

**FALSE CLAIMS ACT PRACTICE  
PUBLICATIONS AND SPEECHES**

# FALSE CLAIMS ACT PUBLICATIONS

## Books

- Peter Hutt, “Contractor and Subcontractor Liability Under the False Claims Act” and “Introduction to Damages and Penalties,” in *False Claims in Construction Contracts* (American Bar Association 2007)
- Robert Salcido, *False Claims Act & the Healthcare Industry: Counseling & Litigation* (American Health Lawyers Association April 1999)
- Peter Hutt, *Qui Tam Litigation Under the False Claims Act, Second Edition* (ABA Section of Public Contract Law, co-author and editor, 1999)
- Robert Salcido, *False Claims Act & the Healthcare Industry: Counseling & Litigation, November 2003 Supplement* (American Health Lawyers Association Oct. 2003)
- Robert Salcido, “The False Claims Act in Health Care Prosecutions: Application of the Substantive, *Qui Tam*, and Voluntary Disclosure Provisions,” in *Health Care Fraud and Abuse: Practical Perspectives*, Ch. 3 (BNA Books 2002)
- Robert Salcido, “The False Claims Act in Health Care Prosecutions: Application of the Substantive, *Qui Tam*, and Voluntary Disclosure Provisions,” *Health Care Fraud and Abuse: Practical Perspectives, 2006 Cumulative Supplement*, Ch. 3 (BNA Books 2006).

## Electronic Publications

- Robert Salcido, The Complete “Connected” Civil False Claims Act Laws and Cases (American Health Lawyers Assn and LexisNexis, March 2007).

## Articles

- Robert Huffman, “GSA Trade Agreement Act Certification: An Ambush for Commercial Providers?,” *The Procurement Lawyer* (Spring 2006)
- Robert Salcido, “Recent False Claims Act Prosecutions Fall Flat,” *The National Law Journal* (July 4, 2005)
- Robert Salcido, “The Government’s Increasing Use of the False Claims Act Against the Health Care Industry,” *Journal of Legal Medicine* (December 2003) [favorably cited in *United States ex rel. Phillips v. Permian Residential Care Center*, 386 F. Supp. 2d 879 (W.D. Tex. 2005) and *United States ex rel. Bailey v. Ector County Hosp.*, 386 F. Supp. 2d 759 (W.D. Tex. 2004)]
- Robert Salcido, “HHS’ Expanded Use of Fraud Law’s ‘Corporate Death Sentence’ Is Legally Suspect,” *Washington Legal Foundation* (June 2003)
- Robert Huffman, “An Analysis of the Damage Decisions in *United States ex rel. Roby v. The Boeing Company*,” *The Civil False Claims Act and Qui Tam Enforcement Institute* (January 2003)
- Peter Hutt, “Techniques for Resolving False Claims Act Cases Through Mediation,” *The Procurement Lawyer* (co-author, Spring 2002)
- Robert Salcido, “The Public Disclosure Bar of the False Claims Act,” *Health Care Fraud Litigation Reporter* (April 2002)
- Robert Huffman, “Expert Witnesses in False Claims Act Cases,” *The Government Contractor* (January 2002)
- Robert Huffman, “The Civil False Claims Act,” *West Group Briefing Papers* (September 2001)
- Robert Salcido, “The Government Unleashes the Stark Law to Enforce the False Claims Act: The Implications of the Government’s Theory for the Future of False Claims Act Enforcement,” *The Health Lawyer* (August 2001)

