

# Are You a Whistleblower?

Whistleblowers are frequently in the news and the term seems to be applied to a lot of different people.



**KELLER GROVER** LLP

WHISTLEBLOWER ATTORNEYS



WHISTLEBLOWER ATTORNEYS



## KELLER GROVER LLP

LOS ANGELES | OAKLAND | SAN JOSE

Main Office:  
1965 Market Street  
San Francisco, CA 94103

888.601.6939

[ReportGovFraudNow.com](http://ReportGovFraudNow.com)

[View our disclaimer ►](#)



## Jeffrey Keller Partner

Jeffrey is an experienced fraud lawyer. He has been litigating on behalf of consumers, whistleblowers and shareholders for more than 20 years -- successfully taking on banks, telecom companies, healthcare providers and high tech companies, among others, in cases involving a range of legal issues from securities fraud, consumer fraud and fraud on the government to antitrust violations and RICO. Jeffrey has been recognized as a Northern California Super Lawyer® for his tireless litigation efforts. Among his career achievements are his role as class co-counsel and co-trial counsel in one of the largest civil settlement ever approved by a federal court (In re Visa

Check/Master Money Antitrust Litigation, Case No. CV-96-5238 (EDNY), which settled in April 2003 for \$3.383 billion with an additional estimated \$25-87 billion in injunctive relief valued over the decade following the settlement) and the largest reported settlement in California in 2010 (Friedman et al v 24 Hour Fitness USA, Inc., Case No CV-06-062382 (C.D.Cal), which settled RICO and EFTA claims on behalf of a nationwide class of approximately 1.5 million consumers valued at approximately \$295 million). Jeffrey brings this extensive experience investigating and exposing fraud and other unlawful conduct to each of his whistleblower clients.

[Click here to view Jeffrey Keller's full biography.](#)

## Kathleen Scanlan Federal Whistleblower Lawyer

Kate is a seasoned litigator with more than a dozen years' experience in complex litigation in both California state courts and federal courts around the country. Her cases have included issues arising from real estate fraud, healthcare fraud, consumer fraud and fraud on the government as well as antitrust and RICO violations and breaches of fiduciary duties. Kate plays the critical role at Keller Grover of developing the factual record necessary to prevail in any litigation. She does this using her special talent for gathering relevant facts, from both witnesses and documents, and distilling the information down to a comprehensive legal record. Her ability is attributable in part to her willingness to dive in and learn the details of the

industry involved in any given case, to understand how the alleged conduct occurred and how it violates the law. Her skills were instrumental in Keller Grover's successful efforts on behalf of the nationwide class of consumers in Friedman v. 24 Hour Fitness where she led the briefing team and argued the successful class certification motion as well as the successful opposition to a summary judgment motion on RICO violations arising out of electronic fund transfers between consumers and 24 Hour Fitness. Kate's efforts are invaluable to Keller Grover's whistleblower clients where she works tirelessly to prepare any case the whistleblower brings to the government, anticipating and answering potential questions before the case is ever presented.



[Click here to view Kathleen Scanlan's full biography.](#)

# Contents

- 03 *Are You a Whistleblower?*
- 04 *Already talked with your employer?*
- 04 *Has the fraud by your company been keeping you up late at night?*
- 04 *Unique Blend of Experience*
- 05 *What is a whistleblower?*
- 05 *What Laws Can a Whistleblower Use?*
- 05 *What does Qui Tam mean?*
- 06 *What are whistleblower rewards?*
- 06 *What does the whistleblower need to know about the wrongdoing?*
- 06 *Is there some smoking gun type evidence that a whistleblower should have to bring a False Claims Act case?*
- 07 *What are the different types of whistleblower False Claims Act cases?*
- 07 *What is the False Claims Act?*
- 08 *What if the whistleblower learned of the fraud from publicly available information?*
- 08 *If Whistleblowers Report Fraud, Are They Protected from Retaliation?*

# Are You a Whistleblower?

Whistleblowers are frequently in the news and the term seems to be applied to a lot of different people. So who is a whistleblower?

Generally, a whistleblower is someone who exposes information that is not just sensitive; it reveals actual wrongdoing. That wrongdoing can take many forms and there's a lot of debate about whether some whistleblowers are acting lawfully or not. When it comes to a fraud on the government, though, there is no doubt that Congress wants those whistleblowers to come forward – so much so that it created special laws to encourage them to come forward, protect them when they do and reward them for doing it. A whistleblower with evidence of fraud on the government may be able to use the federal or state False Claims Acts to help expose the

fraud, recover money on behalf of the government, protect themselves from improper retaliation, and share in the reward.

