



**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
Eric T. Schneiderman**

Legal Education and Professional Development Bureau,

presents a

Continuing Legal Education Program

**Fighting Fraud Against the Government
in the Empire State**
with

**Eric T. Schneiderman, Harlan Levy, Gregory Krakower, Nancy Hoppock, Randall Fox,
Monica Hickey - Martin, Maria Filipakis, Philip Michael, Harry Markopolos, Neil
Getnick, Daniel Alter, Eric Havian, Jay Speers, Paul Kaufman, Jacob Bergman,
David Koenigsberg, John Carroll, Colette Matzzie, Steve Krantz,
William Comiskey, Paul Mahoney, Shelley Slade, Lesley Skillen, and Jennifer Verkamp**

5.5 Professional Practice

1.0 Ethics

June 8, 2011

10:30 AM – 5:10 PM

New York University Law School

New York, NY

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The Capitol
Albany, New York 12224-0341

VII. New Paradigm of Public-Private Partnerships with NY OAG (1:40-2:30 pm)

Panelist/Moderator: Neil Getnick, Chairman, Taxpayers Against Fraud Education Fund; Partner, Getnick & Getnick LLP

Panelists: Daniel Alter, Senior Advisor & Special Counsel (OAG)
Eric Havian, Partner, Phillips & Cohen LLP
Jay Speers, Dir. of Special Projects of the Medicaid Fraud Control Unit; Co-Chair, Qui Tam Subcommittee for the National Association of Medicaid Fraud Control Units (OAG)
Paul Kaufman, Chief of Civil Health Care Fraud, U.S. Attorney's Office, E.D.N.Y.

VIII. Successful "Qui Tam" Partnerships with the N.Y. Attorney General's Office (2:30-3:20 pm)

Moderator: Dana Syracuse, Assistant Attorney General, Taxpayer Protection Bureau (OAG)

Panelists: Jacob Bergman, Assistant Attorney General, Medicaid Fraud Control Unit (OAG)
David Koenigsberg, Partner, Menz, Bonner & Komar LLP
John Carroll, Deputy Bureau Chief, Taxpayer Protection Bureau (OAG)
Colette Matzzie, Partner, Phillips & Cohen LLP

BREAK (3:20-3:30 pm)

IX. Tax Fraud and the New York False Claims Act: The New Frontier (3:30-4:20 pm)

Panelists: Randall Fox, Bureau Chief, Taxpayer Protection Bureau (OAG)
Steve Krantz, Counsel to the Office of Tax Enforcement, New York State Department of Taxation & Finance
William Comiskey, Partner, Hodgson Russ LLP & Former Deputy Commissioner of Enforcement, New York State Department of Taxation & Finance

X. Ethics of Qui Tam Practice (4:20-5:10 pm)

Panelists: Paul Mahoney, Ass't. Deputy Attorney General, Medicaid Fraud Control Unit (OAG)
Shelley Slade, Partner, Vogel, Slade & Goldstein LLP
Lesley Skillen, Partner, Getnick & Getnick LLP
Jennifer Verkamp, Partner, Morgan Verkamp LLC

NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL (OAG)

****presents****

Fighting Fraud Against the Government in the Empire State

***Attorney General's Conference on the Strengthened New York False Claims Act,
Qui Tam Actions & Enhanced Enforcement Efforts***

WEDNESDAY, JUNE 8, 2011 -- NEW YORK UNIVERSITY LAW SCHOOL

(CLE Certified 5.5 general credits; 1.0 ethics credit)

I. Registration & Sign-In (9:30-10:20 am)

II. Welcome Remarks (10:20-10:25 am)

Speaker: Harlan Levy, First Deputy Attorney General (OAG)

III. Remarks by New York State Attorney General Eric T. Schneiderman (10:25-10:35 am)

Speaker: New York State Attorney General Eric T. Schneiderman

IV. Statutory Framework of the New York False Claims Act (10:35-11:50 am)

Speaker: Gregory Krakower, Senior Advisor & Counselor to the Attorney General (OAG)

BREAK (11:50-12:00 pm)

V. The Goals and Capabilities of the New York State Attorney General's Office to Investigate and Prosecute Fraud Against the Government (12:00-12:50 pm)

Presenting: Nancy Hoppock, Executive Deputy Attorney General for Criminal Justice (OAG)

Panelists: Randall Fox, Bureau Chief, Taxpayer Protection Bureau (OAG)
Monica Hickey-Martin, Director, Medicaid Fraud Control Unit (OAG)
Maria Filipakis, Special Deputy Attorney General, Executive Division (OAG)

BREAK / PICK UP OAG-PROVIDED LUNCH (12:50-1:15 pm)

VI. Whistle-Blowing: The Perspective of a Whistle-Blower & Counsel (Working Lunch 1:15-1:40 pm)

Presenting: Philip Michael, Partner, the Michael Law Group

Speaker: Harry Markopolos, Author "And No One Would Listen", and original whistle-blower in the Bernie Madoff scandal.

