



Patrick J. Preston

MEMBER

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BIOGRAPHY

Patrick Preston represents clients facing governmental investigations and regulatory compliance issues, for criminal defense matters, and in complex litigation.

He provides aggressive, responsive, and compassionate representation to assess and manage risks, protect and advance legal rights and reputational interests, and achieve the best possible outcomes.

As a member of McKay Chadwell with more than 20 years of experience, Patrick represents business, legal and medical professionals, healthcare entities, witnesses, subjects, and targets of criminal investigations, and individuals harmed by governmental action. He champions clients who have limited court experience, and he has a personal interest in civil rights issues and open records advocacy, special education services, and police misconduct reform.

Patrick's cases often involve the U.S. Department of Justice, local U.S. Attorney's Office, Washington State Attorney General's Office, legal and medical disciplinary authorities, and county and city prosecuting attorney offices. He represents clients for all aspects of civil litigation, criminal prosecutions and regulatory proceedings, including grand jury appearances, motion hearings, trials, and appeals. Outside the courtroom setting, he performs corporate internal investigations and business ethics program assessments.

Patrick has tried dozens of cases to successful verdicts and prevailed in numerous appeals, including before the Washington State Supreme Court. He is a former deputy prosecutor for the late King County Prosecuting Attorney Norm Maleng and served as a law clerk for U.S. Magistrate Judge David E. Wilson in Seattle.

EDUCATION

- J.D., Indiana University McKinney School of Law

- B.A., Indiana University, Political Science and English

COURT & BAR ADMISSIONS

Court Admissions

- United States District Court, Western District of Washington
- United States Court of Appeals, Ninth Circuit

Bar Admission

- Washington

REPRESENTATIVE CASES

- **Successful representation of medical group and settlement of False Claims Act lawsuit.** A whistleblower's complaint alleged violations of the Stark Law and Anti-Kickback Statute. The whistleblower targeted a national healthcare provider and local affiliate regarding patient referrals and office rental arrangements. After a defense investigation and coordinated negotiations with counsel for the national provider, the matter was settled prior to trial.
- **Internal investigation of ambulatory surgical facility for mandatory diversion reporting to state and federal authorities.** After mandatory reporting and the presentation of internal investigation highlights to state and federal regulators, governmental investigations concluded without legal proceedings against the facility. Implementation of remedial measures were implemented to safeguard the facility's controlled substance inventory, deter diversions, and fortify compliance and reporting mechanisms.
- **Resolution of wage and hour audit of dental clinic by U.S. Department of Labor.** Internal investigation of clinic in response to DOJ audit examined compliance with wage and hour laws. Findings and records were presented to federal regulators, including notice of remedial overtime compensation payments to employees. Audit concluded without legal proceedings or sanctions against clinic.
- **Negotiation of Stipulation to Informal Disposition for physician in unprofessional conduct investigation by Medical Quality Assurance Commission (MQAC).** Federal and state investigations focused on physician's telemedicine practice during a time of fluctuating legal standards and increased scrutiny by regulators. After working closely with co-counsel to address Department of Health investigation concerns, a STID was approved by MQAC to authorize the physician's continued probationary practice of medicine under remedial conditions.
- **U.S. Drug Enforcement Administration (DEA) negotiation for reissuance of physician's controlled substances prescription registration.** Following a physician's voluntary surrender of controlled substances registration and participation in the Washington Physicians Health Program (WPHP), presentation to DEA regarding remedial measures and negotiated Memorandum of Agreement enabled client to obtain a new registration.

- **Pretrial dismissal of state felony charges in high-profile financial exploitation and fraud prosecution.** A multi-agency state and federal investigation scrutinized the allegedly unauthorized transfers of funds from vulnerable adult to client and other family members. Extensive defense investigation revealed significant exculpatory evidence and proof problems warranting dismissal of felony charges by the King County Prosecuting Attorney Office prior to trial.
- **Resolution of juvenile vehicular homicide investigation as deferred disposition.** A Seattle Police Department investigation of a traffic fatality accident resulted in criminal charges against juvenile client. A defense forensic investigation demonstrated persuasive mitigating circumstances that prompted plea negotiations with the King County Prosecuting Attorney Office, resulting in non-conviction resolution through a deferred disposition.
- **Assessment of ethics and compliance program for local business investigated by state regulators for safety violations.** In response to a state investigation of regulatory violations, ethics and compliance reporting issues were identified during a defense investigation. To bolster existing safety protocols and employee reporting, client's program was redesigned with enhanced mechanisms to further promote an existing culture of compliance and safety.
- **Successful advocacy for probationary sentence in federal felony prosecution of physician.** Following diversion investigation of physician's prescription practices by DEA, negotiations commenced with the U.S. Attorney's Office over significant charging exposure and potential prison term. After agreeing upon a single felony count, a vigorous defense presentation of mitigating circumstances yielded a probationary sentence and continued medical practice under WPHP monitoring.
- **Successful Public Records Act (PRA) litigation and Washington State Supreme Court appeal in *Sargent v. Seattle Police Department*, 179 Wn.2d 376, 314 P.3d 1093 (2013).** Successful criminal defense representation of client resulted in the King County Prosecuting Attorney Office's decline of charges for alleged felony assault on a police officer. Subsequently, client's unfulfilled PRA requests for investigation records gave rise to PRA enforcement action and trial court ruling that imposed maximum penalties on the police agency and ordered records production. Following the agency's appeal to the Court of Appeals, the Washington State Supreme Court upheld key findings and conclusions by the trial court regarding PRA violations by agency.
- **Successful civil litigation defense and dismissal of antitrust and Racketeer Influenced and Corrupt Organizations Act (RICO) conspiracy federal lawsuit.** The complaint alleged damages from a multi-million dollar commercial real estate development and related bankruptcy case. After successful defense motions, the court issued a judgment dismissing the lawsuit with prejudice.

AWARDS AND PUBLICATIONS

- Rated by Martindale-Hubbell® Peer review as AV® Preeminent™

- *Criminal Trial Practice and Techniques*, Washington Lawyers Practice Manual, Ch. 17, Content Editor and Part Three Author
- [*Activism and the Rule of Law*](#), NW Lawyer, Washington State Bar Association (2017)
- [*Federal Prosecution Trends in Washington*](#), NW Lawyer, Washington State Bar Association (2016)
- [*White Collar Reform: The U.S. Department of Justice's All-or-Nothing Proposition for Corporations Under Fire*](#), NW Lawyer, Washington State Bar Association (2016)
- [*A Prescription For Sound DEA Compliance*](#), Law360/Portfolio Media (2015)
- *Taking Five – Protecting Your Client From The Perils of Self-Incrimination*, WACDL Defense Magazine (2013)
- *The Retention of Severance Benefits During Challenges of Waivers Under the Age Discrimination in Employment Act*, 27 Ind. L. Rev. 157

PUBLIC & CIVIC INVOLVEMENT

- Washington State Society of Healthcare Attorneys (WSSHA)
- Washington State Bar Association Health Law Section
- National Association of Criminal Defense Lawyers (NACDL)
- Washington Association of Criminal Defense Lawyers (WACDL)
- Washington State Bar Association (WSBA)
- Federal Bar Association (FBA), Western District of Washington
- King County Bar Association (KCBA)
- KCBA Washington Lawyers Practice Manual Editor
- WSBA Amicus Curiae Committee Member
- FBA Civil Rights Clinic Volunteer
- Plymouth Housing Group Volunteer
- Thomas C. Wales Foundation