



BRIAN T. CUMINGS

Shareholder

**BANKRUPTCY & CREDITORS' REMEDIES,
CIVIL LITIGATION**

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ABOUT

Brian Cumings is Board Certified in Business Bankruptcy Law by the Texas Board of Legal Specialization. His practice focuses on representing creditors and parties-in-interest in bankruptcy cases across Texas, including extensive experience representing Chapter 7 Trustees. He also has substantial experience handling general civil litigation matters in state court and representing companies and their principals as they negotiate out-of-court debt restructuring. Prior to joining GDHM, Brian clerked with the Honorable Craig A. Gargotta and interned with the Honorable H. Christopher Mott, U.S. Bankruptcy Court, Western District of Texas. He serves as a co-coach for the University of Texas School of Law Bankruptcy Moot Court Team, as the attorney coordinator for the Bankruptcy Pro Bono Project at the University of Texas School of Law, and as a mentor in the University of Texas School of Law Mentoring Program.

PROFESSIONAL QUALIFICATIONS

- Board Certified in Business Bankruptcy Law, Texas Board of Legal Specialization
- Calvin College (B.A., 2005);

- The University of Texas School of Law (J.D., 2012), Texas Intellectual Property Law Journal: Executive Articles Editor; 2010 Locke Lord Bissell and Liddell Novice Mock Trial Competition Finalist team; 2011 Gibbs & Bruns Endowed Moot Court Competition Finalist team (Individual Best Advocate); Outstanding Oral Advocate of the 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition; UT Law's National Championship Team, 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition; 2012 The University of Texas School of Law Niemann Cup Award for Outstanding Accomplishments in Advocacy; Order of Barristers 2012.
- Admitted: Texas, 2012; U.S. District Court, Western District of Texas, 2013; U.S. District Court, Northern District of Texas, 2013; U.S. District Court, Eastern District of Texas, 2013; U.S. District Court, Southern District of Texas, 2013

FOCUS OF EXPERIENCE

- Prosecuting and defending avoidance actions;
- Prosecuting and defending objections to discharge and dischargeability of debt;
- Objections to exemptions (including homestead) and claims;
- Obtaining relief from the automatic stay;
- Representing creditors and parties-in-interest in all sizes of Chapter 11 cases;
- General and special litigation counsel to Chapter 7 and Chapter 11 Trustees;
- Advising principals attempting to reorganize businesses (both in and out of court);
- Prosecuting and defending breach of contract and tort claims;
- Post-judgment collection efforts in state court.

PROFESSIONAL AFFILIATIONS

- National Association of Bankruptcy Trustees, Member
- Larry E. Kelly Inn of Court, Associate
- College of the State Bar of Texas, Member
- Vice President of Law School Relations, State Bar of Texas Bankruptcy Law Section, 2016-2018
- Austin Bar Association
- Austin Young Lawyers Association

AWARDS AND HONORS

- Listed in the *Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, and Litigation – Bankruptcy

- 2024 Conference Chair, Jay L. Westbrook Bankruptcy Conference
- Austin Monthly magazine's annual list of "Austin's Top Attorneys" 2022, 2023, 2024
- *Texas Monthly* Super Lawyers, published by Thomson Reuters, 2020 – 2024
- Pro Bono Service Award, Bankruptcy Law Section of the State Bar of Texas
- Outstanding Oral Advocate of the 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition
- UT Law's National Championship Team, 20th Annual Hon. Conrad B. Duberstein Bankruptcy Moot Court Competition

