

## Rising Star: Latham's Amy Hargreaves

By Rachel Rippetoe

*Law360 (July 19, 2023, 10:33 AM EDT)* -- Amy Hargreaves of Latham & Watkins LLP has helped numerous health care companies, including Tenet Healthcare and Sutter Health, reach favorable settlements amid False Claims Act qui tam litigation and federal investigations into things like false billings and insurance fraud, earning her a spot among the health care attorneys under age 40 honored by Law360 Rising Stars.

### *One of the biggest cases of her career:*

Because Hargreaves works largely on cases related to the qui tam provision of the False Claims Act, allowing whistleblowers to file lawsuits under seal, a lot of what she does is still secret, she told Law360.

She's had cases under seal for seven years, and the cases that go extremely smoothly she'll never talk about, because they'll have been resolved before turning into litigation.

But there is one matter she helped resolve publicly that she is very proud of: FCA allegations against Sutter Health. The complaint against the health care system was unsealed in 2018 after more than two years of government investigation. Whistleblowers alleged that Sutter and its affiliated medical foundations billed for unsupported diagnoses of Medicare Advantage beneficiaries.

The government had claimed that Sutter Health knowingly submitted unsupported diagnosis codes for certain patient encounters for beneficiaries under its care. Those codes caused Sutter Health to get inflated payments, the U.S. Department of Justice alleged. And according to the Justice Department, even when Sutter Health realized what was happening, it failed to take care of the problem.

Hargreaves said this was a really interesting case for her team because the Medicare Advantage program's enforcement has grown increasingly important to government regulators.

"They want to make sure they're keeping an eye on potential fraud issues

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**RISING  
STAR**



**Amy Hargreaves**

Latham & Watkins

**Age:** 39

**Home base:** San Diego

**Position:** Partner

**Law school:** University of Southern California's Gould School of Law

**First job after law school:** Associate at Latham

in that space, so they have been doing a lot of enforcement activity there," she said. "It was great to get in on the ground floor in that area. This was sort of a new, exciting enforcement area. The law was really quite underdeveloped."

She said that during the course of both the government's investigation and early on in litigation, there were some important cases to come out of other districts dealing with Medicare Advantage enforcement, so the team had to be "proactive and dynamic" in thinking about the impact of those cases on its own litigation strategy.

But in some ways, the yearslong investigation into her client gave her team somewhat of an advantage, she said. Most of the time in litigation, when you're served with a complaint, it's the first time you're hearing about the matter. And then you have 30 days to file a motion to dismiss.

"We've had months, years to learn the facts," she said. "You understand the law really well because you've had all that time to look into it and research it. So that can be somewhat of a benefit."

#### ***Why she's a health care lawyer:***

Hargreaves said being immersed in a yearslong investigation is what she loves about this kind of work. She gets to spend time digging into the facts and getting to know her clients really well, being integrated into their systems and their world.

"You get to spend all of this time talking with and understanding people, and how their day-to-day works," she said. "That's the most interesting part for me, is getting to be able to interact with people like that all the time."

Hargreaves said she loves the Dolly Parton quote, "Find out who you are and do it on purpose." That's how she feels about this mix of client work and the challenges associated with big investigations and litigation that could result in millions of dollars of losses for her clients without her help.

"I feel like some people who work in BigLaw, they want to do big deals, but I like to help people who have big problems and especially deserving people working in the health care and life sciences space," she said. "These are people who have devoted their whole lives to providing health care to people who need it."

#### ***What motivates her:***

Hargreaves said she has clients who are working in the breast cancer space, and clients who are developing new drugs for people who need them.

"They're companies, of course, but they're doing work that I believe in," she said. "When they're facing big challenges, we say: 'We can help you through this thing that feels like an end of world crisis. There's a way through it.'"

The potential risk associated with many of her cases is massive, Hargreaves said. The damages in the false claims space or other types of health care fraud matters can be at "company-ending" levels, she said. But she can step in and help these companies, which provide crucial services to the public, stay afloat. She said this feels especially important as hospitals in rural areas across the country continue to close or become overcrowded.

"We can help explain to the government what they might not understand about the process, or help them understand how maybe this was a mistake, as opposed to something that you did intentionally

wrong, or whatever it is," she said.

"That's the role my team plays, is stepping in and being the translator between the folks who are very familiar with the health care, life sciences space and the government prosecutor who, while they may have a lot of health care cases, haven't been as integrated with the company's activities, so they just don't understand in some situations how things need to work," she added.

***How she thinks the health care practice will change in 10 years:***

Hargreaves said that technology and the focus on data preservation and protection are rapidly changing enforcement concerns for her clients. The evolving tech will continue to create some mismatch between expectations on the business side and the government enforcement side. That the space is so tied to federal reimbursement through the Medicare and Medicaid programs is also guaranteed to make this even more contentious, she said.

"The government's expectations with respect to what companies do with their information are advancing fairly quickly after a long period of DOJ guidance and expectations lagging," she said.

"Companies have really tightened up their understanding of the impact of things like big data on compliance program management," she said. "You have to make sure that if you have a Teams chat or WhatsApp messages that your folks are exchanging with each other, that that is part of what you are expected to actually control and preserve as a company."

*--As told to Rachel Rippetoe.*

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.*