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Constantine Cannon Law School Essay Writing Contest on the Importance of Whistleblowers

Prior to 2021, the words *qui tam* were entirely foreign to me, and the only whistleblowers I could name off the top of my head were Edward Snowden and Mark Felt. That changed when I began working part-time at a small, five-attorney *qui tam* law firm during the Spring semester of my 2L year. During that time, I learned plenty about the False Claims Act, the Stark law, and the minutiae of Medicare billing and Department of Defense contracting. But what has stuck with me the most has been the simple wisdom and courage of the men and women willing to blow the whistle on fraudulent conduct.

People often ask what traits are most important in a person: loyalty, honesty, kindness, humility. While these are all virtues to be commended in an advanced society, I believe the two most important qualities are wisdom and courage. Wisdom, distinct from mere intellect or knowledge, is knowing what to do in a given situation. It is knowing when to follow the crowd and when to depart from it or when to acquiesce and when to stand firm. Wisdom is also knowing when a corporate practice crosses the line from aggressive to abusive and fraudulent. Courage, meanwhile, is the ability to act on that wisdom despite all the pressures of friends, family, colleagues, and society as a whole pushing against.

Although the whistleblowers I have met have been a varied lot—Black, White, Male, Female, PhD, GED—all have displayed uncommon levels of both wisdom and courage. Wisdom to understand that, despite the often refined and systematic tactics of their employer, something wrong is going on. Courage to investigate, ask questions, and refuse to conform in spite of the relentless incentives to join the scheme and unceasing threats against speaking out. Wisdom and courage to reject compliance, to quietly collect information, to put their careers, reputations, and well-beings on the line if it means stopping what they know to be wrong.

What makes whistleblowers all the more impressive in my eyes is that, although a large financial award could await them at the end of their legal journey, the money is often not the reason why they blow the whistle. Many whistleblowers are afraid of the potential repercussions of their actions, but all are willing to take the risk because of the inherent desire to simply do what is right. In my numerous conversations with whistleblowers, I have been asked several times if the process can be sped up at all, but never because the whistleblower is keen on being paid quicker. Rather, and nearly without fail, they have yearned to speed up the process because the idea of innocent people being taken advantage any longer of by a fraudulent corporation is simply unacceptable.

The basic instinct to right a wrong, when coupled with the wisdom to know how to address a particular situation and the courage to act despite the potential blowback, is what makes a whistleblower special and necessary in our corporate system. Contrary to the insults often thrown at them, such as *snitch* or *tattletale*, whistleblowers bring attention to wrongdoing not simply for their own benefit or for another's detriment, but because they understand that society will be better off if what is being done in the dark is brought to the light. An essential component of a free market, whistleblowers regulate from within, ensuring fairness and compliance through wisdom and courage.