SpencerFane®

John O'Brien

Partner

Contact

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Overview

John O'Brien practices in banking, agrifinance, commercial finance, commercial law, lender liability defense, agriculture law, agricultural transactions, receivership, creditors' rights, and bankruptcy. He has a national agrifinance practice and has closed over $5 billion in financings on livestock production facilities (including cattle, dairy, hogs, buffalo, poultry, and sheep), public elevators, public warehouses, irrigated farms, dryland farms, ranches, and other commercial enterprises.

John represents national and regional financial institutions and issuers of domestic and international letters of credit securing commodity sales and transactions. He has visited more than 100 livestock production facilities in Texas, Oklahoma, Kansas, Nebraska, Colorado, Wyoming, Iowa, and New Mexico. John has litigated, mediated or resolved lien priority disputes, commercial disputes and cattle frauds throughout the U.S. and has been lead counsel for the primary creditor in more than 200 receiverships in Kansas, Nebraska, Wyoming, Colorado, Iowa, Ohio, and Mississippi.

He regularly practices under the Packers and Stockyards Act and is a Colorado Super Lawyer in the area of Banking. John is a long-time cattle feeder, and grows wheat and corn on his Colorado farms. In 2015, John received both the Barrister's Best and Peoples Choice Awards for the Best Agricultural Lawyer in Colorado.

John is the Regional Development Managing Partner in the Denver office.

Education

- University of Notre Dame Law School, 1985 (J.D.)
- University of Vermont, 1982 (B.A., Economics), *with distinction*
- University of Vermont, 1982 (B.A., Political Science), *cum laude*

Bar Admissions

- Colorado

Court Admissions

- Colorado Supreme Court
- U.S. Supreme Court
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Nebraska
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Northern District of Ohio
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

Community Involvement

- National Western Stock Show Association
- Silver Spur Club
- Badin Guild

Distinctions

- *Denver Business Journal*, Who's Who In Agriculture, 2023
- *5280 Magazine*, Top Lawyers in Denver, Agricultural/Rural, 2016, 2018, 2025, 2026
- People's Choice Award, Best Agricultural Lawyer in Colorado, 2015
- Barristers Best Award, Best Agricultural Lawyer in Colorado, 2015-2016
- *Colorado Super Lawyers*, Banking, 2014-2017
- Outstanding Lawyers of America Society, Outstanding Lawyers in America, 2002
- Martindale-Hubbell, AV-Preeminent

Memberships

- Thirteenth Judicial Circuit Bar Association
- Colorado Bar Association, Agriculture Section
- American Bar Association

Presentations and Publications

- "Ag Leases: What Real Estate Lawyers Need To Know About Farm, Ranch And Livestock Facility Leases," 38th Annual Real Estate Symposium, Colorado Bar Association Real Estate Section, July 2020
- "Front-End Pitfalls And Perils: What Ag Lending Attorneys Need To Know," Missouri Bar And Judicial Conference Annual Meeting, September 2019
- "Pitfalls And Traps For Secured Lenders," Kansas Bar Association Continuing Legal Education, April 2018
- "Ag Lending: Transaction And Litigation Issues," Colorado Bar Association Financial Institution Subsection, March 2018
- "Organic Farming Business Law," National Business Institute, October 2016
- "Certified And Natural Cattle Contracts," National Business Institute, October 2016

