

BRIAN K. ASBERRY
NEALE & NEWMAN, L.L.P.
2144 EAST REPUBLIC ROAD, SUITE F302
P.O. BOX 10327
SPRINGFIELD, MISSOURI 65804
TELEPHONE: (417) 882-9090 FACSIMILE: (417) 882-2529
E-MAIL: BASBERRY@NNLAW.COM

EDUCATION

- University of Missouri-Columbia, Juris Doctor, 1990
 - Member, Journal of Dispute Resolution

- The School of the Ozarks, Bachelor of Arts, 1988
 - Double major in History & Political Science

CAREER DATA

- Partner in the law firm of Neale & Newman, L.L.P. with a litigation and general business/corporate practice. Emphasis in commercial litigation, creditor's rights, mediation, arbitration and general business/corporate law.

- Licensed to practice before the following courts:
 - Missouri state courts (1990)
 - United States Supreme Court (1993)
 - United States Court of Appeals for the Eighth Circuit (1991)
 - United States District Court for the Western District of Missouri (1990)
 - United States District Court for the Eastern District of Missouri (2005)
 - United States District Court for the District of Kansas (2013)
 - United States Court of Appeals for the Tenth Circuit (2015)
 - United States District Court for the Western District of Arkansas (2022)
 - *Pro Hac Vice* Admissions in the United States District Court for the Districts of Nevada, Arizona, Middle District of North Carolina, Eastern District of Arkansas, and Northern District of Alabama

- Holds AV Preeminent[®] rating from Martindale-Hubbell

- Certified by the Missouri Bar to perform mediations

- Panel Member for the United States District Court, Western District of Missouri Early Assessment Program

BOARDS &
ASSOCIATIONS

- Member, The Missouri Bar
 - Member, Bankruptcy Creditor-Debtor Rights Committee (2016-present)
 - Alternative Dispute Resolution Committee (2016-present)
- Member, Western District of Missouri Bankruptcy Court Attorney Advisory Group (2021-present)
- Member, Missouri Office of Chief Disciplinary Counsel Region XV, Division II Disciplinary Committee (2019-present)
- Member, Springfield Metropolitan Bar Association
 - Chairman, Commercial and Insolvency Committee (2015-2017)
- Member, American Bankruptcy Institute
- Associate Member, Missouri Bankers Association
- Member, Association of Missouri Mediators
- Member, Volunteer Lawyers Project
- Member, Springfield Area Chamber of Commerce
- Member, Breast Cancer Foundation of the Ozarks Board of Directors (2023-Present)
- Member, Greene County 100 Club Board of Directors (2023-Present)
- Member, Leadership Springfield Class XV
- Life Member, University of Missouri Alumni Association
- Member, Mt. Zion Lodge # 327, A.F. & A.M.

PAST CIVIC
INVOLVEMENT

- Member, Ronald McDonald Children’s Charities of the Ozarks Board of Directors (2017-2023)
 - Chairman of the Board (2020)
- Trustee, U.S. Junior Chamber Foundation (2016-2020)
- Member, The Tooth Truck, Inc. Board of Directors (2014-2017)
- Member, Make-A-Wish Foundation of Missouri Board of Directors (2005-2007)
- Member of the Board of Directors, Big Brothers Big Sisters of the Ozarks (1997-2003)
- Former National Legal Counsel, United States Junior Chamber (2001)
- Past President, Missouri Jaycees (1998-99)
 - Legal Counsel (1995-97)
- Past Member, Springfield Jaycees (1992-2008)
 - Past President (1996-97)
- Member, Greater Springfield Apartment & Housing Association Advisory Board (1998-2014)

PROFESSIONAL
EXPERIENCE

- Representation of local and regional banks in various matters, including general litigation, bankruptcy, labor, contractual and collection issues.
- Representation of real estate management companies in commercial lease negotiations, general litigation and commercial matters.
- Representation of local and national business concerns and individuals in general litigation matters, emphasizing commercial and real estate issues.

- Served as a mediator and arbitrator in various state and federal court matters involving commercial litigation, labor disputes and personal injury claims.
- Representation of the cities of Springfield and Branson on an outside counsel basis in various litigation matters.
- Representation, on an outside counsel basis, of TWA in major aircraft lease/mortgage audit.
- Representation of board of directors of a local retail business concern in major bankruptcy adversary proceeding seeking recovery of alleged preferential and fraudulent transfers.

PUBLISHED

WORKS

- Comment, *When Your Law Firm Wants A Divorce: Mediating The Dissolution of Law Firms*, 1990 J. DISP. RESOL. 387
- *Fraudulent Transfers, Receivers, and Lis Pendens*, Mo. Creditors' Remedies, § 7 (Mo. Bar 6th Ed. 2009).
- 2014 Supplement to *Fraudulent Transfers, Receivers, and Lis Pendens*, Mo. Creditors' Remedies, § 7 (Mo. Bar 6th Ed. 2009).

