

BUCKNER (“BUCK”) HINKLE, JR.

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PROFESSIONAL SUMMARY

Following 42 years of private law practice, Mr. Hinkle currently serves in executive capacities for a family office and as an arbitrator and mediator.

His experience in business and construction began in the 1960’s when working jobs for a family construction business, Hinkle Contracting Corporation, started by his father. He continued his association with the family business as an officer, director, and general counsel while in private law practice. From this perspective, he gained experience in business management, risk management and construction project delivery. This experience has proven valuable in a wide variety of construction, business, and legal matters.

HINKLE ADR, PLLC

2016 - present

Mr. Hinkle’s arbitration experience began in 1984 as an advocate. His arbitration and subsequent mediation experience continued to the remainder of his private practice career as an advocate, arbitrator and mediator. He formed Hinkle ADR, PLLC in 2016 and has since served as arbitrator and mediator in numerous construction disputes involving highway, industrial, energy and commercial projects.

STITES & HARBISON, PLLC, Lexington office

1983 – 2016

Construction Service Group; Business Litigation Service Group. Construction litigation, transactions and claims; business and commercial litigation. Construction practice involved services to contractors, design-builders, construction managers, design professionals, owners, subcontractors, sureties, and vendors in matters ranging from construction claims to contract drafting.

Business and commercial litigation involved a variety of transactions in the financial, equine, manufacturing, mineral and software industries.

Served as co-chairman of the firm's Business Section in 1983; member of the firm's Management Committee, 1984-85, 1990-92 and 2002-2003; co-chairman of the firm's Litigation Section, 1986-89; chairman of the firm's Construction Service Group, 1993-97 and 2009-2014.

Harbison, Kessinger, Lisle & Bush
(predecessor to Stites & Harbison, PLLC)
Partner, 1979-1982

Practice in the areas previously described but with increasing emphasis on construction and business litigation; Administrative Partner, 1980; member of Executive Committee, 1981; member of firm's Merger Negotiating Committee, 1982.

Associate, 1974-1978

Multiple practice areas including business organizations, real estate and mineral property transactions, lending transactions, business and construction litigation.

ADMISSIONS

- Kentucky
- United States District Courts for Eastern and Western Districts of Kentucky
- United States Court of Appeals for the Fourth and Sixth Circuits
- U.S. Court of Federal Claims

BUSINESS ACTIVITIES

- Hinkle Holding Company, LLC, and affiliates
 - ✘ Board of Directors and Executive Committee, 2010-present
 - ✘ Vice President and General Counsel, 2016-Present
 - ✘ Secretary, 2010-present
- Hinkle Corporation/Hinkle Contracting Corporation
 - ✘ Board of Directors, 1974-2010
 - ✘ Executive Committee, 1976-2010
 - ✘ Secretary, 2000-2010

The Hinkle family sold Hinkle Contracting Company to Summit Materials (NYSE: SUM) in 2010. Hinkle family businesses

continue to participate in the construction industry. Mr. Hinkle serves as General Counsel and Vice-President for Hinkle Holding Company, LLC, Hinkle Construction Services, LLC, Hinkle Environmental Services, LLC, and Kentucky Machinery Company, LLC.

EDUCATIONAL BACKGROUND

University of Kentucky College of Law
Lexington, Kentucky
J.D., 1974

Sewanee: The University of the South
Sewanee, Tennessee
B.A., Political Science, 1970

Christ School for Boys
Arden, North Carolina
Graduated 1966

Morehead State University
Morehead, Kentucky
Honorary Doctor of Public Service, 2014

PROFESSIONAL ACTIVITIES AND RECOGNITION

- Chambers USA, 2010-2016
- Listed in **The Best Lawyers in America**®, 2001-2016
Lawyer of the Year, 2012, 2013 and 2015
- AV Listing with Martindale-Hubbell
- American Bar Association Forum on the Construction Industry,
 - ✘ Member, 1984-present
 - ✘ Governing Committee Chair, 2000-01
 - ✘ Governing Committee, 1996-2002
 - ✘ Division 2 (Contract Documents), Member, 1986-present
 - ✘ Co-Chair of Forum's 1997 Fall Meeting, "AIA Contract Documents, General Next"
 - ✘ Co-Chair of Forum's 1995 Annual Meeting, "Changing Trends of Project Delivery: The Move To Design/Build," April 1995
 - ✘ Division 2 (Contract Documents) Chairman, 1993-95
 - ✘ Division 2 Steering Committee, 1991-95
- American Arbitration Association
 - ✘ Panel of Construction Mediators, 1997-present
 - ✘ Panel of Construction Arbitrators, 2017-present

