

WHISTLEBLOWERS:

Who are they and what makes a viable case?

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Why do people become whistleblowers?



- Patient Harm
- Harm to the Taxpayers
- Concerns about Corporate Greed
- Ignored or Retaliated Against by Company



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How do we triage potential whistleblower cases?

- Advise clients against pursuing cases where the risks may not equal the reward.
- Assure the legal theory is sound.
- Determine what internal processes the potential client has gone through.
- Develop a compelling factual and legal case to present to the government.

**EXTREME
VETTING**



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What are the characteristics of an ideal client?

- Efforts to stop fraud?
- Credible witness?
- In possession of corroborating evidence?
- Privy to key elements of the fraud scheme?
- Motivations for coming forward?
- Personality match?



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What makes a compelling case?

- Nature of the harm/wrongdoing.
- Damage to the government.
- Top-down fraud.
- Relator has strong evidence of knowledge.
- Common sense materiality



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What role does the relator play in the public-private partnership?

- During the investigation?
 - At settlement?
 - At trial?



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How do we advise clients at the end of the case?

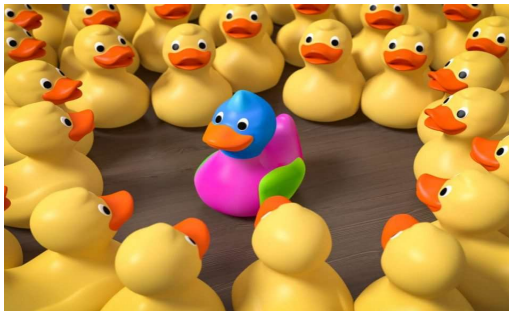
- Financially?
- Pitching themselves to future employers?
- Where to go for support?
- What's next?



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What makes each whistleblower unique?

- Position in the company.
- Industry.
- Motivations for coming forward.
- Family.



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How does compliance prevent whistleblower suits?

- Truly anonymous reporting that is not ignored.
- Taking allegations seriously and letting employees know that they will be taken seriously.
- Engaging with those reporting fraud on an ongoing basis.
- Encouraging whistleblowers to come forward.
- Following up with those reporting fraud to let them know how you investigated and what the results are.



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QUESTIONS?



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