



## Wyatt M. Bailey

### Partner

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📍 Phoenix

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### Overview

Wyatt's practice is focused primarily on the resolution of complex commercial disputes including alternative dispute resolution and litigation. Clients often engage him as outside general counsel to advise and protect them with respect to all their legal needs. Wyatt also represents professional service providers in connection with attorney, accountant and architect and engineering malpractice claims.

Wyatt is committed to providing his clients with a fair and comprehensive analysis of their case, including a realistic assessment of success, at the inception of representation - not on the eve of trial. Wyatt is further committed to encouraging and facilitating creative alternatives to litigation. Put simply, litigation is costly and is often in no one's best interest. Wyatt is a graduate of the National Institute of Trial Advocacy (NITA). NITA's team of practicing lawyers, professors and judges from around the nation dedicates its efforts to the training and development of skilled and ethical legal advocates to improve the adversarial justice system.

*"I am consistently gratified and humbled that clients seek my advice and assistance on both legal and business related matters. I recognize that my clients are often putting the very survival of their business in my hands. My goal is to always provide accurate and timely advice that protects my clients, but also, and perhaps more importantly, allows them to focus on what they do best, operate their business. As a small business owner, and an attorney, I know how distracting litigation and contract disputes can be to the day-to-day operation of a business. I view my job as taking those distractions off of my client's plate and handling everything for them in a cost effective manner."*

Wyatt is a founding partner in Upward Projects, LLC. Upward Projects owns and operates restaurants throughout the country including numerous Postino Winecafe locations, Joyride Taco House, Windsor, Churn and Federal Pizza.

### Education

### Services

- ◆ Commercial Litigation
- ◆ Mass Tort/Toxic Tort
- ◆ Corporate / Business Services
- ◆ Professional Liability
- ◆ Insurance
  - ◇ Insurance - Bad Faith
  - ◇ Insurance Coverage
  - ◇ Insurance - Reinsurance

### State Bar Admissions

- ◆ Arizona, 2000
- ◆ Minnesota, 2001

### Federal Court Admissions

- ◆ United States Court of Appeals, Eighth Circuit, 2011
- ◆ United States Court of Appeals, Ninth Circuit, 2008
- ◆ United States District Court, District of Arizona, 2000
- ◆ United States District Court, District of Colorado, 2014
- ◆ United States District Court, Northern District of Texas, 2016

- ◆ Sandra Day O'Connor College of Law, Arizona State University, J.D., *cum laude*, 2000
- ◆ Arizona State University, B.A., *summa cum laude*, 1997



## Experience

### Professional Affiliations

- ◆ American Bar Association
  - ◇ Tort and Insurance Practice Section
- ◆ State Bar of Arizona
- ◆ Maricopa County Bar Association
- ◆ National Institute of Trial Advocacy (NITA)
- ◆ Minnesota State Bar Association
- ◆ Hennepin County Bar Association

### Community Involvement

- ◆ [Scottsdale Leadership](#) (The mission of Scottsdale Leadership is to inform, inspire and empower leaders to champion and strengthen the interests of the community)
  - ◇ President of Board of Directors, 2016-2017
  - ◇ Present Elect of Board of Directors, 2015-2016
  - ◇ Board of Directors, 2013-2015
  - ◇ Member, Class 27, 2012-2013
- ◆ [Local First Arizona](#) (Non-profit organization representing a coalition of locally-owned businesses which form the backbone of the Arizona economy)

## Notable

### Accolades

- ◆ *Phoenix Magazine* "Top Lawyer," 2022
- ◆ Named to Southwest Super Lawyers® list, 2023
- ◆ Awarded the highest possible Martindale-Hubbell Peer Review Rating, AV® Preeminent™ (AV is a registered certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies)

### Speaking Engagements & Articles

- ◆ Featured in article, "Redefining dining out: Why Craig and Kris DeMarco and Lauren and Wyatt Bailey are Phoenix power couples" Phoenix Business Journal, (October 23, 2015)
- ◆ Featured in article, "Adding Sizzle on Central Upward Projects Reheats Neighborhoods with Focus on Foodies" Phoenix Business Journal, (October 25, 2013)
- ◆ "Realizing the Rule of Law in the Human Subject" Boston College Law Review, contributed to research and writing of law review article authored by Professor Patrick Brennan (March, 2002)
- ◆ Good Faith Claims Handling in Arizona, two part lecture series presented to Arizona independent adjusters and in-house claims examiners addressing the status of Arizona law, current decisions affecting insurance in general and claims handling, what constitutes and does not constitute bad faith claims handling, and general guidelines for the handling of first party and third party claims
- ◆ Seminar on Illinois Law: The Targeted Tender Rule; The Estoppel Rule; and Conflicts of Interest in the Insured's Right to Select Defense Counsel, lecture to claims examiners handling complex and catastrophic claims about the intricacies of insurance defense and coverage obligations in Illinois. Lecture and written materials addressed independent counsel (Cumis) issues, estoppel issues and the targeted tender rule