SEMINARS

- "Open Minds, Open Doors", Springfield Apartment and Housing Association Conference on Housing, April, 1997.
- NALP seminar on Fair Housing Act and ADA sponsored by the Springfield Apartment and Housing Association, September, 1997.
- "Introduction to Starting and Operating Your Own Business", sponsored by the Springfield Jaycees and the United States Junior Chamber Center for Entrepreneurship and Career Advancement, March, 1998.
- "Collection Law in Missouri" seminars sponsored by Lorman Education Services in Springfield and Columbia, May, 1998.
- "Introduction to Starting and Operating Your Own Business", sponsored by the Springfield Jaycees and the United States Junior

Chamber Center for Entrepreneurship and Career Advancement, October, 1998.

- "Judgment Enforcement in Missouri" seminar sponsored by Lorman Education Services in Springfield, January, 1999.
- "Collection Law in Missouri" seminars sponsored by Lorman Education Services in Springfield and Columbia, May, 1999.
- "Collection Law in Missouri" seminars sponsored by Lorman Education Services in Springfield and Columbia, May, 2000.
- "Revised Article 9 of the Uniform Commercial Code" seminar sponsored by Lorman Education Services in Springfield, July, 2002.
- "ABC's of Handling Wage Garnishments" seminar sponsored by Associated Industries of Missouri in Springfield, March, 2003.
- "Strategic Partnerships Involving Human Resources" seminar sponsored by the Branson Tri-Lakes Human Resources Association, March, 2003.
- "Bankruptcy in Missouri: A Creditor's Perspective" seminar sponsored by Lorman Education Services in Springfield, November, 2003.
- "ABC's of Handling Wage Garnishments" seminar sponsored by Associated Industries of Missouri in Jefferson City, May, 2004.
- "Deeds of Encumbrance" - Real Estate seminar sponsored by Springfield Metropolitan Bar Association, July, 2005.
- "ABC's of Handling Wage Garnishments" - seminar sponsored by Associated Industries of Missouri in Jefferson City and Springfield, August, 2005.
- "Pre-trial Conferences" - Springfield Metropolitan Bar Association Jury Trial Seminar Series, February, 2006.

- “Bankruptcy Issues in Real Estate for Non-Bankruptcy Specialists” - Annual Real Estate Institute sponsored by The Missouri Bar in Columbia and Springfield, June, 2008.
- “Collection of Judgments in Missouri” - seminar sponsored by The Missouri Bar, October, 2009.
- “Stepping Up & Stepping Out: The New Lawyer Experience” - seminar sponsored by The Missouri Bar in Independence/Kansas City, 2010-2013.

REPORTED

DECISIONS

- *State ex rel. Rantz, et al. v. Sweeney*, 901 S.W.2d 289 (Mo. App. 1995)
- *City of Branson v. Estate of LaFavre*, 9 S.W.3d 755 (Mo. App. 2000)
- *In re Hutton Valley Farms*, 251 B.R. 522 (U.S. Bankr. Ct. 2000)
- *Nachbar v. Duncan*, 114 S.W.3d 421 (Mo. App. 2003)
- *Martin v. Reed*, 147 S.W.3d 860 (Mo. App. 2004)
- *People's Bank vs. Frazee*, 318 S.W. 3d 121 (Mo. 2010)

COURSES

TAUGHT

- Advanced Research & Writing & Introduction To Law, Drury University (1996, 1997).
- Legal Aspects of Human Resources Management, Webster University (2000, 2002).
- Law & Banking, American Institute of Banking (2000, 2001).

AWARDS

- Springfield Jaycees Jaycee of the Year (1996)
- Missouri Jaycees Outstanding Executive Committee Member (1996)
- Missouri Jaycees Presidential Award of Honor (1997)

- Missouri Jaycees William Gerhardt Memorial Award (1997)
- Outstanding Young Man of America (1998)
- Junior Chamber International Senator #58334 (1998)
- United States Junior Chamber Clayton Frost Memorial Award (1998, 1999)
- Springfield Business Journal’s “Forty Under Forty” (2001).
- Member, Million Dollar Advocates Forum (2003)
- Missouri & Kansas Super Lawyer (2013-2022)
- Member, Mudder Legion
 - < Tough Mudder St. Louis 2013
 - < Tough Mudder Kansas 2014
 - < Tough Mudder Virginia Beach 2014
 - < Tough Mudder Missouri 2014
 - < Tough Mudder Chicago 2015
 - < Tough Mudder Virginia 2015
 - < Tough Mudder Kentucky 2015
 - < Tough Mudder Missouri 2015
 - < Tough Mudder Kentucky 2016
 - < Tough Mudder Missouri 2016
 - < Tough Mudder Kentucky 2017