

# What Creates Whistleblowers?

- Kesselheim, et al., *Whistle-Blowers' Experiences in Fraud Litigation against Pharmaceutical Companies*, N Engl J Med 2010, 362; 1832-1839
  - Study of relators involved in 17 qui tam cases against pharma companies settled between January 2001 and March 2009
  - Standardized interviews
  - Relators' motivations and experiences
- “Helped” by DOJ Civil Division to identify subjects
- Successful cases; government intervened

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- Most relators were “insiders” (22/26)
- “Troubling behavior” typically encountered by insiders as part of career change (16/22)
  - New company; new job; business climate or management change
- “Insiders” usually reported the activity to supervisors, filed internal complaints, or both (18/22)
  - Most were told to do what they had been directed to do (12/22)
  - Some told activity was “legal” (4/22)

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- Few relators started out planning to get involved in qui tam actions (6/26)
  - Remainder “fell into” relator role for other reasons
- No subjects admitted to being motivated by the financial bounties offered by statutes
  - Authors acknowledge possible “socially desirable response bias”
  - Relator payments ranged from \$100,000 to \$43 million; mean was \$3 million
  - No effort to correlate payment and views

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- Why they did it
  - “Integrity” (11/26)
  - “Justice” (7/26)
  - “Protecting public health” (7/26)
  - Self-protection (5/26)
- Would they do it again?
  - Prevailing sentiment: payoff not worth the personal cost
    - 20/22 “insiders” left industry
  - 22/26 felt actions were “important”