

False Claims Act: 2016 Year-in-Review

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In 2016, the Department of Justice continued to give high priority to False Claims Act (FCA) investigations and prosecutions. The government brought in more than \$4.76 billion in settlements and judgments, nearly a billion dollars more than the previous year. Healthcare cases, including ones involving drug and device companies, again accounted for the lion's share at roughly \$2.6 billion. Department of Defense cases dropped to approximately \$122 million, with non-healthcare and non-Defense cases jumping to \$2.04 billion. That increase reflected both a continued focus on financial institutions and the mortgage lending industry, with approximately \$1.6 billion in recoveries there, and an increase in non-Defense procurement recoveries. In 2016, more than 700 new qui tam cases were filed, up over 2015's 630.

WilmerHale's comprehensive review of FCA developments surveys significant federal decisions, settlements, and recently filed or unsealed complaints; legislative and regulatory changes at both the federal and state levels; changes in investigation and litigation strategy by whistleblowers, state attorneys general, and federal prosecutors; and proposals for reform of the FCA. By looking back over 2016, the report also provides an important guide to changes on the horizon for 2017.

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