- American Bar Association, Member, 1974-present
 - ✘ Forum on the Construction Industry, Member
 - ✘ Litigation Section, Member
 - ✘ Public Contract Law Section, Member
 - ✘ Dispute Resolution Section, Member

- Associated General Contractors of Kentucky
 - ✘ Kentucky Chapter Board of Directors, 2002-2016
 - ✘ Lifetime Achievement Award, 2011
 - ✘ Distinguished Service Award, 2009
 - ✘ Legislative Advocate of the Year, 2007
 - ✘ “Magnificent Seven” Award by Kentucky Chapter for distinguished service to the construction industry, 2001, 2002, 2003 and 2005
 - ✘ Member, Kentucky Chapter Legislation Committee, 2001-present; Committee Chair, 2004-present
 - ✘ Member, National AGC Contract Documents Committee, 1999-2016

- American College of Construction Lawyers, Fellow, 1996-present
 - ✘ Board of Governors, 2017-2020
 - ✘ Chair, Contract Documents, 2015-2016
 - ✘ Nominating Committee, 2013-2014
 - ✘ “Hot Tips” Program, Chair, 1998
 - ✘ Annual Meeting Speaker, 1997, 2009, 2015 and 2018

- Fayette County Bar Association, Member, 1974-2020

- Kentucky Bar Association, Member, 1974-present
 - ✘ Litigation Section, Chairman, 1991-92
 - ✘ Litigation Section, Vice Chairman, 1990-91
 - ✘ Public Contract and Construction Law Section, Chairman, 1994-95
 - ✘ Public Contract and Construction Law Section, Vice Chairman, 1993-94
 - ✘ Bar Center Expansion Committee, Member, 1991-93

LAST CASES IN PRIVATE PRACTICE (through 2016)

- *Hinkle Contracting Company, LLC, f/k/a Hinkle Contracting Corporation vs. Hartford Fire Insurance Company*: Arbitrated general contractor claims against performance bond surety for defunct grading subcontractor.

- *Great American Insurance Company vs. Hinkle Contracting Corporation, n/k/a Hinkle Contracting Company, LLC*, U.S. Court of Appeals for the Fourth Circuit, No. 12-1014: successful appeal reversing lower court and enforcing an arbitration clause against a performance bond surety for bankrupt subcontractor under the Federal Arbitration Act. Following this decision, the dispute was arbitrated before a three-member panel selected by the Center for Public Resources.
- *Jack Henry & Associates, Inc. vs. BSC, Inc., et al.*, U.S. District Court for the Eastern District of Kentucky, Southern Division at London, Civil Action No. 6:08-CV-00292-ART: jury trial verdict for wrongful termination of contract, enforcement of termination fee and recovery of prejudgment interest; verdict affirmed on appeal.
- *Ford Contracting, Inc. vs. Kentucky Transportation Cabinet*, Kentucky Court of Appeals No. 2012-CA-000554-MR: successful appeal lead to first published Kentucky decision holding that idle equipment costs are recoverable from delays caused by public owner.

PRESENTATIONS AND PUBLICATIONS

- “The Spearin Doctrine Turns 100”, 2018 University of Kentucky College of Law, Construction Law Institute, October 25, 2018
- “Managing Risk in Construction Transactions,” 13th Biennial Real Estate Law & Practice Institute, University of Kentucky Continuing Legal Education, April 15, 2015
- “What Do We Want in the Next Iteration of the A201 General Conditions Document? 26th Annual Conference, American College of Construction Lawyers, February 20, 2015
- “Damages for Idle Equipment are Recoverable Under Recent Kentucky Court Decision,” Stites & Harbison Client Alert, December 22, 2014
- “What They Haven’t Taught You About Arbitration,” 2014 Construction Law Institute, UK/CLE, Lexington, Ky., October 23, 2014

