3rd Advanced Forum on

False Claims & Qui Tam Enforcement

January 21-22, 2016
Doubletree Suites by Hilton Times Square | New York, NY

First Hand Insights from Senior Prosecutors:

Pierre G. Armand
Co-Chief, Civil Frauds Unit
U.S. Attorney’s Office,
Southern Division of New York

Richard Hayes
Deputy Chief, Civil Division
U.S. Attorney’s Office,
Eastern District of New York

Margaret L. Hutchinson
Civil Chief
U.S. Attorney’s Office,
Eastern District of Pennsylvania

Adam J. Katz
Assistant United States Attorney
U.S. Attorney’s Office,
Northern District of New York

Gregory Krakower
Senior Advisor & Counselor
to the Attorney General
Office of the Attorney General
of the State of New York

Jeffrey Dickstein
Assistant United States Attorney
U.S. Attorney’s Office,
Southern District of Florida

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Assistant United States Attorney
U.S. Attorney’s Office,
Southern District of Florida

In-House Executives Discuss How They Manage FCA Risks:

Mark E. Lowes
Vice President Litigation
Kellogg Brown & Root

Catherine Ronis
Vice President & Associate General Counsel
BAE Systems

Maryann Sarrick
Associate General Counsel – Litigation & Compliance
Lockheed Martin Corporation

Jonathan Wilson
Senior Associate General Counsel
UnitedHealthcare

Betsy Van Hecke
Vice President & Chief Legal Counsel
Medtronic

Gregg Shapiro
Assistant U.S. Attorney
U.S. Attorney’s Office,
District of Massachusetts

Sara Winslow
Assistant U.S. Attorney
U.S. Attorney’s Office,
Northern District of California

Christopher Ehrman
Director of the Whistleblower Office
U.S. Commodity Futures Trading Commission

INDUSTRY SPECIFIC DEVELOPMENTS

FINANCIAL SERVICES – Impact of Recent SEC Whistleblower Rewards

HEALTHCARE, PHARMA and MEDICAL DEVICES – New Focus Areas

AEROSPACE and DEFENSE – One Year after First to File Decision

NEW INDUSTRY TARGETS – For Profit Education, Real Estate, Telecommunications and Energy

New for 2016:

• Insights from the Best of the Plaintiff and Defense Bar
• Strategies for Fighting Back Against Cases that Lack Merit
• What Happens When the Government Decides Not to Intervene
• In-House Counsel Views on Managing Internal Investigations
• How Increased Use of Jury Consultants Affects FCA Litigation
• Admission of Guilt in NY State False Claims
• Emerging Trends in Damages Calculations

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PRACTICAL STRATEGIES TO MINIMIZE YOUR FALSE CLAIMS EXPOSURE

After $5.7 billion in recoveries under the federal False Claims Act in 2014, the trend continues.....

There is no end to False Claims and Qui Tam investigations and enforcement. In the first six months of 2015, the government and *qui tam* relators have collected more than $1.96 billion in settlements and judgments. Some of these settlements approached half a billion dollars and came from cases in which the government declined to intervene. That reflects a noticeable trend in recent years of increasing numbers of relators being willing to pursue cases in litigation without the government’s involvement.

Now in its third successful year, American Conference Institute’s Advanced Forum on False Claims and Qui Tam Enforcement provides up-to-date guidance on the rapidly changing developments in the FCA legal landscape. As those boundaries fluctuate, companies must keep a close eye on this continually evolving area of the law. Take advantage of the opportunity to meet leading industry decision makers from:

- BAE Systems
- The Boeing Company
- Kellogg Brown & Root
- Lockheed Martin Corporation
- Medtronic, Inc.
- UnitedHealthcare
- University of Maryland Faculty Physicians Inc.

This comprehensive two day forum has been uniquely developed for in-house counsel, chief compliance officers and private practitioners to discuss the latest developments in this rapidly changing practice – along with practical tips for investing, defending and setting these cases. You will hear from companies that have settled FCA cases and get the chance to hear what they learned during the process.