- Robert Salcido, “Government’s Recent Law Enforcement Efforts: What Can Be Learned from the Latest FCA Complaints,” *Health Care Fraud Litigation Reporter* (June 2001)
- Robert Huffman, “Is There a Case?: A Defense Counsel’s Perspective,” *CLE International Conference on Qui Tam Litigation* (March 2001)
- Robert Salcido, “The Government Declares War on *Qui Tam* Plaintiffs Who Lack Inside Information: The Government’s New Policy to Dismiss These Parties in False Claims Act Litigation,” *The Health Lawyer* (October 2000) [favorably cited in *United States ex rel. Bagley v. TRW, Inc.*, 212 F.R.D. 554 (C.D. Cal. 2003)]
- Robert Salcido, “The Supreme Court’s Ruling in *Vermont Agency of Natural Resources v. United States* and the Future of False Claims Act *Qui Tam* Actions,” *28 Health Law Digest 3* (American Health Lawyers Assn, August 2000)
- Robert Salcido, “Investigating Allegations of Fraud: Questions to Ask When Evaluating Whether Cost Report Claims Breach the False Claims Act,” *Health Care Fraud Litigation Reporter* (February 2000)
- Robert Salcido, “DOJ Must Reevaluate Use of False Claims Act in Medicare Disputes,” *Washington Legal Foundation* (January 2000)
- Robert Huffman and Peter Hutt, “Court Erroneously Enriches False Claims Act Plaintiffs,” *Washington Legal Foundation* (April 1999)
- Robert Salcido, “The Use of Voluntary Disclosures to Pre-Empt *Qui Tam* Actions Under the False Claims Act: An Analysis of the Bank of Farmington Case and the OIG’s Voluntary Disclosure Program,” *27 Health Law Digest 3* (American Health Lawyers Assn, April 1999)
- Robert Huffman, “The Perils of Parallel Civil and Criminal Proceedings: A Primer,” *The Health Lawyer* (March 1999)
- Robert Huffman and Peter Hutt, “Materiality as an Element of Liability Under the False Claims Act,” *National Institute on the Civil False Claims Act and Qui Tam Enforcement* (1998) [relied upon in *United States v. Southland Management Corp.*, 95 F. Supp. 2d 629, 636 (S.D. Miss. 2000)]
- Robert Salcido, “Mixing Oil and Water: The Government’s Mistaken Use of the Medicare Anti-Kickback Statute in False Claims Act Prosecutions,” *6 Annals Health L.* 105 (1997)
- Robert Salcido and Trudy Whitehead, “Coding Component: Important Element of Compliance Plan,” *Healthcare Financial Management* (August 1997)
- Robert Salcido, “The Supreme Court Punts: The Courts Non-Ruling on the False Claims Act and Its Implications for the Health Care Industry,” *The Health Lawyer* (1997)
- Peter Hutt, “Everything You Wanted to Know About *Qui Tam* Lawsuits but Were Afraid to Ask,” *Corporate Legal Times* (September 1996)
- Robert Salcido, “Application of the False Claims Act “Knowledge” Standard: What One Must “Know” to be Held Liable Under the Act,” *The Health Lawyer* (Mid-Winter 1996)
- Robert Salcido, “Screening Out Unworthy Whistleblower Actions: An Historical Analysis of the Public Disclosure Jurisdictional Bar to *Qui Tam* Actions Under the False Claims Act,” *24 Pub. Cont. L. J.* 237 (1995) [favorably cited in *United States ex rel. Biddle v. Board of Trustees of Leland Stanford Univ.*, 161 F.3d 533 (9th Cir. 1998) and *United States ex rel. Findley v. FPC-Boron Employees Club*, 105 F.3d 675 (D.C. Cir. 1997)]
- Robert Salcido, “HHS’ Voluntary Disclosure Program: How to Obtain Benefits Under the Program While Minimizing Risk,” *The Health Lawyer* (Summer 1995).

