

Bryan H. Babb

Profile

Bryan Babb is the chair of the Appellate Group, and a member of the Litigation Group, assisting clients with a wide variety of complex commercial appellate and litigation matters. Mr. Babb also chairs the firm's Recruiting Committee, and sits on the firm's Diversity Committee. Before joining Bose, Mr. Babb served as a judicial law clerk for Indiana Supreme Court Justice Frank Sullivan, Jr. A graduate of the United States Military Academy at West Point (B.S. 1989), Boston University (M.S. 1994), and Indiana University School of Law - Bloomington (J.D. *cum laude*, 1999), Mr. Babb served as Editor-in-Chief for Volume 74 of the Indiana Law Journal. Prior to attending law school, Mr. Babb served as a Captain in the Field Artillery with 1st Armored Division, U.S. Army, Europe. Mr. Babb has been the principal author of numerous appellate and amicus briefs in both state and federal appellate courts and has argued before the Indiana Supreme Court, the Indiana Court of Appeals and the U.S. Court of Appeals for the Seventh Circuit. Mr. Babb has also served as an expert witness on the reasonableness of appellate fees, and his work in this regard was discussed by the Indiana Court of Appeals in *Knightstown Banner, LLC v. Town of Knightstown*, 882 N.E.2d 270 (Ind. Ct. App. 2008).

Education

Indiana University - Bloomington (J.D. *cum laude*, May 1999)
Boston University (M.S.B.A., September 1994)
United States Military Academy (B.S., December 1989)

Honors / Awards

- *The Best Lawyers in America*® 2008 - 2012 in the "Appellate" practice area
- *Indiana Super Lawyers*® 2009 - 2011 (Appellate)
- 2006 Carmel High School Distinguished Alumni Award
- "*Indy's Best & Brightest Lawyers*" 2005 (40 and under) (Junior Achievement/KPMG)
- Henry Ossian Flipper Award, United States Military Academy
- Army Football Coaches Award for Leadership

Representative Matters

- Representation of a state municipality in the first Indiana Supreme Court decision addressing the recently amended state annexation statute (appellate oral argument)
- Representation of a Fortune 100 military defense contractor before the Indiana Supreme Court in a multi-million dollar contract overrun dispute concerning the next generation stealth fighter
- Multiple representations before the Indiana Supreme Court concerning emergency transfer and original action matters
- Multiple representations before the Indiana Court of Appeals concerning emergency stay matters
- Representation of a large, national real estate company in the first Indiana appellate court decision applying the generally recognized law of "joint ventures" (appellate oral argument)
- Representation of a school superintendent in the first Indiana Supreme Court decision applying the "public interest privilege" to defeat a defamation claim (appellate oral argument)
- Representation of a state mayor in the first modern day Indiana Supreme Court decision interpreting the "fraud" subsection of the election contest statute (appellate oral argument)
- Representation of another state mayor in the first Indiana Court of Appeals proceeding interpreting the "Hatch Act" subsection of the election contest statute (appellate oral argument)
- Representation of a regional builders association in the first-ever challenge to a local municipal impact fee
- Representation of a state municipality defending against an incorporation proceeding intended to thwart the municipality's annexation
- Representation of numerous local, state, and national interest groups as amici curiae before the Indiana Court of Appeals and Indiana Supreme Court on matters including environmental remediation costs, emotional distress, insurance coverage, collateral source issues, asbestos liability, freedom of the press, etc. (appellate oral argument)



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**Indiana University School Of
Law - Bloomington**

Admissions

Indiana
Indiana Supreme Court
Supreme Court of the United States
United States Court of Appeals for
the Seventh Circuit
United States District Court for the
District of Columbia
United States District Court for the
Northern District of Indiana
United States District Court for the
Southern District of Indiana

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- Representation of a large, national retail store before the Indiana Supreme Court on an instructional error issue, which resulted in the modern day distinction in standards of review applied to the three types of instructional error typically alleged in Indiana
- Representation of a national pizza chain in a contract dispute before the Indiana Court of Appeals
- Representation of various parties before the Indiana Court of Appeals and Indiana Supreme Court on land use matters, including zoning and utility issues
- Representation of a school corporation in a Title VII case in federal district court
- Representation of a state municipality in a Section 1983 case in federal district court
- Representation of two different local municipalities before Indiana state trial courts in separate annexation matters

