

MEDIA MENTION

Roderick Thomas Discusses DOJ Memo on Dismissals of Qui Tam FCA Cases

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Roderick L. Thomas, a partner in Wiley Rein's White Collar Defense & Government Investigations Practice, was quoted in a January 25 *Law360* article regarding a leaked U.S. Department of Justice (DOJ) memo outlining the circumstances under which DOJ attorneys could request the dismissal of qui tam False Claims Act (FCA) cases for lack of merit. *Law360* noted that for suits in which a whistleblower alleges a company has defrauded the government, the DOJ has the authority to ask for dismissal of a case if it believes the suit lacks merit, although it rarely invokes this authority.

Mr. Thomas said a more aggressive dismissal policy could lead to a reduction in meritless cases, as individuals would be less likely to "roll the dice to extract settlements" from defendants. It could also free up government resources to assist in meritorious suits, and create more certainty regarding the factors the DOJ should weigh when considering a dismissal, he said.

"This memo is a clear articulation of the multiple factors that would support a dismissal, and we're hopeful that this will have an impact on litigation," Mr. Thomas said. "I've always viewed that there needs to be a leveling of the playing field, given the prevalence of cases that lack merit."

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