Special rates for in-house counsel and groups are available. Register early and save with advance pricing discount! Call 1-888-224-2480, fax your registration to 1-877-927-1563 or register on-line at www.AmericanConference.com/FalseClaims

Who You Will Meet

- General Counsel
- Chief Legal Counsel
- Assistant General Counsel
- In-House Counsel
- Litigators
- Compliance Officers
- Litigation Consultants

Outside Counsel specializing in:

- False Claims Act
- Fraud
- Litigation
- Corporate Compliance
- White Collar Crime
- Investigations
- Government Contracts
- Healthcare
- Financial Services

Conference Attendee Profile

- Healthcare/Pharmaceuticals
- Medical Devices
- Relator Bar
- Government
- Defense Counsel
- Technology
- Defense/Aerospace
- Financial Services

Join the Conversation @ACILegal / #ACIFalseClaims
7:45  Registration Begins and Continental Breakfast

8:45  Opening Remarks from Conference Co-Chairs

Mark E. Lowes  
Vice President Litigation  
Kellogg Brown & Root (Houston, TX)

Craig Margolis  
Partner  
Vinson & Elkins LLP (Washington, DC)

9:00  PROSECUTORS PANEL

How Government Is Assessing the Validity of the Increasing Number of Whistleblower Reports

Gregg Shapiro  
Assistant U.S. Attorney  
U.S. Attorney's Office, District of Massachusetts

Sara Winslow  
Assistant United States Attorney  
U.S. Attorney's Office, Northern District of California

Stephen Payne – Panel Moderator  
Partner  
Gibson, Dunn & Crutcher LLP (Washington, DC)

Some industries affected by the False Claims Act have significantly reduced their exposure to FCA claims by implementing robust and mature compliance programs.

Defense bar might cite to recent cases in which the facts and the legal theories seem to have been stretched beyond what the FCA is designed to remedy. Government and the relators might respond that there will always be creative marketers and plenty of conduct that needs to be examined and tested under FCA standards.

Relators bar seems more active than ever, and the number of cases – both filed and carried forward after a government declination – continues to increase and the government’s activities and recoveries do not appear to have slowed.

This panel will focus on how the government evaluates the whistleblower FCA cases that are filed in this evolving environment.

11:15  The Year in Review – What Recent Cases Reveal about Future False Claims Act Litigation

Regina Morano  
Chief Legal and Compliance Officer  
University of Maryland Faculty Physicians Inc. (Baltimore, MD)

Laura Laemmle-Weidenfeld  
Partner  
Jones Day (Washington, DC)

• Increased focus on reverse false claims (U.S. ex rel. Kane v. Healthfirst)
• Narrow application of the first-to-file bar (KBR v. U.S. ex rel. Carter)
• Aggressive application of damages and penalties (U.S. ex rel. Harman v. Trinity Industries Inc.; U.S. ex rel. Drakeford v. Tuomey)

12:15  Networking Lunch for Speakers and Attendees

1:30  VIEW FROM IN-HOUSE COUNSEL

How to Perform a Risk Assessment on Potential False Claims Complaints

Mark E. Lowes  
Vice President Litigation  
Kellogg Brown & Root (Houston, TX)

Thomas W. Szromba  
Principal Senior Counsel – Litigation  
The Boeing Company (Chicago, IL)

Catherine Ronis  
Vice President & Associate General Counsel  
BAE Systems (Washington, DC)
Daniel Ruzumna – Panel Moderator
Partner
Patterson Belknap Webb & Tyler LLP (New York, NY)
• How to plan for your immediate response
• What should you do first
• What are the key elements for evaluating your case
• Determining the ideal settlement strategies
• Steps to take when other plans fail

2:15
INSIDE THE MIND OF THE PLAINTIFF BAR
The Essential Elements of a Strong Relator Claim
Daniel Oliverio
Partner
Hodgson Russ LLP (Buffalo, NY)
Neil V. Getnick
Partner
Getnick & Getnick (New York, NY)
• Determining the proper level of investigative support
• Type of interactions that relator’s counsel should have with the government prior to filing
• Factors to consider when deciding where to file a case
• Evaluating the trial experience of a district
• Insight into the lifecycle of a case

