



**Federal Bar
Association**



VIRTUAL QUI TAM CONFERENCE

FEBRUARY 23-25, 2022

*The False Claims Act –
Lincoln's Law Meets the 21st Century*

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REGISTER ONLINE TODAY AT WWW.FEDBAR.ORG/EVENT/QUITAM22/

REGISTRATION RATES

| | Early-Bird Registration (THROUGH JANUARY 21) | Standard (AFTER JANUARY 21) |
|------------------------------|---|--------------------------------|
| FULL CONFERENCE RATES | | |
| FBA Sustaining Member | \$340 | \$385 |
| FBA Member | \$360 | \$405 |
| Qui Tam Section Member | \$295 | \$350 |
| Nonmember | \$540 | \$585 |
| Government/Academic | \$270 | \$315 |
| Law Student/Judicial | \$90 | \$135 |
| SINGLE DAY RATES | | |
| FBA Sustaining Member | \$190 | \$230 |
| FBA Member | \$200 | \$220 |
| Qui Tam Section Member | \$180 | \$200 |
| Nonmember | \$280 | \$300 |
| Government/Academic | \$160 | \$180 |
| Law Student/Judicial | \$60 | \$80 |

Early Bird Registration will be available through Friday, January 21, 2022. Standard Registration will begin after Friday, January 21, 2022.

Registration for this event will close Friday, February 18, 2022. No refunds will be made for cancellations received after the close of business on Wednesday, February 10, 2022.

THE FALSE CLAIMS ACT – LINCOLN’S LAW MEETS THE 21ST CENTURY

Join the FBA’s Qui Tam Section for a three-day virtual conference from February 23 to February 25, 2022, starting at 12:00pm ET each day.

This year’s conference will focus on how the False Claims Act, a law from the 19th Century, is meeting a host of 21st Century challenges that range from telemedicine to cybersecurity to data mining. We’ll also highlight emerging DOJ priorities, including fraud in pandemic-related spending and Medicare Part C.

This annual event, dubbed “the Oscars for False Claims Act nerds” by a 2020 panelist, provides timely perspectives from all sides of the FCA ecosystem: prosecutors, relator-side attorneys, defense counsel, inspectors general, federal judges, and in-house counsel.

Earn CLE credit while getting insight from the nation’s top echelon of FCA practitioners — all from the comfort of your desk.

SPONSORSHIP OPPORTUNITIES AVAILABLE!

The Federal Bar Association provides a customized branding and marketing program that offers sponsors a variety of deliverables tailored to your organization’s goal – several including complimentary registration to attend the supported event.

Interested in sponsoring this event?

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CONFERENCE AGENDA – AT A GLANCE

WEDNESDAY, FEBRUARY 23, 2022

| | |
|---------------------------|--|
| 12:00 p.m. – 1:00 p.m. ET | Welcome Remarks and Keynote Presentation |
| 1:10 p.m. – 2:10 p.m. ET | Year in Review |
| 2:20 p.m. – 3:20 p.m. ET | The False Claims Act as a Weapon Against Cybersecurity Fraud |
| 3:30 p.m. – 4:30 p.m. ET | Prosecuting Telehealth Fraud Under the False Claims Act |

