

# **Dealing with a Government Investigation**



**HCCA Research Compliance Conference**

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## **What we will cover in several contexts**

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- Government expectations
- Common challenges
- Practical approaches

## Dealing with Agencies

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- Who are they?
- Specific role of AUSA
- Who is the government client?
- Do they have differing agendas?
- Bring them to the table or wait?

## **Attorney-Client Privilege and Work Product Protection**

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- What they are
- How to establish them
- How to maintain (and lose) them
- Government efforts to seek waiver
- Alternatives to waiver?

## Common Scenarios

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- Anonymous letters/tips
- Breach of confidentiality
- Whistleblower in our midst

## Witnesses

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- Government contacts
- Representation by corporate counsel or group counsel
- Obstruction issues

## Agent Techniques

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- Paper review before interviews
- Filling in the blanks
- Surprise
- Explaining potential outcomes
- Pride in case/selling to AUSA

## **Government Resources**

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- NIH
- Other witnesses
- Physicians and other professionals
- Third-party consultants

## **What aggravates the government**

- Witnesses don't know their lawyer as identified by organization
- Attorney says he/she represents everyone
- Organization pays for individuals' counsel
- Cover-up
- Evidence destruction/alteration
- Not telling the truth
- Not telling the whole truth

# Questions. . . .

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