



TAF

TAXPAYERS AGAINST FRAUD
INCENTIVIZING INTEGRITY

Taxpayers Against Fraud Education Fund

19th Annual Conference & Awards Dinner

October 2-4, 2019

Washington Marriott Georgetown

Contents

Event Sponsors	2
Schedule Overview	3
Wednesday, October 2 Schedule	4-5
Thursday, October 3 Schedule	5-7
Friday, October 4 Schedule	8-9
Notes	10

TAFEF Conference Committee

Jacklyn DeMar, Director of Legal Education, TAFEF

Rick Morgan & Julie Grohovsky (co-chairs)

Julie Bracker

Louis Cohen

Peggy Finerty

Sarah Frazier

Jerry Martin

Vince McKnight

Michael Sullivan

Claire Sylvia

Jonathan Willens



Event Sponsors

Special thanks to our generous sponsors who have made this conference possible!

Principal Sponsor:

Menz Bonner Komar & Koenigsberg LLP

Additional Sponsors:

Breen Law Firm

Butler Wooten & Peak LLP

Constantine Cannon

Finch McCranie LLP

Getnick & Getnick LLP

Goldberg Kohn

Jay Holland & Veronica Nannis of Joseph Greenwald & Laake, PA

Law Offices of Patrick J. O'Connell, PLLC

Mehri & Skalet, PLLC

Morgan Verkamp LLC

Tycko & Zavareei LLP

Vezina Law Group

Whistleblower Law Collaborative

Wilbanks & Gouinlock

Schedule Overview

Wednesday, Day 1 October 2, 2019

11:00 AM - 6:00 PM

Registration

1:00 - 1:05 PM

Welcome

1:05 - 2:30 PM

FCA 101

2:30 - 3:30 PM

Emerging Practice Areas

3:30 - 3:45 PM

Break

3:45 - 4:45 PM

Developing Issues in AKS & Stark

4:45 - 5:45 PM

Option 1: Multi-Agency Cases

Option 2: Social Media in FCA

Litigation

5:45 - 6:30 PM

11th Annual Women's Cocktail

Reception

Sponsor: **Whistleblower Law Collaborative**

6:15 - 7:30 PM

Cocktail Reception

Sponsors: **Goldberg Kohn and Law Offices of Patrick J. O'Connell PLLC**

Thursday, Day 2

7:30 - 8:30 AM

Breakfast & Registration

Sponsor: **Wilbanks & Gouinlock**

7:30 - 8:30 AM

1st Annual Young Lawyers Breakfast

Sponsors: **Getnick & Getnick LLP and Butler Wooten & Peak LLP**

8:30 - 8:45 AM

Welcome

8:45 - 10:00 AM

Developments in FCA Liability

10:00 - 10:15 AM

Break

Thursday, Day 2 October 3, 2019

10:15 - 10:30 AM

U.S. Attorney Andrew Murray
(Western District NC)

