
Partner David Ogden Participates in Annual Legal Reform Summit

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WilmerHale Partner, David Ogden, chair of the Government and Regulatory Litigation Group, recently participated in the US Chamber of Commerce's annual [Legal Reform Summit](#). During the summit, the Chamber officially released Ogden's recent article, "[The Exclusion Illusion: Fixing a Flawed Health Care Fraud Enforcement System](#)." The article was co-authored by former WilmerHale Counsel Elisebeth Collins Cook.

The US Chamber of Commerce's yearly Legal Reform Summit is recognized as the nation's paramount comprehensive legal reform symposium.

Ogden participated in this year's summit on a panel entitled, "Federal Regulatory Overreach: Fresh Approaches." The members of the panel addressed federal regulatory and prosecution policies, focusing on the false claims act, exclusion authority, foreign corrupt practices act, and other Department of Justice activities.

The topic of Ogden's paper led the panel in a discussion about the federal government's efforts to prosecute fraud against the government in health care. By examining the problems with current enforcement of anti-fraud statutes, the paper illustrates that the current enforcement method does not reliably accomplish the basic goals to create a rational, effective, and fair health care fraud enforcement system. It argues that dysfunctions in the present enforcement system derive from a core flaw: the way the threat of "exclusion" from federal health care programs is utilized. The three part paper discusses the background of the current system, describes the problems, and, finally, explores solutions and sets forth a proposal to correct the system flaws.





Ogden (second from left) speaks during the 2012 Legal Reform Summit held at the US Chamber of Commerce in Washington DC.