

ALI-ABA Telephone Seminar  
**The Implications of the Supreme Court's False Claims Act Decision in  
*Rockwell International Corp. v. United  
States ex rel. Stone***

May 1, 2007  
Live Telephone/Audio Webcast

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| By Joseph (Jeb) E.B. White  |             |
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**PROGRAM**

All Times Eastern Daylight

12:00 noon **Introductions**

The Implications of the Supreme Court's False Claims Decision in  
*Rockwell International Corp. v. United States ex rel. Stone* — Panel  
Discussion

- The impact of *Rockwell* on Circuit court jurisprudence interpreting "original source"
- *Rockwell* and the knowledge requirement of the "original source" exception
- The impact on state False Claim Act litigation
- What constitutes a "public disclosure" triggering the "original source" exception
- The implications of *Rockwell* in light of the Second Circuit's decision in *U.S. ex rel. Cosens v. Baylor*
- What "direct knowledge" means
- How much original information is required of the relator
- And many other issues

1:15 p.m. **Questions and Answers** — *Panel Discussion*

1:30 p.m. **Adjournment**

## PROGRAM SCHEDULE

|                                 | Eastern    | Central    | Mountain   | Pacific<br>& Arizona | Alaska    | Hawaii    |
|---------------------------------|------------|------------|------------|----------------------|-----------|-----------|
| National<br>Teleseminar/Webcast | 12:00 p.m. | 11:00 a.m. | 10:00 a.m. | 9:00 a.m.            | 8:00 a.m. | 6:00 a.m. |
| Adjournment                     | 1:30 p.m.  | 12:30 p.m. | 11:30 a.m. | 10:30 a.m.           | 9:30 a.m. | 7:30 a.m. |

## SCOPE AND PURPOSE

On March 27, 2007, the U.S. Supreme Court in a 6-2 decision authored by Justice Scalia interpreted the 'original source' exception to the public disclosure bar in False Claims Act litigation. In *Rockwell International Corp v. United States ex rel Stone*, 2007 WL 895257, the Court found the 'original source' exception to be jurisdictional. Our panel will discuss the implications.

**Level:** Intermediate

**Suggested Prerequisite:** Limited experience in legal practice in subject matter.

**Educational Objectives:** Provision of information on recent legal developments; maintenance of professional competence as a practitioner.

**Total 60-minute hours of instruction:** 1.5 Total 50-minute hours, 1.8

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**PLANNING CHAIR**

**Robert B. Fitzpatrick, Esquire**  
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1825 Connecticut Ave NW Ste 640  
Washington, DC 20009

**FACULTY**

**Laurence J. Freedman, Esquire**  
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Washington, DC 20037-1350

**Joseph E.B. White, Esquire**  
Taxpayers Against Fraud, The False Claims  
Act Legal Center  
1220 19th St NW Ste 501  
Washington, DC 20036-2497



## FACULTY BIOGRAPHIES

### Planning Chair

**Robert B. Fitzpatrick**, Washington, D.C.

Robert B. Fitzpatrick, PLLC

Robert Brian Fitzpatrick is the principal in the law firm of Robert B. Fitzpatrick, PLLC in Washington, D.C. where he represents clients in employment law and employee benefits matters. Mr. Fitzpatrick has concentrated his practice in employment law disputes for over thirty-five years and has been described by the National Law Journal as being among the top employment lawyers in the country and by Washingtonian Magazine as "tops in employment law" in the Washington, D.C. area. He was also included in the 2006 edition of The Best Lawyers in America.

Mr. Fitzpatrick is an active member of the American Bar Association (ABA) and the District of Columbia Bar, being a frequent speaker at Bar meetings and a participant in the activities of several sections of the ABA and the D.C. Bar. He has been Co-Chairman of the ABA's Committee on Individual Employee Rights and Responsibilities of the Labor and Employment Law Section; Co-Chairman of the Steering Committee of the Labor Relations Section of the D.C. Bar; Chairman and founder of the D.C. Bar's Committee on Individual Employee Rights and Responsibilities; Chairman of the Federal Bar Association's Labor Law and Labor Relations Section; Chairman of the FBA's Committee on Equal Employment Opportunity; and Chair of the Employer-Employee Relations Committee of the Torts and Insurance Practice Section of the ABA. He has been a member of the Class Action Task Force of the Torts & Insurance Practice Section of the ABA and served as a member of the Long Range Planning Committee of ABA's Torts and Insurance Practice Section from 1993 to 1996. He is an active member of the Section of Dispute Resolution of the ABA and of the International Employment Law Committee of the International Law & Practice Section of the ABA. He has been the Chair of the Alternative Dispute Resolution Committee of the ABA's Section of Individual Rights and Responsibilities.

