

Hot Trends in the False Claims Act: 2013 Mid-Year Review

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Few areas of law have seen as dramatic recent change as the False Claims Act (FCA). The trend has largely been increased exposure. Whistleblowers are filing FCA cases nonstop, and plaintiffs are fashioning a wider variety of activities into purported false claims against the Government. FCA claims are also being advanced in a growing list of industries. Whereas FCA allegations used to be a risk mostly confined to the medical and procurement industries, now communications companies, commercial lenders, energy providers, international trade companies, and entities in a variety of other nontraditional industries are routinely FCA targets. In this rapidly changing environment, any company doing business with the Government needs to understand what conduct can lead to FCA exposure, along with potential defenses to FCA liability.

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