

[FREE] Advising the Qui Tam Whistleblower, Second Edition: From Identifying a Case to Filing Under the False Claims Act:2nd (Second) edition

## **Advising the Qui Tam Whistleblower, Second Edition: From Identifying a Case to Filing Under the False Claims Act:2nd (Second) edition**

*Robin West*

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**Robin West : Advising the Qui Tam Whistleblower, Second Edition: From Identifying a Case to Filing Under the False Claims Act:2nd (Second) edition** before purchasing it in order to gage whether or not it would be worth my time, and all praised Advising the Qui Tam Whistleblower, Second Edition: From Identifying a Case to Filing Under the False Claims Act:2nd (Second) edition:

1 of 1 people found the following review helpful. Good for screening casesBy CustomerMa Kettle still dabbles in legal work and needed a concise, readable summary of the pertinent law. Well written, functional, would not hesitate to refer a client to read it themselves if they were capable of reading college level text. Probably a book the client should read in most instances. In the end it's up to the client to do the work in these cases--if they won't read the book then that's about all one needs to know about the case.2 of 2 people found the following review helpful. Best Legal Understanding and Preparation for WhistleblowerBy Bill BaehrThis is the book to get before you go start any whistleblowing activity that involves corporate corruption against the Federal contracts. Great advice on what to realistically expect and what you can do and not do to get rewarded with money for whistleblowing on the crooks. Better and cheaper than an attorney visit for understanding Qui Tam and a great way to prepare an attorney for Qui Tam action. Qui Tam can be very lucrative and you can do a public service as well. Blow that whistle!3 of 4 people

found the following review helpful. Well worth reading

By Matthew Montchalin

Sure, you can subscribe to advance sheets (been there, done it), email-based mailing lists (been there, done that, too; National Law Journal has a nice mailing list), and the like, but it simply won't match up to having something solid you can put in your hand, and carry with you where you go. I wish there were a hardcover option though. If it's only paperback, I will end up destroying it after a year or two, simply from thumbing through the pages over and over again, and underlining all the passages I find most relevant. I was greatly pleased when I got it. When did it arrive? A few weeks after first getting the little Qui Tam pamphlet *Qui Tam: The False Claims Act and Related Federal Statutes* from Doyle. Now certainly Doyle's pamphlet is good but this book is a lot better. Rebecca West's book has a better, smaller typeface (probably 4.6 point) and typesetting layout (not the capacious 1.75 spaces per line that Doyle's has; he must have been padding his pamphlet with extra spacing to "fill" things out so the student can have room to write in the margins, West's is laid out much more legibly). And while both pamphlets have "perfect" (glue) binding, West's appears to have been better collated (sorted and laid out before binding and trimming). All in all, this booklet was done better than Doyle's.

On the one hand, Rebecca West's book on Qui Tam is really aimed at the lawyer who has to explain to his client that, while things may look fishy, the case isn't exactly ready for trial yet. On the other hand, the book is coincidentally aimed at the client who knows there is a lot of footwork to do, and it has to get done, before approaching the lawyer with his evidence. But most clients are a lot more knowledgeable than they let on, and know how important it is to get the evidence in, make sure it looks credible, and make sure it is properly supported with witnesses, times, dates, places, ballpark figures, and exact amounts when possible. This book is aimed at them also. So, again, which clients is this book aimed at? Clients who know how to look up cases, extract the rules of law, and cite the statutes that are applicable. And more than that, there is even a section in the book about clients who collect and update their own personal archives on the law, regularly reporting back to their counsel about promising changes in the law. Yep, there are all kinds of clients.

In the introduction to her work, she writes: "Most of what I have learned about qui tam (after having worked with hundreds of potential relators and participated in the recovery of hundreds of millions of dollars for the government under the statute) would have been difficult for me to assimilate or understand in the days following the arrival of my first whistleblower client. The statute reads like the Delphic Oracle spoke; the cases are in a state of disharmony, and there seem to be no clear answers to anything. "Several impressive books on the False Claims Act and qui tam that analyze the issues in comprehensive detail are available (see Appendix 3). But for the lawyer trying to identify his or her first qui tam case, whose client is coming in tomorrow for a consultation, those books may provide too much esoterica and not enough practical context. 'Advising the Qui Tam Whistleblower: From Identifying a Case to Filing under the False Claims Act' will enable an attorney, after only a few hours of reading, to meet with the client, explain the False Claims Act statute to him or her, and ask enough basic questions to begin to evaluate the client's potential claims and determine whether pursuit of a qui tam action is warranted." Well, be that as it may, any client who has seen the trouble brewing on the horizon, knows how important it is to make things easy for his lawyer, ought to pick this book up for a detailed read-through, and check out a few of the cases she mentions therein.

By the way, I wasn't counting on finding a CD at the back of the book, but to my pleasant surprise there is one. I haven't popped it into my computer yet, I am still reading the book proper. (And it isn't my first book on this sort of thing as I happen to be one of those people who just happens to know my way around a law library; moreover, I already have at home a complete set of *Corpus Juris Secundum* to fall back on, even though it doesn't have a major section on the matter, and prefers to organize the law differently, with attention to Civil Actions instead.)

The book has 14 chapters: Chapter 1 The False Claims Act Chapter 2 Claims that are not actionable Chapter 3 Unique Procedural Requirements of Qui Tam Cases Chapter 4 Dangers of Filing a Qui Tam Case Chapter 5 Anatomy of a Qui Tam Case Chapter 6 Profile of Relator: How the Decision to Sue Is Made Chapter 7 Government Profile: How the Intervention Decision Is Made Chapter 8 Defenses Chapter 9 Section 3730(B) Retaliation Clause Chapter 10 Litigating the Intervened Case Chapter 11 Litigating the Nonintervened Case Chapter 12 The Relator Share Chapter 13 Settlement Chapter 14 Fee Agreements, Statutory Attorney Fees, and Taxability of the Relator Share

While I was particularly interested in the part about filing the case under seal, and she even includes sample forms for that sort of thing, I am still looking into the issue of including other kinds of preliminary orders. I haven't noticed a section in this book dedicated purely to preliminary orders, though the appendix was invaluable for including a sample order to keep the case under seal, and out of the PACER system.

In any case, I am still enjoying this thoughtful, engaging book.

UPDATE After someone broke into my apartment and took this book (out of several hundred books they could have taken), I find myself again needing to get a copy. (One night I came home from a late evening film shoot, and I reached over, and the book was missing! What the HEY, why is it missing???) This is because it is always within hand's reach because I read it every night before I go to sleep. If you are like me, I put in a lot of reflection before I buy a book in the \$70 to \$90 range! Paying for replacements is expensive, not to mention an onerous burden on top of the anticipated costs of litigation. That said, this book is worth it.

Furthermore, if you find yourself in a similar situation, or in the middle of something that is equally high profile, I recommend purchasing and reading *Injunctive Relief: Temporary Restraining Orders and Preliminary Injunctions*. Protective orders are usually necessary for preserving evidence, not just for safeguarding your life, or keeping you from getting run over, or mysteriously rubbed

out.