PUBLICATIONS AND PRESENTATIONS

- Author and Speaker, *Bankruptcy Update*, Collections & Creditors' Rights, April 2024
- Co-Author, *Recent Developments in Consumer Bankruptcy Caselaw*, Jay Westbrook Bankruptcy Conference, Nov. 2023.
- Co-Author, *Plan Release Provisions, Commercial Bankruptcy Litigation*, 2023-2024 eds.
- Co-Author, *Recent Developments in Consumer Bankruptcy Caselaw*, Jay Westbrook Bankruptcy Conference, Nov. 2022
- Co-Presenter, *The Effect of Bankruptcy on the Royalties Owner*, Oil, Gas & Mineral Law Section of the Austin Bar Association, April 2022
- Co-Presenter, *Business Bankruptcy Recent Caselaw Developments*, Bankruptcy Section of the Austin Bar Association, February 11, 2021
- Co-Author, *Plan Release Provisions, Commercial Bankruptcy Litigation* 2021
- Co-Author, *Recent Developments in Consumer Bankruptcy Caselaw*, Jay Westbrook Bankruptcy Conference, Nov. 2021
- Co-Author and Presenter, *Hot Topics in the Healthcare Space*, Jay Westbrook Bankruptcy Conference, Nov. 2020
- Co-Author, *Recent Developments in Consumer Bankruptcy Caselaw*, Jay Westbrook Bankruptcy Conference, Nov. 2020
- Presenter, *Oil & Gas Bankruptcy*, Texas Land & Mineral Owners Association Statewide Members' Meeting, October 8, 2020
- Presenter, *Bankruptcy in the Time of COVID*, Corporate Paralegal Group CLE, September 24, 2020
- Co-Author, *Recent Developments in Consumer Bankruptcy 2019*, Jay Westbrook Bankruptcy Conference, 2019
- Co-Author and Panelist, *Traffic Jam: at the Intersection Between Community Property, Probate, and Bankruptcy*, Consumer Bankruptcy Conference, July 2018
- Contributor, *Bankruptcy in the Fifth Circuit and Beyond: Case Update 2018*, Western District of Texas Bankruptcy Bench Bar Conference, April 2018

- Co-Author, *Recent Developments in Consumer Bankruptcy 2017*, Jay Westbrook Bankruptcy Conference, 2017
- Co-Author and Panelist, *Reorganizing a Failing Business*, 15th Annual Advanced Business Law Seminar, November 10, 2017
- Co-Author, *Recent Developments in Consumer Bankruptcy*, Jay Westbrook Bankruptcy Conference, 2016
- Co-Author and Co-Presenter, *Rule 9019 Compromises: The Heart of the Bankruptcy Practice*, Jay Westbrook Bankruptcy Conference, 2016
- Co-Author, *Recent Developments in Consumer Bankruptcy*, ABI Spring Meeting, 2016
- Author, *§ 1329(a) and Modifying to Surrender*, The NACTT Academy for Consumer Bankruptcy Education, ConsiderChapter13.org, February 8, 2016
- Co-Author, *Recent Developments in Consumer Bankruptcy*, Jay Westbrook Bankruptcy Conference, 2015
- Panelist, *Young Lawyers Ask Judges Hard Questions*, Bench/Bar Conference, Bankruptcy Law Section State Bar of Texas, 2015
- Co-Author, *Recent Developments in Consumer Bankruptcy*, Jay Westbrook Bankruptcy Conference, 2014
- Co-Presenter, *Ten Bankruptcy Deadlines You Don't Want to Miss*, Starting Out Right Conference (San Antonio), 2014
- Co-Presenter, *Los Básicos del Derecho de Empresas*, March 13, 2014, Invest in Texas Forum, sponsored by State of Texas – Mexico Office
- Author, *Post-Marrama: Allowing Chapter 13 Trustees to Unwind a Debtor's Conversion to Chapter 7*, The NACTT Academy for Consumer Bankruptcy Education, ConsiderChapter13.org, January 27, 2014
- Co-Presenter, *Los Básicos del Derecho de Empresas*, October 25, 2013, *Capital de Oportunidades* Forum, Austin Hispanic Business Chamber of Commerce
- Co-Author, *Recent Developments in Consumer Bankruptcy*, Jay Westbrook Bankruptcy Conference, 2013
- Author, *Weeding Out Marijuana From Bankruptcy Proceedings: The Intersection Between State Laws Legalizing Marijuana and Federal Bankruptcy Law*, The NACTT Academy for Consumer Bankruptcy Education, ConsiderChapter13.org, September 23, 2013
- Author, *Stern v. Marshall: Making Life Harder for Chapter 13 Trustees?*, The NACTT Academy for Consumer Bankruptcy Education, ConsiderChapter13.org, August 26, 2013
- Author, *It Could Happen to You: Texas' Homestead Exemption Preempted by Federal Law*, The NACTT Academy for Consumer Bankruptcy Education, ConsiderChapter13.org, July 14, 2013
- Co-Presenter, *Ten Bankruptcy Deadlines You Don't Want to Miss*, Starting Out Right Conference (Dallas), 2013

- Co-Author, *Recent Developments in Consumer Bankruptcy*, Jay Westbrook Bankruptcy Conference, 2012
- Co-Author, *Defeating Bankruptcy Preference Actions by Motion for Summary Judgment*, Mastering the Art of Collecting Debts and Judgments Conference, 2012
- Co-Presenter, *Stern v. Marshall: Where Are We Now?*, Bankruptcy Bench Bar Conference Western District of Texas, 2012
- Co-Author, *Recent Developments*, Jay Westbrook Bankruptcy Conference, 2011