



Kate A. Bailey

Partner

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Practice Areas

- Healthcare
- Litigation
- Medical Malpractice
- Professional Liability

Admissions

- Colorado
- Utah
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court of Colorado

Education & Honors

- Brigham Young University, J.D., 2013 cum laude
- Brigham Young University-Idaho, B.A. Communications, 2009

Associations

- American Bar Association
- Colorado Bar Association
- Denver Bar Association
- Colorado Women's Bar Association

Awards

- Super Lawyer, Rising Star 2023-2024
- Best Lawyers in America: Ones to Watch 2024

Kate Bailey is a partner with Messner Reeves and runs her trial practice from the firm's Denver office. As an experienced trial attorney whose practice focuses on defending healthcare professionals and entities, Kate has tried more than a dozen high-exposure cases in front of juries. Her trial practice takes her before both federal and state courts across the country on a variety of subject matters, and she has significant experience advocating for her clients, selecting juries, cross-examining expert witnesses, and arguing both the facts and the law.

In addition to her substantial trial practice, Kate has extensive experience in all aspects of civil litigation in state and federal court, including taking and defending more than a hundred fact and expert depositions, drafting and arguing dozens of dispositive motions and appellate briefs, leading internal investigations, and negotiating favorable resolutions for her clients. Kate also has significant experience representing clients before various state and federal regulatory agencies and licensing boards, including the Colorado Attorney General's Office and Colorado's Division of Regulatory Agencies.

Kate has been recognized by Best Lawyers in America as "One to Watch" and by Super Lawyers as a "Rising Star." She is also the Director of Messner Reeves' Summer Associate Program and Lawyer Development Program.

While in law school, Kate worked as a judicial intern to Justice Christine Durham of the Utah Supreme Court, as an intern in the U.S. Attorney's Office for the District of Utah, and as a senior editor for the BYU Law Review. She also has the distinction of winning BYU's Linda Anderson Trial Advocacy Competition both her second and third year of law school.

Outside of the office, Kate coaches the Ponderosa High School Mock Trial Team and serves as a mentor for Big Brothers Big Sisters of Colorado's Mentor 2.0 program. She also maintains an active pro bono practice focusing on civil rights.

Bio Continued

Kate lives in Denver and is licensed to practice law in Colorado and Utah. She enjoys spending her free time traveling, hiking, and spending time with her dog, Olive.

Notable Cases

- Obtained voluntary dismissal without payment half-way through an eight-day jury trial on behalf of orthopedic surgeon client facing multi-million-dollar medical malpractice claim.
- Won full defense verdict after seven-day jury trial on behalf of trauma surgeon facing novel wrongful death claim after a patient died during surgery in which he refused a blood transfusion due to his religious beliefs.
- Won defense verdict after six-day jury trial on behalf of hospital client facing fetal wrongful death claim.
- Secured complete defense verdict in six-day jury trial on behalf of family practitioner client facing more than \$7 million in damages in case alleging that a failure to communicate abnormal lab findings before spine surgery caused plaintiff's paraplegia.
- Obtained defense verdict in seven-day federal court jury trial on behalf of plastic surgeon in case involving complications following a breast augmentation.
- Won full defense verdict in state court jury trial on behalf of laser surgeon in claim alleging negligent performance of a scar revision procedure.
- Obtained full defense verdict in front of a federal jury on behalf of Fortune 500 company in high exposure claim brought by the EEOC under the ADA, including a claim for punitive damages.
- Represented Fortune 500 company in high exposure federal court case in which client was facing sexual orientation, retaliation, and age discrimination claims. Won summary judgment on plaintiff's sexual orientation and retaliation claims and successfully obtained a defense verdict plaintiff's remaining age discrimination claim at trial. Briefed and argued plaintiff's appeal of the court's grant of summary judgment before the Eighth Circuit Court of Appeals with judgment affirmed.
- Obtained a plaintiff's verdict and award of attorneys' fees on behalf of corporate officer client in a breach of contract case.
- Won a directed verdict in federal court jury trial on behalf of former corporation president on corporation's claims of breach of contract and breach of fiduciary duty with judgment affirmed by the Tenth Circuit.
- Obtained full summary judgment on behalf of neurologist in case in which plaintiff claimed that more than \$7 million in damages were caused by an alleged failure to recognize signs, symptoms, and radiographic evidence of a stroke.
- Won motion to dismiss plaintiff's claim for failure to file a certificate of review in medical negligence case against orthopedic surgeon. Briefed and argued appeal in front of the Colorado Court of Appeals resulting in judgment being affirmed.
- Won a record-setting \$750,000 settlement for a pro bono client in a case involving claims for excessive force and denial of timely medical care while the client was detained at the El Paso County Criminal Justice Center. This represented the highest settlement in any civil rights case by El Paso County, Colorado..

Publications and Speaking Engagements

- CLE for Young Lawyers Division of the Colorado Bar Association, April 2024: Professionalism Across the "v": Just because it's an adversarial process doesn't mean we have to be adversaries!
- Association of Extremity Nerve Surgeons Annual Symposium, November 2021: Medical Litigation Hot Buttons Post-Covid and Testifying Guidelines.
- Boulder Neurosurgery Conference, Biennial Advanced Practitioner & Nursing Education Meeting, February 2019: Hot topics in 2019, Litigation in Colorado.

Professional Experience

- Richards Brandt Miller Nelson, Law Clerk 2013
- U.S. Attorney's Office, District of Utah, Law Clerk, 2013
- Utah Supreme Court, Justice Christine Durham, Judicial Intern, 2012