The government is the largest purchaser of products and services in the country. Billions of taxpayer dollars are lost every year to government fraud. Fraud on the government can come in many different flavors affecting many different industries.

What are the common types of fraud on the government where whistleblowers typically have information?

1. *Healthcare fraud*
2. *Government contract and defense fraud*
3. *Corporate SEC/securities fraud*
4. *Other types of fraud against the government like:*
  - » *Failure to fulfill government grants*
  - » *Tax fraud*
  - » *Misreporting imports on customs documents*
  - » *Countless other types of fraud*



[Click here to watch our video](#)

## Already talked with your employer?

A lot of whistleblowers report what they witness internally at their employer before they contact a lawyer. They expect the problem is just an oversight or mistake and will be remedied as soon as they point out that it happened. Unfortunately, many times, that's when the whistleblower learns it's no mistake at all and the retaliation against them begins. It's a scenario we've seen play out over and over again and why we always want the whistleblower to contact an experienced whistleblower lawyer before they raise an issue internally at their workplace. But if a whistleblower has already reported the fraud internally, it's never too late to talk with a lawyer. An experienced whistleblower lawyer will come up to speed quickly on the complete situation and dive in to help the whistleblower navigate decision-making about whether to bring an action. An experienced whistleblower lawyer will also help protect against retaliation related to reporting the wrongdoing... If the case is successful, the whistleblower lawyer will also advocate for the whistleblower to obtain the maximum amount available under the law as their reward for exposing the fraud.

## Has the fraud by your company been keeping you up late at night?

Whistleblowers are courageous, dedicated people and I know first-hand how they are impacted by what they've witnessed and how committed they are to exposing what they know. They deserve a legal team that is as invested as they are. That's something I am proud to say Keller Grover does really well. We're in this together with our whistleblowers. We devote significant time and the firm's resources to every one of our whistleblower cases. Sometimes these cases can go on for more than five years, too. Since we don't get paid unless our whistleblowers are successful, our investment is proof of our commitment to each whistleblower we represent.

I've worked on all kinds of cases. Some of them have even re-shaped the way business is conducted in certain industries. But the cases that are the most satisfying for me are those where we represent a whistleblower exposing fraud on the government. We get the privilege of representing someone who is stepping forward to expose a wrongdoing that is costing all of us as taxpayers. A lot of people go to law school hoping they'll represent clients like this. We actually do.

## Unique Blend of Experience

When whistleblowers come to Keller Grover they often times will have learned of a fraud on their job. This almost always means they have workplace legal issues to work out too. They need lawyers who are not just going to help them expose the fraud. They need a lawyer who is going to help them with their employment issues too. We have years of experience fighting fraud and representing whistleblowers. But we also have a team of skilled employment lawyers with more than 20 years of experience dealing with employment issues who support our whistleblower clients in that part of the process as well. There are firms out there with experience in one area or the other. But we're rare in that we are committed to representing whistleblowers and have experience in both fraud and employment matters.







[Click here to watch our video](#)

## What is a whistleblower?

Simply put a whistleblower is the person who “blows the whistle” on misconduct by reporting concerns about alleged illegal or fraudulent conduct to the appropriate authorities. When the wrongdoing is a fraud on the government a whistleblower might expose healthcare fraud, defense contractor fraud, procurement fraud, or even fraud for underpaying the government. Most importantly, a whistleblower who has information about a fraud on the government will be able to use laws passed especially to encourage, protect and promote this exact kind of whistleblowing.

## What Laws Can a Whistleblower Use?

The federal False Claims Act is one of the most powerful tools available to the whistleblower. It was originally signed into law in 1863 to help combat fraud by suppliers to the United States government during the Civil War. Today, more than 150 years later, the False Claims Act remains one of the federal government’s most effective weapons in fighting fraud against the government. It has been so successful that many states and even some cities have passed similar laws to target fraud on them too. So, depending on who the “victim” of the fraud is, there are a variety of laws designed to help someone “blow the whistle” on a government fraud.



