

# Questions for Relators' Counsel

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## **The Basics**

Claim: What was the claim?

Falsity: Why was it false?

Knowledge: Who knew it was false? How did they know? Evidence?

Causation: How did the false claim cost the government money?

Damages: How much did the false claim(s) cost the government? How can we calculate?

Materiality: Would the responsible officials have paid if they knew the truth?

## **The Proof**

What did you do to investigate your clients' case?

What evidence corroborates what your client is saying?

What's the easiest way for us to check independently whether or not your client is right?

Have you prepared a list of witnesses?

Who is not still employed?

Who are friendly? Unfriendly?

Have you prepared a list of documents?

Have you prioritized which documents should be reviewed first and what they'll tell us?

Are there any imminent document preservation problems?

Can you give us the documents on disk?

Can you suggest any audit plans?

## **The Law**

Are there any particular legal issues we should know about?

Have you seen the applicable contracts? Can you provide them?

What contracts are involved? What types of contracts?

Are there particularly important contract provisions?

Are there any particular regulations or regulatory schemes involved?

Could you provide copies of the applicable regulations and any other materials concerning how the regulations should be interpreted?

Are you aware of any other similar cases or investigations pending?

## **The Problems**

What are the problems with the case?

What are defendants going to say about the problems?

What are the government officials going to say?

What did the government know about the problems?

Is there anything we should know about your client?

What are the defendants going to say about your client?

Are we going to need experts? Do you know of any who can help?

**Note:** These are suggested questions for the government to ask, which relators and their counsel should be prepared to answer. It is developed as a first step to be augmented with the details needed for a particular case.