



Patrick M. Madden

Partner

Seattle

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OVERVIEW

Patrick Madden is a partner in the firm's Labor, Employment, and Workplace Safety practice. He has dedicated the last 25 years to counseling employers on wage and hour and employment issues and successfully defending employers against wage and hour class actions and other employment lawsuits. Patrick has worked on hundreds of class actions with putative classes ranging up to hundreds of thousands of employees and potential damages at times over a billion dollars. These class actions have involved wage calculation and payment, compensation design, entitlement to overtime and benefits, off-the-clock claims, rest and meal period claims, challenges to exempt status, claims to employee status by independent contractors and gig economy workers, unfair business practices, discrimination, and retaliation.

ACHIEVEMENTS

- Recognized in *The Best Lawyers in America*® for work in Employment Law - Management and Litigation - Labor and Employment in Seattle since 2005
- Recognized by *Chambers USA* for Labor & Employment in Washington, 2005-2023
- Awarded the Association of Washington Business's "*Heavy Lifter Award*" in 2008 for "going above and beyond the call for the business community."
- Recognized by *Seattle Metropolitan* and *Seattle Business* magazines
- Named to Washington Super Lawyers list, 2005-2022
- Named to Washington Super Lawyers Rising Stars list, 2000-2001
- A Washington Litigation Star and Western US Employment Star in *Benchmark Litigation*

SPEAKING ENGAGEMENTS

In addition to training programs for clients, Patrick has done hundreds of presentations on wage and hour, employment law, and class action topics at continuing legal education, human resources, and payroll seminars. He has also spoken on wage and hour issues at national and regional business conferences, including the annual

meeting of the National Association of Securities Companies, the national Gamer Technology Conference, the Council of School Attorney's meeting, and the National Council of State Housing Agencies National Conference.

- Time Off: State and Federal Laws on Employee Leave, Vacations and Holidays in Washington, Labor and Employment Presentation, 15 January 2008

ADDITIONAL BACKGROUND

- Law Clerk, Hon. Joseph F. Weis, Jr., U.S. Court of Appeals for the Third Circuit, 1991-1993

EDUCATION

- J.D., University of Washington School of Law, 1991 *with highest honors, Order of the Coif, Order of the Barrister, Managing Editor Washington Law Review, Vice President Moot Court Honor Board*
- B.F.A., Pacific Lutheran University, 1983 *magna cum laude*

ADMISSIONS

- Bar of Washington
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Eastern District of Washington
- United States District Court for the Northern District of Illinois
- United States District Court for the Western District of Washington

THOUGHT LEADERSHIP POWERED BY HUB

- 12 July 2022, Timberlands Virtual Event: Emerging Issues in Labor and Employment Law in the Timber Industry
- 13 June 2022, Changes to Washington's Paid Family and Medical Leave Program Took Effect on 9 June 2022
- 10 June 2022 , Timber Briefing: Updated Washington Heat Exposure and Wildfire Smoke Rules May Require Operational Changes for Summer Forestry Activities
- 22 December 2021, When Does Travel or Commute Time Count as "Hours Worked" Under Washington Law?
- March 2021, What You Need to Know About 2021's Trends and Developments in Labor and Employment Law

- 10 December 2020, Looking to 2021: Top Labor & Employment Considerations for Washington Employers
- 26 February 2019, Ninth Circuit Strictly Construes the Fair Credit Reporting Act's Standalone Disclosure Requirement for Employers
- 8 December 2016, Fifth Circuit Expedites DOL's Appeal Involving Overtime Rule
- 23 November 2016, Federal Judge Blocks DOL Overtime Rule Implementation
- 16 September 2016, Considerations for Retail Industry Employers as They Continue to Prepare for New Salary Thresholds Under White-Collar Overtime Exemptions

OTHER PUBLICATIONS

Patrick has been quoted on wage and hour matters in Washington papers as well as the *Wall Street Journal* and *Corporate Legal Times*. Beyond the materials for his hundreds of CLEs and seminars, his formal publications on law-related subjects include:

- "Platforms Like Uber and the Blurred Line Between Independent Contractors and Employees," *Computer Law Review International*, December 2015.
- "Wage Issues on the Edge: Work Time Claims at the Start and End of the Work Day," *Corporate Counsel Review*, May 2011.
- "Collective Claims: Learning From the U.S. Experience," *PLC Magazine*, Jan./Feb. 2008.
- "Goodbye, Rambo -- Hello, Mr. Rogers?" *For the Defense*, Dec. 1995.
- "Don't Answer That Question," *For the Defense*, March 1995.
- "Federal Labor Law Preemption of State Anti-Takeover Law: A Case of First Impression," 65 Wash. L. Rev. 457 (1990).

NEWS & EVENTS

- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 21 May 2021, Chambers USA 2021 Guide Recognizes K&L Gates Labor, Employment, and Workplace Safety Practice, Lawyers Among Leaders
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide

- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Class Action Litigation Defense
- Construction and Infrastructure Dispute Resolution
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Wage and Hour
- Workplace Safety

REPRESENTATIVE EXPERIENCE

- Represented a leading US-based online shopping company for consumer and small business travel in a number of class actions involving claims for unpaid wages and unreimbursed employee expenses brought on behalf of a broad range of employees in Washington State, California, and elsewhere. Disposed of one class action in federal court in Washington State through an early motion to compel individual arbitration; reached early settlements to resolve two other class actions in state courts in Florida and California. Developed a litigation strategy to quickly dispose of two additional class actions in state courts in Washington State.
- Defended a government agency against contract, statutory, and equitable class action claims for wages and penalties in relation to the time thousands of government employees spent commuting between their jobs and their homes in government-owned vehicles. Developed a strategy to dispose of the case through an early motion for summary judgment. After very limited discovery and expense to our client, the court granted our motion and dismissed the plaintiffs' claims in their entirety.