10:30 - 11:30 AM

Increasing Diversity in the
Qui Tam Bar

11:30 - 11:45 AM

"Honest Abe" Award

11:45 AM - 12:45 PM

Whistleblower Perspectives

12:45 - 1:45 PM

Lunch, Andy Mao, DOJ Civil Frauds

Sponsor: **Jay Holland & Veronica Nannis, JGL, PA**

1:45 - 2:45 PM

Option 1: Developments at the SEC

& CFTC Whistleblower Offices

Option 2: Doe & LLC Relators

2:45 - 3:00 PM

Break

3:00 - 4:00 PM

Option 1: Developments in the

IRS Whistleblower Program

Option 2: FCA Trial Skills

4:00 - 4:15 PM

Break

4:15 - 5:15 PM

Option 1: Multi-Relator & First-to-File Issues

Option 2: FCA Investigations and Managed Care Fraud

Option 3: Attorneys' Fees

6:00 - 7:00 PM

Cocktail Reception

Sponsors: **Constantine Cannon and Tycko & Zavareei LLP**

7:00 - 9:00 PM

Awards Dinner

Sponsor: **Finch McCranie and Vezina Law Group**

Friday, Day 3 October 4, 2019

8:00 - 9:00 AM

Breakfast & Registration

Sponsor: **Morgan Verkamp LLP**

9:00 - 9:15 AM

State of TAFEF

9:15 - 10:30 AM

Using Big Data to Fight Big Fraud

10:30 - 10:45 AM

Break

10:45 AM - 12:00 PM

Ethics

12:00 - 1:00 PM

Lunch, Jamie McDonald, CFTC

Sponsor: **Breen Law Firm**

1:00 - 2:00 PM

Option 1: Retaliation in FCA Cases

Option 2: Blowing the Whistle in the Digital Age

Schedule Details: Day 1

11:00 AM - 6:00 PM - Registration

1:00 - 1:05 PM - Welcome

Jacklyn DeMar, Director of Legal Education, TAFEF, Washington, DC

1:05 - 2:30 PM - False Claims Act 101

A discussion of FCA basics and practical concerns, including how to evaluate a potential matter, common pitfalls to avoid, and best practices.

Julie Grohovsky, Wu/Grohovsky PLLC, Washington, DC

Carrie Bashaw, Assistant Attorney General and Senior Counsel, Washington Medicaid Fraud Control Unit, Washington Attorney General's Office, Seattle, WA

Darrell Valdez, Assistant United States Attorney, District of the District of Columbia

2:30 - 3:30 PM - Emerging Practice Areas

This panel will discuss developing strategic areas of the law, including the interplay between antitrust enforcement and the False Claims Act, customs fraud, and enforcing civil rights protections in conjunction with the False Claims Act.

Moderator: Suzanne Durrell, Whistleblower Law Collaborative, Boston, MA

Anna Haac, Tycko & Zavareei LLP, Washington, DC

Michael Allen, Relman, Dane & Colfax, PLLC, Washington, DC

Zac Arbitman, Youman & Caputo LLC, Philadelphia, PA

3:30 - 3:45 PM - Break

3:45 - 4:45 PM - Developing Issues Involving the Anti-Kickback Statute and Stark Law

This panel will explore proposed changes to the Anti-Kickback Statute and Stark Law and their implications, as well as new and creative kickback schemes, how the government has treated them, and some recent outcomes.

Moderator: Steve Hasegawa, Phillips & Cohen LLP, San Francisco, CA

Jonathan Ferry, Assistant United States Attorney, Western District of North Carolina

Susan Edwards, Chief of the Industry Guidance Branch, Office of the Inspector General, United States Department of Health and Human Services

Marc Vezina, Vezina Law Group, Lake Orion, MI

4:45 - 5:45 PM - Afternoon Breakouts

Option #1: Best Practices for Investigations Involving Multiple Agencies

This panel will review best practices for investigations involving multiple government entities, including filing False Claims Act matters along with actions under the Securities and Exchange Commission, Internal Revenue Service, and Commodity Futures Trading Commission whistleblower programs.

Moderator: Vince McKnight, Sanford Heisler Sharp LLP, Washington, DC

Jordi de Llano, Deputy Chief, Securities & Financial Fraud Unit, United States Attorney's Office, District of Massachusetts, Boston, MA

Paul G. Hayeck, Deputy Director, Division of Enforcement, United States Commodity Futures Trading Commission, Washington, DC

Rami Sibay, Assistant Director, Division of Enforcement, United States Securities and Exchange Commission, Washington, DC

William Jauquet, Assistant Director, Enforcement Division, Office of the Comptroller of the Currency, Washington, DC

Schedule Details: Day 1

4:45 - 5:45 PM - Afternoon Breakouts

Option #2: The Pitfalls and Benefits of Social Media in False Claims Act Litigation

This panel will discuss several aspects of how social media and technology affects litigation strategy including issues around relators posting on social media before/during/after the case, using social media to identify potential witnesses, and searching defendants' profiles for valuable information.

Moderator: Jill Estes, Morgan Verkamp LLC, Tampa, FL

Phillip Brown, Constantine Cannon, New York, NY

Adam Katz, Assistant United States Attorney and Civil Health Care Fraud Coordinator,
Northern District of New York

Ramsey Prather, Butler Wooten & Peak LLP, Atlanta, GA

5:45 - 6:30 PM - 11th Annual Women's Cocktail Reception

Sponsored by **Whistleblower Law Collaborative**

6:15 - 7:30 PM - Cocktail Reception

Sponsored by **Goldberg Kohn and Law Offices of Patrick J. O'Connell PLLC**

Schedule Details: Day 2

7:30 - 8:30 AM - Breakfast and Registration

Sponsored by: **Wilbanks & Gouinlock**

7:30 - 8:30 AM - 1st Annual TAFEF Young Lawyers Division Breakfast

Sponsored by: **Getnick & Getnick LLP and Butler Wooten & Peak LLP**

8:30 - 8:45 AM - Welcome

Neil Getnick, Getnick & Getnick LLP, New York, NY, Chairman of the Board, TAF & TAFEF

