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## PRACTICE AREAS

- Bankruptcy and Creditors' Rights
- Commercial Litigation
- Real Estate
- Surety Law

## EDUCATION

- J.D., Brigham Young University, J. Reuben Clark School of Law, cum laude, 1993
- B.A., Brigham Young University, cum laude and with honors, 1990

## ADMISSIONS

- Utah State Bar
- U.S. District Court, District of Utah
- U.S. Court of Appeals for the Tenth Circuit
- Ute Indian Tribal Court of the Uintah and Ouray Reservation
- Southern Ute Tribal Court, Southern Ute Indian Reservation

## LANGUAGES

- Spanish

## ABOUT

David Pinkston's favorite quote is: "As a peacemaker the lawyer has superior opportunity of being a good [person]. There will still be business enough." – Abraham Lincoln

Lawyers should strive to see legal issues and problems through their client's eyes, to understand their goals and objectives, and to aim for efficient, cost-effective solutions. In short, to approach problems with the end in mind. This is the perspective David attempts to adopt when helping clients find solutions to their legal issues.

David represents a broad range of local and national clients in a variety of commercial and bankruptcy litigation matters. These matters range from basic contract disputes and enforcement to complex commercial litigation, involving the interplay of various provisions of the Uniform Commercial Code.

He has represented local and national clients on a wide variety of bankruptcy matters, including non-dischargeability litigation; automatic-stay and discharge-violation issues; objections to plans of reorganization, claim objections, asset sales, trustee and committee representation, defending preference, fraudulent transfer, and other trustee avoidance actions; and bankruptcy appeals to the Federal District Court, the Tenth Circuit Bankruptcy Appellate Panel, Tenth Circuit Court of Appeals, and the United States Supreme Court.

He has been involved in bankruptcy cases — in Utah and other jurisdictions — with local, regional, and national impact. His clients have included almost every type of participant in the bankruptcy process: creditors, debtors, trustees, and even competing Chapter 11 plan proponents.

David was part of the legal team that assisted a major developer successfully purchase the Geneva Steel property in Utah County in a hotly contested bankruptcy case. In addition to bankruptcy-related matters, he also assists clients with contract disputes, as well as complex commercial litigation matters in both federal and state court.

David regularly assists and advises a number of local, regional, and national clients with creditors' rights issues, including obtaining pre-judgment remedies, implementing receiverships for real property, dealing with conservatorships, addressing real property disputes (including both sides of commercial landlord-tenant issues), dealing with contract defaults, asset seizure, and enforcing account obligations and judgments. David assists clients with these matters in state and federal court, as well as the Ute Indian Tribal Court of the Uintah and Ouray Reservation — the second largest Indian Reservation in the United States.

In addition, and as an offspring of addressing creditor's rights issues, David also represents sureties, contractors, and owners in a variety of construction-related matters, as well as bankruptcy issues.

David is a native of Southern California. Outside of the office, he enjoys exploring Utah's outdoors with his family. He is also an avid woodworker.

## **HONORS / AWARDS / UNIQUE RECOGNITION**

- Recognized as Utah Legal Elite by Utah Business Magazine
- Listed in Best Lawyers in America® for Bankruptcy and Creditor Debtor Rights Insolvency and Reorganization Law
- Lead articles editor of the BYU Law Review

## **PROFESSIONAL AND CIVIC INVOLVEMENT**

- Utah Bar Association
- Utah Bankruptcy Lawyers Forum
- American Bankruptcy Institute
- National Association of Chapter 13 Trustees
- Fidelity and Surety Law Committee, American Bar Association
- Salt Lake County Bar Association
- Former Adjunct Professor, teaching Business Law, at Brigham Young University

## **PRESENTATIONS AND PUBLICATIONS**

- Author, COVID-19 and "Temporary" Contract Interruption, firm blog, July 2020
- Co-author/Speaker, To Tender or not to Tender – That is the Question, Western States Surety Conference (WSSC), Seattle, WA, April 2019
- Speaker, Uniform Commercial Code and Application to the Surety Industry, Pearlman Surety Conference, Washington, September 2018
- Speaker, UCC Article 9 Rights of the Surety, Pearlman Surety Conference, Seattle, WA, 2018
- Speaker, "The Fugitive" – Evolving Tools for Pursuing Elusive Indemnitors, Western States Surety Conference, Seattle, April 2018
- Speaker, Indemnity Traps and Tools, Western States Surety Conference, Seattle, April 2017
- Speaker, Risk of Bad Faith Claims in Surety Law and Practice, Western States Surety Conference, 2015
- David has authored and lectured for several years at a number of local and multi-state conferences on both bankruptcy and surety law issues.