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## PRACTICE AREAS

- Appeals
- Commercial Litigation
- Corporate Entity Formation
- Criminal Defense and Investigations
- Fraud
- Mergers and Acquisitions
- Securities
- Trials and Litigation
- White Collar Defense and Investigations

## EDUCATION

- J.D., Georgetown University Law Center, 2009
- M.S., University of Utah, Economics, 2006
- B.A., Westminster College, 2004

## ADMISSIONS

- Utah State Bar
- California State Bar
- Ninth Circuit Court of Appeals
- Tenth Circuit Court of Appeals

## ABOUT

Robert Cummings has a distinctly varied litigation and business formation practice through a variety of courts, including federal and state courts across the nation. His success is based on over a decade of expansive experience practicing law. He is respected, innovative, conscientious, and provides sound solutions for his clients.

**Business Advising and Transactions.** Robert has assisted many clients with business formations and after that, remained involved in drafting organizational and operational documents, minutes, resolutions, and other necessary business records. He also assists clients with risk analysis, internal investigations, general contract drafting, and change in control transactions. Robert has also advised many clients on various transactions, including equity purchases and sales, asset purchase agreements, and other changes in control matters.

**Litigation and Trial Work.** Robert began his career as a commercial and white-collar litigator but now focuses primarily on commercial and business disputes. Robert has tried multiple cases to verdict, including a six-day trial in the summer of 2021 regarding his clients' alleged breaches of fiduciary duties, resulting in a complete defense verdict, and a multi-day business valuation trial resulting in a valuation in line with the value Robert and his expert placed on the shares at issue.

On the criminal side, Robert has tried criminal fraud cases, including a three-day jury trial with securities fraud and theft allegations resulting in the theft counts dismissed in trial and the securities fraud counts reversed on appeal based upon an argument Robert raised during motion practice prior to trial, and a three-week health care fraud trial in St. George resulting in acquittals for both defendants, including Robert's client. He has also had several bench trials, including a business valuation trial that resulted in the judge essentially adopting the opinion of Robert's expert, which was a great result for his clients.

**Appellate.** Robert has assisted multiple clients with their appeals, including having affirmed his motion to dismiss a case involving an online comment that the plaintiff asserted was defamatory. This resulted in the first published opinion in Utah regarding the issue.

While in law school, Robert was an extern for the Honorable Johnnie B. Rawlinson of the Ninth Circuit Court of Appeals. Following graduation, he began his career at the internationally preeminent law firm of Skadden, Arps, Slate, Meagher & Flom, where he represented Fortune 500 companies, investment banks, accounting firms, and other clients in defending and

prosecuting a wide variety of claims. He returned to Utah with his wife and family in 2013 and opened a law firm prior to joining Snow Christensen & Martineau in 2019.

## HONORS / AWARDS / UNIQUE RECOGNITION

- Listed in Super Lawyers®: Rising Stars™ (2021 Edition), Civil Litigation: Plaintiff
- Recognized as Utah Legal Elite in Civil Litigation, by Utah Business Magazine
- Pro Bono Award Skadden, Arps, 2011 and 2012
- St. Thomas More Award for Outstanding Work on the Georgetown Journal of Legal Ethics, 2009
- Order of the Coif, Georgetown University Law Center, 2009
- CALI – Land Use, Georgetown University Law Center, 2008
- CALI – Products Liability, Georgetown University Law Center, 2008

## PROFESSIONAL AND CIVIC INVOLVEMENT

- Utah State Bar, Securities Section, 2019–present
- Boy Scouts, Troop 38, Committee Chair, 2018–2021
- Wasatch Presbyterian Church, Member of Session, 2016–2022
- Utah Association of Criminal Defense Lawyers, 2013–2019
- American Bar Association, Litigation Section, 2011–present
- American Bar Association, 2007–present

## TRIALS

- State v. Buttars, Third Judicial District Court. Defended client against theft and securities fraud claims. Jury returned not guilty verdict on theft counts.
- Inouye v. Jenkins, Third Judicial District Court. Defended client against nuisance claims. Jury ruled in favor of defendant on plaintiff's claims.
- Grasteit's Yard Care v. Ribeiro, Third Judicial District Court. Bench trial on small claims appeal. Judge found for plaintiff.
- BJBDC, Inc. v. Executive Hair Suppliers, Third Judicial District Court. Defended client successfully in defeating a preliminary injunction motion after the court entered a temporary restraining order obtained favorable valuation for clients' shares in plaintiff following a multi-day bench trial and obtained a complete defense verdict following a six-day jury trial. Overall, Robert turned a client standing in the defense posture into a \$300,000 plus judgment after essentially trying the case three times.

## APPEALS

- Spencer v. Glover, 2017 UT App 69. Briefed and argued appeal of motion to dismiss granting dismissal of defamation claims in client's favor. Court affirmed district court ruling dismissing all claims.

## PRESENTATIONS AND PUBLICATIONS

- Author, To Sue or Not to Sue: The Streisand Effect and Other Considerations, SCM blog, August 2020
- Author, The Investigations are Coming: Lessons Learned from the Great Recession and the Need for Counsel to Avoid Disaster in Our Covid-19 World, SCM blog, June 2020
- Speaker, Ethical Marketing, Social Media, and Handling Negative Online Reviews with Discussion of Spencer v. Glover, Utah State Bar Small Firm Section, 2018.
- Author, A Lawyer's Manifesto, Utah Bar Journal, Mar/Apr 2016.
- Author, Trickey Brickley: An Analysis of State v. Brickley and Its Application at Preliminary Hearings, The Defendant, Utah Association of Criminal Defense Attorneys, September 2015.
- Author, Get Your Own Lawyer! An Analysis of In-House Counsel Advising Across the Corporate Structure after Teleglobe, 21 Geo. J. Legal Ethics 683 (2008)

## PERSONAL

In his spare time, Robert loves spending time with his wife, Rebekah, and three children (Aidan, Harper, and Ashton) exploring all that Utah has to offer, including hiking, skiing, and boating.