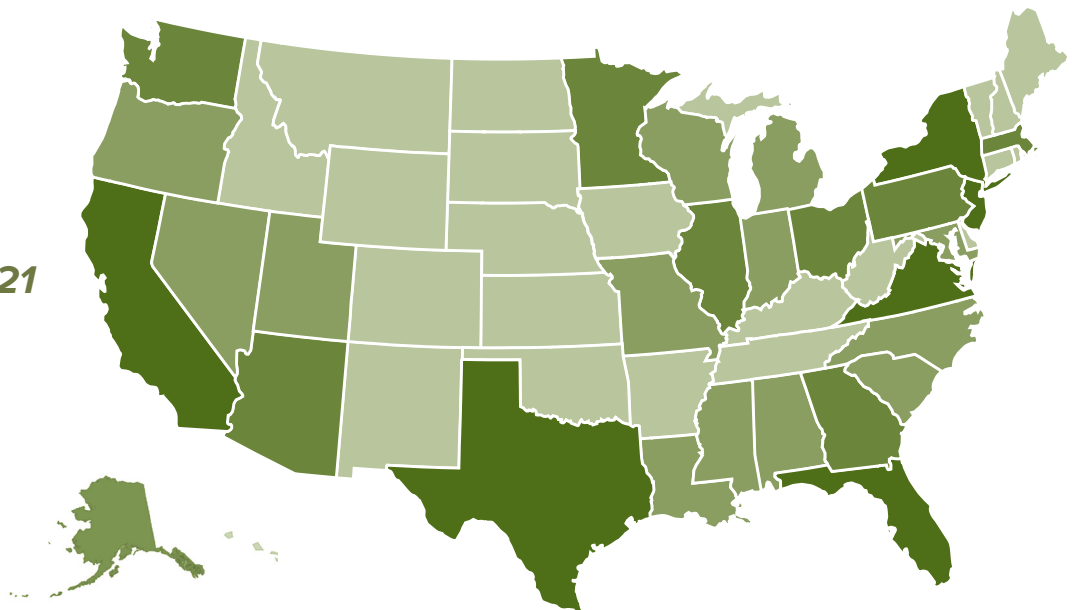
THURSDAY, FEBRUARY 24, 2022

| | |
|---------------------------|--|
| 12:00 p.m. – 1:00 p.m. ET | Welcome Remarks and Keynote Presentation |
| 1:10 p.m. – 2:10 p.m. ET | Private Equity – The Newest Face at the FCA Table |
| 2:20 p.m. – 3:20 p.m. ET | Moneyball: The Use of Data Analytics in False Claims Act Cases |
| 3:30 p.m. – 4:30 p.m. ET | Statistical Sampling and the False Claims Act: Update and Trends |

FRIDAY, FEBRUARY 25, 2022

| | |
|---------------------------|---|
| 12:00 p.m. – 1:00 p.m. ET | Pandemic-Related Fraud and the FCA |
| 1:10 p.m. – 2:10 p.m. ET | The Modern Relator |
| 2:20 p.m. – 3:35 p.m. ET | Strategies in Evaluating and Pursuing Medicare Part C and Medicaid Managed Care Cases—Falsity and Damages |
| 3:45 p.m. – 5:00 p.m. ET | Refereeing the FCA: The View from the Bench |

**NEARLY 30 STATES
REPRESENTED IN 2021**



DETAILED AGENDA

WEDNESDAY – FEBRUARY 23

12:00 p.m. – 1:00 p.m. ET

Welcome Remarks and Keynote Presentation

1:10 p.m. – 2:10 p.m.

CLE 1: Year in Review

Our fifth annual Year in Review panel will provide an overview of the significant developments in False Claims Act case law, settlements, and FCA-related government policies of 2021. Panelists will review and discuss notable developments in the Department of Justice's policies within the Biden Administration. These include the future directions of the Granston Memo and Brand Memo, as well as notable appellate cases on causation, and fraudulent inducement, materiality, and pleading under 9(b).

John R. Thomas, Jr., *Partner, Hafemann Magee & Thomas, LLC (Moderator)*

Jessie K. Liu, *Partner, Skadden, Arps, Slate, Meagher & Flom LLP & Affiliates*

Tejinder Singh, *Partner, Goldstein & Russell P.C.*

Claire M. Sylvia, *Partner, Phillips & Cohen LLP*

2:20 p.m. – 3:20 p.m. ET

CLE 2: The False Claims Act as a Weapon Against Cyber Fraud

This panel will discuss how the False Claims Act (FCA) can be used as an effective weapon against cyber fraud. The U.S. Department of Justice announced a Civil Cyber-Fraud Initiative in October of 2021. The Civil Cyber-Fraud Initiative will employ the False Claims Act to pursue cybersecurity related fraud by government contractors and grant recipients. Panelists will explore theories of liability and damages to include knowing failures to comply with cybersecurity standards, knowing misrepresentations of security controls and practices, and recognizing failures to timely report suspect breaches.

