



SpencerFane®

## Robert Cummings

Partner

### Contact

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## Overview

**Robert Cummings develops innovative, conscientious, and sound solutions for his clients with a primary focus on advising small and medium sized businesses primarily in litigation and dispute resolution. Backed by over a decade of expansive legal experience, he has a distinctly varied litigation practice through a variety of courts, including federal and state courts across as well as arbitrations throughout the nation. Robert prefers that his clients avoid litigation if possible, so he also assists clients with risk analysis, internal investigations, and other proactive measures as well.**

Along with his litigation practice, Robert has assisted many clients with business formations and remained involved in drafting organizational and operational documents, minutes, resolutions, general contract drafting, and other necessary business records. Robert has also advised many clients on various transactions, including equity purchases and sales, asset purchase agreements, and other changes in control matters.

Robert began his career as a commercial and white-collar litigator before shifting his primary focus to commercial and business disputes. He 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 being 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 resulting in acquittals for both defendants, including Robert's client.

Robert also has appellate experience having assisted multiple clients with their appeals, including representing a client in a defamation action resulting in the first published opinion in Utah on defamation principles applying to online comments.

While in law school, Robert was an extern for the Hon. Johnnie B. Rawlinson of the U.S. Court of Appeals for the Ninth Circuit.

## Education

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

## Bar Admissions

- California
- Utah

## Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit

## Community Involvement

- Boy Scouts Troop 38, Committee Chair, 2018–2021
- Wasatch Presbyterian Church, Member of Session, 2016–2022

## Distinctions

- *Mountain States Super Lawyers*, Rising Stars, Civil Litigation: Plaintiff, 2021
- *Utah Business Magazine*, Utah Legal Elite, Civil Litigation

## Memberships

- Utah State Bar, Securities Section
- Utah Association of Criminal Defense Lawyers, 2013–2019
- American Bar Association, Litigation Section

## Presentations and Publications

- "Sharing Authentic Experiences and Building Compassion in our Relationships," Utah Spring Convention, 2024
- "Sharing Lived Experiences to Help Lawyers in Need," Utah Bar Fall Forum 2023
- "I'm Blank and I'm an Alcoholic – Combatting Stigma of Alcohol and Drug Dependency in the Practice of Law," Utah Association for Justice Annual Conference, 2022
- "Top 10 Things Financial Planners Should Know from 2022," Utah Financial Planning Association Symposium, 2022
- "Death, Taxes, & Technology: Update on Estate, Trust, and Related Litigation & Other Issues I Find Interesting," Utah Financial Planning Association Symposium, 2021
- "Cultivating Cannabis Cash: The Good, the Bad, the Ugly," Utah Financial Planning Association Symposium, 2019
- "Ethical Marketing, Social Media, and Handling Negative Online Reviews with Discussion of *Spencer v. Glover*," Utah State Bar, Small Firm Section, 2018
- "[A Lawyer's Manifesto](#)," *Utah Bar Journal*, March–April 2016

- "Trickey Brickey: An Analysis of *State v. Brickey* and Its Application at Preliminary Hearings," *The Defender*, Utah Association of Criminal Defense Attorneys, September 2015
- "Get Your Own Lawyer! An Analysis of In-House Counsel Advising Across the Corporate Structure after *Teleglobe*," *Georgetown Journal of Legal Ethics*, 2008

## Related Experience

- Successfully defended a client in a jury trial a client charged with various fraud-related counts resulting in acquittal on all theft counts.
- Successfully defended a client in a jury trial against nuisance claims brought by his neighbor based upon a feral cat colony behind his deceased girlfriend's house. Her dying wish was for him to care for the feral cat colony, which are protected under Utah law, and Robert aided the client in doing what he promised her.
- Successfully defended a client business in defeating a preliminary injunction motion alleging client theft and other breaches of fiduciary duties 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. Turned a client standing in the defense posture into a \$300,000 plus judgment after essentially trying the case three times.
- Briefed and argued appeal of motion to dismiss granting dismissal of defamation claims brought by the client's former divorce lawyer stemming from the client's online reviews regarding the divorce lawyer, resulting in a complete affirmance. The appellate opinion was the first one in Utah involving.