

**Andy Liu**

Partner
aliu@crowell.com

Washington

1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595
Phone: 202.624.2907
Fax: 202.628.5116

Practice Areas

- White Collar & Regulatory Enforcement
- Litigation
- False Claims/Qui Tam
- Government Contracts
- False Claims

Andy Liu is a partner in the firm's White Collar & Regulatory Enforcement and Government Contracts groups. Mr. Liu also Co-Chairs the firm's False Claims Act practice. Mr. Liu's practice focuses on representation of corporate and individual clients in all phases of criminal and civil matters including internal investigations, compliance counseling, federal grand jury investigations, False Claims Act litigation and other complex civil litigation and criminal proceedings. He has represented individuals and corporations in matters involving government procurement fraud, health care fraud, price fixing, kickbacks, bribery, public corruption, conflict of interest laws, and other areas. He has written extensively on False Claims Act and other issues.

Prior to resuming his practice at the firm, Mr. Liu was a Trial Attorney with the United States Department of Justice's Civil Rights Division where he handled cases under a variety of federal statutes. He was twice awarded the Department of Justice's Special Achievement Award.

Mr. Liu is active in Bar activities, having served as a Board member of the Asian Pacific American Bar Association of the Greater Washington, DC Area (1997-1999) and as Vice-Chair of the Committee for Civil Rights and Equal Opportunity for the ABA's Section of Individual Rights and Responsibilities (1998-2002). He currently serves on the Board of Trustees of the Lawyers' Committee for Civil Rights Under Law, and has also served as a member and Chair of the Board of the Asian Pacific American Legal Resource Center. Mr. Liu also currently serves on the firm's Diversity Council and as a Board Member of the Crowell & Moring Foundation.

Mr. Liu received a B.S.M.E. from Lehigh University in 1988 and an M.S.M.E. degree from the University of Texas at Austin in 1992. In 1995, Mr. Liu received his J.D. from Georgetown University Law Center where he served on the Georgetown Journal of Legal Ethics.

Mr. Liu is a member of the bars of the District of Columbia and New York.

Representative Matters

- Represents "battlefield" contractor in *qui tam* suit alleging fraud in performance of security detail contracts.
- Represented foreign construction company in *qui tam* suit alleging fraud in connection with building of US Embassy; successfully argued dismissal of suit at summary judgment stage and affirmance of dismissal by the U.S. Court of Appeals for the Fourth Circuit.
- Represents munitions manufacturer in False Claims Act suit relating to alleged product substitution.
- Represented foreign company in parallel criminal, civil and congressional investigations relating to alleged fraud in connection with over one billion dollars in government contracts.
- Represents major food supplier in parallel criminal and civil investigations relating to federal Prime Vendor contracts.
- Represented federal Immigration Judge in Department of Justice Office of Professional Responsibility/Office of Inspector General investigation relating to DOJ hiring practices; no adverse action taken.
- Represented attorney in connection with parallel criminal and congressional investigations relating to alleged tax shelter fraud; no charges brought.
- Represented former political appointee in Department of Justice Office of Inspector General investigation relating to conflict of interest laws.
- Represented major defense contractor in criminal investigation relating to alleged violations of espionage statutes; successfully convinced government to close investigation without any charges.
- Represented former head of a federal agency in criminal proceeding concerning alleged violations of conflict of interest laws; successfully negotiated misdemeanor disposition.
- Represented major railroad in *qui tam* suit; successfully obtained dismissal of suit.
- Represented a Medicare Carrier in a six-year federal investigation prompted by a *qui tam* suit alleging fraud in connection with the processing of claims; successfully obtained dismissal of suit without unsealing.
- Represented major metals manufacturer in DOJ investigation relating to alleged antitrust violations; closed without prosecution.
- Represented major advertising agency in internal investigation relating to possible kickbacks in connection with a federal contract and represented client in voluntary disclosure to agency; successfully concluded without criminal, civil or administrative charges.
- Represented eighteen mining companies in *qui tam* suit alleging that they had fraudulently obtained mineral rights on federal lands by failing

to disclose their alleged foreign ownership in mining claim records with the Interior Department; successfully obtained dismissal.

