

# Snell & Wilmer

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## **Brian D. Cunningham, P.C.**

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### **Main Bio**

Brian Cunningham's practice is concentrated in banking and commercial finance. He advises lenders on all aspects of loan originations for real estate, commercial, asset-based, tax-advantaged and affordable housing, and other syndicated and bilateral transactions. He regularly represents investment banks and other financial institutions on their securities-based lending programs, operations, and letter of credit matters. He also advises lenders on portfolio sales and acquisitions, distressed debt, loan servicing, creditor's rights, loan workouts, foreclosures, and restructurings.

### **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
- 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 (2008-2024)
- Commercial Finance Law, Public Finance Law (2024)
- Utah Banking Lawyer of the Year (2011)
- Mountain States Super Lawyers<sup>®</sup>, Banking (2010-2014, 2017-2022)
  - Super Lawyers<sup>®</sup>, Banking - Business Edition (2011)
- Utah's Legal Elite: Banking/Financial, Utah Business Magazine (2005-2022)
- Chambers USA: America's Leading Lawyers for Business<sup>®</sup>, Real Estate (2009-2018)

## **Community Involvement**

- Volunteers of America, Utah
  - Board of Directors

## **Previous 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**

- Idaho
- Utah

## **Court Admissions**

- Supreme Court of Idaho
- Supreme Court of Utah