- "AgriFinance Pitfalls And Traps: What The Lender Wanted To Know Before Closing The Loan," Colorado Bar Association Business Law Institute, September 2016
- "Understanding the Workings of the Current Market," National Business Institute, June 2016
- "Handling Lien Issues in Livestock Transactions: Tips from a Top Agricultural Attorney," National Business Institute, June 2016
- "Livestock Producer and Grower Contracts," National Business Institute, June 2016
- "Stock and Fencing Law, Trespass and Liability Issues," National Business Institute, June 2016
- "Cattle Law: What The Lender Needs To Know?," Colorado Bankers Association, November 2015
- "Ag Lending: Top 10 Mistakes," Colorado Bankers Association, November 2015
- "Grain Production Contracts 101," National Business Institute, July 2015
- "Cattle Law: Drafting and Negotiating Cattle Industry Contracts," National Business Institute, November 2014
- "Oh the smell! Zoning battle rages over farm odors," CNBC, May 9, 2014
- "Farm bill: Bring on the hemp and sushi rice!," CNBC, March 13, 2014
- "Revised Article 9: What Lenders Need to Know," Lorman Education Services, 2005
- "Revised Article 9 Secured Transactions: What Colorado Lenders and Practitioners Need to Know," National Business Institute, 2005
- "Revised Article 9 Filing and Perfection Rules: What the Lender Needs to Know," National Business Institute, 2004
- "Structuring the Commercial Loan: What the Lender Needs to Know," National Business Institute, 2003
- "Loan Documentation," Lorman Education Services, 2003
- "Current Issues in Lender Liability," Robert Morris Associates, 1998
- "Dealing Commodities in a Fluctuating Market: Observations from an Ag Lender's Attorney," Colorado Feed and Grain Association, 1996
- "Colorado's New Central Indexing System: Observations from a Bank Attorney," Colorado Secretary of State Lenders Training Seminar, 1996
- "Current Issues in Lender Liability," Bank Administration Institute, 1989
- "Manual for the Conduct of Boards of Directors in Inevitable Corporate Takeover Situations," 1988
- "Lender Liability Prevention and Cures," Colorado Bankers Association, 1988
- "Business Organizations," Law Seminar, Inc., 1987
- "A Bank's Right to a Security Interest in Deposit Accounts," 2 Legalities No. 4, 1987
- "The Sale of Business Doctrine: Landreth Adds New Life to the Anti-Fraud Provisions of the Securities Acts," Vermont Law Review, 1986

Speaking Engagements

- Numerous bank loan documentation training seminars to mid-level and senior level loan officers
- "Front-End Pitfalls And Perils: What Ag Lending Attorneys Need To Know," Missouri Bar And Judicial Conference Annual Meeting, September 2019
- "AgriFinance Pitfalls And Traps: What The Lender Wanted to Know Before Closing The Loan," Colorado Bar Association Business Law Institute, September 2016
- "Livestock Law: New Regulations, Contracts, Liens, The P&S Act and More," National Business Institute, June 2016
- "Ag Lending: Top 10 Lender Mistakes," Presenter, Colorado Bankers Association, November 2015
- "Cattle Law: Drafting and Negotiating Cattle Industry Contracts," National Business Institute, November 2014
- "The Farm Bill's Effect On The Livestock Industry: What You Need To Know," National Business Institute, November 2014
- "Top 5 Traps – What Ag Lenders Need to Know," Agri-Access Lenders Conference, Des Moines, Iowa

Related Experience

- Represented the lender in connection with documenting a:

- $63.3 million loan secured by farm assets.
- $26 million loan secured by ranches in three states and livestock.
- $13,750,000 loan secured by farm land and agricultural products.
- $27,750,000 construction loan secured by a branded hotel property.
- $21,372,000 loan secured by a dairy facility and livestock.
- $7.9 million loan secured by a multifamily housing facility.
- $33 million loan secured by feeder cattle.
- $37.8 million loan secured by commercial office buildings.
- $35 million line of credit loan secured by feeder cattle.
- $25 million loan secured by livestock inventory.
- $16.6 million loan secured by farm land.
- $21, million working capital revolving line of credit secured by inventory and accounts.
- $17 million dairy facility loan.

- Represented the lender in connection with a:
  - $6,217,500 loan secured by commercial office building.
  - $19,672,000 dairy facility and livestock loan.
  - $29.3 million loan to acquire multi-family housing project.
  - $19 million loan secured by a dairy facility and livestock.
  - $25 million livestock facility loan.
  - $25.8 million line of credit to a medical company.
  - $25.5 million loan to a private equity fund to complete a business acquisition.
  - $16,960,000 construction loan secured by a multifamily apartment complex.
  - $19,077,000 dairy financing.
  - $14 million swine facility loan in Wyoming.
  - $22 million swine facility loan in Colorado.
  - $4.4 million swine facility loan in Nebraska.
  - $12.9 million swine facility loan in Minnesota and Nebraska.
  - $16.5 million poultry financing in Utah.
  - $18.18 million swine facility loan in Colorado.
  - $6.7 million hi-tech company financing.
  - $8 million office building financing in Boulder County, Colorado.
  - $11,835,000 swine facility loan.
  - $3.9 million public grain warehouse loan.
  - $20,123,000 livestock production facility loan in Colorado.
  - $8.5 million office building in City and County of Denver.
  - $10 million swine facility loan in Colorado and South Dakota.
  - $12.5 million swine facility loan in Colorado and South Dakota.
  - $9 million swine facility loan in Colorado.
  - $4 million line of credit secured by motor vehicles.
  - $23 million public grain elevator revolving line of credit in Colorado.
  - $17 million livestock production facility loan in Colorado.
  - $30 million loan to a grocery store chain with stores in six states.
  - $20 million loan secured by a private university dormitory.
  - $14 million loan to a Colorado and Wyoming dairy.
  - $8 million line of credit to a multi-location farm implement dealership.
  - $8 million dairy loan in Utah.
- Represented the lender in connection with:
  - Refinancing of $11.5 million line of credit secured by livestock.

