



Taxpayers Against Fraud

22nd Annual Conference

Oct. 26-28, 2022

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Event Sponsorships

Special thanks to our generous sponsors who have made this conference possible!

Principal Sponsor:

Morgan & Morgan

Additional Sponsors:

Are currently being finalized. To become a sponsor, please email Jeb White at jwhite@taf.org.

To appear in the printed agenda, sponsorships must be secured by close of business September 30, 2022.

Schedule Overview

Wednesday, Day 1 October 26

9:00 AM - 12:00 PM

Registration

12:00 - 1:00 PM

Lunch/Hot Topics & Trends

1:00 - 1:15 PM

Break

1:15 - 2:15 PM

Meditation & Settlement

2:15 - 2:30 PM

Award

2:30 - 2:45 PM

Break

2:45 - 3:45 PM

Implicit Bias Mitigation

3:45 - 4:00 PM

Break

4:00 - 5:00 PM

Option 1: Antitrust & Fraud

Option 2: False Claims Act 101

Option 3: Procurement Fraud

5:15 - 6:00 PM

15th Annual Women's Reception

5:30 - 6:30 PM

TAF Reception

7:00 PM - Onward

Off-Site Dinner Reservations

Thursday, Day 2 October 27

8:00 - 9:00 AM

YLD Breakfast

9:00 - 9:15 AM

Welcome

9:15 - 10:15 AM

Pleading & Proving Knowledge

10:15 - 10:30 AM

Award

10:30 - 10:45 AM

Break

10:45 - 11:45 AM

Whistleblower Perspectives

11:45 - 12:00 PM

Award

12:00 - 1:20 PM

Lunch with Erika Kelton

1:20 - 2:20 PM

Option 1: IRS Developments

Option 2: Mitigating Criminal Risk

Option 3: Managed Care Fraud

2:20 - 2:30 PM

Break

2:30 - 3:30 PM

Option 1: SEC/CFTC Developments

Option 2: Data Driven Cases

Option 3: Public Disclosure Update

3:30 - 3:45 PM

Break

3:45 - 5:00 PM

Option 1: Cryptocurrency

Option 2: Financial Frauds

Option 3: Litigation Funding

Option 4: Separation Agreements

Option 5: Attorneys' Fees

Thursday, Day 2 October 27 (cont.)

6:00 - 7:00 PM

Reception

7:00 - 10:00 PM

Masquerade Ball

Friday, Day 3 October 27

9:00 - 9:15 AM

Welcome/Closing

9:15 - 10:15 AM

Govt. Relationships

10:15 - 10:30 AM

Break

10:30 - 11:45 AM

Litigating Declined Cases

11:45 AM - 12:45 PM

Lunch/Mindfulness Toolkit

12:45 - 1:45 PM

Ethics

1:45 - 2:45 PM

Break

2:45 - 3:45 PM

Option 1: States of Opportunity

Option 2: Alternate Remedies

Option 3: Retaliatory Suits

4:30 PM - Onward

TAF Office Party

Schedule Details: Day 1

9:00 AM - 12:00 PM - Registration

12:00 - 1:00 PM - Hot Topics & Trends (Working Lunch)

This panel will explore key case developments and trends, including important recent decisions and emerging fraud schemes.

1:00 - 1:15 PM - Break

1:15 - 2:15 PM - Mediation and Settlement in False Claims Act Cases

The panel would cover when it makes sense to mediate FCA cases, both pre-intervention and post-litigation and discuss strategies for getting government, relator, and defendants to agree to mediate, as well as best practices for preparing for mediation. The panelists will also discuss terms to include in the settlement agreement to protect your client, common terms defendants attempt to add to settlements and how and when to compromise, common terms included in by the government and where they may be flexible, and how to manage multiple agreements within one case.

2:15 - 2:30 PM - Award

2:30 - 2:45 PM - Break

2:45 - 3:45 PM - Implicit Bias Mitigation with Dr. Bryant Marks

Presented by the TAF DEIJ Committee

After last year's discussion about identifying implicit bias and the impact it can have on our behavior, Dr. Marks will walk us through steps to address implicit bias and use interactive working groups to come up with recommendations for reduce bias.

3:45 - 4:00 PM - Break

4:00 - 5:00 PM - Breakouts

1. Antitrust and Fraud Enforcement

This panel will cover how antitrust violations can also form the basis of a whistleblower suit, the current legal landscape, and predictions for the future.

2. False Claims Act 101

A discussion of FCA basics and practical concerns, including how to evaluate a potential matter, common pitfalls to avoid, and best practices.

3. Procurement Fraud

This panel will discuss fraud involving infrastructure, logistics, and procurement contracts, including Small Business Administration issues, Buy American Act, and Federal Acquisition Regulations, as well as role of various agencies in litigation and recent case law developments.

5:15 - 6:00 PM - 14th Annual Women's Cocktail Reception

5:30 - 6:30 PM - TAF Reception

7:00 PM - Onward - Off-Site Dinner Reservations

Schedule Details: Day 2

8:00 - 9:00 AM - Young Lawyers Division Breakfast

9:00 - 9:15 AM - Welcome

9:15 - 10:15 AM - Strategies for Pleading and Proving Knowledge

This session would address strategies for pleading scienter, including developments in the case law applying the Supreme Court's decision in *Safeco* to False Claims Act cases, how to meet the *Safeco* standard, and how to adequately plead scienter regardless of *Safeco*, as well as developments involving scienter in cases involving the Anti-Kickback Statute.