Eric T. Schneiderman

Eric T. Schneiderman was elected the 65th Attorney General of New York State on November 2, 2010. As Attorney General, Schneiderman is the highest ranking law enforcement officer for the State, responsible for representing New York and its residents in legal matters. Schneiderman has worked to restore the public's faith in its public and private sector institutions, by focusing on areas including public integrity, economic justice, social justice and environmental protection.

In his first weeks in office, Attorney General Schneiderman launched an aggressive plan to root out fraud and return money illegally stolen from New York taxpayers at no additional cost to the state. This initiative includes a new "Taxpayer Protection Unit" specifically designed to go after corruption in state contracts, pension fund rip-offs, and large-scale tax cheats. Schneiderman has also bolstered the Attorney General's Medicaid Fraud Control Unit, which has already recovered millions of dollars to taxpayers under his watch by cracking down on fraud in the Medicaid program.

In addition, Schneiderman has repeatedly stood up to powerful interests on behalf of New Yorkers. In his first few months in office, the Attorney General has taken a leading role in the national fight for a fair mortgage settlement for homeowners that holds banks accountable for their role in the foreclosure crisis; initiated several investigations into government corruption and misuse of public funds; launched a thorough review of AT&T's proposed acquisition of T-Mobile for potential anti-competitive impacts on consumers and businesses statewide; and challenged the Indian Point nuclear power plant's practices related to high-level radioactive waste storage, earthquake preparedness and fire safety, among his many early acts. Attorney General Schneiderman has also kept our streets safe by shutting down the largest heroin operation in Buffalo history – a statewide drug trafficking pipeline from New York City to Western New York.

As the State's top law enforcement officer, Attorney General Schneiderman brings with him a wealth of experience in both the public and private sectors. Before becoming Attorney General, Schneiderman served in the New York State Senate as a leading reformer, and he was praised by numerous editorial pages and good government organizations as a rare leader in Albany who stood up to leaders of both parties to reform government and get results for New Yorkers. Among his many legislative accomplishments, Schneiderman passed the most sweeping ethics reforms in a generation, chaired the committee to expel a corrupt senator for the first time in modern history, and passed the toughest law in the nation to root out fraud against taxpayers.

The Attorney General previously spent 15 years in private practice as an attorney, and later as a partner at the firm of Kirkpatrick and Lockhart, where he handled complex litigation. He was also a public interest lawyer for many years, representing taxpayers in historic lawsuits against the Metropolitan Transit Authority (MTA), tenants trying to evict drug dealers from their buildings, and women seeking access to health clinics.

Attorney General Schneiderman graduated from Amherst College in 1977 and Harvard Law School in 1982.

act investigations and actions; business fraud investigations and professional licensing and disciplinary matters.

Maria Filipakis

Maria Filipakis is the Special Deputy Attorney General for the Executive Division at the New York State Attorney General's Office. Prior to joining the Office, Ms. Filipakis was Special Counsel at the New York State Insurance Department where she advised the Superintendent on insurance regulatory matters, including the rescue of AIG, credit default swaps, the role of the credit rating agencies, capital and solvency standards, and the impact of the Dodd-Frank Act on the insurance industry. Ms. Filipakis joined the Insurance Department from the New York State Attorney General's Office where she served as Acting Chief and Deputy of the Investor Protection Bureau. Ms. Filipakis is a graduate of Brooklyn Law School.

Randall Fox

Randall Fox is the Bureau Chief of the Taxpayer Protection Bureau of the Office of the New York State Attorney General. The Bureau was recently created by Attorney General Eric T. Schneiderman to root out the broad range of frauds against the state and local governments in New York through civil and criminal proceedings. Prior to leading the Taxpayer Protection Bureau, he was a Special Assistant Attorney General in the Office's Medicaid Fraud Control Unit, where he focused on False Claims Act cases against pharmaceutical companies, drug store chains and others. Until 2007, he was a partner at the law firm of LeBoeuf, Lamb, Greene & MacRae, LLP (now merged into Dewey & LeBoeuf LLP), where his practice focused on representing corporate clients in class actions, mass actions and other complex litigation, usually in cases involving claims of consumer and securities fraud. Randall received his JD from New York University School of Law in 1991 and his BA from Williams College in 1988.

