enforce state interests. A panel of experts will discuss this important area, including how to work with multiple government agencies in settlement and state involvement in litigation.

Teigue Carroll, Kathy Von Hehne, Robert Patten, Nicholas Paul

11:15–11:30 AM  **Break**

11:30–12:30 PM  **Ethics**

Consensual monitoring, contacts with represented parties, handling of privileged materials, litigation funding, seal breaches . . . These are just some of the ethics issues that can make FCA cases far more difficult than they need to be. Experienced government counsel join relator’s and defense counsel to guide you through the minefields.

**Moderator:** David Wiseman
Carrie Bashaw, Mike Paulhaus, Amanda Rocque, Lesley Skillen
Planning Committee & Faculty

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Scholarships
Financial scholarship applications are available for this conference. To request an application or receive additional information, please go to this link: https://www.americanbar.org/events-cle/abacle/scholarship.

Attire
Business casual attire is appropriate for all activities.

Attendees with Special Needs
Please specify your special needs below. To ensure your request is fulfilled, the registration form must be received by May 13, 2020. For questions, please contact staff designee Donna Williams, Meetings Manager, at donna.williams@americanbar.org; 312.988.6210. Every effort will be made to accommodate advance requests; onsite requests cannot be guaranteed.

Program Confirmation
Written confirmation of your registration will be sent to you upon receipt. If you do not receive the confirmation notice prior to the program, please call the ABA at (800) 285-2221 at least 24 hours in advance to confirm that your registration was received and that the program is being held as scheduled.

Cancellations
Cancellations received five (5) business days or more before the program will receive a 100% refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome before the program starts. Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after the program.

Meeting Location Information
The meeting will take place at:
The Mayflower Hotel
1127 Connecticut Avenue NW
Washington, DC 20036

Reservations can be made by calling The Mayflower Hotel directly at 1.800.228.7697. Deadline for hotel reservation is June 4, 2020.

In-Person Registration
If you plan to register in person, please call the ABA at least 24 hours in advance to confirm that the program is being held as scheduled and that space is available. Cash payments will not be accepted.

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