- “Bill Would Help Improve State’s Infrastructure,” *Louisville Business First*, April 11, 2014
- “P₃ Bill Good Option to Advance Kentucky’s Public Works Needs,” *The Lane Report*, March 27, 2014
- Recent Public Private Partnership State Legislation, American Road and Transportation Builders 25th Annual P₃ Conference, July 2013
- “U.S. Supreme Court enforces forums election clause in a construction contract,” with Gregory P. Parsons, Stites & Harbison Client Alert, December 16, 2013
- “What Arbitrators and Mediators Want,” Construction Law Institute, University of Kentucky, March 1, 2013
- “Arbitrating The Surety’s ‘Special Defenses.’ The Scope of the Arbitration Clause Matters.” Stites & Harbison, PLLC, Client Alert, December 2012
- “Tips for Getting Paid,” co-author with Angela R. Stephens, *Builders Exchange of Kentucky Newsletter*, March 6, 2012
- “Kentucky Supreme Court rejects shareholder level discounts,” Stites & Harbison, PLLC, Client Alert, co-author with David E. Longenecker, March 6, 2012
- “Global Problems, Shared Solutions,” 4th International Construction Law Conference, Melbourne, Australia, May 6-8, 2012
- “A Sobering Lesson: ‘Don’t Worry, Be Happy’ Not a Formula for Profitability,” Stites & Harbison, PLLC, Client Alert, co-author with Robert E. Scully, Jr., December 19, 2011
- Author, “Changing the Landscape: BIM, IPD and Green Building prove industry is vibrant in spite of downturn,” *Kentucky Contractor Magazine*, Spring/Summer 2009
- “AIA Documents vs. Consensus Documents,” 20th Annual Conference, American College of Construction Lawyers, February 2009
- Moderator, Green or Sustainable Construction in Kentucky, Lorman Education Services, Louisville, KY, October 30, 2008

- “AIA Contracts,” Lorman Education Services, December 5, 2007
- “Dealing With The Cumulative Effects Of Requests For Information, Change Order Requests And Change Directives,” ABA Forum on the Construction Industry, October 25-26, 2007
- “The Fundamentals of Construction Contracts: Understanding the Issues,” Lorman Education Services, June 28, 2007
- “Arbitration in Construction Contracts,” Lorman Education Services, April 23, 2007
- Contributing Author, *Kentucky Construction Law* (Stites & Harbison, PLLC, 2007)
- Co-Editor and Contributing Author, Chapter 6: “Discovery by Interrogatories,” *Discovery Deskbook for Construction Disputes* (ABA Forum on the Construction Industry, Summer 2006)
- “AIA Contracts,” Lorman Education Services, September 12, 2006
- “Sanctions Relating to Discovery,” ABA Center for Continuing Legal Education, April 27, 2006
- “AIA Contracts in Kentucky,” Lorman Education Services, March 22, 2006
- “How To Make Dispute Resolution Better,” 10th Biennial Midwest/Midsouth Construction Law Institute, University of Kentucky, September 2, 2005
- “AIA Contracts in Kentucky,” Lorman Education Services, March 9, 2005
- “Design-Build Procurement on Public Projects in Kentucky: Time For Change,” 9th Biennial Midwest/Midsouth Construction Law Institute, January 2003
- “Fundamentals of Construction Law,” ABA Forum on the Construction Industry, November 2002

- “Construction Law – 2000: An Update,” Construction Law Institute, University of Kentucky College of Law, September 2000
- Contributing Author, *Fifty State Construction Lien and Bond Law* (Aspen Publishers, Inc., 2000-present)
- “Construction Contracting For Public Entities in Kentucky,” Lorman Education Services, March 1999 and March 2000
- Contributing Author, *State-By-State Guide to Architect, Engineer, and Contractor Licensing* (Aspen Publishers, Inc., 1998-)
- “Construction Law – 1998: An Update,” Construction Law Institute, University of Kentucky College of Law, September 1998
- “Kentucky Lien Law,” Lorman Education Services, May 1998
- “Advanced Construction Law in Kentucky,” National Business Institute, September 1997
- “Construction Law - 1996: An Update,” Construction Law Institute, University of Kentucky College of Law, September 1996
- “Payment Under A201,” ABA Forum on the Construction Industry, *The Construction Lawyer*, January 1996
- Contributing Author, *Fifty State Public Construction Contracting* (John Wiley & Sons, Inc., 1996)
- “How To Use ADR Clauses With Standard Form Construction Industry Contracts,” ABA Forum on the Construction Industry, *The Construction Lawyer*, April 1995
- “How To Use ADR Clauses With Standard Form Construction Industry Contracts,” in “Charting The Course To The Year 2000 -- Together,” DART International Conference on Dispute Avoidance and Resolution in the Construction Industry, October 17, 1994
- “AGC Offers Revised Standard Form Design-Build Contracts,” Associated General Contractors of Kentucky, Fall 1994