- Represented federal agency in administrative investigation and subsequent enforcement actions against regulated entity and its top officials in connection with earnings manipulation issues.
- Represented major defense contractor in False Claims Act litigation concerning alleged conspiracy in connection with alleged misuse of U.S. aid by a former Israeli Air Force officer.

Education

- Lehigh University, B.S.M.E. (1988)
- University of Texas at Austin, M.S.M.E. (1992)
- Georgetown University Law Center, J.D. (1995)

Affiliations

Admitted to practice: District of Columbia, New York, U.S. Supreme Court, U.S. Court of Appeals for the Fourth Circuit, U.S. District Court for the District of Columbia, U.S. District Court for the District of Connecticut

Publications

- "Two Steps Forward, One Step Back - The D.C. Circuit Expands The False Claims Act's Reach, But Not for Mere Mistakes," *The Government Contractor*, Vol. 53, No. 4 (January 2011). Co-Authors: Andy Liu and Jonathan Cone.
- "The FAR Mandatory Disclosure Rules – You Do Not Have the Right to Remain Silent," ABA 23rd National Institute on White Collar Crime 2009 (March 2009). Co-Authors: Andy Liu and Gunjan Talati.
- "The Government's Overlooked Weapon in Protecting the Public Fisc: Dismissals Under 31 U.S.C. § 3730(c)(2)(A)," ABA 7th Annual National Institute on the Civil False Claims Act and Qui Tam Enforcement (June 2008). Co-Authors: Brian C. Elmer, Andy Liu and Ann Mason Rigby.
- "Combating Human Trafficking: The Long Arm of the FAR," *International Government Contractor*, Vol. 5, No. 1 (January 2008). Co-Authors: Andy Liu and Jane Foster.
- "The Insufficient Complaint - Consequences," ABA 21st Annual National Institute on White Collar Crime 2007 (March 2007). Co-Authors: Brian C. Elmer and Andy Liu.
- "Government Employee-Relators: The Dr. Jekyll and Mr. Hyde Syndrome," ABA 6th Annual National Institute on the Civil False Claims

Act and Qui Tam Enforcement (June 2006). Co-Authors: Brian C. Elmer and Andy Liu.

- "Because of": FCA Damages and Penalties," American Conference Institute, False Claims Act Enforcement & Litigation (June 2005). Co-Authors: Brian C. Elmer and Andy Liu.
- "FCA Damages and Penalties: Recent Developments and Recurring Themes," ABA 19th Annual National Institute on White Collar Crime 2005 (March 2005). Co-Authors: Brian C. Elmer and Andy Liu.
- "FCA Damages and Penalties: Recent Developments and Recurring Themes," ABA 5th Annual National Institute on the Civil False Claims Act and Qui Tam Enforcement (June 2004). Co-Authors: Brian C. Elmer and Andy Liu.
- "The Other Sheriff in Town - Qui Tam Actions Under the False Claims Act," NMA Mining Lawyers Conference, Tucson, AZ (September 1998). Co-Authors: John Macleod and Andy Liu.
- "Full Inclusion and Deaf Education — Redefining Equality," 24 *J. Law & Educ.* 241 (1995). Author: Andy Liu.

