

THE
WHISTLEBLOWER
ATTORNEYS

MORGAN & MORGAN

THE WHISTLEBLOWER **GUIDEBOOK**

CHOOSING TO BLOW THE WHISTLE ON FRAUD IN YOUR WORKPLACE ISN'T EASY. IT TAKES TIME AND THOROUGH RESEARCH TO WEIGH THE POTENTIAL IMPACT THIS DECISION CAN HAVE ON YOUR LIFE.

ALTHOUGH IT CAN BE A DAUNTING PROSPECT, THERE ARE MANY REGULATIONS AND PROTECTIONS IN PLACE TO ENSURE THAT WHISTLEBLOWERS CAN **SAFELY DO THE RIGHT THING** AND HOLD COMPANIES ACCOUNTABLE.

WHO CAN BECOME A WHISTLEBLOWER?

Anyone who has information about instances of fraud or a scheme to defraud the government may be eligible to file a lawsuit on behalf of the government.

YOU DO NOT NECESSARILY HAVE TO BE AN EMPLOYEE OF THE COMPANY COMMITTING FRAUD, NOR DOES THE FRAUD NEED TO HAVE PERSONALLY IMPACTED YOU.

INDEPENDENT CONTRACTORS, SUBCONTRACTORS, PUBLIC INTEREST GROUPS AND CORPORATIONS CAN BE WHISTLEBLOWERS, TOO.

WHY REPORT FRAUD?

Federal fraud hurts individuals, companies and taxpayers. People report fraud because they care about their industry. Every company should encourage a system of accountability; if your company does not, it doesn't mean you're wrong for speaking up. Reporting fraud can help your colleagues, improve your industry, and in some cases may entitle you to a financial reward.

WHAT KINDS OF FRAUD IS THE GOVERNMENT MOST CONCERNED ABOUT?

Any company or organization that uses taxpayer dollars can commit federal fraud. The sectors that most commonly encounter fraud are **healthcare, defense and finance**, but there are many other industries that can be implicated in fraudulent activity. Colleges and universities, for example, can be implicated in fraud by submitting false claims leading to accreditation and student loan reimbursement.

WHAT IS THE FALSE CLAIMS ACT?

The False Claims Act is designed to help U.S. taxpayers recover money that has been stolen from the federal government. The law allows **any person who has information regarding a false claim** to bring a whistleblower lawsuit against the organization that committed the fraud.

The False Claims Act holds anyone who knowingly provides false claims to the government financially accountable. The law contains a qui tam provision allowing private citizens with knowledge of fraud against the United States government to file a lawsuit on behalf of the government. Qui tam relators can be rewarded a substantial portion of any financial sanction totaling over \$1 million.

WHAT KIND OF EVIDENCE MUST A WHISTLEBLOWER HAVE?

Whistleblowers are typically asked to provide one of the following types of evidence:

It's important to note that not all courts are in agreement about the first two types of evidence. In some, demonstrating the existence of a fraud scheme without evidence of actual instances of fraud is sufficient. In others, whistleblowers have to prove that specific fraudulent acts were actually committed.

- **EVIDENCE OF ACTUAL FALSE CLAIMS THAT WERE SUBMITTED TO THE GOVERNMENT (E.G. FRAUDULENT MEDICARE INVOICES)**
- **EVIDENCE OF A DELIBERATE SCHEME TO COMMIT FRAUD**
- **AN INDEPENDENT ANALYSIS OF A COMPANY'S ACTIVITIES THAT DEMONSTRATES THE PRESENCE OF FRAUD**

CAN A WHISTLEBLOWER BE ANONYMOUS?

A False Claims Act lawsuit is **always filed confidentially** and may not be viewed by either the accused organization or the general public. Even if the government chooses not to participate in the litigation of a particular claim, the whistleblower's name will not be released.

In certain cases, such as when the whistleblower is an essential witness in the case, it may not be possible to pursue the investigation without revealing the whistleblower's identity. Consequently, a number of laws have been written into the False Claims Act to protect the whistleblower from harassment, discrimination or retaliation of any other kind from the defendant.

WILL I FACE RETALIATION FOR BLOWING THE WHISTLE?

The False Claims Act protects whistleblowers from retaliation. **It is illegal for you to be discharged, demoted, suspended, threatened, harassed, or in any other way discriminated against** for filing a whistleblower claim.

If you are retaliated against for being a whistleblower, your attorney may file a lawsuit against your employer seeking reinstatement if you were terminated and twice the amount of back pay you lost as a result of the illegal retaliation.

HOW MUCH CAN A WHISTLEBLOWER RECOVER?

Qui tam whistleblowers are entitled to **15% to 30%** of the government's total recovery. For successful cases in which the government intervenes in litigation, the whistleblower is entitled to 15% to 25% of the recovery. For successful cases in which the government does not intervene, the whistleblower is entitled to 25% to 30% of the total amount recovered.

WHAT IF I PLAYED A PART IN THE FRAUD I WANT TO BLOW THE WHISTLE ON?

It's better to come clean before someone else does. Even if you had a role in fraudulent activity, you may still be eligible to receive a portion of the government's recovery. Any applicable penalties, criminal prosecution or reductions of your reward are at the government's discretion, but your decision to do the right thing can only work in your favor.

WHAT IS A STATUTE OF LIMITATIONS?

Statutes of limitations are laws that put a time limit on when certain crimes can be prosecuted. For example, there is usually a larger window of time in which to report a violent crime after its occurrence than there is to report tax fraud. Statutes also vary depending on the state.

WHAT DOES A WHISTLEBLOWER ATTORNEY DO?

Whistleblower attorneys specialize in qui tam cases and are prepared to help you determine whether you have sufficient evidence to make filing your report worthwhile. The legislation is different in each industry and is difficult to navigate on your own; these attorneys can help you figure out your rights.

Legal specialists in this area have deep knowledge of the types of cases the government is likely to prosecute, and can therefore help you reclaim the maximum reward should your report lead to a government settlement or successful enforcement action. Whistleblower attorneys are also your primary advocates in protecting your confidentiality and ensuring that any retaliation attempts are legally addressed.

IN GENERAL, THE STATUTE OF LIMITATIONS FOR FEDERAL CRIMES IS 5 YEARS. IT CAN, HOWEVER, DIFFER BASED ON THE TYPE OF FRAUD ALLEGED, SO IT'S VERY IMPORTANT TO CHECK WHICH STATUTE APPLIES TO YOUR PROPOSED CASE SO THAT YOU DON'T WAIT TOO LONG TO FILE A REPORT. YOU CAN VERIFY BY SEARCHING THE OFFICIAL WEBSITE OF THE RELEVANT FEDERAL ORGANIZATION, OR SPEAKING WITH A QUI TAM LAWYER.

TAKE ACTION

OUR EXPERIENCED WHISTLEBLOWER TEAM WILL PROVIDE YOU WITH IMPORTANT LEGAL ADVICE AND OPTIONS IN SEEKING JUSTICE.

WE WORK ON A CONTINGENCY FEE BASIS, WHICH MEANS OUR ATTORNEYS ONLY RECEIVE A FEE IF YOU RECEIVE A FINANCIAL REWARD FROM THE GOVERNMENT. [CONTACT US](#) FOR A CONFIDENTIAL REVIEW OF YOUR CASE.