

Melissa Jampol Quoted in "Justice Dept. Mulling Yates Memo Policy Clarifications"

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Melissa L. Jampol, a Member of the Firm in the Health Care and Life Sciences and Litigation practices, in the firm's New York office, was quoted in *Bloomberg BNA Health Care Daily Report*, in "Justice Dept. Mulling Yates Memo Policy Clarifications," by Sara Merken. (*Read the full version - subscription required.*)

Following is an excerpt:

The Department of Justice is planning a review of prosecution policies that will likely create a clearer road map for federal prosecutors looking into health-care fraud, attorneys told Bloomberg Law. ...

The DOJ's review should resolve some of the "unintended consequences" of the Yates memo, Melissa Jampol, former assistant attorney in the U.S. attorney's office for the District of New Jersey, told *Bloomberg BNA*. Jampol is a member of Epstein Becker Green's health-care and life sciences and litigation practices in New York and Newark, N.J.

How corporations should respond to DOJ investigative inquiries for information on executives and individuals "remains a gray area for attorney client privilege" and deserves particular attention in a memo review, Jampol said.

The memo mandates full company cooperation in disclosing information about individuals allegedly involved in fraud if the organization expects to receive any cooperation credit for resolving investigations.

People



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Companies and attorneys trying to understand the process would benefit from a more explicit breakdown of cooperation credit requirements, like that under the Foreign Corrupt Practices Act (FCPA) enforcement process, which lays out how much credit a company will receive in a settlement by a setting a percentage reduction, Jampol said.

Companies are concerned about whether withholding privileged client information results in forfeiting cooperation credit. A review of the memo should clarify the suggestion that the department alone makes the decision as to whether all relevant facts were provided in the investigation, Jampol added.