Renée Brooker, *Partner, Tycko & Zavareei LLP (Moderator)*

Colleen Kennedy, *Assistant United States Attorney, U.S. Attorney's Office, Eastern District of California*

Michael Ronickher, *Partner, Constantine Cannon LLP*

Jennifer Short, *Partner, Blank Rome LLP*

3:30 p.m. – 4:30 p.m. ET

CLE 3: Prosecuting Telehealth Fraud Under the False Claims Act

This panel will discuss the use of the False Claims Act (FCA) to combat the rapidly increasing problem of telehealth fraud. Topics will include recent U.S. Department of Justice settlements, the interaction of criminal and civil remedies, and the difficulty in recouping the substantial amount of public funds that are often obtained through illegal telehealth operations. The panel will also discuss the differing perspectives on these issues held by each of the three parties in an FCA case.

David Wiseman, *Assistant Director, Fraud Section, Civil Division, U.S. Department of Justice (Moderator)*

Amy L. Easton, *Partner, Phillips and Cohen LLP*

David Levis, *Partner, O'Melveny & Myers LLP*

Carolyn Tapie, *Health Care Fraud Coordinator, U.S. Attorney's Office, Middle District of Florida*

THURSDAY – FEBRUARY 24

12:00 p.m. – 1:00 p.m. ET

Welcome Remarks and Keynote Presentation

1:10 p.m. – 2:10 p.m. ET

CLE 4: Private Equity – The Newest Face at the FCA Table

This panel will explore the government's most recent target for False Claims Act (FCA) liability – private equity (PE) actors and their principals. The discussion will review the changes within the healthcare landscape, fueled by both the DOJ's focus on PE firms and executives whose management allegedly created or perpetuated fraud schemes. Panelists will also highlight the importance of pre- and post-acquisition due diligence in the healthcare space or any other highly regulated industry.

Pamela Brecht, *Partner, Pietragallo Gordon Alfano Bosick & Raspanti, LLP (Moderator)*

Angela Humphreys, *Chair, Healthcare Practice, Co-Chair Healthcare Private Equity Team, Bass, Berry & Sims PLC*

Habib Ilahi, *Partner, Stinson LLP*

2:20 p.m. – 3:30 p.m. ET

CLE 5: Moneyball: The Use of Data Analytics in False Claims Act Cases

Hear government, relators', and defense counsel perspectives on the evolving use of data analytics in False Claims Act (FCA) cases, including: proactive government and corporate efforts to identify vulnerabilities and stop fraud; government and data-driven relators' use of outlier analyses to identify possible FCA violations; the government's use of data to investigate and enhance qui tam allegations; and defense strategies and legal headwinds in data-driven cases.

Matthew Howatt, *Assistant U.S. Attorney, Eastern District of Pennsylvania (Moderator)*

Jason Mehta, *Partner, Bradley Arant Boult Cummings LLP*

Kathleen McGinty, *Acting Deputy Director, Fraud Investigations Group, U.S. Centers for Medicare & Medicaid Services*

Jeremy Wells, *Partner, Reid Collins & Tsai LLP*

3:30 p.m. – 4:30 p.m. ET

CLE 6: Statistical Sampling and the False Claims Act: Update and Trends

This panel will feature perspectives from former government officials, as well as members of the defense and whistleblower bars, to examine the perennial issue of statistical sampling in civil fraud cases. The panel will review the legal landscape and provide a history of the use of statistical sampling in False Claims Act (FCA) cases. The panelists will discuss their experiences with sampling in a range of cases and provide practical advice on when sampling is appropriate and how it can be used effectively. The panelists will also discuss where statistical sampling might be headed in the future.