Neil Getnick

Neil Getnick is the managing partner of Getnick & Getnick LLP, a New York City based law firm with a dedicated anti-fraud litigation, business integrity and corporate monitoring practice. He is the Chairman of Taxpayers Against Fraud.

Mr. Getnick and his law firm have an active False Claims Act *qui tam*, IRS and SEC whistleblower practice. Highlights include: In October 2010, they, together with DOJ, resolved a pharmaceutical manufacturing violations *qui tam* case against Glaxo Smith Kline resulting in a \$600 million civil settlement (as part of a \$750 million global settlement) and the highest award to a single whistleblower in U.S. history. In 2003, they, together with DOJ, resolved a pharmaceutical best pricing *qui tam* case against Bayer Corporation, resulting in a \$251 million Medicaid recovery, then the largest in U.S. history. In 1996, another Getnick & Getnick *qui tam* case resulted in a \$182 million Medicare recovery, also at the time a precedent setting amount.

As leaders in the area of independent corporate monitoring, Mr. Getnick and his firm were selected to serve in the capacity of integrity monitor in connection with the World Trade Center disaster recovery clean-up and, in 2004 -2005, they served as the Federal Court appointed independent monitor over the New York Racing Association which runs thoroughbred horse racing in New York State.

Mr. Getnick and his firm have expanded their work into the areas of international business integrity, transparency, corporate governance, and social responsibility, including the pro bono monitoring of a charitable organization providing high school scholarships to needy and deserving students in Kenya.

Mr. Feinberg is also OCA's Statewide Special Counsel for the Commercial Division. In that role, he provides support and assistance to all of the Commercial Division courts throughout New York, and serves as a liaison between the Bench and the commercial Bar.

Mr. Koenigsberg is a graduate of Williams College, *cum laude*, and Fordham University School of Law and served as a law clerk for Judge Peter K. Leisure of the United States District Court for the Southern District of New York. Mr. Koenigsberg may be contacted at dkoenigsberg@mbklawyers.com.

Gregory Krakower

Gregory Krakower is the Senior Advisor and Counselor to New York Attorney General Eric T. Schneiderman. Prior to that he worked as a Special Counsel and the Director of the Senate Policy Group at the New York State Senate. He was the principal staff counsel in charge of drafting of the 2010 New York Fraud, Enforcement Recovery Act, which amended the 2007 New York False Claims Act. Mr. Krakower worked at the New York State Senate after having served as a policy advisor to Andrew M. Cuomo during his campaign for Attorney General and at the New York State Attorney General's Office.

Prior to working for Attorney General Cuomo, Mr. Krakower worked as the policy director for New York City Public Advocate Mark Green, a legislative aide to Congresswoman Barbara B. Kennelly, and the policy director for Andrew Rasiej, founder of the Personal Democracy Forum and former candidate for NYC Public Advocate. He also managed a local campaign for Tammy Baldwin, currently a United States Representative.

Mr. Krakower has lectured on the intersection of policy and communications for political campaigns at the Roosevelt Institute at New York University, and has taught CLE programs on the False Claims Act to private attorneys and government prosecutors. He graduated Columbia Law School in 1999 having been named a Harlan Fiske Stone Scholar, and practiced white collar criminal law in New York City at Schulte, Roth & Zabel LLP and at Clifford Chance US LLP. He also served as a federal law clerk for the Hon. Roanne L. Mann of the United States District Court, Eastern District of New York.

Steve Krantz

Steve Krantz works at the New York State Department of Taxation and Finance, where he is involved in areas including criminal investigations, False Claims Act cases, and regulation of tax preparers. After a judicial clerkship, he worked at a law firm in civil litigation. He subsequently worked as an Assistant District Attorney in New York County, a New York State Assistant Attorney General, and an Assistant Counsel to Governors Spitzer and Paterson. Steve also is a member of the adjunct faculty at Albany Law School and serves on the Committee on Professional Ethics of the New York State Bar Association.

Harlan Levy

Harlan Levy serves as NYS Office of the Attorney General's First Deputy Attorney General. Mr. Levy was previously a partner at Boies, Schiller & Flexner. He serves as Chair of the Council on Criminal Justice of the New York City Bar Association and is a member of the American Bar Association Committee on Criminal Justice Standards. He previously was a member of the Executive Committee of the Board of Directors of the Fund for Modern Courts. Mr. Levy also served as a homicide prosecutor in the New York County District Attorney's Office and as law clerk to a federal appeals Judge in the Second Circuit. He is the author of a noted book about the legal and scientific issues surrounding DNA evidence in criminal cases, And the Blood Cried Out (Basic Books/Harper Collins), and has published articles in The New York Times, The New York Law Journal, and Litigation magazine. He earned a B.A. from Amherst College and J.D. from Columbia Law School.

