



## G. Norman Acker III

### Of Counsel

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## OVERVIEW

G. Norman Acker III is of counsel in the firm's Research Triangle Park office. Norman brings more than three decades of experience as an Assistant United States Attorney to help guide clients facing government False Claims Act investigations or other allegations of fraud or abuse of government programs. He is a member of the Health Care and FDA practice.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Norman served as acting U.S. attorney, the chief federal law enforcement officer in the Eastern District of North Carolina. That office is responsible for prosecuting all federal crimes in the district, including drug crimes, violent crimes, white collar fraud, terrorism, and public corruption. The U.S. Attorney's Office (USAO) also represents the United States in civil court, handling a wide variety of civil litigation. He previously served as an assistant U.S. attorney for more than 30 years, focusing his practice on the investigation and civil prosecution of health care fraud and other fraud against the government. In this capacity, he worked closely with the Health and Human Services Office of Inspector General (HHS-OIG), the North Carolina Medicaid Investigations Division (NC-MID), the Department of Defense Criminal Investigation Service (DCIS), the Drug Enforcement Administration (DEA), the FBI, and other law enforcement agencies. For 17 years, he served as the Deputy Chief of the Civil Division, where he both handled his own case load of civil fraud and health care fraud cases, and supervised as well as supervising all of the civil fraud, health care fraud, and False Claims Act cases for the Eastern District of North Carolina. He has received numerous awards and commendations from federal and state agencies in recognition of his collection of more than US\$100 million in connection with False Claims Act litigation. He served briefly as the civil chief, supervising all civil litigation for the USAO, before becoming the first assistant, supervising all civil, criminal, and appellate litigation in the office.

## SPEAKING ENGAGEMENTS

- Litigation Skills for Civil Attorneys, National Advocacy Center, January 12, 2017.
- Trial Practice Demonstration - U.S. ex rel Drakeford v. Tuomey, ABA National Institute on Health Care Fraud, 13 May 2016.

- Health Care Fraud Panel Discussion, North Carolina Bar Association, April 29, 2016.
- Case Study: Tuomey Health Care, North Carolina Health Care Compliance Association, March 18, 2016.
- Key Developments and Enforcement Trends Under the False Claims Act, Healthcare Litigation Conference, August 14, 2014.
- Professional Responsibility and Parallel Proceedings, United States Attorney's Office, 2004 - 2014.
- Civil Litigation Advisor: Civil Trial Advocacy, National Advocacy Center, 2001 - 2003.
- Emergency Matters, Civil Federal Practice Seminar, National Advocacy Center, 1994 - 2001.
- Maintaining Tough Fraud and Abuse Enforcement While Encouraging Voluntary Disclosures, N.C. Society of Health Care Attorneys, October 6, 2000.
- Leadership Perspectives, Healthcare Best Compliance Practices Seminar, Health Ethics Trust, May 20, 1999.
- Federal Enforcement of Health Care Fraud, North Carolina Bar Association Health Law Section Conference, March 27, 1998.
- Federal False Claims Act, 18th Annual Health Care Law Forum, East Carolina University Medical School, September 10, 1996.
- Federal False Claims Act, National Association of Medicaid Fraud Control Units, November 30, 1995.
- Combating Health Care Fraud and Abuse, Health Care Fraud Conference, United States Attorney's Office, June 7, 1995.

## EDUCATION

- J.D., University of North Carolina, 1985
- B.A., University of North Carolina, 1981

## ADMISSIONS

- Bar of North Carolina
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Central District of California
- United States District Court for the District of South Carolina
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina

## THOUGHT LEADERSHIP POWERED BY HUB

- 29 February 2024, US Department of Justice Announces US\$2.68 Billion in Fiscal Year 2023 False Claims Act Recoveries
- 5 July 2023, Supreme Court Affirms Government's Broad Dismissal Authority in False Claims Act Suits
- 8 June 2023, Supreme Court Issues Decision Regarding False Claims Act's Scienter Element
- February 2023, Eleventh Annual "Under the Wire" CLE Webinar
- 12 January 2023, Stark Law and the Anti-Kickback Statute Under the False Claims Act
- October 2022, False Claims Act: Insights on Local and National Developments

## OTHER PUBLICATIONS

- "Scienter Center Stage," *American Bar Association*, 27 March 2023
- "Scienter to Become Front and Center: Developments in the FCA's Objectively Reasonable Interpretation Defense," *Federal Bar Association*, January 2023

## NEWS & EVENTS

- 23 February 2023, Southeastern Health Care Fraud Symposium
- 2 February 2023, "Under the Wire" CLE Seminar
- 30 November 2022, False Claims Act Litigation in Healthcare, Hosted by Federal Bar Association Health Law Section
- 21 October 2022, Health Law Boot Camp, Hosted by North Carolina Bar Association
- 3 May 2022, K&L Gates Strengthens Health Care Practice with Addition of Another Former U.S. Attorney

## MEDIA MENTIONS

- "4th Circ. Upholds \$237M FCA Verdict Against SC Hospital," *Law360*, 2015
- "N.C. Must Repay Feds \$24 Million"

## AREAS OF FOCUS

- Health Care and FDA
- Federal, State, and Local False Claims Act
- Health Care Fraud and Abuse (U.S.)

- White Collar Defense and Investigations

## REPRESENTATIVE EXPERIENCE

- Litigated first civil health care fraud case in North Carolina using the False Claims Act, prevailing on summary judgment.
- Obtained civil judgments under the False Claims Act totaling \$3.8 million for tobacco warehouse fraud against the Department of Agriculture.
- Obtained civil judgements under the False Claims Act totaling \$3.35 million for fraud against the Department of the Army.
- Obtained criminal conviction against the head of children's mental health for the State of North Carolina for misappropriating foster care training funds from the United States Department of Health and Human Services.
- Recovered \$2.4 million from the State of North Carolina in connection with misappropriation of foster care training funds.
- Litigated and settled numerous health care fraud cases under the False Claims Act, obtaining millions of dollars of recovery on behalf of Medicare and Medicaid.
- Served as lead counsel in the U.S. District Court in the U.S. *ex re/* Drakeford v. Tuomey case, which consisted of two almost month-long jury trials, ultimately resulting in a judgment against the hospital for \$273 million, plus a civil settlement against the hospital CEO for an additional \$1 million.