3:15
Networking Break

3:30
Sophisticated Discovery and Pre-Trial Techniques to Successfully Defend False Claims Suits
Douglas W. Baruch
Partner
Fried, Frank, Harris, Shriver & Jacobson LLP (Washington, DC)
David Douglass
Partner
SheppardMullin (Washington, DC)
Paul Neale
Chief Executive Officer
DOAR, Inc. (New York, NY)
• Pre-trial expert discovery and pre-trial motions
• Developing and establishing trial themes that resonate with juries
• Effective expert advocacy
• Strategies for dealing with relators at trial
• Using jury consultants to develop themes and select jurors
• Using trial graphics to communicate in a multi-media world
• Using trial preparation to drive favorable settlements
• Mitigating the risk of exclusion and debarment

5:45
Champagne Roundtables
End the day informally as you share views with your peers on recent False Claims developments.
1) In-House Only: Strategies to Manage FCA Cases
2) Off Label Marketing FCA
3) Defense & Aerospace FCA
4) Anti-Kickback FCA
8:40 Conference Co-Chairs’ Opening Remarks

8:45 The Role of the Government in Cases Where They Do Not Intervene

Margaret L. Hutchinson
Civil Chief
U.S. Attorney’s Office, Eastern District of Pennsylvania
(Philadelphia, PA)

Daniel R. Miller
Shareholder
Berger & Montague, P.C. (Philadelphia, PA)

- Intervened cases
  - Factors influencing intervention
  - Joint prosecution privilege
  - Role of relator’s counsel
- Rising tide of litigation of declined cases (Davita, Omnicare, Streck Cases)
  - Statements of interest
  - Expanded resources of private bar
  - Triggers that could cause the government to come back into the case
  - Attorney’s fee claims
- Latest developments in ESI protocols
  - Standard ESI protocols
  - Use of predictive coding

9:30 VIEW FROM IN-HOUSE COUNSEL

Best Practices for Managing Internal Investigations

Maryann Surrick
Associate General Counsel – Litigation & Compliance
Lockheed Martin Corporation (Bethesda, MD)

Jonathan Wilson
Senior Associate General Counsel
UnitedHealthcare (Minnetonka, MN)

Betsy Van Hecke
Vice President & Chief Legal Counsel
Medtronic, Inc.

Jennifer L. Chunias – Panel Moderator
Partner
Goodwin Procter LLP (Boston, MA)

- Who should conduct post-filing investigation
- Document production and preservation
- Sharing of documents and information between the government and relator’s counsel
- Strategies for obtaining a declination
- How to manage privilege issues in investigations

10:30 Networking Break

11:00 Deep Dive into the Focus Areas for False Claims Enforcement in New York

Richard Hayes
Deputy Chief, Civil Division
U.S. Attorney’s Office, Eastern District of New York

Adam J. Katz
Assistant United States Attorney
United States Attorney’s Office, Northern District of New York

Gregory Krakower
Senior Advisor & Counselor to the Attorney General
Office of the Attorney General of the State of New York

- Beyond healthcare fraud, what other areas are being targeted for false claims enforcement
- Implications of DOJ’s increased focus on individual accountability for corporate wrongdoing
- Requirement for statement of facts and admissions in false claims act settlements
- Trend towards use of advance data analytics in healthcare fraud cases
- Continuing enforcement on financial services

12:00 Strategies for Fighting Back Against Cases that Lack Merit

David M. Nadler
Partner and Government Contracts Practice Group Chair
Dickstein Shapiro LLP (Washington, DC)

Eric W. Sitarchuk
Partner
Morgan Lewis (Philadelphia, PA)

James B. Perrine
Senior Counsel
Huntington Ingalls Industries, Inc.