Paul Mahoney

Paul J. Mahoney is an Assistant Deputy Attorney General in the Office of the New York State Attorney General and, under the Deputy Attorney General for Medicaid Fraud Control, supervises over 300 staffers investigating and prosecuting criminal and civil fraud and abuse by healthcare providers in the \$40 billion-per-year New York Medicaid program. Paul was previously Chief of the Civil Enforcement Division of the Medicaid Fraud Control Unit. He has been awarded the *Louis J. Lefkowitz Memorial Award* for outstanding performance by an assistant attorney general by Attorney General Spitzer and Attorney General Cuomo.

From 1997 to 2004, Paul served as an Assistant District Attorney, later Senior Investigative Counsel, in the Frauds Bureau of New York County District Attorney Robert M. Morgenthau. His major prosecutions included a seven-month trial of a securities firm and its principals, several other securities fraud operations, and numerous other banking, accounting, and financial frauds.

Before joining the District Attorney's Office, Paul was a litigation associate for seven years at Paul, Weiss, Rifkind, Wharton & Garrison in New York City with extensive experience in securities litigation, advertising and unfair trade practices, and products liability, and was recognized for *pro bono* work by the Legal Aid Society.

Paul Mahoney is a graduate of Cornell Law School and Williams College.

Harry Markopolos

Mr. Markopolos attended high school at Cathedral Prep in his hometown of Erie, PA. He received his Bachelor of Arts degree in Business Administration from Loyola University of Maryland and then went on to Boston College for his Master of Science in Finance degree.

He received a reserve commission as a 2nd Lieutenant, Infantry, in the US Army and is a graduate of several Army post-graduate schools including the Infantry Officers' Basic and Advanced Courses, the Civil Affairs Officers' Advanced Course and US Army Command & General Staff College. Mr. Markopolos has commanded troops at every rank from 2nd Lieutenant to Major during 17 years of part-time service in the Maryland Army National Guard and Army Reserve.

He earned his Chartered Financial Analyst designation in 1996 and his Certified Fraud Examiner's designation in 2008. From 2002-2003 he served as President and CEO of the 4,000-member Boston Security Analysts Society. He has also held board seats on the Boston Chapters of both the Global Association of Risk Professionals and QWAFEFW, a quantitative finance lecture group.

He was assistant controller, assistant manager, store manager and district manager for his family's chain of 12 Arthur Treacher's Seafood Restaurants before joining **Makefield Securities** in 1987. In 1988 he joined Darien Capital Management as an assistant portfolio manager in Greenwich, CT; leaving to become an equity derivatives portfolio manager at Rampart Investment Management Company in Boston, MA. In 2002 he was promoted to Chief Investment Officer but he decided to leave the industry in 2004 to pursue fraud investigations fulltime against Fortune 500 companies in the financial services and healthcare industries. He brings fraud cases to the US Department of Justice, Internal Revenue Service and various State Attorney Generals under existing whistleblower programs.

The Madoff investigation was his first financial fraud case, which he started in early 2000. He's been hooked ever since. Mr. Markopolos is co-author of the best selling book "*No One Would Listen: A True Financial Thriller*" published in English by Wiley & Sons Inc., and translated into Chinese, Spanish, Russian,

Romanian and Greek. The film documentary about his Madoff investigative team, "Chasing Madoff" will premiere in theaters in late August 2011.

Colette G. Matzzie

Colette G. Matzzie represents whistleblowers in a wide variety of qui tam cases brought under the federal False Claims Act and similar state false claims laws. Her practice includes pursuing fraud cases against pharmaceutical and medical device companies, hospitals, home health care providers, and a wide variety of government contractors and federal program participants.

Her more prominent cases include:

- A qui tam case brought under the False Claims Act against Verizon Communications that resulted in a settlement of \$93.5 million.
- A whistleblower case against Sodexo involving illegal retention of "off-invoice rebates" paid by food vendors from public schools and universities that were in effect kickbacks. The \$20 million settlement was the largest non-Medicaid fraud settlement under the New York False Claims Act.
- A whistleblower case brought by a doctor that resulted in stopping illegal importation of oncology drugs.
- Two path-breaking cases alleging submission of false claims for Social Security Disability benefits by two private disability insurers, the Unum Group and Cigna.
- A qui tam case against Iasis Healthcare, a multi-state for-profit hospital chain, alleging illegal physician relationships and medically unnecessary interventional cardiology procedures.

