

Michael C. Theis

Partner

Denver

Biography

For more than two decades, Mike Theis has been on the frontlines of litigation involving allegations of fraud and false claims. Nationally recognized for his experience with and understanding of the False Claims Act and qui tam litigation, Mike leads the False Claims Act practice for Hogan Lovells.

Before joining Hogan Lovells, Mike was a pioneer in the healthcare fraud enforcement efforts undertaken by the Department of Justice following the 1986 amendments to the Federal False Claims Act. As a trial lawyer in the Civil Division from 1988 to 1997, he was responsible for the recovery of millions of dollars under the False Claims Act and established some of the key precedents interpreting the qui tam provisions of the Act.

Today, Mike is a partner in the Investigations, White Collar and Fraud practice of Hogan Lovells. He is highly skilled in counseling individuals and companies who face government scrutiny for fraud and false claims. He draws on his comprehensive experience in both government and private practice, civil and criminal investigations, and trial work to provide clear, creative, and collaborative advice to companies targeted in federal law enforcement investigations. He is routinely called upon to negotiate "global" settlements of complex criminal, civil, and administrative



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Practices

Health Law

Litigation

Medical Device Law

Pharmaceutical and Biotechnology
Regulatory Law

Investigations

Industries

Life Sciences and Health Care

Aerospace, Defense, and
Government Services

Education

Energy and Natural Resources

enforcement matters.

As an Assistant U.S. Attorney in the District of Colorado from 1997 to 2005, Mike handled dozens of False Claims Act cases. He also investigated and prosecuted healthcare fraud, mail fraud, and wire fraud offenses, trying several cases to verdict in Federal court.

Representative experience

Represented state university in False Claims Act case alleging NIH grant fraud, obtaining a dismissal on jurisdictional grounds.

Negotiated global settlement for national healthcare provider, securing criminal declination, release of FCA liability, and waiver of exclusion.

Defended maker of mobile phone protective cases in FCA suit alleging importation fraud, obtaining settlement of Tariff Act and FCA claims.

Defended grand jury investigation of medical device manufacturer, negotiating settlement of FCA allegations and declination of criminal charges.

Persuaded Department of Justice to decline FCA suit against manufacturer accused of selling mobility devices not compliant with Trade Agreements Act.

Secured dismissal with prejudice of False Claims Act complaint alleging complex financial fraud against member-owned nonprofit financial cooperative.

Represented physician accused of importing unapproved oncology drugs, and negotiated misdemeanor plea and forfeiture.

Secured dismissal of FCA suit against cardiac surgeon accused of violations of the Anti-Kickback Statute.

Awards and rankings

- Litigation: White-Collar Crime & Government Investigations (Colorado), *Chambers USA*,

Areas of focus

Commercial Litigation
Government Investigations
White Collar Crime and Fraud

Education and admissions

Education

J.D., University of Colorado School of Law, 1987

B.S., with distinction, Colorado State University, 1980

Memberships

Member, Faculty of Federal Advocates

Member, Litigation and Health Law Sections, American Bar Association

Member, Litigation and Health Law Sections, Colorado Bar Association

Bar admissions and qualifications

Colorado

2011-2017

- Top Lawyers - Health, *5280*, 2015
- Healthcare: Health Insurers, *Legal 500 US*, 2013-2014
- Colorado Super Lawyers, 2008-2014, 2018
- Healthcare: Service Providers, *Legal 500 US*, 2014
- Litigation: White-Collar Criminal Defense, *Legal 500 US*, 2013
- Litigation: General Commercial (Colorado), *Chambers USA*, 2013
- Best Health Care Lawyer - Barrister's Best/People's Court, *Law Week Colorado*, 2012-2013
- Civil Division Special Commendations for Outstanding Service, *U.S. Department of Justice*, 1990 and 2001
- Inspector General's Integrity Award, 1996 and 2001
- Attorney General's Special Achievement Award, 1993

Latest thinking and events

- Media Mention
 - Department of Justice to Expand Self-Disclosure Program *Law Week Colorado*
- Media Mention
 - Justice Department touts \$3.7B in FCA recoveries in 2017 *Law Week Colorado*
- Hogan Lovells Publications
 - Tax cut and Jobs Act would change tax treatment of False Claims Act payments *Government Contracts Alert*
- Hogan Lovells Publications
 - False Claims Act: A Year in Review 2016
- Hogan Lovells Publications
 - False Claims Act Alert: Fourth Circuit Punts on Sampling and Extrapolation *False Claims Act Alert*
- Hogan Lovells Publications

Court admissions

U.S. Court of Appeals, 4th Circuit
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, 10th Circuit
U.S. District Court, District of Colorado

Accolades

"Outstanding performance and exceptional expertise."

Chambers

- Supreme Court decides that dismissal is not mandated for violations of the False Claims Act's seal provision *FCA Alert*