



## Neil Getnick '78

Ask antifraud fighter Neil Getnick '78 if fraud is on the rise, and he may counter that it's ever-present. "Fighting fraud and corruption is a perennial activity, and it requires ongoing vigilance," he says. "It's not as though we cross a line at some point, and it no longer needs to be a concern."

But neither is the task hopeless, says Getnick, who, in the fall of 2008, was a guest speaker in the Law and Ethics of Business Practice course taught by Stewart J. Schwab, the Allan R. Tessler Dean and Professor of Law. "It's easy to become dismayed and discouraged because there is fraud, but there's solace in knowing we work within a system, and if you work hard enough and press fully for your rights within it, you can make a difference. A quote I love from Dr. Martin Luther King defines the fight: 'The arc of the moral universe is long, but it bends toward justice.'"

A team at Getnick's law firm that included his wife, Margaret Finerty '78 (see previous profile of Finerty), helped bend that arc when it won \$251 million in 2003 in a whistleblower suit that slammed Bayer, Inc., for grossly over-billing a federal agency for medications. At the time, the amount was the largest recovery in U.S. history in that type of Medicaid fraud case. The team was named a finalist for Trial Lawyer of the Year by the Public Justice Foundation in 2005 for its efforts.

The firm, Getnick and Getnick, used a "qui tam" provision of the False Claims Act. "Qui tam empowers private citizens with unique knowledge of fraud against the federal government to hire private counsel to bring a lawsuit on the government's behalf," Getnick explains. "In the past it had only been used in

military procurement fraud. Our firm was one of the first to apply it to healthcare fraud."

What's most important to Getnick and his firm is to effect real change, "to leave behind a program of reform that goes beyond the individual recovery," he says. Fighting fraud and corruption is "the flipside of promoting ethics and integrity. Our firm is trying to help foster integrity, transparency, good governance, and social responsibility on a macro and micro level. It's part of my life's mission to ensure that those principles are part of our lives and institutions. There's nothing I'd rather be doing."

The principles are key to Independent Private Sector Inspector General (IPSIG) methodology, which Getnick's firm pioneered and applied in its role as a monitor in fraud prevention at the site of the former World Trade Center. Other specialty areas include complex fraud investigation and litigation; and business integrity, transparency, and compliance counseling.

"My dad was a major influence, a consummate trial lawyer and effective advocate who gave wise counsel and set an example for others," says Getnick, who grew up on Long Island in Freeport, New York, the youngest in a close-knit Jewish American family. Although there was no pressure to become a lawyer, "I always knew I wanted to be one."

Getnick, who also holds a B.A. from Cornell's College of Arts and Sciences, first visited the campus in 1969, when his older brother, Michael, now counsel at Getnick and Getnick, was a law student there. Cornell's academic rigor and the diversity of its students and breadth of its course offerings appealed to him, and he enrolled in 1971.

A friendship Getnick formed his freshman year with Kenyan classmate Koigi wa Wamwere has endured and changed both their lives. "We spent a lot of that year speaking of the future and how ultimately we might make a difference in the world," Getnick says.

Returning to Kenya, Wamwere was falsely accused of treason and other crimes, imprisoned for thirteen years, and threatened with execution. "He was eventually freed and elected to parliament," says Getnick, who worked hard for his release. No longer in office, Wamwere is seeking to heal the wounds caused by the recent ethnic strife in his country.

The two hope that a scholarship fund they cofounded for students in rural Kenya will create a new generation of leaders. It is monitored by Getnick's firm using Independent Private Sector Inspector General (IPSIG) principles, which make sure "every dollar goes to its intended purpose."

Getnick also became friends with Professor James Turner, director of Cornell's Africana Studies and Research Center, who supported his efforts as a student trustee of the university to persuade Cornell to become more socially responsible regarding its investments in companies doing business with apartheid South Africa.

"He loved Cornell but brought his own moral concern to the matter and was willing to raise it with the university, in part because he thought its reputation would be harmed by its tacit support for an immoral government," says Turner, who was impressed with Getnick's disciplined research on the issues.

At the Law School, where Getnick enrolled in 1975, he studied under Professor G. Robert Blakey, a former U.S. Justice Department racketeering specialist credited with writing the Organized Crime Control Act of 1970 and its Racketeer Influenced and Corrupt Organizations (RICO) provisions. He also studied under Goldstock, who conceived the independent private monitoring, or IPSIG, approach. "Neil is a hunter who unerringly makes his

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way to his target. His wife, Peggy, is smart, skilled, and empathetic," comments Goldstock, who remains a close friend. "Together they combine an incredible earnestness and intensity with a wonderful enjoyment of life."

Getnick and Margaret Finerty met their first day of Law School, dated throughout school, and married in Anabel Taylor Hall's Founders Room the day after graduation. Interested in public service, each found jobs as assistant district attorneys in the office of New York County District Attorney Robert Morgenthau, whom Getnick calls "a legend who embodies public service in the highest tradition."

In the office's Trial Division and Frauds Bureau, Getnick was given the opportunity to try sixteen cases in four years. One was Operation Good Buy and it involved what was, at that time, the largest undercover fencing operation in New York City. "Litigating and winning that case was an extraordinary experience," he says. "I met a great group of lawyers, in-

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vestigators, forensic auditors, and detectives out of the D.A.'s squad and New York Police Department who remain amongst my closest working relationships." It also began the multidisciplinary approach to fighting fraud that has defined his law career and practice.

Getnick left Morgenthau's office in 1982 to join his father's law practice. On January 1, 1983, they launched Getnick and Getnick. "I had a vision of how I wanted to take what I'd done in the D.A.'s office into private practice," Getnick says. Soon after getting under way, he set a precedent by using the then-nascent civil RICO statute in the context of a class action lawsuit to prosecute a certified public accountant and lawyer who had defrauded 200 families in a Ponzi-style investment scheme. Since then the firm has remained on the cutting edge of the civil prosecution of business fraud. The firm now has a core staff of nine, including six lawyers, among them his wife, who joined in 1998.

About her, he says unabashedly: "We are walking on a path together that we started when we first met at Law School. She is beautiful in every sense of the word, and working with her is wonderful."

And he muses about the arc of his career path: "I started out as a student trustee seeking to make Cornell more accountable for its investments. I asked myself back then, 'How am I going to do work that matters like that for the rest of my life *and* have a successful career and family?' Now I look back and see how fortunate I've been."

-LINDA BRANDT MYERS