



HOW TO BE A SUCCESSFUL  
**QUI TAM**  
**WHISTLEBLOWER**

ZACHARY KITTS

sample excerpt not for use without written permission

HOW TO BE A SUCCESSFUL  
**QUI TAM**  
**WHISTLEBLOWER**

ZACHARY KITTS

WORD ASSOCIATION PUBLISHERS

[www.wordassociation.com](http://www.wordassociation.com)

1.800.827.7903

sample excerpt not for use without written permission

Copyright 2017 Zachary Kitts

All rights reserved

No part of this book may be used or reproduced in any manner  
whatsoever without written permission of the author.

Printed in the United States of America

ISBN: 978-1-63385-214-3

Word Association Publishers

205 Fifth Avenue

Tarentum, Pennsylvania 15084

[www.wordassociation.com](http://www.wordassociation.com)

1-800-827-7903

sample excerpt not for use without written permission

## TABLE OF CONTENTS

<b>Introduction</b> .....	5
What Do I Mean When I Mention “Qui Tam Whistleblower” in This Book? .....	8
What Do I Mean When I Say “Government” in This Book? ..	8
The Steps in a Qui Tam Case ... and the Overall Goal .....	9
Conclusion .....	11
<b>1. Some Types of False Claims</b> .....	<b>12</b>
Overcharging .....	13
Fraud-in-the-Inducement Cases .....	13
Failure to Comply with Important Government Rules and Requirements .....	14
The Switcheroo .....	15
Fraudulent Accounting .....	15
Reverse False Claims .....	16
Conclusion .....	16
<b>2. Gathering Documents</b> .....	<b>17</b>
Rule Number 1 .....	19
Rule Number 2 .....	20
Rule Number 3 .....	20
Rule Number 4 .....	21
Why Copy Documents at All? .....	22
Internal Emails and Other Quasi-Official Documentation .	25
Text Messages, Voice Mails, Instant Messenger, Etc. ....	26
Documents Related to Your Employment .....	26
What Documentation Should I Copy? .....	27
What Other Documents Will Be Important to My Lawyer and the Government? .....	27
<b>3. Preparing Your Chronology</b> .....	<b>28</b>
The Five Ws: The hallmark of a Well-Done Chronology ....	30
What <i>Not</i> to Do in Your Chronology .....	32

Conclusion: Hallmarks of a Well-Done Chronology .....	34
<b>4. Finding and Working with a Lawyer .....</b>	<b>35</b>
Finding a Lawyer Who's Right for You .....	36
What to Do before You Call a Lawyer .....	37
<b>5. What to Expect When Your Case Is Filed .....</b>	<b>39</b>
Why Are Qui Tam Cases Filed under Seal? .....	39
What Should You Expect when Your Case Is Filed? .....	40
The Relator Interview .....	41
Waiting ... And Waiting .....	41
What Is a Partial Unsealing? .....	41
<b>6. To Object or Not to Object .....</b>	<b>45</b>
Some Hard Facts .....	45
Factors Courts Consider—Increase over the	
Minimum 15 Percent .....	47
Factors Courts Consider in Awarding the	
Minimum 15 Percent .....	47
Reduction below 15 Percent of the Recovery .....	48
Negative Points Courts Consider .....	48
Positive Things Courts Consider .....	49
Conclusion .....	50
<b>Partial List of Published Cases, Publications, and Seminars</b>	<b>51</b>
<b>About the Author .....</b>	<b>53</b>

## INTRODUCTION

Thank you for choosing *How to Be a Successful Qui Tam Whistleblower*. If you're reading this, there's a good chance you're thinking about pursuing a case as a qui tam whistleblower, and I know you will find this book helpful.

I wrote this book because I subscribe to the old wisdom that says the outcome of any legal case—good, bad, or otherwise—is only 20 to 25 percent dependent on your lawyer; the outcome is at the very least 75 percent dependent on you, the client. I wrote this book to help potential qui tam relators organize their thoughts and documents and help them seek out the right lawyer for legal advice.

Let me first explain what I mean by “relator.” I’m referring to someone who “relates,” that is, brings information to the government in the form of a qui tam case (this is not a “realtor,” someone who handles real estate). That’s the nature of qui tam cases—someone with first-hand knowledge about false claims hiring a lawyer and presenting, or relating, his or her case to the government.

I have based parts of this book on materials I typically provide to clients as I investigate and then prepare their cases. If my clients found my memos helpful as they worked with me, I think that you, the potential whistleblower, might also find this

information helpful as you begin to work your way through your thoughts and through the documents you may have gathered.

I did not write this book to help you determine if you have a case. Only by working with a lawyer with qui tam experience can you determine whether you have a case. But I do think this book can help you organize your information and thoughts so that when you *do* seek out a lawyer to help you determine if you have a case, you'll be prepared.

The federal False Claims Act (FCA)<sup>1</sup> offers significant monetary incentives for people like you to come forward, hire a lawyer, and file a case. Essentially, what qui tam relators (like you) and lawyers (like me) do is prepare cases for the government. In part, the reputation of your lawyer—and your future reputation with the government as a qui tam relator—depends on how well you organize and think your case through.

I wrote this book to help you do just that.

And make no mistake about it—failure at the early stages of your case could have catastrophic results for your case and for you personally. Failure to gather the right information in the right way can have so many bad outcomes that there is a whole chapter in this book dedicated to that. Failure to hire the right lawyer can be similarly disastrous in that your case could be dismissed or worse because of bad lawyering; I have dedicated a whole chapter to that as well.

I've written this book mainly for nonlawyers, so I have resisted the urge to cite cases for everything. You will see very little citation to case law and legal precedent in this book. It has not been easy for me to do that; eighteen years of researching law and writing legal memoranda has made that second nature for me. But however hard I have tried to refrain from using technical jargon in this book, I am at the end of the day a lawyer

---

1 31 U.S.C. § 3729 et seq.