

Michael I. Behn

Michael I. Behn is an experienced trial lawyer and former federal prosecutor who concentrates his practice in the civil prosecution of fraud. He founded the Chicago law firm Behn & Wyetzner, Chartered and is a member of the Whistleblower Action Network. Mr. Behn primarily represents citizens who have reported fraud against the government, under the *qui tam* provisions of the state and federal False Claims Acts.

Career Achievements and Honors

Mr. Behn was named the first Whistleblowers' "Lawyer of the Year" by the nationwide organization Taxpayers Against Fraud. The group commended Mr. Behn's "tenacity, management skills and dedication" in his representation of relators under the False Claims Act. In a profile of his practice, the Chicago Daily Law Reporter described Mr. Behn as "exceptionally able to prosecute highly complex financial frauds," and quoted one judge as praising him for having "skills not common among litigators." He has also been recognized as both a "SuperLawyer" and a "Leading Lawyer" in Illinois.

Mr. Behn has represented the plaintiffs in the largest False Claims Act settlements ever achieved in Chicago. In a 2005 settlement handled by Mr. Behn, Northrop Grumman Corp. paid \$134 million to resolve a fraud case involving the B-2 "Stealth" bomber and other military programs. For that case, Mr. Behn and his colleagues were nominated as "Trial Lawyer of the Year" by the Trial Lawyers for Public Justice.

In a 2006 settlement, Mr. Behn represented the plaintiff pharmacist in a False Claims Act case against Omnicare, the nation's largest pharmacy for nursing homes. The company paid over \$50 million to settle federal and state claims that it had defrauded Medicaid by switching drugs in nursing homes.

In a 2008 settlement, Mr. Behn represented the plaintiff pharmacist in a False Claims Act case against CVS pharmacies, the nation's largest retail pharmacy. The company paid over \$37 million to settle the first Medicaid fraud case involving generic drug switching at retail pharmacies.

In other False Claims Act cases:

- Mr. Behn obtained the maximum 25% relator's share recovery for his client in a case revealing criminal fraud in public road projects.
- Mr. Behn represented the American Association of Retired Persons and Taxpayers Against Fraud in successfully defending the constitutionality of the Illinois Whistleblower Act before the Illinois Supreme Court.

Mr. Behn was also one of the relator's counsel in *U.S. ex rel. Tyson v. Amerigroup*, which achieved a \$334 million judgment, and in *U.S. ex rel. Chandler v Hektoen*, the U.S. Supreme Court case establishing that municipalities can be liable under the False Claims Act.

Mr. Behn has a similar record of achievements in prosecuting securities fraud. Recently, Mr. Behn represented a billion-dollar pension fund and the class of investors in a securities fraud suit involving the V-22 "Osprey" aircraft. That case was settled for \$7 million. Other major cases have included the felony conviction of the vice-chairman of a New York futures exchange, one of the largest securities fraud settlements in Chicago history (\$220 million), and a major securities fraud case involving the merger of a telecommunications company (\$239 million).

Mr. Behn is a recognized national expert on the False Claims Act. Mr. Behn has frequently lectured on the False Claims Act and other topics to prosecutors, investigators, auditors and lawyers at the invitation of the U.S. Department of Defense, the U.S. Department of Health and Human Services, the U.S. Department of State, the U.S. Department of Justice, the Institute of Internal Auditors, the Association of Certified Fraud Examiners, the Chicago Bar Association and many other groups. He has been quoted in the New York Times, the Wall Street Journal, the Washington Post, the Chicago Tribune, the Chicago Sun Times, and in other media.

Further Professional Experience

Before entering private practice, Mr. Behn served as a fraud prosecutor with the U.S. Attorney's Office for the Southern District of New York, as a Trial Attorney with the Commodity Futures Trading Commission, and as a Judicial Clerk in the U.S. District Court for the District of Vermont.

Education

Mr. Behn holds a J.D. from Northeastern University School of Law (in Boston) and an A.B. from Dartmouth College.