

Brian K. Tester

Senior Counsel, Litigation Practice Group and Bankruptcy
& Debt Restructuring Practice Team

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PRACTICES

Bankruptcy & Debt Restructuring
Litigation

BAR ADMISSIONS

- United States District Court for the District of Puerto Rico and for the Central District of California
- United States Bankruptcy Court for the District of Puerto Rico
- United States Court of Appeals for the First and Ninth Circuits
- United States Supreme Court
- California

EDUCATION

B.A., Oral Roberts University

- Major: Speech, Debate & Drama

J.D., Pepperdine University
School of Law

MEMBERSHIPS

- American Bankruptcy Institute
- California Bar Association
- Federal Bar Association
- Puerto Rico Bankruptcy Bar Association

He concentrates his practice in bankruptcy, debt restructuring and business reorganizations.

Mr. Tester served as a U.S. Bankruptcy Judge for the District of Puerto Rico from 2006-2020 and on the Bankruptcy Appellate Panel for the First Circuit from 2007-2020.

Between 2016 and 2018 he helped draft the insolvency law for the Kingdom of Saudi Arabia, which was signed by King Salman bin Abdulaziz Al Saud. Since finishing that task, he has been consulted as an expert for revising the insolvency laws of Morocco, Singapore, Bahrain, UAE and Tunisia.

After completing his 14-year term as a bankruptcy judge in 2020, he joined Putnam Bridge Funding LLC as general counsel where he worked on the sale of the Puerto del Rey marina in Fajardo, and the opening of the La Casa senior residential living community in Santurce. Afterward he established his own law firm.

Prior to being appointed to the U.S. Bankruptcy Court, he worked in other stateside and Puerto Rico law firms, including at a leading firm in San Juan, where he headed the bankruptcy and business reorganization division. He also was an attorney at the U.S. Department of Justice in the Office of the U.S. Trustee. While in private practice, he was lead counsel in several published decisions.

He has been a speaker for the American Bankruptcy Institute, the Association of Bankruptcy Judicial Assistants, the Federal Judicial Center, the National Conference of Bankruptcy Judges, the Colegio de Abogados de Puerto Rico, the Bankruptcy Bar Association for the Southern District of Florida, the Colegio de CPAs and the National Business Institute. He also is a professor on the faculty for the School of Law at the Inter-American University of Puerto Rico.

In his free time, he uses his Speech, Debate & Drama bachelor's degree by participating in movies and television. He currently has 35 acting credits (see IMDb.com) and was the regional representative for the SAG/AFTRA union.

REPRESENTATIVE CASES

1. Representation of various creditor constituencies in the Title III proceedings of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Puerto Rico Public Buildings Authority on various matters including, but not limited to, defense against objection to claims, litigation for relief from the automatic stay, adequate assurance protection issues, representation in certain adversary proceedings, active participation in mediation efforts, among other issues.
2. Representation of several parties to Power Purchase and Operating Agreements in the Title III proceeding of the Puerto Rico Electric Power Authority (PREPA).
3. Served as Mediator in over 50 adversary proceedings against vendors and suppliers of the Commonwealth of Puerto Rico filed by the Avoidance Actions Trustee, including preferences, fraudulent conveyances, and other avoidance actions.
4. Representation of the administrative and collateral agent for certain pre-petition lenders, and for the DIP lender in the bankruptcy proceedings for the third-largest hospital group in Puerto Rico – Grupo HIMA San Pablo.
5. Representation of secured and unsecured creditors in Chapter 7, Chapter 11, and Chapter 13 cases, including, but not limited to, cash collateral controversies, requests for relief from stay, requests for approval of administrative expenses, disputes on approval of critical vendors, issues on dismissal and/or conversion of bankruptcy cases, objections to claims, disputes on approval of plans of reorganization, defense of creditors in controversies of violation of automatic stay, approval of bankruptcy sale of assets free and clear of liens.
6. Representation of creditors in bankruptcy cases and adversary proceedings filed in the Districts of California, Delaware, Florida, New Jersey, St. Croix, and Texas.
7. Representation of appointed receiver in cases under the jurisdiction of the Puerto Rico Office of the Commissioner of Financial Institutions (OCIF).