

## What Are The Key Steps In A Qui Tam Case Under The False Claims Act?

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Under the False Claims Act, a qui tam whistleblower case has three main steps in the legal process:

First, after you retain a **qui tam attorney** to represent you, you will work with that qui tam attorney to compile the necessary information, and to prepare two documents—a complaint and a disclosure statement. The complaint is filed in court, and “under seal”, which means that during that time period, only the government is informed of the lawsuit. A disclosure statement is a memo from your attorneys to the Department of Justice, laying out the evidence that you have in support of your claims, and explaining the qui tam case to the Department of Justice attorneys.

Second, the **Department of Justice (or DOJ)** will open an investigation into your claims. DOJ attorneys will often work with investigators from the affected agency. During the investigation, you will be interviewed, and the DOJ may obtain documents or statements from other witnesses. These investigations are often quite time-consuming, and take an average of about 18 months. The case is kept under seal during that whole time. At the end of its investigation, the DOJ will make a decision about whether or not to intervene. An intervention would mean that the DOJ would come into the case, and litigate the case shoulder-to-shoulder with the qui tam whistleblower. If the DOJ declines intervention, however, the **qui tam whistleblower** still has the right to pursue the case without the DOJ’s help.

After the intervention decision, the case finally goes into active litigation, the third and final step in the qui tam process. During this stage, the whistleblower’s complaint is served to the defendant, and the case will proceed through its own phases, including discovery, trial, and any appeals. The discovery phase is the time when the defendant is required to disclose any and all information that is essential to the case. This entire litigation process is potentially a very long one, and can take several more years, although this last step is sometimes skipped entirely. It is possible that at any point in the qui tam process, the defendant will choose to settle the case.

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