



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 health care 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



Phone

+1 303 899 7327

Fax

+1 303 899 7333

Email

michael.theis@hoganlovells.com

Practices

Health Law

Litigation Services

Medical Device and Technology
Regulatory

Pharmaceuticals and Biotechnology
Regulatory

Investigations, White Collar, and
Fraud

Commercial Litigation

Industries

Life Sciences and Health Care

Aerospace and Defense

Education

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 health care 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

- Life Sciences Star, *LMG Life Sciences*, 2019
- Colorado Super Lawyers, 2008-2014, 2018-2019

Energy and Natural Resources

Areas of focus

Government Investigations
False Claims Act and Qui Tam

Education and admissions

Education

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

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

Court admissions

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Tenth Circuit

- Litigation: White-Collar Crime & Government Investigations (Colorado), *Chambers USA*, 2011-2020
- Top Lawyers - Health, *5280*, 2015
- Healthcare: Health Insurers, *Legal 500 US*, 2013-2014
- 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

Latest thinking and events

- Hogan Lovells Publications
 - Eleventh Circuit restores most of multimillion dollar verdict in favor of qui tam relator backed by litigation funder
- News
 - Stark Law waivers, HHS-OIG announcement offer health care providers greater flexibility during COVID-19 pandemic
- Hogan Lovells Publications
 - Executive Order prohibits hoarding of certain scarce supplies
- Hogan Lovells Publications
 - Podcast series: False Claims Act 2019 and the road ahead *Hogan Lovells*
- Hogan Lovells Publications
 - FCA Guide: 2019 and the road ahead *Hogan Lovells*

U.S. District Court, District of Colorado

Accolades

"Outstanding performance and exceptional expertise."

Chambers

- Hogan Lovells Publications
 - FCA Alert: Decision Opens Door to Challenge of Agency Guidance in False Claims Cases *FCA Alert*