    - The sale of a bank-owned swine facility.
    - Making $11 million residential real estate development.
    - The construction financing of a public library in Colorado.
    - The sale of $11 million loan secured by a real estate development.
    - The sale of a $6 million real estate development loan.
    - The lease purchase of a fire engine and firefighting equipment to a Colorado municipality.
    - The foreclosure of a two-state grocery store chain.
    - A line of credit and facility lending on a grain handling and export facility in Missouri.
    - The defense of preference avoidance action concerning a livestock line of credit.
- Represented a financial institution in connection with lease and purchase option of a building.
- Represented a cooperative in connection with $182.5 million loan secured by agricultural commodities and facilities.
- Represented the lenders in connection with over 100 commercial foreclosures and receiverships in all regions of the U.S.
- Represented the seller in connection with:
    - The sale of a commercial feedlot, related farm land, equipment, and livestock.
    - A $20 million sale of 300,000 deeded, BLM and Forest Service acres in three counties in Nevada.
    - A $7.5 million sale of Nebraska ranch.
    - A $42 million livestock supply contract.
- Represented the seller of a livestock service company to a publicly held purchaser.
- Represented the lender-lessor in connection with a:
    - Loan to school district to acquire school busses.
    - Real estate loan to municipality to construct a library.
    - Loan to a Fire District to acquire fire engines and related equipment.
    - Loan to a university to construct a laboratory building.
- Represented a lead lender in connection with a $19,325,000 participated loan secured by a dairy facility, livestock and feed.
- Represented the purchaser in connection with $21 million feedlot and farmland purchase in Nebraska.
- Represented an issuer of Letter of Credit in connection with $10 million agricultural development bonds for a swine production facility in Colorado.
- Represented issuer of $12 million letter of credit securitizing agricultural development revenue bonds.
- Represented dairy partnership in connection with reconstitution of partnership.
- Represented a purchaser in connection with the purchase of farm service company in Georgia, California, and Florida.
- Represented the purchaser in connection with the purchase of a poultry supply business located in numerous states in the southeastern U.S. and Caribbean Islands.
- Represented the financial institution in connection with the purchase of a Kansas bank.
- Served as due diligence counsel for buyer in connection with $800 million purchase of a beef packer.
- Served as Chairman of Official Unsecured Creditors Committee in a livestock production facility Chapter 11 in Nebraska.
- Represented livestock producers in connection with CFTC investigation.
- Represented numerous lenders in connection with numerous lines of credit transactions secured by livestock in over 20 states.
- Represented numerous sellers in connection with numerous transactions involving the sales of shares in privately owned financial institutions.
- Represented numerous lessors in connection with numerous lease transactions involving farms, livestock production facilities, and commercial properties.
- Represented numerous sellers in connection with numerous transactions involving the sales of shares in privately owned farm and livestock businesses.

- Represented numerous shareholders in connection with the sales or reorganizations of farm and livestock entity reorganizations and reconstitutions.
- Represented the lead lenders in connection with numerous dairy, swine, beef cattle, and farm financings in Colorado, Texas, Nebraska, Idaho, Iowa, Kansas, Utah, California, Wyoming, Ohio, Indiana, and Arizona.
- Represented the lenders in numerous commercial and agricultural foreclosures of office buildings, industrial developments, golf courses, recreational facilities, farms, ranches, dairies, and livestock production facilities in numerous states.
- Represented numerous lessors in connection with numerous lease-purchase transactions of livestock production facilities.
- Represented numerous lenders in connection with the sales of over 100 foreclosed commercial, farm, ranch, and livestock production facility properties.
- Represented numerous financial institutions in connection with numerous fraud investigations and fidelity claims.
- Represented numerous lenders in connection with numerous Chapter 11, Chapter 12, and Chapter 7 cases in numerous states.
- Represented the lead lender in connection with documenting a $12,800,000 participated loan secured by farm land.