8:45 - 10:00 AM - Developments in False Claims Act Liability

This panel will discuss recent developments in False Claims Act litigation, including the implications of the recent AseraCare opinion, the Brand and Granston memoranda, litigating a partially intervened case, and how courts are conducting materiality analyses.

Moderator: Jennifer Verkamp, Morgan Verkamp LLC, Cincinnati, OH

Jamie Yavelberg, Deputy Director, Fraud Section, Civil Division,
United States Department of Justice, Washington, DC

Tejinder Singh, Goldstein & Russell PC, Bethesda, MD

Stacy Race, Assistant Attorney General, Medicaid Fraud Control Unit,
Michigan Attorney General's Office, Detroit, MI

John McKnight, Sanford Heisler Sharp LLP, Washington, DC

10:00 - 10:15 AM - Break

10:15 - 10:30 AM - Special Presentation

Andrew Murray, U.S. Attorney, Western District of North Carolina

R. Andrew Murray was unanimously confirmed by the United States Senate on November 9, 2017 and sworn in as United States Attorney for the Western District of North Carolina on November 27, 2017. As the top federal law enforcement officer in the district, U.S. Attorney Murray leads one of the busiest offices in the country, currently employing approximately 80 federal prosecutors and staff located in Charlotte and Asheville.



Schedule Details: Day 2

10:30 - 11:30 AM - Strategies for Increasing Diversity in the *Qui Tam* Bar

Last year we identified areas of concern for the whistleblower bar and our need to identify, prevent and remedy sexual harassment, various forms of discrimination and bias, and lack of diversity. This panel will focus on strategies for addressing these issues.

Moderator: Sonya Rao, Morgan Verkamp LLC, Cincinnati, OH

Cleveland Lawrence, Mehri & Skalet, PLLC, Washington, DC

Ella Zheng, Sanford Heisler Sharp LLP, Washington, DC

Pooja Rajaram, Kleiman/Rajaram, Venice, CA

Pamela Coukos, Chief Executive Officer, Working IDEAL, Washington, DC

11:30 - 11:45 AM - "Honest Abe" Integrity in Government Award

Recipient: Randy Harwell, Assistant U.S. Attorney and Chief of the Civil Division, Middle District of Florida

11:45 AM - 12:45 PM - Whistleblower Perspectives

Discussion with past whistleblowers about their experiences before, during, and after bringing fraudulent conduct to light. The panel will include a discussion of what counsel can do to alleviate stress for their clients, particularly in long-running cases.

Moderator: Neil Getnick, Getnick & Getnick LLP, New York, NY

Dr. David Felten, *Qui Tam* Whistleblower in *U.S. ex rel. Felten v. William Beaumont Hospitals*

Melissa Higgins, *Qui Tam* Whistleblower in *U.S. ex rel. Higgins v. HealthSouth Corporation*

Michael Mullen, *Qui Tam* Whistleblower in *U.S. ex rel. Mullen v. AmerisourceBergen Corporation*

12:45 - 1:45 PM - Lunch

Sponsored by: **Jay Holland & Veronica Nannis of Joseph Greenwald & Laake, PA**

Lunch speaker: **Andy Mao, Acting Director, Fraud Section, Civil Division, United States Department of Justice**

Andy Mao is the Acting Director of the Civil Fraud Section at the U.S. DOJ's Civil Division, as well as the Coordinator of the Department's Elder Justice Initiative. Mr. Mao has worked on and litigated a wide array of fraud matters involving hospitals, pharmaceutical manufacturers, and skilled nursing facility chains.



1:45 - 2:45 PM - Afternoon Breakout Sessions, Part 1

Option #1: Developments at the SEC and CFTC Whistleblower Offices

A discussion with the heads of the SEC and CFTC whistleblower offices to discuss developments in the law, effective submissions, and best practices in developing working relationships with their offices.