- “Contract Clauses For Alternative Dispute Resolutions,” ABA Forum on the Construction Industry annual meeting, April 1994
- “Some Practical Considerations For Business Litigation in Federal and Kentucky Courts,” Fayette County Bar Association *Bar News*, July-August 1993
- “Some Basics For Business Litigation,” Fayette County Bar Association, March 12, 1993
- “Construction Law - 1993: An Update,” Construction Law Institute, University of Kentucky College of Law, January 1993
- “Mediation - An Idea Whose Time Has Come,” Associated General Contractors of Kentucky, Fall 1992
- “Summary Judgment Practice,” Kentucky Bar Association Annual Convention, June 1992
- “Construction Litigation And Claims,” Associated General Contractors of Kentucky Annual Convention, June 1991
- “Singing In A Different Key: The Contractor’s Claim For Differing Site Conditions Without The Site Conditions Clause,” ABA Forum on the Construction Industry Annual Meeting, April 1991
- “Construction Law - 1991: An Update,” Construction Law Institute, University of Kentucky College of Law, January 1991
- “Liabilities Of Design Professionals,” University of Kentucky College of Law, January 1989
- “When A Contract Becomes A Contract And Other Practical Considerations,” Associated General Contractors of Kentucky Annual Convention, June 1988
- “Concerns Involving Owner And Contractor,” University of Kentucky College of Law, January 1987
- “Kentucky Construction Law: What To Do When...?,” National Business Institute, Inc., July 1986

- “Business Litigation: Injunctive Relief,” University of Kentucky College of Law, January 1986
- “Alternative Dispute Resolution,” University of Kentucky College of Law, September 1985
- “Recent Developments In Construction Law,” Fayette County Bar Association, February 1984
- “Payment And Performance Bonds,” University of Kentucky College of Law, February 1980 and January 1984
- “Case Management In The Sixth Circuit,” ABA 6th Circuit Appellate Practice Institute, November 1983

OTHER ACTIVITIES

- Appalshop Endowment Fund, Trustee, 1990-2013
- Branch Banking & Trust (f/k/a Vine Street Trust Company)
 - ✧ Lexington Board of Directors, 1990-2004
 - ✧ Board Secretary, 1990-97
 - ✧ Trust Committee, Chair, 1996-2004
- Episcopal Diocese of Lexington
 - ✧ Chancellor, 2007-2012
 - ✧ Church Attorney, 2003 and 2014
- Equestrian Events, Inc.
(organizer for Rolex Kentucky Three-Day Event)
 - ✧ President, 1987-1988
 - ✧ Board Member/Legal Advisor, 1976-1986
- Good Shepherd Episcopal Church Day School,
Board Chairman, 1991-1995
- Good Shepherd Episcopal Church, Vestry, 1985-1988,
1996-1997
- Kentucky Educational Television, Co-Chairman for Summer
Celebration Fundraiser, 1992-1994
- Lexington Hearing & Speech Center, Board Member, 1986
-1989
- Living Arts & Science Center, Board Member, 1989-1992

- Morehead State University
 - ✘ Board of Regents, Member, 1991-2004
 - ✘ Board Chair, 2001-2004
 - ✘ Board Vice Chair, 1997-2001
 - ✘ Audit Committee, Chair, 1994-2001
 - ✘ Administration & Fiscal Services Committee, Chair, 1992-2001

- Morehead State University Foundation
 - ✘ Foundation Board, Member, 2013-2020, Chair
 - ✘ Finance Committee, 2014-2020
 - ✘ Advisory Board Chair, Kentucky Center for Traditional Music, 2009-2012

- University of Kentucky Fellows (Lafferty Society), 1989-present

- University of the South: Sewanee
 - ✘ Board of Trustees, 2013-2015
 - ✘ Board of Regents, 2016-2021
 - ✘ Chair, Regents Resource and Operation Committee
 - ✘ Member, Regents Investment Committee
 - ✘ Member, Regents Affairs Committee

PERSONAL

- ✘ Born in Lexington, Kentucky, 1948
- ✘ Married to Anne Gorham Hinkle
- ✘ Children: Sally Hinkle Thilman, Chicago, Illinois;
Dr. Lucy Hinkle Lloyd, Lexington, Kentucky;
Mary Grace Hinkle, Washington, DC