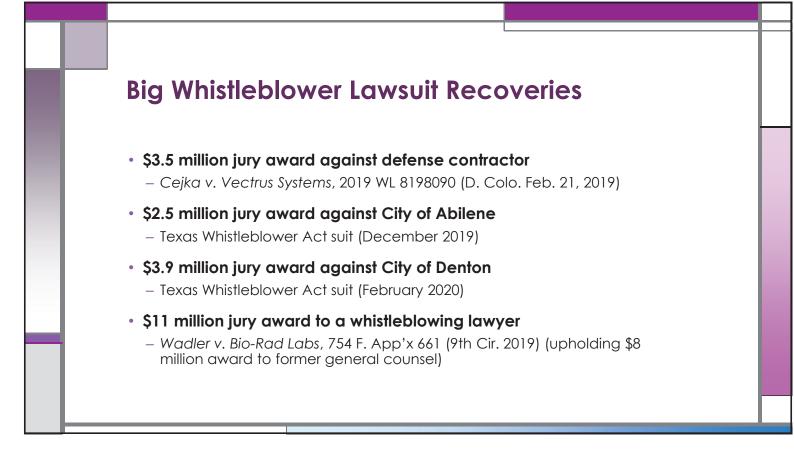
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Whistleblowers

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This presentation is presented by the authors in their personal capacities, and the views expressed are not necessarily reflect the official position of their employers.



Roadmap

- Outline federal whistleblower protection statutes
- National Defense Authorization Act
- False Claims Act
- Texas Whistleblower Act
- Discuss ethical issues related to attorney whistleblowers

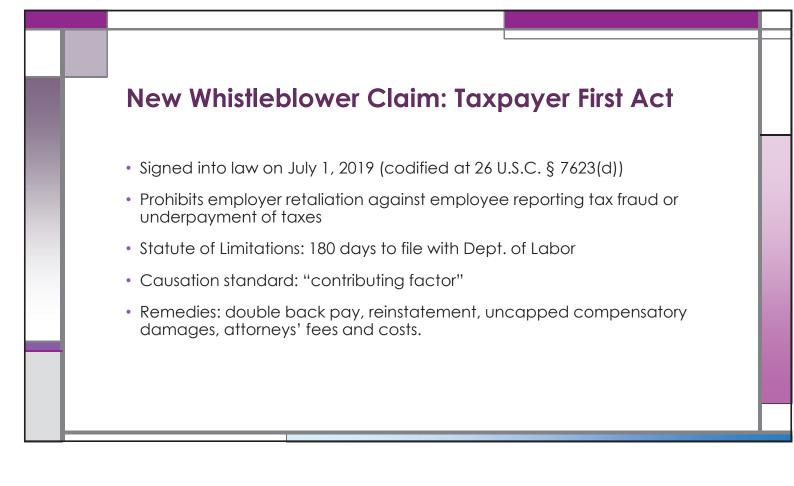


Many Federal Whistleblower Statutes

Statute	Year	Codified
False Claims Act	1863	31 U.S.C. § 3730(h)
Whistleblower Protection Act	1989	5 U.S.C. § 2302
National Defense Authorization Act of 2013	2013	41 U.S.C. § 4712
Sarbanes-Oxley Act	2002	18 U.S.C. § 1514A
Dodd-Frank Act	2010	15 U.S.C. § 78∪–6(i)
Federal Water Pollution Control Act	1972	33 U.S.C. § 1367
Federal Mine Safety and Health Act	1977	30 U.S.C. § 815(c)
Seaman's Protection Act	1984	46 U.S.C. §2114
Federal Railroad Safety Act	2007	49 U.S.C. §20109
Commercial Motor Vehicle Safety Act	1994	49 U.S.C. § 31105
Food Safety Modernization Act	2011	21 U.S.C. § 399d

Food Safety Modernization Act (FSMA)

- Covers any entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food
- Statute of Limitations: 180 days to file with Dept. of Labor
- Violation of food safety law or regulation.
- Causation standard: "contributing factor"
- Remedies: back pay, reinstatement, uncapped compensatory damages, fees and costs.



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