

PRACTICE CONTACT

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FALSE CLAIMS ACT AND QUI TAM

With expanding governmental program expenditures, fraud and abuse has become a top law enforcement priority. Federal agencies have aggressively escalated investigations and prosecutions of government contractors and health care entities. Increasingly, the vehicle for pursuing claims against contractors and health care providers is the federal False Claims Act, which allows cases to be brought by “whistle-blowers” suing on behalf of the government against those alleged to have submitted false claims for payment to an officer of the United States. The government views the Act as an ideal enforcement vehicle because it encourages private individuals to ferret out alleged fraud on behalf of the government, and it provides for treble damages. Many states also have enacted statutes that parallel the False Claims Act.

Our firm has wide-ranging experience handling False Claims Act cases, in both the health care and government contracts arenas, from their inception through trial. Indeed, we are one of the few firms in the country that has tried, and won, defense jury verdicts for government contractors in False Claims Act cases. In 2011, the Vorys False Claims Act practice was selected as one of five *Law360* Government Contracts Practice Groups of the Year.

Our experience in this area includes the following matters:

- Conducting internal investigations
- Advising corporations on the advantages and disadvantages of voluntary disclosure
- Negotiating with and convincing the Department of Justice not to intervene in civil fraud cases brought by qui tam relators
- Negotiating “global” settlements with the government, requiring the concurrence of the government's civil, criminal, and administrative authorities
- Preventing the suspension, debarment, or exclusion of corporate entities or individuals from government contracts or grant programs
- Responding to subpoenas and defending individuals and corporations in criminal actions which arise out of False Claims Act cases
- Representing corporations in connection with congressional investigations related to the False Claims Act
- Counseling corporations on the creation of compliance programs
- Preparing and conducting the defense at trial of False Claims Act lawsuits brought by individual relators and by the United States

Our attorneys also have represented manufacturers, hospitals, retailers, and other clients in connection with False Claims Act matters. In such cases, our attorneys have obtained dismissal of complaints involving the alleged failure to comply with military procurement specifications, claimed hospital overcharges of Medicare and Medicaid, and purported false claims related to government-owned, contractor-operated facilities.