# FALSE CLAIMS ACT SPEAKING ENGAGEMENTS

## Robert Salcido

- American Bar Association (ABA) Teleconference, Washington, D.C.  
Topic: False Claims Act Update: Insiders' View on Liability (July 25, 2007)
- Fourth Annual CLE Conference and National Meeting of the Federal Bar Association's Criminal Law Section, New Orleans, La.  
Topic: The Federal False Claims Act: An Overview and Analysis of Parallel Criminal and Civil Proceedings (May 11, 2007)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Analysis of *Rockwell International v. United States* (April 12, 2007)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Damages and Penalties (Nov. 29, 2006)
- 6th National Pharmaceutical Counsel's Forum, New York, N.Y.  
Topic: Master Class on Developing a State-Law Compliance Program Under the Deficit Reduction Act of 2005 (Oct. 11-12, 2006)
- American Conference Institute Advanced National Forum on False Claims Act Enforcement & Litigation, Washington, D.C.  
Topics: False Claims Act Actions 101: The Complete Primer; and Getting the Most, Paying the Least: Key Aspects of Damage Awards, Penalties, Taxes and Fees (June 16-17, 2005)
- 9th Annual Compliance Strategies Conference, Las Vegas, Nev.  
Topic: Prevent the Government from Using your Compliance Program Against You (June 2-3, 2005)
- American College of Legal Medicine 45th Annual Conference, San Diego, Calif.  
Topic: Current Federal Enforcement Initiatives (March 3-6, 2005)
- The 2nd Annual Washington Healthcare Summit, Washington, D.C.  
Topic: Bringing and Defending Fraud and Abuse Cases: Recent Initiatives and Defenses (Dec. 6-7, 2004)
- American College of Legal Medicine on Cancer and the Law, New Orleans, La.  
Topic: Fraud, Abuse, and False Claims: Federal and State Enforcement (Oct. 1-2, 2004)
- Healthcare Fraud Prevention and Funds Recovery Summit, Washington, D.C.  
Topic: False Claims Act as an Enforcement Tool (June 22-23, 2004)
- ABA 14th Annual National Institute on Health Care Fraud 2004, New Orleans, La.  
Topic: Quality of Care and Fraud in Long Term Care (May 12-14, 2004)
- The Seminar Group, *Qui Tam* Litigation Under the False Claims Act, Seattle, Wash.  
Topic: Current FCA Legal Developments (April 2, 2004)
- Decision Health Conference on Teaching Physician Rules: Dos and Don'ts for Documentation & Compliance, Dallas, Texas  
Topic: Internal Audits and How to Safeguard Your Practice From Whistleblower Lawsuits (March 22-23, 2004)
- Medicaid Drug Rebate Program Annual 2004 Conference, Philadelphia, Pa.  
Topic: False Claims and Statements and Voluntary Disclosure (Feb. 24, 2004)
- American Health Lawyers Association Teleconference  
Topic: False Claims Act and the Healthcare Industry: Recent Developments (Jan. 27, 2004)

- ABA 4th Annual Conference on Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.  
Topic: Statutory Bars to *Qui Tam* Actions: Public Disclosure, Original Source and First to File (Jan. 30-31, 2003)
- American Health Lawyers Association and Health Care Compliance Association Fraud & Abuse Compliance Forum, Washington, D.C.  
Topic: Preserving and Protecting Attorney-Client Information When Operating a Compliance Department (Sept. 30, 2002)
- ABA Conference on Emerging Issues in Healthcare Law 2002, Phoenix, Ariz.  
Topic: Emerging Issues in Health Care Fraud and Abuse (March 1, 2002)
- American Health Lawyers Associations Hospitals and Health Systems Law Institute, Scottsdale, Ariz.  
Topic: The Government's Latest Enforcement Initiatives under the False Claims Act Against Hospitals (Feb. 7, 2002)
- ABA 3rd Annual National Institute on the Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.  
Topic: FCA Enforcement Against Medicare Part A Providers (Nov. 29, 2001)
- ABA Annual Meeting 2001, Chicago, Ill.  
Topic: Current Trends in Healthcare Fraud and Abuse (Aug. 6, 2001)
- ABA Conference on Health Care Fraud 2000, San Francisco, Calif.  
Topic: *Qui Tam* False Claims Act Developments (May 5, 2000)
- Third Annual National Congress on Health Care Compliance, Washington, D.C.  
Topic: Implications of the False Claims Act for Long Term Care Facilities and Home Health Agencies (March 10, 2000)
- American Health Lawyers Association Conference on Long Term Care and the Law, Orlando, Fla.  
Topic: False Claims Act — Long Term Care and Home Health Agencies (Feb. 2, 2000)
- ABA Conference on The Civil False Claims Act and *Qui Tam* Enforcement, Washington, D.C.  
Topic: Recent Developments on Liability (Jan. 13, 2000)
- American Health Lawyers Association Teleconference Seminar on "False Claims Act and the Healthcare Industry," Washington, D.C.  
Topic: The Government's and Private Person's Enforcement of the False Claims Act and the Submission of Voluntary Disclosures (June 4, 1999)
- American Society for Healthcare Risk Management, American Hospital Association Conference on "Corporate Compliance," Seattle, Wash.  
Topic: The Roles And Responsibilities of Enforcement Agencies (May 6, 1998) (for West Coast membership)
- American Society for Healthcare Risk Management, American Hospital Association Conference on "Corporate Compliance," Chicago, Ill.  
Topic: The Roles and Responsibilities of Enforcement Agencies (Dec. 7, 1998) (for East Coast membership)
- ABA Conference on "Health Care Fraud & Abuse and the False Claims Act," Orlando, Fla.  
Topic: Handling False Claims Actions: *Qui Tam* Suits and Voluntary Disclosures (Feb. 23, 1996) (Sponsor Forum on Health Law)