- When you should consider for filing a counterclaim
- How to respond to employee theft of confidential company documents
- Factors to consider for fee shifting and sanctions
- Updating employment agreements and policies
- Rule 9(b) and the public disclosure bar considerations

12:45 Networking Lunch for Attendees and Speakers

2:00 Emerging Trends in Damages Calculations: Use of Statistics and Other Methods

Lori Pines
Partner
Weil, Gotshal & Manges LLP (New York, NY)

Robert T. Rhoad
Partner
Crowell & Moring LLP (Washington, DC)

- Overview of other recent damages rulings
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will apply for Continuing Professional Education credits for all conference attendees who request credit. There are no pre-requisites and advance preparation is not required to attend this conference.

Course objective: Update on the False Claims Act and the latest enforcement actions. Prerequisite: None. Level of knowledge: Beginner/Intermediate.


Please refer to the information in this brochure for outline, course content and objectives. Final approval of a course for CPE credits belongs with each states’ regulatory board. Recommended CPE Credit: 16.0 hours for the main conference.

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You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

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• Importance of selecting proper experts
• Proper use of Daubert challenges
• Other methods to challenge the amount of damages

3:00 Best Practices to Facilitate Global Settlements

Pamela C. Brecht
Partner
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
(Philadelphia, PA)

Enu Mainigi
Partner
William & Connolly

• How to approach the negotiation
• Statement of admissions
• Relator’s roles in the settlement
• Retaliatory discharge claims
• Sharing of attorney’s fees

3:30 Networking Break

3:45 FOCUS ON DEFENSE AND AEROSPACE INDUSTRY POST-CARTER

How First to File Decision Will Affect Future Cases

Michael J. Bronson
Partner
Vorys, Sater, Seymour and Pease LLP (Cincinnati, OH)

Mark Nackman
Partner
Jenner & Block LLP (Washington, DC)

• The background, issues, and holding in “Carter”
• New obstacles and complications for FCA defendants seeking to assert the first-to-file rule following the Supreme Court’s decision in “Carter”
• Exploration of new (or infrequently used) defenses in an era of a weakened first-to-file rule
• Issues defendants must now consider in litigating and settling FCA cases in light of “Carter”

4:30 ETHICS CREDIT

Ethical Considerations of False Claims Act and Qui Tam Cases

Mark Srere
Partner
Bryan Cave (Washington, DC)

Glenn M. Jones
Founder
Law Offices of Glenn Jones (New York, NY)

• Should lawyers be disqualified for trying to be relators
• Investigations that precede False Claims litigation
• Navigating the lengthy time period involved
• Ethical considerations for relators, government and defense counsel
• Considerations before and after qui tam complaint is unsealed

5:15 Conference Ends
CONFERENCE CODE: 848L16-NYC

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American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. To book a room at the discounted rate please contact the hotel directly and mention “ACI’s False Claims.”

Venue: Doubletree Suites by Hilton Times Square
Address: 1568 Broadway, New York, NY 10036
Reservations: 212-719-1600

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Wendy Tyler | Director of Sales, American Conference Institute
Tel: 212-352-3220 x5242 | w.tyler@AmericanConference.com

Florida Hospital District Agrees to Pay United States $69.5 Million to Settle False Claims Act Allegations – 9/15/15

Parsons Government Services Inc. Agrees to Pay $3.8 Million to Settle False Claims Act Allegations – 9/7/15

U.S. Investigations Services Agrees to Forego at Least $30 Million to Settle False Claims Act Allegations – 8/15/15

Missouri Hospital Agrees to Pay United States $5.5 Million to Settle Alleged False Claims Act Violations – 8/13/15

Technology Integration Group Agrees to Pay $5.9 Million to Settle False Claims Act Allegations – 8/11/15

Medical Device Manufacturer NuVasive Inc. to Pay $13.5 Million to Settle False Claims Act Allegations – 7/30/15
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Rave Reviews from Last Year’s Conference Participants

“I liked the range of perspectives on the FCA, including those from the government, the relator’s bar, and defense counsel. I also liked the attention to the ways in which the Act is being focused on new and different industrial sectors.” – Wilmer Hale

“High quality panels and speakers” – Seeger Weiss LLP

“Broad range of speakers, including in-house, government, relator, and defense perspective is particularly valuable” – King & Spalding LLP

“Quality of the program” – Sheppard Mullin

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