Ms. Matzzie represents whistleblowers in cases that involve violations of:

- The Federal Food, Drug and Cosmetic Act (FDCA)
- The Medical Device Amendments to the FDCA
- The Prescription Drug Marketing Act of 1987
- The Stark Act (physician self-referral law)
- The Medicare and Medicaid Anti-Kickback Statute.

An experienced appellate litigator, Ms. Matzzie has played a lead role in litigation of whistleblower cases, arguing cases in federal district court as well as in the federal Court of Appeals. She also assists counsel for other whistleblowers with cases in the federal Court of Appeals and the U.S. Supreme Court. Ms. Matzzie has spoken at conferences on legal issues arising under the False Claims Act and amendments to the qui tam law.

Prior to joining Phillips & Cohen, Ms. Matzzie served on the Civil Appellate staff of the United States Department of Justice Department for five years. In addition, she served as a trial attorney on the Justice Department's Tobacco Litigation team and received a special commendation for her work. From 1995 to 1999, Ms. Matzzie was a staff attorney with Public Citizen Litigation Group where she litigated cases concerning public health and safety, access to information, consumer protection, separation of powers and access to the civil justice system. In 1998 and 1999, she taught "Public Interest Advocacy" as an adjunct professor at Georgetown University Law Center.

Ms. Matzzie graduated *magna cum laude* from the Georgetown University Law Center in 1994. She was Senior Articles Editor of *The Georgetown Law Journal*. After graduating, she clerked for the Honorable Dolores K. Sloviter, U.S. Court of Appeals for the Third Circuit. She is the 1995 recipient of the Frederick B. Abramson Public Service Award. She is a member of the U.S. District Court for the District of Columbia and the First, Third, Fourth, Fifth, Eighth, Ninth, Tenth, DC and Federal Circuits, and the U.S. Supreme Court.

Philip Michael

Philip R. Michael is a Strike Force Chief, with the U.S. Department of Justice. In New City he has been the Deputy Police Commissioner, Commissioner of Department of Finance, Director of Office of Management and Budget, and Executive Director of the Financial Control Board. While in Private Practice of Law, he worked on Representation of Whistleblowers, federal and state qui tam statutes. Philip R. Michael attended the University of California, Berkeley and received a B.A; School of Law.

Lesley Ann Skillen

Lesley Ann Skillen is a partner in Getnick & Getnick LLP, a Manhattan-based law firm focusing on anti-fraud litigation and business integrity. Ms. Skillen coordinates the firm's qui tam practice area. Ms. Skillen and her firm have been representing qui tam relators since the early 1990s, including a former Global Quality Assurance Manager for GlaxoSmithKline whose case resulted in a \$600 million civil settlement (as part of a \$750 million global settlement) and the highest award to a single whistleblower in U.S. history. Other notable cases include a \$251 million drug pricing case against Bayer Corporation and a \$182 million recovery from Laboratory Corporation of America. Publications on qui tam include articles in the New York Times, the New York Law Journal, and Pharmaceutical Executive magazine. Cases the firm has handled have been reported on the front pages of the New York Times and on 60 Minutes. Speaking engagements include the ABA White Collar Crime, Health Care Fraud and Qui Tam National Institutes and the Pharmaceutical Industry Regulatory Compliance Congress. She is a past Co-Chair of the ABA's Qui Tam Subcommittee and Co-Chair of Taxpayers Against Fraud's Best Practices Committee. Ms. Skillen has 25 years experience in the investigation and/or prosecution of complex business crime and corruption.

Shelley R. Slade

Shelley R. Slade is a partner in Vogel, Slade & Goldstein, LLP, a Washington, D.C., law firm with a nationwide practice representing *qui tam* plaintiffs under the federal False Claims Act and state false claims laws. Ms. Slade serves on the Board of Directors and on the executive committee of Taxpayers Against Fraud (TAF) and its affiliate, the TAF Education Fund, non-profit, public interest organizations dedicated to combating fraud against the federal government through the promotion and use of the federal False Claims Act and its qui tam provisions.

Ms. Slade has testified before the Committee on the Judiciary of the U.S. House of Representatives, the National Association of Attorney Generals and the New York City Council as an expert on the False Claims Act. She speaks regularly at key legal conferences on the False Claims Act and has published a number of articles in the area.

Prior to entering private practice in 2000, Ms. Slade was the Senior Counsel for Health Care Fraud for the Civil Division of the U.S. Department of Justice. Between 1990 and 1997, Ms. Slade investigated and litigated fraud matters in the Civil Fraud Section of the Commercial Litigation Branch. Ms. Slade received her law degree from Stanford Law School in 1984. She received her Bachelor of Arts degree from Princeton University in 1980, graduating *magna cum laude* with a major in Near Eastern Studies.