



Brian C. Hewitt

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Brian's approach to the practice of law has always been to help clients determine their goals and to provide unparalleled counsel that helps them attain those outcomes. He brings that approach and a determination to achieve exceptional results to every case and each client.

Practice Areas

Alternative Dispute Resolution
Business Litigation
Estate Planning & Administration
Estates, Trusts & Guardianships

Biography

Over the past four decades, Brian has become one of Indiana's most highly-respected trust and estate litigators. He describes himself as a "specialized generalist," because of his diverse areas of expertise. Brian is an accomplished litigator, but his greatest professional love is mediation. He relishes the opportunity to resolve a complex legal situation in a single day—and to help the people involved avoid expensive, messy, and emotionally draining litigation.

Brian's colleagues admire his unrivaled gift for understanding people's needs and charting a course that allows both sides to leave mediation feeling satisfied. His track record proves that ability. He has settled nearly 1,000 trust and estate cases and hundreds of real estate, commercial, and professional malpractice cases, with a success rate of more than 90 percent. Named to the distinguished list of *Indiana Super Lawyers* every year since 2009 and to that publication's Top 50 list for more than a decade, Brian has represented financial institutions and other fiduciaries in some of the state's most high-profile cases, including the estates of Indianapolis Colts owner Robert Irsay and commercial property mogul Melvin Simon.

Brian is a frequent speaker and author on important topics related to trust and estate mediation and litigation, giving regular presentations to the American College of Trust and Estate Counsel (ACTEC), the Indiana State Bar Association, and the Indiana Continuing Legal Education Forum (ICLEF). As a recognized expert in the field of trust and estate law, he is regularly asked to consult or testify as an expert witness in cases involving trusts, estates, commercial law, malpractice, and civil procedure.

Outside of the office, Brian enjoys spending time with his grandchildren, golfing, playing guitar, and writing music for guitar and voice performance. He and his wife are avid supporters of the Indianapolis Children's Choir, where two of his children sang for many years.

Accolades, Affiliations and Activities

- Advanced Attorney-Mediator Training - AAM, April 2019
- American College of Trust and Estate Counsel
 - Fellow
 - Probate Litigation Committee
- Benjamin Harrison Presidential Site - Board Chairman, 2022-2023
- Board Certified Indiana Trust and Estate Lawyer - Trust and Estate Specialty Board
- Indiana Continuing Legal Education Forum (ICLEF)
 - Advanced Mediation Training, 2004
 - Probate Litigation Chair, March 2014
- Indiana University Robert H. McKinney School of Law - Forrest E. Jump Scholar, 1980-1983
- Indiana Super Lawyers - Top 50, 2010-2023
- Indiana State Bar Association
 - Disaster Mediation Training, April 2015
 - Probate Review Committee, April 2018
 - Real Property and Probate Section District Representative, 2014-2022
- Indianapolis Bar Association
 - Estate Planning and Administration Section Past Chair
 - Probate Practice in Marion County and Surrounding Counties, 1996
- Johnson County Indiana Bar Association - Past President
- Purdue University - Eugene C. Pulliam Scholarship for Journalism, 1979
- Registered civil mediator

