



## John Hinton IV

Shareholder

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John Hinton concentrates his practice within the construction industry and commercial litigation.

Mr. Hinton's construction practice involves representing construction stakeholders throughout the construction cycle, including contract drafting and negotiation, dispute resolution, and general counsel. His dispute resolution experience includes litigation and arbitrations involving claims regarding construction defects, design defects, payment (including claims for delays and other additional costs), lien claims and defense, and insurance and surety. His commercial litigation practice involves representing businesses in numerous industries and markets, including financial institutions, retail, professional services, manufacturing, and software, in a broad range of disputes that businesses commonly encounter, such as contract disputes, claims for negligence, fraud or other wrongful acts, disputes with other business owners, and insurance coverage disputes.

He regularly defends financial institutions against claims of wrongdoing, including claims for lender liability, breach of good faith and fair dealing, breach of contract, fraud, unfair trade practices, violations of the Truth in Lending Act, and mortgage servicing claims. He also represents businesses with more specialized issues, such as disputes arising from the licensing and use of software, trade secret and restrictive covenant disputes, and mortgage servicing and securitization issues and Fair Debt Collection Practices Act claims. He has represented clients in state and federal courts and in arbitrations, and his cases include complex and class action disputes.

Mr. Hinton's clients also seek his advice on general legal issues, and he regularly advises them on how to avoid and resolve disputes before they result in litigation, with a goal of restoring or strengthening the business relationships impacted by those disputes.

### Representative Matters

- Obtained compensation for the owner of a multimillion dollar residential dormitory for construction defects.
- Resolved owner claims against a general contractor client involving the termination of a contract to restore a state historic site, with the owner agreeing to rescind the termination and continue the project.
- Defended a large subcontractor against a claim that its work resulted in a defective public transportation plaza, while simultaneously prosecuting a claim against the design firm whose design errors caused the defects.
- Defended a construction management firm against claims that it was responsible for design and construction defects in a complex electrical system at a multimillion dollar waste water treatment facility that allegedly caused extensive third-degree burns to the claimant during an electrical incident.
- Obtained payment in full for a design firm whose owner client sought to avoid lien obligations through collusive foreclosure on first position secured interest in the property.
- Secured resolution of claims and a buyout of a partner in a HUD multi-family project.
- Extricated an advisory firm from an investigation by the Securities and Exchange Commission related to alleged violations of state ethics laws.

- Defended a financial institution against a lender liability claim by a customer claiming improper termination of a loan.
- Defended a federal class action suit claiming violations of the Fair Debt Collection Practices Act in the collection of delinquent mortgages.
- Represented the defendant against a multimillion dollar claim alleging tortious interference with the claimant's exclusive contract to market a third party's online software product.
- Represented a brokerage firm in obtaining payment on a multimillion dollar fee earned by obtaining financing for the brokerage firm's client.



## Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Construction Litigation (2015 – 2024)
- Listed in *Georgia Super Lawyers* in Construction Litigation (2015); Business Litigation (2016)
- Named as one of Georgia's Legal Elite in Business Law by *Georgia Trend Magazine* (2013)
- Member – State Bar of Georgia
- Member – General Practice and Trial Law Sections of State Bar of Georgia
- Member – Atlanta Bar Association
- Member – Lawyers Club of Atlanta
- Board Member – Southface Energy Institute (2017 – present)
- Founding Board Member – Atlanta Pregnancy Resource Centers, Inc. (2006 – 2010)



## Publications

- Co-author – "Taking the Lead: Yes, Another Reminder About Data Privacy and Security Issues," *Law Practice Magazine* (May/June 2023)
- Author – "Georgia's Lien Law," *InDesign Magazine* (Summer 2021)
- Co-author – "Significant Changes to Georgia Lien Law on January 1: Are You Prepared?," republished in NASBP (December 2020)
- Co-author – "Taking the Lead: Relationships – An Easier Model for Employee Engagement," *Law Practice Magazine* (September/October 2020)
- Co-author – "Taking the Lead: Leadership Does Not Take a Snow Day," *Law Practice Magazine* (July/August 2020)
- Co-author – "Taking the Lead: Embracing Two Right Ways," *Law Practice Magazine* (May/June 2020)
- Co-author – "Taking the Lead: Firm Leadership Is a Team Task," *Law Practice Magazine* (March/April 2020)
- Co-author – "Taking the Lead: Developing Legal Solutions Through Inside-Outside Collaboration," *Law Practice Magazine* (January/February 2020)
- Co-author – "Taking the Lead: Are You Touching the Entire Elephant?," *Law Practice Magazine* (November/December 2019)
- Co-author – "Taking the Lead: The Power of Difficult Conversations," *Law Practice Magazine* (September/October 2019)
- Co-author – "Taking the Lead: Getting a Handle on Rule Beating," *Law Practice Magazine* (July/August 2019)
- Co-author – "Taking the Lead: Better Decision Making Through Systems Thinking," *Law Practice Magazine* (May/June 2019)
- Co-author – "Sacrificing for the Greater Good," *Law Practice Magazine* (March/April 2019)
- Co-author – "Advancing Business Development Skills in Law Firms," *Law Practice Magazine* (January/February 2019)
- Co-author – "Practice Management Advice: The Reverse Sponsor," *Law Practice Magazine* (November 2018)

- Co-author – "Practice Management Advice: Making Clear a Culture of Transparency," *Law Practice Magazine* (September 2018)
- Co-author – "Rethinking Office Space to Boost the Bottom Line," *Law Practice Magazine* (July/August 2018)
- "Recent Court Decisions – Is Your Business Affected?," *Associated General Contractors of Georgia, Inc.'s Construction Professionals Conference & Marketplace* (April 2015)
- "Expanding Coverage Under CGL Policies in Georgia," *Insurance Law360* (June 2012)



## Speaking Engagements

- "Georgia Lien Law," American Society of Interior Designers, Georgia Chapter (May 2021)
- "Understanding Basic Contract Requirements," American Society of Interior Designers, Georgia Chapter (May 2021)



## Webinars

- Significant Changes to Georgia Lien Law on January 1: Are You Prepared? (January 2021)



## Education

- University of Georgia, J.D., 1995, cum laude
- Georgia Institute of Technology, B.S.M., 1992, with highest honors



## Admissions

- Georgia, 1995
- Georgia Supreme Court
- Georgia Court of Appeals
- United States Supreme Court
- United States Court of Appeals, Eleventh Circuit
- United States District Court for the Northern District of Georgia
- United States District Court for the Middle District of Georgia