Alerts & Newsletters

- "D.C. Circuit Loosens Public Disclosure Bar While Tightening the Reins on Damages," *Government Contracts Bullet Points* (May 16, 2012). Contacts: Robert T. Rhoad, Andy Liu, Alan W. H. Gourley, Brian T. McLaughlin.
- "Substantial Penalties Under the FCA Without Real Damages Violates Eighth Amendment," *Government Contracts Bullet Points* (February 23, 2012). Contacts: Andy Liu, Robert T. Rhoad.
- "Earlier Complaint Fails 9(b), But Bars FCA Suit," *Government Contracts Bullet Points* (November 8, 2011). Contacts: Andy Liu, Robert T. Rhoad, Mark R. Troy.
- "CFC Finds Unreasonable Deviation from Customary Commercial Practices," *Government Contracts Bullet Points* (October 26, 2011). Contacts: Andy Liu, Peter Eyre, Jacinta Alves.
- "Supremes Hold FOIA Response Satisfies FCA Public Disclosure Bar," *Government Contracts Bullet Points* (May 16, 2011). Contacts: Brian C. Elmer, Robert T. Rhoad, Andy Liu.
- "Touhy Foey," *Government Contracts Bullet Points* (May 6, 2011). Contacts: Frederick (Rick) W. Claybrook Jr., Andy Liu.
- "The False Claims Act's Seal Provisions Upheld," *Government Contracts Bullet Points* (April 4, 2011). Contact: Andy Liu.
- "D.C. Circuit Adopts Implied Certification, But Rejects Collective Knowledge," *Government Contracts Bullet Points* (February 8, 2011). Contact: Andy Liu.
- "'Collective Knowledge' Rejected," *Government Contracts Bullet Points* (December 7, 2010). Contacts: Andy Liu, Robert T. Rhoad.

- "Latest False Claims Act Developments Further Erode Safeguards Against Parasitic Whistleblower Suits," *Government Contracts Bullet Points* (March 31, 2010). Contacts: Brian C. Elmer, Andy Liu, Ann Mason Rigby.
- "Abu Ghraib Service Contractors Immune From Tort Claims," *Government Contracts Bullet Points* (September 18, 2009). Contacts: Brian C. Elmer, Andy Liu.
- "Attorney General Commits to "Smart on Crime" Approach to Economic Crimes," *White Collar Alert* (August 5, 2009). Contacts: Janet Levine, Andy Liu, Shamiso Maswoswe.
- "Fifth Circuit Affirms FCA Liability and Damages Under A Fraud-in-the-Inducement Theory," *White Collar Alert* (July 17, 2009). Contacts: Andy Liu, Brian C. Elmer.
- "FCA Treble Damages Awarded For Grant Fraudulently Induced, Despite Successful Performance," *Government Contracts Bullet Points* (July 17, 2009). Contacts: Andy Liu, Brian C. Elmer.
- "U.S. Not A "Party" To Whistleblower Cases When It Has Not Intervened, Supreme Court Says," *Government Contracts Bullet Points* (June 12, 2009). Contacts: Brian C. Elmer, Robert T. Rhoad, Andy Liu.
- "Congress Amends False Claims Act," *Government Contracts Bullet Points* (May 19, 2009). Contacts: Brian C. Elmer, Andy Liu, Peter Eyre.
- "Fraudulent Claim Gets The Triple Whammy," *Government Contracts Bullet Points* (March 3, 2009). Contacts: Frederick (Rick) W. Claybrook Jr., Andy Liu.
- "Subcontractor Must Intend That Government Pay False Claim Submitted To Prime, Supreme Court Rules," *Government Contracts Bullet Points* (June 10, 2008). Contact: Andy Liu.
- "Scope of Proposed Rule on Self-Reporting is Expanded and Would Also Require Self-Reporting of FCA Violations and Contract Overpayments," *Government Contracts Bullet Points* (May 16, 2008). Contacts: Shauna E. Alonge, Andy Liu, Angela B. Styles.
- "Stay Tuned For Likely Changes In False Claims Law," *Government Contracts Bullet Points* (February 28, 2008). Contacts: Brian C. Elmer, Andy Liu, Marc F. Efron.
- "False Claims Act - Supreme Court Will Review Allison," *Government Contracts Bullet Points* (October 30, 2007). Contacts: Brian C. Elmer, Marc F. Efron, Andy Liu.
- "Civil FCA Relator Fees Are Deductible," *Government Contracts Bullet Points* (August 1, 2007). Contacts: Howard M. Weinman, Andy Liu, Brian C. Elmer.
- "Government Auditor Cannot Qualify As An Original Source," *Government Contracts Bullet Points* (April 4, 2007). Contacts: Brian C. Elmer, Andy Liu.

