

Robert B. Hinckley Jr.

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Areas of Practice & Industry Specialties

Litigation; Labor & Employment; Trade Secrets & Employee Mobility;
Sports Industry Law

Robert Hinckley is Managing Shareholder of Buchalter's Denver office and Co-Chair of the Firm's Litigation Group. Mr. Hinckley practices in both Colorado and California and is also a member of the Los Angeles and Orange County offices. A former prosecutor, Mr. Hinckley is an aggressive and effective trial lawyer, with first-chair experience in more than forty jury trials and more than twenty bench trials and arbitration hearings. Mr. Hinckley has litigated and tried cases in Colorado, California, Florida, Texas, Delaware and elsewhere for a diverse group of business clients ranging from Fortune 500 companies to small and medium-sized privately held companies.

Mr. Hinckley is a trusted adviser who applies practical solutions to the complex business challenges facing his clients on a daily basis. Mr. Hinckley specializes in commercial and corporate litigation, which includes prosecuting and defending all manner of contractual disputes, including partnership/LLC disputes, stockholder actions and business separations. Mr. Hinckley also commonly litigates real estate disputes, civil fraud, defamation, breach of fiduciary duty, tortious interference and other business-centered torts. Mr. Hinckley likewise has a significant employment practice on behalf of employers, to include risk management and litigation counseling as well as serving as litigation counsel in the areas of trade secrets, non-competition and non-solicitation agreements, wrongful discharge, harassment, discrimination and retaliation.

Mr. Hinckley also frequently litigates complex product contamination matters on a national and international basis on behalf of specialty insurance carriers through subrogation, related to large losses in North America, South America, Asia and Europe.

Mr. Hinckley currently serves as Vice President of the Executive Committee for the Colorado Defense Lawyers Association, the preeminent legal organization in Colorado dedicated to the defense of civil actions and the promotion of fairness and integrity in the civil justice system.

Awards & Recognitions

- AV Preeminent® Peer Review Rated by *Martindale-Hubbell*

Representative Matters

- Order following summary judgment motion on behalf of a commercial property owner against its former manager finding the manager committed widespread fraud and misappropriated large sums of money from the client. The Court awarded client damages in the amount of \$1,028,183 as well as attorney fees and costs.

- Judgment following bench trial in favor of client, a commercial real estate company, in the amount of \$400,000 related to a commercial real estate transaction. Plaintiff failed to fund the transaction at closing resulting in judgment that client receive the escrowed funds. Attorney fees and costs were also awarded, resulting in likely total recovery in excess of \$1,000,000;
- \$9,000,000 subrogation recovery through settlement on behalf of global insurance carrier in conjunction with insured and co-carrier following extensive litigation in federal court in Texas. Carriers' insured, a canned food supplier, suffered a large product contamination loss in Peru due to vendor's faulty production methods and materials
- \$7.5M verdict against Stryker Corporation following two-week federal court trial on claims of corporate raiding and breach of two separate contracts requiring payment of nearly \$5,000,000.00 related to client ORP's role as distributor for Stryker orthopedic products. Verdict included an award of attorney fees in the amount of \$2.2M.
- Defense verdict in favor of Chipotle in racial discrimination and harassment case following jury trial in Los Angeles, CA.
- Defense verdict in favor of high-profile nightclub following catastrophic building collapse resulting in significant personal injury and property damage following jury trial in Denver, CO.
- Sizable verdict in favor of plaintiff homeowner against custom homebuilder in construction defect and breach of contract case following jury trial in Denver, CO.
- Defense verdict in favor of underground boring company in negligence and breach of contract case following jury trial in Fort Collins, CO.
- Defense verdict in favor of commercial property owner in fraud, negligent misrepresentation and breach of real estate contract case following trial in Douglas County, CO.
- Favorable settlement in favor of plaintiff at the conclusion of closing arguments in real estate dispute on behalf of large franchisee of another nationally known fast food company following trial in Long Beach, CA.
- Favorable Arbitration Order in favor of custom homebuilder following arbitration with homeowner in construction defect and breach of contract case in Denver, CO.
- California Second District Court of Appeals, Los Angeles: Following oral argument, obtained reversal of trial court order that had dismissed client's case based on violation of the statute of limitations while the client was represented by prior counsel. Case centered on breach of fiduciary duty and breach of trust claims involving a significant trust estate. Reversal resulted in favorable settlement for plaintiff.
- Colorado Court of Appeals, Denver: Following oral argument, court affirmed trial court order dismissing all claims brought against client, a private golf course, related to property dispute with adjacent landowner.

Publications

- Virtual Layoffs and Employee Rights – What are the Best Practices?, *HR Daily Advisor*, July 8, 2024
- Equal Pay For Equal Work: Are state laws working and will the federal government follow suit?, *HR.com*, June 26, 2024

Education

Mr. Hinckley earned his J.D. from Stetson University College of Law, and received his B.A. from the University of Florida.

Bar Admissions

- Colorado
- California

- Florida

Community

- Colorado Defense Lawyers Association – Board of Directors – Executive Committee Vice-President
- Colorado Defense Lawyers Association – Former Chair – Professionalism and Ethics Committee for Employment and General Liability Sections
- Mount Evans Home Health Care & Hospice – Board of Directors; sponsor of Oktoberfest to raise money for Camp Comfort – a grief camp for children ages 6-12 who have lost loved ones; sponsor of Mt. Evans Freedom Run 5K to raise money for hospice care
- ProVisors – Denver Group 3
- ProVisors – Colorado Lawyers Affinity Group – Executive Committee
- CDLA Trial Academy – Coach for Young Lawyer Mock Trial Program
- Center for Legal Inclusiveness
- Colorado Judicial Institute
- Denver Bar Association
- Colorado Bar Association
- Los Angeles Bar Association
- Beverly Hills Bar Association
- California Bar Association
- Florida Bar Association