

Snell & Wilmer



Brian D. Cunningham

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Main Bio

Brian Cunningham is a partner in the firm's commercial finance group. His practice is concentrated in representing financial institutions and other parties in negotiating, structuring and documenting secured and unsecured commercial and real estate loans, loan syndications and participations, asset-based lending, factoring, Section 7a and Section 504 SBA lending, trade finance and letters of credit, loan portfolio acquisitions and financing, problem loan workouts and restructuring, debtor-in-possession financings, liquidations and foreclosures, and banking regulation and governance. His practice also includes extensive experience in inter-creditor relationships, title insurance, lender liability and general UCC and commercial law matters.

His experience encompasses unique collateral types including tenant-in-common §1031 exchange properties, build to suit loans to §1031 exchange accommodators, intellectual property, railroad rolling stock, aircraft, helicopters, timeshare interests, low income housing tax credits, new market tax credits and state and federal historic preservation tax credits, etc. Experience also includes a wide variety of third party legal opinions including HUD opinions, Article 9 personal property opinions, non-consolidation and true sale opinions.

Education

- University of Utah College of Law (J.D., 1994)
 - Recipient Edward W. Clyde Fellowship
- University of Virginia (Ph.D. candidate, Economics)
 - Recipient University Presidential Fellowship
- Weber State University (B.A., 1988)
 - Outstanding Graduate, School of Business and Department of Economics

Languages

- Spanish

Professional Memberships & Activities

- American College of Mortgage Attorneys
- American College of Real Estate Lawyers, Member
- Utah State Bar Banking and Finance Section, Vice President

- Commercial Finance Association Education Foundation, Board of Directors
- American Bar Association
 - Uniform Commercial Code Committee
 - Commercial Financial Services Committee
- National Association of Bond Lawyers
- Utah Association of Financial Services
- International Factoring Association

Representative Presentations & Publications

- "[Commercial Real Estate Lending: Lease Review in Troubled Times](#)," Co-Author, The Utah Banker magazine (January/February 2010) (also published in the Colorado Banker magazine, May/June 2010)
- "[The Utility and Flexibility of Forbearance Agreements](#)," Co-Author, The Utah Banker magazine (September/October 2009) (also published in the Colorado Banker magazine, November/December 2009)
- "[Government Receivables as Collateral? Proceed with Caution!](#)" Co-Author, The Utah Banker magazine (January/February 2009) (also published in the Colorado Banker magazine, May/June 2009)
- "[Back in the REO Business: Assessing the Value of Real Estate Loans and Bank Owned Real Estate](#)," Co-Author, The Utah Banker magazine (Fall 2008)
- "Utah's One Action Rule," Presenter, Utah State Bar Banking and Finance Section Annual Meeting (May 13, 2008)
- "Remedies Under Article 9 of the UCC," Deeds In Lieu Of Foreclosure and Secret Liens, Presenter, Utah State Bar Mid Year Meeting (March 15, 2008)
- "[Accord Insurance Certificates: Does Your Borrower Really Have Coverage?](#)" Co-Author, The Utah Banker magazine (Spring 2008)
- "[Round and Round the Mulberry Bush ... Subordination, Non-Disturbance and Attornment Agreements](#)," Co-Author, The Utah Banker magazine (Winter 2008)
- "[New Rules Available to Govern Commercial Letters of Credit: So Many Choices - UCP 600, UCP 500 and ISP 98](#)," The Utah Banker magazine (Fall 2007)
- "Secured Transactions Under Article 9 of the UCC," Presenter, Utah State Bar Annual Meeting (July 19, 2007)
- "An Introduction to Real Estate Secured Lending," Presenter, Utah State Bar Mid-Year Meeting (March 9, 2007)
- "Current Issues in Commercial Lending," Presenter, Utah State Bar Meeting (March 12, 2006)
- "Commercial Lending in Utah," Presenter, Lorman Education, Salt Lake City, Utah (October 29, 2005)
- "Real Estate Lending," Presenter, Utah State Bar Association, Salt Lake City, Utah (Jan 20, 2005)
- "Community Reinvestment Act," Utah Banker magazine (May/June 2004)
- "Annual Title and Survey Review Seminar," Presenter (May 2004)
- Lecturer, International Factoring Association Monthly Meetings; topics included secret liens, guaranties and consideration and federal tax liens

- "Secret Liens: What You Don't Know Can Hurt You," Presenter, 9th Annual International Factoring Association Convention, Salt Lake City, Utah (April 4, 2003)

Professional Recognition & Awards

- The Best Lawyers in America®, Banking & Finance Law, Real Estate Law (2008-2020)
- Mountain States Super Lawyers®, Banking (2010-2014, 2017-2019)
- Super Lawyers®, Banking - Business Edition (2011)
- Utah's Legal Elite: Banking/Financial, Utah Business Magazine (2005-2019)
- Chambers USA: America's Leading Lawyers for Business®, Real Estate (2009-2018)
- Utah Banking Lawyer of the Year, The Best Lawyers in America® (2011)

Community Involvement

- Volunteers of America, Utah, Board of Directors

Other Professional Experience

- Brent R. Armstrong Law Offices, P.C., Associate
- Weber State University, Department of Economics, Adjunct Professor
- University of Phoenix, Business Law, Economics and Statistics, Adjunct Professor
- Center for Public Service, Economist

Bar Admissions

- Utah
- Idaho

Court Admissions

- Supreme Court of Utah
- Supreme Court of Idaho