

NEW YORK STATE BAR ASSOCIATION
MINUTES OF EXECUTIVE COMMITTEE MEETING
MARRIOTT MARQUIS, NEW YORK CITY
JANUARY 29, 1998

4. Proposed legislative positions by Commercial and Federal Litigation Section.
 - a) State version of Federal False Claims Act. Bernice K. Leber, Chair of the Commercial and Federal Litigation Section, and Neil V. Getnick, Chair of the section's Committee on Civil Prosecutions, summarized the section's position in favor of the enactment of a state equivalent to the Federal False Claims Act. They outlined the functioning and success of the Federal False Claims Act to allow the recovery of treble damages and penalties for fraud against the government, including *qui tam* provisions, which permit private citizens to bring an action on behalf of the Federal Government for fraud and, if successful, to share in the recovery. They explained the manner in which the proposed state statute would function based on the federal law. Ms. Leber and Mr. Getnick reviewed comments submitted by various committees and sections, including concerns expressed by the Municipal Law Section. Following defeat of a motion to defer consideration of the matter, the Executive Committee approved a motion, with two members dissenting, to support enactment of the proposed state statute.