- "Supreme Court Deals Set-Back To Whistleblowers," *Government Contracts Bullet Points* (April 2, 2007). Contacts: Brian C. Elmer, Andy Liu.
- "Supreme Court Resolves "Original Source" Issue," *Government Contracts Bullet Points* (March 28, 2007). Contacts: Brian C. Elmer, Andy Liu.
- "Supreme Court To Decide Who Qualifies As An "Original Source"," *Government Contracts Bullet Points* (December 5, 2006). Contacts: Brian C. Elmer, Andy Liu.
- "Government's Complaints-In-Intervention Do Not Relate Back To *Qui Tam* Complaint ," *Government Contracts Bullet Points* (November 21, 2006). Contacts: Brian C. Elmer, Andy Liu.
- "New Electronic Discovery Rules Approved ," *Government Contracts Bullet Points* (April 19, 2006). Contacts: Jeane A. Thomas, Andrew H. Marks, Andy Liu.

Speaking Engagements

- "Investigations," Crowell & Moring's 2012 Ounce of Prevention Seminar (OOPS), Washington, D.C. (May 9-10, 2012). Co-Speakers: Philip Inglima, Andy Liu, and Raja Mishra.
- "Fraud, Debarment & Suspension," West Government Contracts Year In Review Conference (February 21-24, 2012). Speakers: Andy Liu and W. Stanfield Johnson.
- "Sustaining Corporate Compliance in an Era of Whistleblowers," 2011 National Asian Pacific American Bar Association Convention, Atlanta, GA (Nov. 18-20, 2011). Panelist: Andy Liu.
- "False Claims Act Developments: Congress Opens the Floodgates While Courts Mop Up The Mess," 27th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring, Washington, D.C. (May 24-26, 2011). Co-Presenters: Robert T. Rhoad, Mark R. Troy, Andy Liu, Jonathan Cone.
- "Fraud, Debarment & Suspension," West Government Contracts Year In Review Conference (February 22-25, 2011). Speakers: Andy Liu and W. Stanfield Johnson.
- "Update on the Foreign Corrupt Practices Act and the False Claims Act," – Live Webcast with Grant Thornton (June 10, 2010). Presenters: Andy Liu, William Olsen (Grant Thornton), John Barnes (Grant Thornton).
- "Contract Fraud: One Year After FERA," Caught in the Federal Procurement Fish Bowl, 26th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring, Washington, D.C. (May 26-27, 2010). Presenters: Mark R. Troy, Robert T. Rhoad, Andy Liu, Mana E. Lombardo.
- "Contract Fraud And False Claims," Crowell & Moring's 2009 Ounce Of Prevention Seminar (OOPS) (May 27, 2009). Moderator: Andy Liu.

- "Government Contracting and Mandatory Voluntary Disclosures," ABA 23rd National Institute on White Collar Crime 2009 (March 4-6, 2009). Panelist: Andy Liu.
- "Fraud Enforcement Developments," Crowell & Moring's 2007 Ounce of Prevention Seminar (OOPS) (April 26, 2007). Panelist: Andy Liu.
- "Evaluating the Effectiveness of Corporate Counsel Initiatives," ABA Commission on Racial and Ethnic Diversity in the Profession's Fall Minority Counsel Program (September 8, 2006). Panelist: Andy Liu.
- "Claims and Litigation: The E-Discovery Challenge," Crowell & Moring's 2006 Ounce of Prevention Seminar (OOPS) (April 28, 2006). Panelist: Andy Liu.
- "Procurement Fraud: Trending Where?," Crowell & Moring's 2006 Ounce of Prevention Seminar (OOPS) (April 27, 2006). Panelist: Andy Liu.
- "Preparing for Audits and Investigations," Katrina, Rita and Beyond: A Roundtable on Domestic Emergency Response Contracting (October 26, 2005). Panelist: Andy Liu.