

HEALTH INDUSTRY ALERT

AKIN GUMP STRAUSS HAUER & FELD EXPANDS FALSE CLAIMS ACT PRACTICE



Over the past year, the health industry practice group at Akin Gump Strauss Hauer & Feld LLP has experienced substantial success¹ in important False Claims Act (FCA) matters. One notable example is *United States v. Prabhu*, 442 F. Supp. 2d 1008 (D. Nev. 2006), where the firm successfully defended a medical practice and physician alleged to have breached the FCA. The case represented one of the extraordinarily rare instances in which defendants have prevailed against the government at summary judgment in an FCA action and established important precedent that other health care providers can invoke to deter governmental overreaching in FCA investigations and litigation. Currently, the firm represents a major health system, a national laboratory, a national skilled nursing facility and several other entities in FCA litigation.

2007 CHAMBERS USA RECOGNITION

Robert Salcido was once again recommended as a leading health care practitioner in *Chambers USA: America's Leading Lawyers for Business* (2007), which surveys clients for their views on law firms and individual lawyers. In the 2007 edition, clients praised Robert as being "perhaps the best False Claims Act lawyer in the country" and recognized him for his "scholarly command on the state of the law" and for being a "practical, shrewd tactician and strategist." Robert was also listed as one of the top 12 Outstanding Healthcare Fraud and Compliance Lawyers in 2007 by *Nightingale's Healthcare News*.

AKIN GUMP WELCOMES ROBERT HUFFMAN AND PETER HUTT

The firm has now substantially expanded its FCA practice capability with the addition of Robert K. Huffman and Peter B. Hutt as partners in the litigation practice in Washington.

Messrs. Huffman and Hutt represent defense contractors, health care systems, technology companies and construction companies on a full spectrum of government contracts issues, ranging from advice on IP, technology transfer and cost issues, to representation in bid protests, FOIA disputes and contract disputes. Both have extensive experience in representing contractors in FCA and other procurement fraud matters and have served as counsel in more than 20 such matters.

Mr. Huffman received his B.A. magna cum laude from Harvard College and his J.D. from Stanford Law School. Mr. Hutt received his B.A. cum laude from Yale University and his J.D. from Stanford Law School.

Mr. Huffman serves as chair of the Procurement Fraud Committee and the Research and Development/Intellectual Property Committee of the ABA Public Contract Section.

¹ Prior results do not guarantee a similar outcome in future cases.

He also serves on the advisory council of the U.S. Court of Appeals for the Federal Circuit and previously served as president of the Court of Federal Claims Bar Association. Mr. Hutt is the former chair of the Procurement Fraud Committee of the ABA Public Contract Section and serves on the board of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

Mr. Huffman's published works on the FCA include "Expert Witnesses in False Claims Act Cases" (*The Government Contractor*, Jan. 23, 2002); "The Civil False Claims Act" (West Group Briefing Papers, Sept. 2001); "Is There A Case?: A Defense Counsel's Perspective" (CLE International Conference on Qui Tam Litigation, March 2001); and "The Perils of Parallel Civil and Criminal Proceedings: A Primer" (*The Health Lawyer*, March 1999).

Mr. Hutt's published works include chapters on "Liability" and "Damages" in a forthcoming ABA book on the False Claims Act and the Construction Industry; "Techniques for Resolving False Claims Act Cases Through Mediation," *The Procurement Lawyer* (co-author, 2003); and "Qui Tam Litigation Under the False Claims Act, Second Edition," ABA Section of Public Contract Law (co-author and editor, 1999).

The health industry practice group welcomes Bob and Peter.

ABA FALSE CLAIMS ACT AUDIO CONFERENCE

Robert Huffman and Robert Salcido will participate in the American Bar Association's Center for Continuing Legal Education teleconference and live audio Webcast "**False Claims Act Update: Insiders' View on Liability**" on **Wednesday, July 25, 2007, 12:00-1:30 pm EST**. This program reviews the latest developments on liability in the burgeoning and fast-changing arena of the civil False Claims Act. Participants will hear panelists from the U.S. Department of Justice, the relators' bar and the defense bar explain recent case law and trends on questions including—

- When are claims not directly presented to the government actionable?
- What type of conduct renders a claim false?
- What are the current standards for actionable "knowing" conduct?

Panelists will discuss the theories of liability underlying cases against defense contractors, pharmaceutical companies, health care providers, oil companies and construction companies.

The program faculty includes—

- Moderator: Robert K. Huffman, *Akin Gump Strauss Hauer & Feld*, Washington, D.C.
- Claire M. Sylvia, *Phillips & Cohen*, San Francisco, CA
- Michael D. Granston, Assistant Director, Commercial Litigation Branch, *US Department of Justice*, Washington, D.C.
- Robert S. Salcido, *Akin Gump Strauss Hauer & Feld*, Washington, D.C.

To learn more and register, please visit: <http://www.abanet.org/cle/programs/t07fcu1.html>.

CONTACT INFORMATION

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