Moderator: Erika Kelton, Phillips & Cohen LLP, Washington, DC

Jane Norberg, Chief, Securities and Exchange Commission Office of the Whistleblower, Washington, DC

Christopher Ehrman, Director, Whistleblower Office of the Commodity Futures Trading Commission, Washington, DC

Option #2: What's in a Name? The good, bad, and ugly involving Doe Relators and Relator LLCs

The panel will address pros and cons and strategies for filing *qui tams* in the name of Doe relators and corporate entities and the government's view of these types of relators.

Moderator: Renée Brooker, Finch McCranie, Washington, DC

Jim Barger, Frohsin Barger & Walthall LLC, Saint Simons Island, GA

Aimee Hall, Pope McGlamry, Atlanta, GA

Colin Huntley, Assistant Director, Fraud Section, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC

Schedule Details: Day 2

2:45 - 3:00 PM - Break

3:00 - 4:00 PM - Afternoon Breakout Sessions, Part 2

Option #1: Developments in the IRS Whistleblower Program

This panel will discuss significant developments in the IRS Whistleblower Program, including the provisions of the Taxpayer First Act of 2019, major awards paid to whistleblowers, and developments in Tax Court litigation, as well as helpful advice and guidance for attorneys pursuing these cases.

Moderator: Peggy Finerty, Getnick & Getnick, New York, NY

Lee Martin, Director, Internal Revenue Service Whistleblower Office, Washington, DC

Tom Pliske, Tax Whistleblower Law Firm, LLC, Chesterfield, MO

Bob Gardner, Constantine Cannon, West Seneca, NY

Paul Scott, Law Offices of Paul D. Scott, PC, San Francisco, CA

Option #2: False Claims Act Trial Skills

This will be the first in a series of panels focused on discrete trial skills employed in False Claims Act cases. This year's installment will focus on voir dire, jury bias, and the relator's role at trial.

Moderator: Erin Campbell, Helmer, Martins, Rice, and Popham, Cincinnati, OH

Erica Hitchings, Whistleblower Law Collaborative, Boston, MA

Zenobia Bivens, Berg & Androphy, Houston, TX

Michael Sullivan, Finch McCranie, Atlanta, GA

4:00 - 4:15 PM - Break

4:15 - 5:15 PM - Afternoon Breakout Sessions, Part 3

Option #1: Multi-Relator and First-to-File Issues

It is increasingly common to see multiple relators involved in resolving overlapping allegations of fraud in False Claims Act matters. This panel will discuss the issues that arise in multiple relator cases, whether relators' counsel are working together on a single case or have filed separately.

Moderator: David Chizewer, Goldberg Kohn, Chicago, IL

Sarah Frazier, Berg & Androphy, Houston, TX

Noah Rich, Baron & Budd, PC, Washington, DC

Michael Hoffman, Trial Attorney, Fraud Section, Civil Division,
United States Department of Justice, Washington, DC

Option #2: False Claims Act Investigations and Managed Care Fraud

This panel will discuss the evolving legal landscape relating to managed care fraud in light of recent decisions and settlements, assess the success of the state and federal government's response to date, and explore the role of whistleblowers going forward.

Moderator: Ed Baker, Constantine Cannon, Washington, DC

Mary Inman, Constantine Cannon, London, England

Nick Paul, Supervising Deputy Attorney General, Medicaid Fraud Control Unit, Bureau of Medi-Cal
Fraud and Elder Abuse, California Attorney General's Office, San Diego, CA

Mark Kleiman, Kleiman/Rajaram, Venice, CA

Schedule Details: Day 2

4:15 - 5:15 PM - Afternoon Breakout Sessions, Part 3

Option #3: Attorneys' Fees

The panel will explore the mechanics of filing an attorneys' fee petition and review fee-shifting statutory schemes. It will describe how to recover fees, the required elements of proof and the considerations/factors courts examine in fee petition litigation.

