



PRO SE / SELF-REPRESENTED GUIDE

Whistleblower & Retaliation Exhibit Guide

Document protected activity, adverse actions, and the timeline connecting them for retaliation claims

Whistleblower protections exist under multiple federal statutes: the False Claims Act (31 U.S.C. § 3730) covers fraud against the government with a 6-year statute of limitations, Sarbanes-Oxley § 806 (18 U.S.C. § 1514A) protects corporate fraud reporters with a 180-day OSHA filing deadline, and Dodd-Frank § 922 covers SEC whistleblowers with a 6-year window. State whistleblower statutes add additional protections. The core of every retaliation case is the same three elements: you engaged in protected activity (reported wrongdoing), your employer took an adverse action against you (firing, demotion, reassignment), and the two are connected. Temporal proximity — how close in time the report was to the retaliation — is often the strongest evidence of that connection. This guide covers how to document all three elements.

Protected Activity Documentation

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Adverse Action Evidence

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Employment and Performance Records

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Company Policies and Context

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Timeline and Witness Evidence

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COMMON MISTAKES TO AVOID

1. Not keeping a personal copy of the report you filed. If it's only in company systems, it can be altered or deleted.
2. Missing the filing deadline. SOX gives 180 days to file with OSHA. The False Claims Act has a 6-year statute of limitations. Dodd-Frank gives 6 years for SEC claims. Know which statute covers your situation.
3. Failing to build the timeline. Temporal proximity — being fired two weeks after reporting — is often the single strongest piece of evidence.
4. Not gathering performance reviews from before the report. If you were "meeting expectations" for three years and suddenly "unsatisfactory" after reporting, that contrast tells the story.
5. Signing a severance agreement with a release of claims before consulting an attorney.

ORGANIZATION TIPS

- The timeline is the backbone of your case. Create a one-page chronology: date of report, dates of each adverse action, and supporting document for each entry.
- Put your protected activity documentation first — the report itself, proof you sent it, and proof it was received
- Pair every adverse action with the nearest positive performance record. Termination in March + "exceeds expectations" review in January tells the story.
- Group comparator evidence separately: employees who didn't report and weren't disciplined for the same or worse conduct.
- Keep severance offers and settlement communications in a separate section. They may be subject to different rules of admissibility.
- If you have evidence of the underlying fraud or wrongdoing, include it. It establishes that your report was in good faith and based on real concerns.

COURTROOM PREPARATION

- Your case is a story with three chapters: what you reported, what happened to you afterward, and why those two events are connected. Practice telling it in that order.
- The most common defense is "we fired you for performance reasons, not for reporting." Be ready to rebut with your pre-report performance record.
- Temporal proximity is powerful but not always enough. Have additional evidence of causation: comments from managers, shift in treatment, pattern of retaliation against other reporters.
- If your employer has a documented anti-retaliation policy, and they violated it, bring both the policy and the evidence of violation.
- Know which statute protects you and its specific elements. False Claims Act, SOX, and Dodd-Frank have different requirements.
- Be prepared to explain the underlying wrongdoing you reported in simple terms. The judge or jury needs to understand what you reported and why it was a good-faith concern.

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