Benjamin C. Mizer, *Partner, Jones Day (Moderator)*

Matthew D. Benedetto, *Partner, Wilmer Cutler Pickering Hale and Dorr LLP*

Mary Inman, *Constantine Cannon LLP*

Stephen Lee, *Benesch, Friedlander, Coplan & Aronoff LLP*

CONFERENCE AGENDA

FRIDAY • FEBRUARY 25

12:00 p.m. – 1:00 p.m. ET

CLE 7: Pandemic-Related Fraud and the FCA

The U.S. Department of Justice will rely on the False Claims Act (FCA) to pursue fraud in connection with the more than \$5 trillion in pandemic-related spending authorized by Congress. This panel will discuss the emerging trends in FCA enforcement relating to pandemic response programs, featuring diverse perspectives from attorneys representing whistleblowers, defendants, and the government in connection with False Claims Act matters. Among other things, the panel will discuss developments, challenges, and misconceptions relating to FCA enforcement in this emerging area.

Colin Huntley, Deputy Director, Fraud Section, Civil Division, U.S. Department of Justice (Moderator)

Erica Blachman Hitchings, Partner, Whistleblower Law Collaborative

Jeffrey Gleason, Partner, Robins Kaplan LLP

Paul Kaufman, Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Pennsylvania

1:10 p.m. – 2:10 p.m. ET

CLE 8: The Modern Relator

This panel of experienced qui tam Plaintiff lawyers will provide an in-depth discussion on the evolution of qui tam cases, from the traditional individual whistleblower to the corporate relator. Join this impressive panel of lawyers in their discussion about the various forms of relators, including corporations and professional data miners, and the motivation behind these relator types. The panel will share their experiences with true corporate relators versus corporate fiction and provide useful insight as to how courts have been perceiving these various relator forms. The panel will also discuss modern alternatives to the traditional relator, such as relator coalitions, and the driving factors behind creating such arrangements. The panelists will also provide an overview of some of their more notable cases and what they learned from representing the “modern relator.”

Alison Hawthorne, Principal, Beasley Allen (Moderator)

James F. Barger, Jr., Founding Principal, Frohsin Barger & Walthall

Jason Marcus, Partner, Bracker & Marcus LLC

Robert “Bob” Thomas, Jr., Co-Founder and Principal, Whistleblower Law Collaborative LLC

2:20 p.m. – 3:35 p.m. ET

CLE 9: Strategies in Evaluating and Pursuing Medicare Part C and Medicaid Managed Care Cases—Falsity and Damages

This panel will address proving falsity and damages in Medicare Part C and Medicaid Managed Care FCA cases. We will discuss how to successfully evaluate falsity in the Part C context and satisfy materiality concerns, focusing on risk adjustment cases. With respect to damages, the panel will address damages theories in two contexts—fraud by the Managed Care insurers or plan programs and fraud by providers and intermediaries or vendors on the Managed Care program.

Sara Vann, Assistant Attorney General, Office of the Attorney General, State of Georgia (Moderator)

Edward Crooke, Assistant Director, Fraud Section, Civil Division, U.S. Department of Justice

Eva Gunasekera, Partner, Tycko & Zavareei LLP

Adam Tarosky, Partner, Nixon Peabody LLP

3:45 p.m. – 5:00 p.m. ET

CLE 10: Refereeing the FCA: The View from the Bench

This panel of federal judges will provide us with a view from the bench as they discuss pre-litigation matters such as compliance with (and challenges to) Civil Investigative Demands and gate-keeper issues such as the first-to-file rule and the government's discretion to dismiss qui tam cases. The panel will also include discussion of recent developments in substantive False Claims Act (FCA) law, such as the fraudulent inducement theory and materiality, particularly as it relates to the scope and reach of discovery requests.

Naana Frimpong, Partner, DLA Piper (Moderator)

Hon. Amy Totenberg, Senior U.S. District Judge, U.S. District Court, Northern District of Georgia

Hon. Andrea R. Wood, U.S. District Judge, U.S. District Court, Northern District of Illinois

Hon. John Michael Vazquez, U.S. District Judge, U.S. District Court, District of New Jersey

CLE Credit

Attendees can receive up to 10.5 CLE credits (12.6 for 50-min states).

Certificates and credit for these virtual panels will be processed/reported within 4-6 weeks of the event date and available for credit in states that allow credit for live webinar presentations. You must attend the live broadcast, answer engagement polls, and accurately enter your bar number in our database to receive credit.

Recording Disclaimer

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