

Daryl W. Bailey

Partner

Leader of the Real Estate Litigation Practice Group, Daryl Bailey has extensive experience in resolving complex commercial disputes with incredibly challenging issues, multiple parties and substantial dollars at stake. His clients range from Fortune 500 companies to mid-size business owners, entrepreneurs and family-owned businesses primarily in the real estate, construction and steel industries, including developers, general contractors, subcontractors, landlords, tenants, steel mills, steel distributors, title insurance companies and their insureds.

Clients rely on Daryl to find the best path for achieving their goals in litigation all over the country involving numerous issues, everything from breach of contract, landlord-tenant disputes, design and construction defects and liens to fraud, DTPA claims, eminent domain, condemnation and valuation, accounting and financial disputes.

Daryl's practice also extends well beyond the real estate and construction sectors, which gives him the flexibility to help a diverse group of clients solve demanding problems regardless of the industry or subject matter. He represents clients as plaintiffs and defendants in commercial and employment litigation involving a variety of issues, including non-competes and other employment agreements, trade secrets, business torts, UCC matters, breach of warranty, indemnity, duty to defend, insurance coverage, plus many more.

Complex disputes often continue after a trial court ruling, verdict or judgment, and Daryl is highly experienced in arguing issues on appeal to fully protect his clients' interests. He has handled numerous state and federal appeals resulting in seven published opinions to date, including a case before the Supreme Court of Texas that was ranked by Texas Lawyer in its annual top 50 list of significant Texas cases.

While his practice is largely focused on U.S. domestic matters, Daryl is committed to serving clients' legal needs as part of a network of more than 2600 lawyers globally, where he helps clients gain the best position



Daryl W. Bailey
1300 Post Oak Blvd.
Suite 2000
Houston, TX 77056
dbailey@grayreed.com

D: 713.986.7125
T: 713.986.7000
F: 713.730.5806

Industries

Construction
Steel & Pipe
Real Estate

Practices

Commercial Litigation
Real Estate Litigation
Construction
Labor & Employment
Eminent Domain & Condemnation
Tort Litigation

Education

J.D., South Texas College of Law
Houston (1986)
B.A., Michigan State University (1979)

Bar Admissions

Texas

Court Admissions

United States Court of Appeals, Fifth
Circuit
United States District Court, Southern
District of Texas
United States District Court, Western
District of Texas

for realizing their domestic and international business opportunities. As a leader of that organization, Daryl served as Chair of the Governing Board of Directors of Lexwork Americas, a strategic alliance of more than 20 mid-sized law firms throughout the U.S., Canada, Mexico and Central and South America. Lexwork Americas is affiliated with [Lexwork International](#), with member law firms in more than 36 countries worldwide. Daryl currently serves on the International Coordinating Committee of Lexwork International.

United States District Court, Eastern
District of Texas
United States District Court, Northern
District of Texas

Experience

- [Successfully represented a Houston-based, Fortune 500 company in the defense of a \\$3 million breach-of-contract-claim brought by its former labor supplier. After a six-day jury trial in Harris County, the jury returned a verdict finding Gray Reed's client had no liability and therefore no damages were awarded to the Plaintiff.](#)
- On appeal, Daryl and his team obtained dismissal of a Plaintiffs' lawsuit claiming over \$100,000,000 in damages against Gray Reed's client. Gray Reed's client objected to the personal jurisdiction of Texas courts by filing a special appearance. The trial court denied the special appearance. The Dallas Court of Appeals reversed the trial court holding that there was no general jurisdiction because the non-forum party was not "at home" in Texas despite that it has some purposeful contacts with Texas. The court of appeals continued to follow the more recent U.S. Supreme Court's view of strictly construing when a forum state has personal jurisdiction over a non-forum defendant which is a significant change from prior personal jurisdiction cases.
- Successfully settled a defective pipe claims case involving a complex battle of the forms analysis and extensive cross-motions for summary judgment.
- Settled a bet-the-company lawsuit on behalf of a family-owned business, extracting the business from an onerous requirements contract allowing it to flourish and grow after the settlement.