# FALSE CLAIMS ACT SPEAKING ENGAGEMENTS

- Healthcare Financial Management Association (Philadelphia Metropolitan Chapter) Eighth Annual Reimbursement Seminar, Philadelphia, Pa.  
Topic: The Impact of Accurate Coding on Due Diligence (March 5, 1997)
- American Compliance Institute Conference on “Whistle-Blowers and Hotlines: Strategies for Channeling or Dealing With Whistle-Blowers,” Washington, D.C.  
Topic: Anatomy of a *Qui Tam* – Who Becomes a Relator and Why (April 30, 1997).

## Robert Huffman

- American Bar Association (ABA) Teleconference, Washington, D.C.  
Topic: False Claims Act Update: Insiders’ View on Liability (July 25, 2007)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: False Claims Act Damages and Penalties (Nov. 29, 2006)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Knowledge Element of FCA Liability (Sept. 27, 2006)
- ABA Civil False Claims Act and *Qui Tam* Enforcement Institute, Washington, D.C.  
Topic: Non-Traditional False Claims Act Cases (June 2006)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: The Falsity Element of FCA Liability (May 31, 2006)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: The Claim Element of FCA Liability (March 29, 2006)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Developments on Capitol Hill Concerning Procurement Fraud and Integrity (Oct. 26, 2005)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Allegations and Theories of Fraud Abroad (Aug. 7, 2005)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Recent Developments Under the Civil False Claims Act (June 2, 2005)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Settlement of Health Care False Claims Act Cases (Jan. 27, 2005)
- ABA Civil False Claims Act and *Qui Tam* Enforcement Institute, Washington, D.C.  
Topic: Recent Developments on False Claims Act Liability (Jan. 2005)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Settlement of a *Qui Tam* Case (Oct. 28, 2004)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: The Trial Stage of a *Qui Tam* Case (June 14, 2004)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Motions to Dismiss and Motions for Summary Judgment in *Qui Tam* Cases (Feb. 25, 2004)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Discovery in *Qui Tam* Cases (Nov. 14, 2003)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Preliminary Motions in *Qui Tam* Cases (June 11, 2003)
- ABA Civil False Claims Act and *Qui Tam* Enforcement Institute, Washington, D.C.  
Topic: Recent Developments on Damages and Penalties (Jan. 2003)

- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: The Pre-Unsealing Phase of a *Qui Tam* Case (Jan. 29, 2003)
- ABA Public Contract Section Conference on False Claims, Washington, D.C.  
Topic: Recent Developments in False Claims Law and Practice (Aug. 11, 2002)
- CLE International Conference on *Qui Tam* Litigation, San Francisco, Calif.  
Topic: A Defense Counsel's Perspective on *Qui Tam* Litigation (March 1, 2002)
- ABA Civil False Claims and *Qui Tam* Enforcement Institute, Washington, D.C.  
Topic: Recent Developments on Liability Issues Under the False Claims Act (Jan. 1998).

## Peter Hutt

- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Analysis of *Rockwell International v. United States* (April 12, 2007)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: How to Mediate a False Claims Act Case (Feb. 5, 2002)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Use of Experts in False Claims Act Cases (Dec. 4, 2001)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Settlements Under the False Claims Act (Dec. 12, 2000)
- ABA Public Contract Section, Procurement Fraud Committee, Washington, D.C.  
Topic: Getting Information From the Government for Use in False Claims Act Cases (March 21, 2000).

## ABOUT AKIN GUMP STRAUSS HAUER & FELD

Akin Gump is one of the leading international law firms. Founded in 1945, it numbers more than 900 attorneys in 15 offices. With a diversified practice that spans the full range of business, policy and individual legal issues, Akin Gump is valued worldwide for its political, legal and transactional strengths.

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