

Buying Silence:

Confidentiality Mandates & Whistleblowing Incentives

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False Claims Act

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Dodd-Frank

SEC & CFTC whistleblower regulations

10-30% of "monetary sanctions" over \$1 million

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Balla v Gambro

Whistleblower protection for lawyers?

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Protection
v.
Financial Incentives

5

Whistleblower
incentives > **Contractual**
confidentiality

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Whistleblower incentives ? Lawyer
 > confidentiality

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5 cases

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US ex rel Doe v. X Corp. ED VA 1994

Vt. Agency of Natl Res. v US ex rel Stevens SCt 2000

Bury v. Community Hosp. Ca5thApp 2002

US ex rel Repko v. Guthrie Clinic MD PA 2008, 2011

US ex rel Fair Lab Pract. Assoc. v. Quest SDNY 2011

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US ex rel Doe v. X Corp. ED VA 1994

Bury v. Community Hosp. Ca5thApp 2002

US ex rel Repko v. Guthrie Clinic MD PA 2008, 2011

US ex rel Fair Lab Pract. Assoc. v. Quest SDNY 2011

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US ex rel Doe v. X Corp. ED VA 1994

Bury v. Community Hosp. Ca5thApp 2002

US ex rel Fair Lab Pract. Assoc. v. Quest SDNY 2011

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US ex rel Doe v. X Corp. ED VA 1994

Attorneys
“should be encouraged”
to use *qui tam* law suits
to expose that fraud

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Vt. Agency of Natl Res. v US ex rel Stevens SCT 2000

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US ex rel Fair Lab Pract. Assoc. v. Quest SDNY 2011

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