

Second Annual National False Claims Act and *Qui Tam* Trial Institute



June 3-5, 2015
Ritz-Carlton, Denver | Denver, CO
Visit www.ShopABA.org/2015litigating to register.





Second Annual National False Claims Act and Qui Tam Trial Institute

June 3-5, 2015
Ritz-Carlton, Denver | Denver, CO

Description of Proceedings

As the number of False Claims Act cases filed, and settled, continues to rise, an increasing number of cases are litigated through discovery and trial. This one-of-a-kind Institute will focus on the unique, and often little understood, discovery, evidentiary and trial challenges that the parties must negotiate to successfully litigate and try a False Claims Act case. Working from a hypothetical fact pattern, a faculty consisting of experienced trial attorneys will explore the strategic, tactical and practical aspects of successfully litigating FCA cases. The capstone of this one of a kind program will be a two-day mock FCA trial, from voir dire through jury deliberations, which attendees will be able to observe live and via video. Attendees of this program will improve their knowledge and understanding of the novel challenges involved in litigating a False Claims Act case, including the following:

- Developing Trial Themes and a Litigation Plan
- Obtaining Discovery from the Government
- Building or Limiting Damages
- Mounting and Defending Daubert Challenges
- E-Discovery Management
- Jury Selection, from using mock jury through voir dire
- Openings and Closings
- Direct and Cross Examination
- Assessing and Reducing the Risk of Exclusion

Program attendees will gain knowledge, understanding and insights that will improve their ability to develop -- and present to their clients -- a viable plan for successfully litigating and trying an FCA case.

Register Now!



	Early Bird	Advance Rates Effective April 9, 2015	Standard Rates Effective May 6, 2015
General Public	\$1,190	\$1,285	\$1,375
ABA Members	\$1,095	\$1,175	\$1,255
Health Law Section, Criminal Justice Section Members	\$950	\$1,025	\$1,095
Government Rate	\$500	\$550	\$575

Presented by
Health Law Section
Criminal Justice Section

Earn up to 16.5 CLE credit hours
Including 1.25 hours of Ethics Credit.

Not an ABA Member? Join Now!
www.ambar.org/join

ABA CLE National Institutes bring you face-to-face with nationally recognized experts on substantive topics — often while fulfilling most of your annual CLE requirements.

Faculty

David L. Douglass

Sheppard Mullin Richter & Hampton LLP
Washington, DC

Joel Androphy

Berg & Androphy
Houston, TX

Max Bloom

Trial Behavior Consulting, Inc.
San Francisco, CA

Michael Brien

Deloitte Transactions and Business Analytics LLP
McLean, VA

Michael Clark

Duane Morris LLP
Houston, TX

Jack Fernandez

Zuckerman Spaeder LLP
Tampa, FL

Sarah Frazier

Berg & Androphy
Houston, TX

Colin Huntley

U.S. Department of Justice
Washington, DC

Suann Ingle

Suann Ingle Associates
New York, NY

Andy Liu

Crowell & Moring LLP
Washington, DC

Greg Luce

Skadden, Arps, Slate, Meagher & Flom LLP
Washington, DC

Rick Morgan

Morgan Verkamp LLC
Cincinnati, OH

Chris Mead

London and Mead
Washington, DC

Kristen Murphy

Weil, Gotshal & Manges LLP
Washington, DC

Mark Pearson

Deloitte Financial Advisory Services LLP
Chicago, IL

Robert Rhoad

Crowell & Moring LLP
Washington, DC

Laura Schweitzer

PricewaterhouseCoopers LLP
Washington, DC

Richard Westling

U.S. Attorney's Office, Eastern District of Louisiana
New Orleans, LA

Agenda

Day 1: Wednesday, June 3, 2015

1:45 p.m. – 2:00 p.m. | Welcoming Remarks

2:00 p.m. – 3:00 p.m. | Panel Session 1: So, You're Going to Trial

Panelists: Max Bloom, Sarah Frazier, Suann Ingle, Kristen Murphy, Laura Schweitzer

Using the Institute's fact pattern, this panel will examine the issues and elements involved in preparing to try an FCA case, including pretrial motions, strategic considerations, jury selection and trial exhibits.

3:00 p.m. – 3:15 p.m. | Break

3:15 p.m. – 4:30 p.m. | Panel Session 2 Establishing Liability Through Sampling

Panelists: Michael Brien, Colin Huntley, Kristen Murphy

Proof of a claim has been called the "sine qua non" of False Claims Act liability. Yet, it is often argued that requiring individualized proof of claims is impractical and threatens to make some cases too big to litigate. This panel will examine the legal and evidentiary issues and challenges presented by attempts to prove false claims act liability through statistical sampling.

4:30 p.m. – 5:45 p.m. | Panel Session 3 The Ethics of False Claims Act Discovery

Panelists: Greg Luce, Chris Mead, Richard Westling



The investigations that precede False Claims Act litigation, the lengthy time periods involved, and the often protracted litigation discovery present ethical challenges and pitfalls for relators, the government and defense counsel. This panel will examine the ethical guidelines applicable before and after a qui tam complaint is unsealed.

6:00 p.m. – 7:00 p.m. | Sponsored Reception

Day 2: Thursday, June 4, 2015

8:30 a.m. – 9:45 a.m. | Voir Dire

Relator/Government: Joel Androphy

Defendant: Jack Fernandez

9:45 a.m. – 10:00 a.m. | Break

10:00 a.m. – 11:00 a.m. | Opening Statements

Government: Richard Westling

Defense: Michael Clark

11:00 a.m. – 12:15 p.m. | Relator Witness One: Relator

Direct: Sarah Frazier

Cross: Robert Rhoad

12:15 p.m. – 12:45 p.m. | Lunch

12:15 p.m. – 12:45 p.m. | Panel Discussion by Trial Teams

1:45 p.m. – 3:00 p.m. | Relator Witness Two

Direct: Chris Mead

Cross: Jack Fernandez

Expert Witness: Mark Pearson

Agenda (Cont'd.)

3:00 p.m. - 4:15 p.m. | Defense Witness 1

Direct: Andy Liu
Cross: Chris Mead

4:15 p.m. - 4:30 p.m. | Break

4:30 p.m. - 5:45 p.m. | Defense Witness 2

Direct: David L. Douglass
Cross: Rick Morgan
Expert Witness: Laura Schweitzer

6:00 p.m. - 7:00 p.m. | Cocktail Reception and Discussion by Trial Teams

Day 3: Friday, June 5, 2015

8:30 a.m. - 9:30 a.m. | Closing Arguments

Relator: Joel Androphy
Defense: David Douglass
Government: Richard Westling

9:30 a.m. - 10:15 a.m. | Jury Instructions

10:15 a.m. - 10:30 a.m. | Break

10:30 a.m. - 12:30 p.m. | Jury Deliberations

12:30 p.m. - 1:00 p.m. | Lunch on your own

1:00 p.m. - 3:00 p.m. | Verdict, Trial Analysis and Discussion with Jury and Lawyers

3:00 p.m. | Adjourn