

## Brian C. Free

brian.free@hcmp.com

direct: 206.470.7646

fax: 206.623.7789



## Professional Overview

In his commercial litigation and insolvency practice, Brian represents financial institutions, securities firms, and commercial landlords. Clients come to him for his extensive experience with all aspects of bankruptcy, receiverships, insolvency, restructuring, and debtor-creditor work.

Brian provides practical advice and strategies to clients with lender liability claims, regulatory investigations, asset investigations, and pre-judgment and post-judgment collections.

Brian is listed among top attorneys in the bankruptcy field by *Chambers USA* and recognized as a Super Lawyer by *Washington Super Lawyers*, both most recently in 2022.

Brian's work has earned him several distinguished titles and roles in notable organizations such as Consumer Education and Training Services (C.E.N.T.S.). Brian currently serves as Board member and former President for this non-profit organization dedicated to personal finance and debt education. Brian has also served as an adjunct professor at Seattle University teaching the Bankruptcy course.

## Representative Matters

- Represent regional and national banks with lender liability claims, regulatory investigations, asset investigations, and pre-judgment and post-judgment collections.
- Represent creditors in bankruptcies, receiverships, and complex workouts.
- Represent defendants in bankruptcy preference actions in multiple jurisdictions.
- Represent bankruptcy trustees in preference and voidable transfer litigation.
- Represented national bank with international liquidation of aircraft collateral, including in China, the Netherlands, United Arab Emirates, Michigan, Arizona, Oregon, and Texas. Bankruptcy, probate, and related collection proceedings yielded millions in proceeds for the client.

- Represented a technology fund in connection with the provision of debtor-in-possession and exit financing for the successful Chapter 11 reorganization of Nortis, Inc. The reorganization resulted in our client owning a controlling share of the company and holding a majority of the seats on the board.
- Represented regional bank in state receivership and subsequent bankruptcy proceedings, obtaining relief from stay for one dozen properties.
- Represented a major national bank in a multi-billion dollar class action related to the sale of mortgage-backed securities.
- Represented major national securities firm against claims of alleged securities violations related to mortgage-backed securities; litigated matter to state Supreme Court.
- Represented bank in Chapter 11 bankruptcy for major printing company, monitoring sale of business, accounts, and real estate.
- Represented commercial landlord in unlawful detainer actions and multiple tenant bankruptcies, leading to successful re-leasing of building premises.
- Represent receivers in multiple actions across Washington State, assisting with all aspects of the management and sale of real estate and liquidation of assets.
- Represent multiple financial services firms before state and federal courts and FINRA and NYSE arbitration panels.
- Recovered secreted assets from judgment debtor's unauthorized real estate and securities sales.
- Represented developer in successful arbitration related to the dissolution and windup of multi-state construction business.
- Represented numerous landowners in cost recovery actions under state and federal environmental statutes.
- Represented national employer in class action wage and hour litigation.
- Represented prevailing party in trust litigation regarding control of a major Northwest religious organization.

## Articles and Presentations

- Presenter, "Bankruptcy Law and the Science of Decision Making," King County Bar Association Bankruptcy Law November Section Meeting, November 2023
- Panelist, "Navigating Ethical Challenges Inherent in Receivership Proceedings," CENTS, November 2023
- Presenter, "Dealing with Rejection - Landlord-Tenant Issues in Bankruptcy and Receivership," LSI Advanced Conference on Commercial Real Estate Leases, December 2020
- Presenter, "Opportunities in Distressed Real Estate Investing," HCMP Bankruptcy & Insolvency Webinar, May 27, 2020
- Presenter, "The Science of Better Decision-Making," Women in Public Finance, September 2020

