

Here are 4 Things to Consider When Looking for a Whistleblower Lawyer

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Blowing the whistle to expose fraud or misconduct that is hidden from public view is one of the biggest public services that you can do. It can also be very lucrative, as you can collect a reward if the government intervenes in your case or even a portion of the eventual judgment.

However, the field of federal whistleblower laws is legally complex and, perhaps worse, the sensitive practical aspects of it make for a high stakes game that puts your professional future on the line. It is absolutely essential to have [experienced counsel](#) who represent whistleblowers on your side throughout this process.

Here are four things to consider for as you look for whistleblower lawyers or a whistleblower law firm to hire for your False Claims Act case.

1. A Track Record of Successes in Cases Similar to Your Own

Lots of lawyers will tout their experience as the reason to hire them for your case. In fact, the number of years of experience that they have will likely be the central claim that they make in their marketing materials.

Experience is extremely important, especially in whistleblower claims. These are incredibly sensitive cases and there are often several different avenues that you may pursue. Having an experienced whistleblower lawyer that has successfully represented clients to guide your case through these complexities is essential.

But not all experience is the same. You can think of “experience” either broadly or narrowly.

If you take a broad view of “legal experience,” then a lawyer who represented whistleblowers in any sector of whistleblower law, including international whistleblowers, can be included. Go even further, and you could include a lawyer’s past work in other, unrelated areas of the law, from criminal defense to personal injury.

A narrow view of “experience” would only look at the attorney’s proven track record with prior whistleblower cases and False Claims Act litigation that share distinct similarities with your own.

In this context, it is often better to have a narrow view of an attorney's past experience. Whistleblower cases are surprisingly diverse. They can involve:

- Securities fraud
- Tax fraud
- Investment fraud
- Healthcare fraud
- Pharmaceutical fraud
- Fraud in federal government contracts
- Environmental violations

Each of these areas raises its own unique risks, dangers, and opportunities for the person blowing the whistle on the misconduct.

Furthermore, there are several different laws that can be used to advance your interests as you blow the whistle, such as the:

- [Dodd-Frank Act](#)
- [False Claims Act](#)
- [Sarbanes-Oxley Act](#)

Ideally, your whistleblower attorney would have extensive experience handling cases in both the subject matter and the statutes that could be involved in your own. Look through their lists of prior representation and look for case descriptions that sound like what you are going through right now. If you do not see any, consider looking elsewhere.

2. A Government Background is a Good Sign

Typically, the goal in a whistleblower case is to gather enough evidence of the misconduct that, when you present your case to the relevant government agency and government attorneys, it is persuasive enough to convince the agency to intervene on your behalf. While you may still end up testifying or providing more evidence, if law enforcement intervenes then your case becomes relatively smooth sailing as the subsequent investigation will have all of the resources of the government behind it.

Legal representation that has handled whistleblower investigations within the government – especially if they were in the very same government agency that would intervene in your case – is a huge asset to have. They will have had whistleblower cases presented to them and would have been a part of the intervention decision. They have a deep understanding of what the agency is going to be looking for and how you can give it to them.

3. Remember That Large Firms Have More Resources Than Small Ones

The fact that convincing the government to intervene in your case so you can tap into its investigatory resources is a prime goal of most whistleblower cases comes with an implication: The amount of resources that your legal team has access to will matter a lot in your case.

This is especially true if the government agency decides not to intervene on your behalf. If that is the outcome, then you are free to pursue your whistleblower claim on your own. Having come so far and risked so much, dropping your case because the government declined to join it is not a popular decision. However, moving forward without the help of law enforcement is going to drain the

resources of the whistleblower or Qui Tam law firm that you have hired to represent you.

You want to make sure that, should this happen in your case, your legal team will be undaunted by the demands that will be made of them. You need to know that they will look at the upcoming investigation and not flinch.

This is why many whistleblower attorneys are housed in large law firms, rather than in small ones. These cases can soak up a lot of time and energy from the legal teams that handle them. Hiring a large firm can make a huge difference in the outcome of your claim.

4. The Legal Fees and Payment Structure Can Say a Lot

Another factor to consider when vetting whistleblower attorneys and firms is the fees that they charge and how they charge them.

Most whistleblower firms will represent you on a contingency fee basis. This means that you do not pay them unless your case wins something. There are two implications that you can draw from this.

First, if you are in representation discussions with a lawyer or firm and they tell you that they want to get paid up front or in a regularly-billed hourly rate, that is a strong sign that they do not think that you have a winning case.

Second, charging on contingency typically means that the firm is going to be covering the costs of the case until it secures a judgment or award. As Dr. Nick Oberheiden, founding partner of Oberheiden P.C., a national whistleblower firm, points out, *“This aspect of the representation – the contingency fee structure – makes it even more important for you to consider the resources that the firm has on hand to take your case all the way to the end. It will not just be the time and effort that your attorneys spend on your case. It will also be the firm’s money that has to last until your case resolves.”*

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