

THOMAS S. HEMMENDINGER

BRENNAN, RECUPERO, CASCIONE, SCUNGIO & McALLISTER, LLP

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LEGAL EXPERIENCE

Concentrating in commercial finance, business planning, Uniform Commercial Code, insolvency and bankruptcy litigation.

Strauss, Factor, Hillman & Lopes, Providence, RI: associate, 1984-90; partner, 1990-92

Salter, McGowan, Swartz & Holden, Inc., Providence, RI: member, 1992-95

Brennan, Recupero, Cascione, Scungio & McAllister, LLP: of counsel, 1995-present

BAR ADMISSIONS

State Courts: Rhode Island Supreme Court (1984); Massachusetts Supreme Judicial Court (1990)

U.S. Courts of Appeals: First Circuit (2000); Eighth Circuit (1997)

U.S. District Courts: Colorado (2003); Connecticut (2004); Massachusetts (1991); Rhode Island (1985)

EDUCATION

Brown University, A.B. *magna cum laude* 1981

University of North Carolina School of Law, J.D. 1984

PUBLICATIONS

Hillman on Commercial Loan Documentation. New York: Practising Law Institute, 2000-10

“Rhode Island Commercial Lending Law,” Commercial Lending Law: A State-by-State Guide. Edited by Brian D. Hulse, Jeremy S. Friedberg, and James H. Prior. Chicago: American Bar Association, 2009

“Certificate of Title Law — Rhode Island,” Compendium of State Certificate of Title Laws. Edited by Alvin C. Harrell. Chicago: American Bar Association, 2009

(co-author) “Attorney Practice Guide: Creditors’ and Debtors’ Rights,” 56 R.I. Bar Journal 5 (March/April 2008)

“The Supreme Court Ends ‘No-Fault’ Subordination in *United States v. Noland*,” 11 Commercial Law Bulletin no. 6, p. 33 (November/December, 1996)

“Perfecting Security Interests in Intellectual Property,” 35 R.I. Bar Journal 8 (November, 1986)

RECENT PUBLISHED CASES

Fleet National Bank v. Valente (In re Valente), 360 F.3d 256 (1st Cir. 2004)

Muratore v. Darr, trustee, 375 F.3d 140 (1st Cir. 2004)

Expeditors International of Washington, Inc. v. Kmart Corp., 2004 WL 868390 (N.D. Ill. 2004)

Expeditors International of Washington, Inc. v. Liquidating Trust (In re Schwinn Cycling & Fitness, Inc.), 313 B.R. 473 (D. Colo. 2004)

In re California Webbing Industries, Inc., 370 B.R. 480 (Bankr. D. R.I. 2007)

In re Paul Harris Stores, Inc., 342 B.R. 285 (Bankr. S.D. Ind. 2006)

In re Paul Harris Stores, Inc., 342 B.R. 290 (Bankr. S.D. Ind. 2006)

Fleet National Bank, trustee v. 175 Post Road, LLC, 851 A.2d 267 (R.I. 2004)

ACADEMIC HONORS

Holderness Moot Court Bench, member
Phi Beta Kappa

PRESENTATIONS

Loan Documentation, Commercial Finance and Secured Transactions

In-house training programs for Fleet National Bank, Randolph Savings Bank, The Washington Trust Company, and Webster Bank, National Association (and for predecessor banks First Federal Savings Bank of America and People’s Savings Bank of Brockton)

Presentations and continuing legal education seminars for the American Bar Association (Section of Business Law and Section of Real Property, Trust & Estate Law), Bank Lending Institute, Lorman Education Services, Massachusetts Bar Association, National Business Institute, Rhode Island Bar Association, Risk Management Association, Strafford Publications, University of Massachusetts (Dartmouth), and U.S. Small Business Administration

Goods in Transit Issues

Presentations and continuing education seminars for the American Bar Association (Section of Business Law), the Association of Commercial Finance Attorneys, and the Boston Customs Brokers and Freight Forwarders Association

Commercial Litigation, including Bankruptcy, Insolvency and Creditors' Rights

In-house training programs for the following institutions: Expeditors International of Washington, Inc., First Federal Savings Bank of America, Fleet National Bank, Bank of New England - Old Colony, N.A., People's Savings Bank of Brockton

Continuing legal education seminars for the American Bar Association (Section of Real Property, Probate and Trust Law), Lorman Education Services, National Business Institute, Rhode Island Bar Association

Other Presentations

Continuing legal education seminars on environmental law, title insurance and recent developments in Rhode Island law, for the National Business Institute and the Rhode Island Bar Association

ALTERNATIVE DISPUTE RESOLUTION

Panel of Arbitrators, Rhode Island Superior Court-Annexed Arbitration Program, member, 1996-present

Rhode Island Superior Court settlement week program, volunteer mediator, 1993-present

Arbitration and mediation of commercial and other disputes, 1994-present

PUBLIC AND COMMUNITY SERVICE

Uniform Law Commission (National Conference of Commissioners on Uniform State Laws); and Rhode Island Commission on Uniform State Laws, member, 2005-present

Enactment Committee for Amendments to UCC Article 9, member, 2010-present

Committee on Federalism and State Law, member, 2009-present

Enactment Committee for the Uniform Trade Secrets Act, member, 2007-present

Committee to Implement the United Nations Convention on the Use of Electronic Communications in International Contracts, member, 2008-2010

Joint Drafting Committee for Implementation of the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit, member, 2007-2010

Drafting Committee on Model Registered Agents Act and Amendments to Entity Acts to Rationalize Annual Filings, member, 2005-2007

Brown University Summer Studies Program, faculty, 1997-2001

Preachers' Aid Society of New England, board of directors, member, 1996-present

Second Vice President, 2008-present

Rhode Island working group for the enactment of Revised UCC Articles 3, 4, 5, 8 and 9, 1999-2000

United Methodist Elder Care (f/k/a Trustees of United Methodist Health and Welfare Services)

Vice President, 1986-87

President, 1987-90

Treasurer, 1990-95 and 2000-07

BUSINESS AND PROFESSIONAL MEMBERSHIPS

American Bankruptcy Institute, 1991-present

American Bar Association, 1984-present

Section of Business Law, 1984-present

Committee on Commercial Financial Services, 1991-present

Loan Documentation Subcommittee, 1991-present

Committee on Uniform Commercial Code, 1991-present

Section of Litigation, 1985-present

Commercial & Business Litigation Committee, 1991-present

Section on Real Property, Probate and Trust Law, 1984-present

Workouts, Foreclosures and Bankruptcy Committee, 1993-present

Association of Commercial Finance Attorneys, 1991-present

Coalition of New England Companies for Trade (CONNECT), through Brennan Recupero, 2006-present

Commercial Law League of America, 1984-present

INSOL International, 1991-present

Real Estate Bar Association (formerly Massachusetts Conveyancers Association), 1999-present

National Customs Brokers & Freight Forwarders Association of America, affiliate member through Brennan Recupero, 2006-present

Rhode Island Bar Association, 1984-present

Committee on Creditors' and Debtors' Rights, member, 1985-present

Rhode Island Bar Journal Editorial Board, member, 1985-86

Superior Court Bench Bar Committee, member, 1995-97