### Faculty

**Laurence J. Freedman**, Washington, D.C.

Patton Boggs LLP

Larry Freedman brings almost 14 years of experience as a federal litigator to the Patton Boggs Health Care Practice. Mr. Freedman practices in the area of the False Claims Act and its *qui tam* (whistleblower) provisions. He specializes in health care fraud enforcement matters including complex civil litigation, government investigations, internal investigations and corporate compliance. He has particular expertise in global resolutions involving criminal and civil allegations, federal and state interests and multiple jurisdictions.

From 1997-2005, Mr. Freedman served as an Assistant Director in the Department of Justice's Fraud Section, Commercial Litigation Branch, Civil Division. During his tenure as an Assistant Director, he devoted his efforts exclusively to health care fraud matters pursued under the False Claims Act and its *qui tam* provisions, including matters premised on the antikickback statute, Stark laws (physician self-referral) and Food, Drug and Cosmetic Act violations. He supervised high-profile matters that yielded billions of dollars in federal

recoveries involving significant health care providers including major pharmaceutical manufacturers, biotech and medical device companies, dialysis companies, rehabilitation hospitals, acute care hospital chains nursing home chains, and national clinical laboratory companies.

Before his appointment to Assistant Director, Mr. Freedman worked as a trial attorney in the Fraud Section, a position he held from 1991-1997. In this capacity he gained extensive experience in white collar investigations and complex civil litigation, often in joint criminal and civil matters, for federal agencies, including civil fraud actions and *qui tam* matters in the areas of defense procurement and health care fraud. Mr. Freedman achieved significant recoveries for the United States during this period. For example, he served as the lead civil counsel in "Operation LABSCAM," an effort to investigate and prosecute national independent clinical laboratories that resulted in almost \$600 million in civil settlements.

Mr. Freedman was awarded the Attorney General's "Exceptional Service" award, the highest award from the Attorney General. He also received the Attorney General's "Distinguished Service" award, the second highest award from the attorney general, and numerous other awards from the Department of Justice, the HHS Office of the Inspector General and the National Association of Medicaid Fraud Units.

While at the Department of Justice he taught a health care fraud course at the National Advocacy Institute and provided fraud training to Assistant U.S. Attorneys, FBI agents and supervisors, and other federal law enforcement personnel.

Before joining the Department of Justice, Mr. Freedman was an associate at a prominent Washington law firm. He clerked for the Hon. Richard J. Cardamone, United States Court of Appeals for the Second Circuit, upon his graduation from law school.

**Professional Affiliations:**

American Bar Association

American Health Lawyers Association

DC Bar, Litigation Section Steering Committee (Co-Chair, 2003-2005)

American Constitution Society

**Joseph (Jeb) E.B. White, Washington, D.C.**

Taxpayers Against Fraud, The False Claims Act Legal Center

Mr. White is the Director of Legal Education & Programs at Taxpayers Against Fraud Education Fund, a public interest organization dedicated to combating fraud against the government through the promotion of the False Claims Act and its *qui tam* provisions. A graduate of the University of Pennsylvania and the Georgetown University Law Center, Mr. White regularly works with other *qui tam* attorneys, detailing the emerging case law through regular legal publications, educational seminars, and individual consultations. Mr. White launched the first legal website devoted to FCA *qui tam* counsel; established a moot court program; reinvigorated an *amicus curiae* brief program; and coordinated various educational programs, including the nation's largest annual conference on False Claims Act litigation. Mr. White has also filed *amicus curiae* briefs in state and federal courts across the country, supporting a broad interpretation of the False Claims Act. In addition to being a frequent

lecturer at the George Washington University Health Care Corporate Compliance Program, he has also presented at several American Bar Association seminars, the National Law & Society meeting, and various national and state employment law conferences. With over a dozen published articles and two upcoming books, he has written extensively about health care fraud and whistleblower protections. In addition, as the Editor-in-Chief of the False Claims Act & Qui tam Quarterly Review, Mr. White manages the overall production of a 150+ page law journal devoted to False Claims Act litigation, which includes regular legislative updates, practitioner success stories, and recent judicial decisions. Prior to law school, Mr. White managed all on-site affinity promotions for Bank One, N.A. (now J.P. Morgan Chase), where he was the youngest officer-level employee. During his time at Georgetown Law, Mr. White was the Annual Review Editor-in-Chief of the Georgetown Journal of Gender and the Law, taught an introductory seminar on legal research and writing, and defended indigent clients as a member of the Georgetown Criminal Justice Clinic.