Publications and Presentations

- "Will and Trust Mediation - Turn it Up a Notch," ICLEF: 90 Hot Tips in Estate, Trust, and Probate Practice, December 2022.
- "Fiduciary Litigation Committee - Mock Trial of Trust Reformation Proceeding," American College of Trust and Estate Council (ACTEC), November 2022.
- Marvin R. Pliskin Advanced Probate and Estate Planning Institute - Ohio State Bar Association, September 2022.
- "The Dos and Don'ts to Protect a Will from an Anticipated Contest," ACTEC Fiduciary Litigation Committee, June 2022.
- "Top 10 Tips for Mediation Success, Complex Business Litigation, How to Close a Deal to Your Advantage in Mediation," and "Top 10 Things that Drive Mediators Crazy," ICLEF, October 2021.
- "How to Protect Your Client's Estate Plan: A Personality Driven Approach to Avoiding or Settling Will and Trust Contests, and The Will You Prepared Has Been Contested: The Do's and Don'ts of Will Preparation and Execution," ALI/ABA/ACTEC CLE Webcast, April 2021.
- "Lessons I Have Learned," Association of Attorney Mediator, April 2021.
- "Personality Driven Approach to Mediation," Texas State Bar, 19th Annual Advanced Alternative Dispute Resolution, January 2021.
- "90 Hot Tips in Estate, Trust, and Probate Practice," ICLEF, 2015, 2019, 2021.
- "120 Hot Tips in Estate, Trust and Probate Practice - Lessons I Have Learned," ICLEF, December 2020.
- "Personality Driven Approach to Mediation," Missouri State Bar, December 2020.
- "Advanced Civil Mediation Practice - Lessons I Have Learned," ICLEF, November 2020.
- "Personality Driven Approach to Mediation," ACTEC Fiduciary Litigation Committee, June 2020.
- "Steps to Avoid Litigation," Estate Planning Council of Indianapolis, January 2020.
- "Mediation of Probate/Estate Disputes," ISBA, September 2019.
- "120 Hot Tips in Estate, Trust, and Probate Practice," ICLEF, 2014, 2015, 2018, 2019.
- "The Fiduciary Detective: Asset Marshaling Challenges," ISBA, July 2018.
- "Traditional CLE for Attorneys and Judges," Legal Aid, April 2018.
- "Probate and Trust Litigation," ICLEF, August 2017.
- "The Dos and Don'ts of Will Preparation and Execution," ACTEC regional meeting, December 2017.
- "Five Hot Tips in Estate, Trust, and Probate Practice," ICLEF, 2017.
- "Defending Estate Claims," ISBA, September 2016.
- "Dealing with Difficult Estate Disputes," ISBA, June 2016.
- "Tortious Interference with Inheritance," American Law Institute, March 2016.
- "The State of Probate and Trust Litigation," ACTEC regional meeting, December 2015.
- Probate Review, ISBA, January 2015.
- "Tortious Interference with Inheritance," Indianapolis Bar Association, March 2014.
- "Master's Series Advanced Estate Planning," ICLEF, July 2013.
- "Probate Mediation," Midwest Estate Planning Institute, 2013.
- "Probate and Trust Mediation, Fiduciary Conflicts of Interest, Duties of Personal Representatives and Trustees," Sedona, Arizona, 2012.
- "Fiduciary Conflicts of Interest, Breaches of Conflicts to Devise and Probate Mediation Tips," MainSource Bank, 2010, 2011.
- "Probate Administration, Duties of and Disputes with Fiduciaries," ICLEF, 2011.
- "Probate and Trust Mediation," ACTEC regional meeting, December 2011.
- "Estate Litigation," ICLEF, 2009.
- "Master's Series Estate and Business Planning," ICLEF, 2009.
- "Advanced Estate Planning Roundtable," ICLEF, 1998, 2000, 2008.
- "Estate Planning for a Second Marriage," ICLEF, 2007.
- "Universal Truths of Conflict Analysis in Representing Fiduciaries or Beneficiaries," ICLEF, October 2006.
- "Probate Mediation: A Roundtable Discussion," Indianapolis Bar Association, 2006.
- "Estate Litigation and Mediation," ICLEF, 2006.
- "Five Scary Probate and Trust Litigation Engagements," ICLEF, 2006.
- "Probate Litigation," ICLEF, 1997, 2004.
- "Midwest Estate, Tax, and Business Planning," ICLEF, 2002, 2003.
- "Probate Mediation: A Means to an End," Indianapolis Bar Association, 1995, 1996, 2002.
- "Family Limited Partnerships & Limited Liability Companies," ICLEF, 2001.
- "Fundamentals of Estate and Tax Planning," ICLEF, 2001.
- "Handling Will and Trust Contests and Difficult Personal Representatives," National Business Institute (NBI), 1999.
- Estate Planning Seminar, NBD Bank, N.A., 1995.
- "Tortious Interference with Inheritance," ACTEC annual meeting, Tucson, Arizona.

Selected Cases and Representation

- *Morarty v. Morarty*, 150 N.E.3d 616 (Ind. Ct. App. 2020).
- *ShermansTravel Media, LLC v. Gen3Ventures, LLC*, 152 N.E.3d 616 (Ind. Ct. App. 2020).
- *In re Estate of Melvin Simon*, Cause No. 29D03-0910-ES-000141 (Hamilton Co. Ind., Sup. Ct. 3).
- *In re the Christel DeHaan 2012 Irrevocable Investment Trust dated March 7, 2012*, Cause No. 49D01-1703-TR-012560 (Marion Co. Ind. Sup. Ct. 1), and *In re the Irrevocable Trust Agreement for Kirsten Andrea DeHaan dated April 15, 1997*, Cause No. 49D01-1611-TR-042212 (Marion Co. Ind. Sup. Ct. 1).
- Lead Counsel - *The National Bank of Indianapolis v. Ripley Entertainment, Inc.*, No. 6:18-cv-03394-MDH (West. Dist. of Missouri May 18, 2021).
- *Rotert v. Stiles*, 174N.E.3d 1067 (Ind. 2021).
- *In re Estate of Robert Irsay*, Cause No. 29D03-9701-ES-01 (Hamilton Co. Ind. Sup. Ct. 3).