- Presenter, "Dealing with Rejection - Landlord-Tenant Issues in Bankruptcy and Receivership," LSI Advanced Conference on Commercial Real Estate Leases, December 2019
- Ask a Legal Professional, *Puget Sound Business Journal* ([Accepting Rental Payments Following a Breach by Commercial Tenant](#)), January 2019
- Presenter, "Dealing with Rejection - Landlord-Tenant Issues in Bankruptcy and Receivership," KCBA Bankruptcy Law September Section Meeting, September 2018
- Presenter, "What Do You Mean When You Say "Workout," and What Do You Want Out of This Workout?," HCMP Lender Services Seminar, March 2018
- Ask a Legal Professional, *Puget Sound Business Journal* ([Accepting Rental Payments](#)), January 2018
- Ask a Legal Professional, *Puget Sound Business Journal* ([Commercial Tenant Bankruptcy](#)), July 2017
- "[U.S. Supreme Court Clarifies Debt Collections Act for Financial Institutions](#)," June 2017
- "[Oregon Passes a Comprehensive Receivership Code](#)," June 2017
- "[Retail Bankruptcies: Strategies for Commercial Landlords](#)," June 2017
- Presenter, "Management Strategies for Commercial Landlords," HCMP Lunch Seminar, April 25, 2017
- Presenter, "Know Your Rights," Idriss Mosque, Winter 2017
- Speaker, "Receiverships, Assignments and Other Bankruptcy Alternatives: What Lies Ahead in 2017," Winter 2017
- Speaker, "Washington Guarantor Liability Following Foreclosure," November 2016
- Ask a Legal Professional, *Puget Sound Business Journal* ([Receivership](#)), July 2016
- "[U.S. Supreme Court Update: Guarantors and Regulation B Opinion](#)," May 2016
- "[Evaluating Options for Insolvent Companies](#)," *Seattle Business*, April 2016
- "Increased Scrutiny for Trustee Short Sales: Advice for Obtaining Bankruptcy Court Approval," May 2015
- "Fundamentals of Judgment Collection," Spring 2015 presentation
- "Chapter 13 Bankruptcy Overview," Spring 2015 presentation
- "[Lender Services Update: Lender Liability for Forbearance and Foreclosures](#)," September 2014
- Ask a Legal Professional, *Puget Sound Business Journal* (Commercial Landlord Personal Guaranty), January 2014
- Ask a Legal Professional, *Puget Sound Business Journal* (Tenant Bankruptcy), September 2013
- "Awaiting Doe v. Exxon Mobil Corp.: Advocating the Cautious Use of Executive Opinions in Alien Tort Claims Act Litigation," *Pacific Rim Law & Policy Journal*

## Professional and Civic Involvement

- Federal Bar Association of Western District of Washington, Trustee
- Consumer Education and Training Services (C.E.N.T.S. Program), current Board member and former President for this non-profit organization dedicated to personal finance and debt education.
- Adjunct Professor, Bankruptcy Law, Seattle University School of Law
- University Behind Bars, Volunteer Instructor
- American Bankruptcy Institute
- The William L. Dwyer American Inn of Court
- Turnaround Management Association
- WSBA Creditor Debtor Rights Section
- University of Washington Contract Management Course, Instructor
- United Way Legal Steering Committee
- King County Bar Association
- Washington State Bar Association
- American Bar Association
- Volunteer, Strong Families Assistant Wrestling Coach, Nathan Hale High School

## Honors / Awards / Prior Experience

- Ranked by *Chambers USA* in the category of Bankruptcy/Restructuring, most recently in 2022.
- Repeatedly recognized as a Super Lawyer by *Washington Super Lawyers*, most recently in 2022.
- Ranked a *Top Attorney in Washington* by Seattle Met Magazine, July 2020.
- Repeatedly recognized as a Rising Star by Washington Law & Politics.

## Education

J.D., University of Washington School of Law, with honors, 2004

- Order of the Barristers



Hillis  
Clark  
Martin &  
Peterson P.S.

- Executive Articles Editor, *Pacific Rim Law and Policy Journal*, 2003 - 2004
- Moot Court Honor Board Executive Board, 2003 - 2004
- American Bar Association Representation in Mediation Competition, Regional Champion, National Finalist

B.A., Stanford University, with honors, 1999

## Bar/Court Admissions

- Washington State Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Western and Eastern Districts of Washington
- Oregon State Courts



## Personal

I love living in the Northwest, and try to downhill and cross-country ski, hike, and bike as much as possible.