10:15 - 10:30 AM - Award

10:30 - 10:45 AM - Break

10:45 - 11:45 AM - Whistleblower Perspectives

Hear from former whistleblowers as they give us a glimpse into their experiences before, during, and after their cases.

11:45 AM - 12:00 PM - Award

12:00 - 1:20 PM - Lunch w/ Chairwoman of the Board, Erika Kelton

1:20 - 2:20 PM - Breakouts

1. Developments in the IRS Whistleblower Program

This panel will discuss significant developments and challenges involved in bringing claims under the IRS Whistleblower Program, including the organization of the Whistleblower Office, seeking information on the case status, the length of time to obtain an award, interpretations of relevant statutory terms, litigating a case in Tax Court, and key court decisions.

2. Assessing and Mitigating Relator's Criminal Risk

How to assess your client's potential criminal risks on the front end, when to bring in criminal counsel, what the steps will be, how common is immunity, and what happens if you don't get immunity for your client.

3. Managed Care Fraud

A review of recent trends and case law in Medicare and Medicaid managed care, and an explanation of common schemes including cherry picking, risk adjustment, prior authorization, failure to properly audit, and the retention of overpayments.

2:20 - 2:30 PM - Break

Schedule Details: Day 2

2:45 - 3:45 PM - Implicit Bias Mitigation with Dr. Bryant Marks

Presented by the TAF DEIJ Committee

After last year's discussion about identifying implicit bias and the impact it can have on our behavior, Dr. Marks will walk us through steps to address implicit bias and use interactive working groups to come up with recommendations for reduce bias.

2:30 - 3:30 PM - Breakouts

1. Developments at the SEC & CFTC Whistleblower Offices

Hear from the heads of the SEC and CFTC Whistleblower Offices about developments in the law, effective submissions, and best practices in developing working relationships with their offices.

2. Data Driven Cases

Data driven cases are not going away--it's important for FCA practitioners to be able to evaluate cases and to build them in new and different ways. This panel will explore types of data driven cases already being brought, what types of cases lend themselves to data, how to overcome the lack of an insider, and pitfalls that can be avoided with some front-end preparation.

3. Public Disclosure Update

A round-up of recent public disclosure developments, including how courts are evaluating FOIA requests, outsider relators, and the impact of disclosure to an agency.

3:30 - 3:45 PM - Break

3:45 - 5:00 PM - Roundtable Breakouts

Smaller group discussions about critical topics in whistleblower practice.

1. Cryptocurrency
2. Financial Frauds
3. Litigation Funding
4. Separation Agreements
5. Attorneys' Fees

6:00 - 7:00 PM - TAF Reception

7:00 - 10:00 PM - TAF Masquerade Ball

Schedule Details: Day 3

9:00 - 9:15 AM - Closing

9:15 - 10:15 AM - Conscious Coupling: The Key to Productive Relationships Between the Government & the Relator Team

Best practices for partnering with the government in qui tam matters, including prefiling disclosures/presentation of the case, what to expect during the investigation, how to collaborate after intervention and during litigation, and how to assist the government in mitigating the burden of discovery on the government.

10:15 - 10:30 AM - Break

10:30 - 11:45 AM - Litigating Declined Cases

The panel will focus on unique aspects of litigation in False Claims Act cases after a case is declined, including working with the government, dealing with materiality arguments, and how to portray your client to the court.

11:45 - 12:45 PM - Mindfulness for Whistleblower Lawyers: The Well-Being Toolkit

Whistleblower law can be deeply rewarding, but it also has its stresses and challenges, even in the best of times. This interactive workshop equips lawyers and their clients with powerful, concrete tools for managing stress and anxiety, boosting positive emotions, and cultivating calm and focus, even under pressure. The program draws on mindfulness, cognitive behavioral therapy, and positive psychology.

12:45 - 1:45 PM - Ethics

1:45 - 2:45 PM - Break

2:45 - 3:45 PM - Breakouts

1. States of Opportunity

Federal programs get most of the attention, but state governments experience fraud on a massive scale as well, impacting not just the healthcare tag-along claims, but all manner of governments, contracts, benefits, and taxes. This session will cover recent unique and compelling state-law claims, unique features and opportunities of various state's laws, and best practices for working with state Attorney Generals.

2. Alternate Remedies

This panel will cover recent caselaw around alternate remedies, strategies for obtaining a share of an alternate remedy, and how courts consider whether government action should be considered an alternate remedy.

3. Shooting the Messenger: Strategies for Protecting a Relator from Retaliatory Suits

In addition to the anti-retaliation provisions contained in the federal and state False Claims Acts, there are other ways to defend against various defense tactics designed to discourage whistleblower from coming forward. This session would address strategies for defending against counterclaims involving taking documents, disclosure of confidential information, violation of contractual obligations, and breach of fiduciary duty, and potentially, how you can use discovery in those lawsuits to your advantage.

4:30 PM - Onward - TAF Office Party!

**Thank you to those who've taken the Penny Pledge,
your commitment to TAF and its mission, help us keep
the lights on, and hosting events like this.**



Taxpayers Against Fraud is a public interest, non-profit organization dedicated to defending and empowering whistleblowers who expose fraud on the government and the financial markets.

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