- Obtained summary judgment in a dispute over mineral ownership.
- Obtained verdict on behalf of mid-size construction company related to claims of concrete slab failure.
- Obtained and collected a \$500,000.00 judgment for an Assistant Principal who filed a lawsuit alleging a whistleblower claim, sexual harassment and retaliation claims under State and Federal laws against the largest public school district in the State of Texas.
- Successfully prosecuted arbitration proceeding on behalf of mid-size oil & gas equipment manufacturer against one of the world's largest oil & gas equipment and service companies.
- Obtained from Fifth Circuit Court of Appeals in Dallas, Texas, reversal of cross-motions for summary judgment which was rendered to trial court with only issue remaining being award of attorney's fees. Issues related to interpretation of UCC provisions relative to right to payment of "proceeds" on insurance policy after collateral was destroyed by fire.
- Successfully obtained affirmation by U.S. Court of Appeals, Fifth Circuit, of a summary judgment rendered by the trial court in favor of defendant real estate partnership.
- The successful appellate defense of dissolving a temporary injunction which had prohibited a former employee from working for a competitor.
- Obtained favorable results through writing briefs and orally arguing before the Texas Supreme Court and courts of appeals at the state and federal level as reflected below in the reported cases.

Reported Cases

- *Moss v. Tennant*, 722 S.W.2d 762 (Tex. App. -- Houston [14th Dist.] 1986, writ ref'd n.r.e.).

- *Ojeda De Toca v. Wise*, 748 S.W.2d 449 (Tex. 1988).
- *Manhattan Construction v. Hood Lanco, Inc., et al.*, 762 S.W.2d 617 (Tex. App. -- Houston [14th Dist.] 1988, writ denied).
- *Martinka v. Commonwealth Land Title Insurance Company*, 836 S.W.2d 773 (Tex. App. -- Houston [1st Dist.] 1992, writ denied).
- *First National Petroleum Corp. v. Lloyd*, 908 S.W.2d 23 (Tex. App. -- Houston [1st Dist.] 1995, no writ).

Press Releases

- “Gray Reed Attorney Named Best Mentor by Texas Lawyer” (July 12, 2018)
- “Jury Sides with Gray Reed Client in \$3M Breach of Contract Suit” (February 7, 2018)
- “Daryl Bailey Elected Chair of the Governing Board of Directors of Lexwork Americas” (January 31, 2017)

Speeches and Presentations

- “Cyber Fraud - New Schemes and Responding to a Successful Attack”, Keller Williams - Memorial (November 21, 2019)
- “Cyber Fraud - New Schemes and Responding to a Successful Attack”, Cornerstone Home Lending (September 19, 2019)
- “Cyber Fraud - New Schemes and Responding to a Successful Attack”, MetroTex Association of REALTORS Cyber Security Event (June 12, 2019)
- “Cyber Fraud - New Schemes; Responding to a Successful Attack & Insurance Coverages”, Houston Independent Real Estate Broker Association (HIREBA) (March 13, 2019)
- “Cyber Fraud - New Schemes; Responding to a Successful Attack &

Insurance Coverages”, The 28th Annual Texas Land Title Institute (December 7, 2018)

- “Claims Review Panel”, Texas Land Title Institute (December 2, 2011, December 6, 2012)
- “Texas Open Beaches Act”, Texas Land Title Institute (2010)
- “Texas Title Examination”, Lorman Education Services (2001, 2002)
- “Title Law in Texas”, National Business Institute (1998)

Honors

- Named Best Mentor by *Texas Lawyer’s* Professional Excellence Awards (2018)
- Selected by his peers for inclusion in Woodward/White, Inc.’s *The Best Lawyers in America* in the field of Commercial Litigation (2012 – 2020)
- Named a “Super Lawyer” by Texas Super Lawyers (a Thomson Reuters business) as published in *Texas Monthly* (2006, 2009-2019)
- AV Preeminent rated (the highest possible Martindale-Hubbell Peer Review Rating designation) for Ethical Standards and Legal Ability, reflecting the confidential opinions of members of the Bar and Judiciary

Organizational Involvement

- Lexwork International (2014 - present)
 - Lexwork Americas Governing Board
 - Governing Board Member
 - Chair

- Former Vice Chair
- State Bar of Texas
 - Appellate Section
 - Construction Section
 - Labor & Employment Law Section
 - Litigation Section
 - Real Estate, Trust & Probate Section
- Houston Bar Association
 - Appellate Section
 - Construction Section
 - Labor & Employment Law Section
 - Litigation Section
 - Real Estate Section
- Texas Land Title Association
 - Judiciary Committee
 - Institute Committee
- Fellow, Texas Bar Foundation