Moderator: Zach Kitts, K&G Law Group, PLLC, Fairfax, VA

Jeremy Friedman, Law Office of Jeremy L. Friedman, Oakland, CA

Susan Gouinlock, Wilbanks & Gouinlock, Atlanta, GA

6:00 - 7:00 PM - Cocktail Reception

Sponsored by: **Constantine Cannon and Tycko & Zavareei LLP**

7:00 - 9:00 PM - Awards Dinner

Sponsored by: **Finch McCranie and Vezina Law Group**

Schedule Details: Day 3

8:00 - 9:00 AM - Registration and Breakfast

Sponsored by: **Morgan Verkamp LLP**

9:00 - 9:15 AM - State of TAFEF

Robert Patten, President and Chief Executive Officer, TAF & TAFEF, Washington, DC

9:15 - 10:30 AM - Using Big Data to Fight Big Fraud

This panel will be a practical overview of the use of public and proprietary data to discover, plead, and prosecute fraud cases, including where relators' counsel can find relevant data, how to use it to develop and present the relator's case, and ways that relators' counsel can leverage the use of data in building and strengthening *qui tam* cases.

Moderator: Jerry Martin, Barrett Johnston Martin & Garrison, Nashville, TN

Candice Deisher, Assistant Attorney General, Medicaid Fraud Control Unit,
Virginia Attorney General's Office, Richmond, VA

Charlene Keller Fullmer, Assistant United States Attorney, Deputy Chief for Affirmative Litigation,
Eastern District of Pennsylvania, Philadelphia, PA

Wayne Allison, Allison Legal, PLLC, Oklahoma City, OK

David Lieberman, Whistleblower Law Collaborative, Boston, MA

10:30 - 10:45 AM - Break

10:45 AM - 12:00 PM - Ethics: Hypothetical Case Study

This interactive discussion will focus on ethical issues that may arise during False Claims Act or other whistleblower litigation, from before a case is brought to your office to settlement issues.

Moderator: Lesley Ann Skillen, Getnick & Getnick, New York, NY

Julie Bracker, Bracker & Marcus LLC, Marietta, GA

Leah Judge, Constantine Cannon LLP, San Francisco, CA

Neeli Ben-David, Assistant United States Attorney, Deputy Chief and Health Care Fraud Coordinator,
Civil Division, Northern District of Georgia

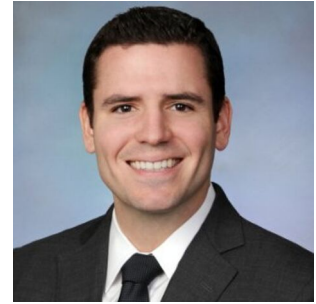
Schedule Details: Day 3

12:00 - 1:00 PM - Lunch

Sponsored by: **Breen Law Firm**

Lunch speaker: **Jamie McDonald, Director of the Enforcement Division, Commodity Futures Trading Commission**

Jamie McDonald joined the CFTC from the U.S. Attorney's Office for the Southern District of New York, where he served most recently as an Assistant U.S. Attorney in the Public Corruption Unit. Mr. McDonald prosecuted a wide variety of cases, and served as a member of the trial team that successfully prosecuted former Speaker of the New York State Assembly Sheldon Silver for public corruption offenses.



1:00 - 2:00 PM - Afternoon Breakout Sessions

Option #1: Retaliation in Whistleblower Cases

This panel will explore developments in the law relating to retaliation claims, including negotiating and navigating severance agreements, as well as recent and proposed amendments related to the retaliation provisions of the IRS, SEC, and CFTC whistleblower programs.

Moderator: Ann Lugbill, Murphy Anderson PLLC, Cincinnati, OH

Janel Quinn, The Employment Law Group, Washington, DC

Jason Zuckerman, Zuckerman Law, Washington, DC

Option #2: Blowing the Whistle in the Digital Age

Most evidence today is stored, accessed, and recorded electronically. This panel will address the promise and pitfalls of modern technology encountered by relators and their counsel, including the civil and criminal laws that protect data, communications, and surveillance, as well as strategies for discovery.

Moderator: Andrew Grosso, Andrew Grosso & Associates, Washington, DC

Shauna Itri, Seeger Weiss LLP, Philadelphia, PA

Simson Garfinkel, Senior Computer Scientist for Confidentiality and Data Access,
United States Census Bureau, Washington, DC


Mark Pastin, Chief Executive Officer, Council of Ethical Organizations, Alexandria, VA


Notes:



Keeping you in the know on the latest developments in False Claims Act cases and whistleblower programs, while recognizing those doing exceptional work in these legal practice areas.

CONTACT INFORMATION:

 1220 19th Street NW
Suite 501
Washington, DC 20036

 (202) 296-4826

 /TaxpayersAgainstFraud

 /TAFEdFund

 /TAFEdFund