[Click here to watch our video](#)



[Click here to watch our video](#)

## What does Qui Tam mean?

Qui tam is a Latin phrase to describe the special situation where a private citizen brings a lawsuit to recover on behalf of the government. The defendant in a qui tam lawsuit is a company or citizen who has committed fraud or violated certain governmental regulations in a contract with the government. When a qui tam lawsuit is successful, the government is entitled to triple its damages and the qui tam whistleblower gets a percentage of whatever the government recovers. Qui tam lawsuits are a very special partnership between the government and private citizens that enables the government to recover billions from wrongdoers every year.

# What are whistleblower rewards?

Yes. Most whistleblowers are not familiar with whistleblower rewards. Qui tam whistleblowers (referred to as “relators”) receive a percentage of the funds the federal or state government successfully recovers either by settlement or by judgment. By law that amount is 15 to 30 percent of the government’s recovery, depending on a few factors. These rewards provide incentives to whistleblowers, in part, to acknowledge the risks whistleblowers may take and to encourage them to come forward to help identify these frauds despite the potential risks.



[Click here to watch our video](#)



[Click here to watch our video](#)

## What does the whistleblower need to know about the wrongdoing?

False Claims Act cases are basically fraud cases. To prove a fraud a whistleblower needs more than a suspicion that there’s wrongdoing. A good rule of thumb is to ask whether you can answer the who, what,

where, when, and why of the fraud. Also, most importantly can you explain HOW the fraud occurred. That is what the government is going to ask, and that’s what is going to have to be proven in court.

## Is there some smoking gun type evidence that a whistleblower should have to bring a False Claims Act case?

If I’ve learned anything as a fraud lawyer over the last 20 years, it’s that no two cases are exactly alike. So there is just no way to say what a smoking gun might be in a particular instance. But any kind of documents or other information that back up or support what the whistleblower is saying happened are extremely helpful. Any information that can be used to make it harder for the

defendant accused of fraud to turn the case into a ‘he said, she said’ kind of situation where it’s the whistleblower’s word against everyone else’s. It’s actually one of the most important reasons for a potential whistleblower to contact a whistleblower lawyer early - to understand what they have and to decide based on that information whether to go forward with a lawsuit or not.



[Click here to watch our video](#)





[Click here to watch our video](#)

## What are the different types of whistleblower False Claims Act cases?

The US government buys everything from computers and office supplies to healthcare and guided missiles. Any contractor selling a product or service to the government who engages in fraud in a government contract may face liability under the False Claims Act. That means whistleblower cases can come from many different industries and whistleblowers can report many different types of fraud, like: healthcare fraud, Medicare fraud, defense contractor fraud, research grant fraud, pharmaceutical fraud, construction and procurement fraud. Even underpaying the government is a fraud.

## What is the False Claims Act?

The False Claims Act (“FCA”) is a federal law that imposes liability on companies or individuals who defraud the government by improperly receiving payments from the Federal government, avoiding payment to the Federal government, or failing to return overpayments. The FCA allows someone with knowledge of fraud on the government, commonly called a whistleblower who is actually known in the case as the relator, to file a qui tam lawsuit on behalf of the government to recoup the amounts improperly paid to the defendants. By law, the relator is entitled to a percentage of whatever the government recovers if the case is successful.



[Click here to watch our video](#)

## What if the whistleblower learned of the fraud from publicly available information?

If the only information the whistleblower has is publicly available the public disclosure bar may prevent the whistleblower from going forward with a lawsuit. That includes things publicly disclosed in any media, the internet, court records, administrative hearings, Congressional hearings or U.S. General Accounting Office reports. Even Freedom of Information Act requests can be a public disclosure! There is an exception if the whistleblower has independent information that adds to what the government knows so it's important that any person who might think they have a case to discuss these issues with an experienced whistleblower lawyer.



[Click here to watch our video](#)



[Click here to watch our video](#)

## If Whistleblowers Report Fraud, Are They Protected from Retaliation?

If a whistleblower faces retaliation relating to efforts to expose violations of law –before, during or after bringing a case, the whistleblower may bring a claim for retaliation under the False Claims Act along with the qui tam claim on behalf of the government. Any damages recovered in the retaliation claim, which could include double back pay, interest, costs and attorneys' fees, belong solely to the whistleblower and are not shared with the government. Whistleblowers also may have rights under the laws of whatever state they are in which also protect against retaliation. §

*Visit us at online to find out more about whistleblowers.*





WHISTLEBLOWER ATTORNEYS

LOS ANGELES | OAKLAND | SAN JOSE

Main Office: 1965 Market Street, San Francisco, CA 94103 - 888.601.6939

[ReportGovFraudNow.com](http://ReportGovFraudNow.com)