



Federal Bar
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QUI TAM CONFERENCE

February 28 – March 1

FHI 360 Conference Center • Washington, D.C.

Mediating a Qui Tam Suit: The Impossible Dream?



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Lee Wallace, Moderator

BAY Mediation

Mediator and qui tam counsel

Mike Paulhus

King & Spalding

Defense Counsel

Jennifer Verkamp

Morgan & Verkamp

Relator's Counsel

Natalie Waites

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The Problems With Mediating Qui Tam Cases – And What to Do About Them

- 1. Negotiations involve multiple entities.**
- 2. Unsettled, changing area of the law.**
- 3. Obtaining Government authority and approval in intervened cases.**
- 4. Obtaining Government authority and approval in non-intervened cases.**
- 5. Lack of mediators who understand this arcane area of the law.**



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The Problems With Mediating Qui Tam Cases – And What to Do About Them

Offshoot Negotiations:

- 1. Relator's share.**
- 2. Non-monetary terms that apply to the defendant.**
- 3. Settlement agreement terms.**
- 4. Multiple relators and first-to-file issues.**
- 5. Sub (h) claims.**
- 6. Attorneys' fees.**



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