Appearances / Publications

Speaker: Mr. Babb has appeared as a featured guest in the *Indiana Lawyer*, on WJOB Radio, and on National Public Radio, and is frequently quoted in Indiana newspapers, including *The Indianapolis Star*, *The Fishers Star*, and *The Carmel Star*, while representing firm clients. Mr. Babb also has lectured on numerous aspects of appellate practice for the Indiana Continuing Legal Education Forum, as well as for bar associations at seminars and conferences, including:

- "Successfully Navigating the Appeals Process" (NBI Seminar, 2010)
- *Evening with the Appellate Judges* (ICLEF, May '09) (Co-presenter: "Appellate Oral Advocacy")
- *7th Circuit Bar Association Annual Meeting* (May '09) (Moderator: "Riding the Erie Railroad" / Panel Discussion of State Law Issues in Federal Circuit and District Courts)
- *Welcome to the 21st Century: An Appellate Perspective* (ICLEF, Oct. '08) (Presenter)
- *Appellate Practice - Tough Topics* (ICLEF, May '08, French Lick) (Program Chair)
- *Appellate Practice Survey* (ICLEF, Oct. '07) (Co-Presenter: "Oral Argument Before Indiana's Appellate Courts")
- *Appellate Skills Institute* (ICLEF, Nov. '06) (Faculty: Small-Group Breakout - Motions Practice)
- *Criminal & Civil Appellate Practice* (Lorman, Mar. '06) (Presenter: "Civil Petitions to Transfer and Oral Arguments in the Indiana Supreme Court")
- *Evidentiary & Discovery Issues in Business Litigation* (ICLEF, Oct. '05) (Presenter: "Making It Last: The Preservation of Issues for Appellate Review")
- *Appellate Practice Survey* (ICLEF, Oct. '04) (Co-Presenter: "Initiating the Appeal")

Author: Mr. Babb has authored or co-authored various articles in legal and professional publications, including:

- Volume 24, *Indiana Practice - Appellate Procedure*, (3d ed., West Publishing Co., 2001-11)
- *Developments in Indiana Appellate Procedure: Rule Amendments, Remarkable Case Law, and Court Guidance for Appellate Practitioners*, 44 Ind. L. Rev. 1033 (2011) [Reprinted with permission of the *Indiana Law Review*]
- *Developments in Indiana Appellate Procedure: Rule Amendments, Remarkable Case Law, and Guidance for Appellate Practitioners*, 43 Ind. L. Rev. 579 (2010) [Reprinted with permission of the *Indiana Law Review*]
- *Developments in Indiana Appellate Procedure: Rule Amendments, Notable Case Law, and Tips for Appellate Practitioners*, 42 Ind. L. Rev. 813 (2009) [Reprinted with permission of the *Indiana Law Review*]
- *Developments in Indiana Appellate Procedure: Appellate Rule Amendments, Remarkable Case Law, and Refining Our Indiana Practice*, 41 Ind. L. Rev. 853 (2008)
- *Setting the Annexation Record Straight: The Myth Underlying Annexation Reform in Indiana* (*Res Gestae*, 2008)
- *Emotionally Distressed in Indiana: Separate Tests for Primary Victims and Bystanders* (*Res Gestae*, 2003) (cited in *SCI Ind. Funeral Servs. v. D.O. McComb & Sons, Inc.*, 820 N.E.2d 700, 711 n.2 (Ind. Ct. App. 2005))

Appointments / Memberships

- Indiana State Bar Ass'n, Appellate Practice Section (Council member, '06-'07)
- Indianapolis Bar Ass'n, Appellate Practice Section (Chair-Elect, '08; Chair, Amicus Curiae Committee, '07)
- Indiana University School of Law - Bloomington Alumni Board ('07-present)
- Indianapolis Bar Ass'n Board of Managers ('07-present)
- Indiana Bar Foundation (Fellow, '05-present)
- Indianapolis American Inn of Court (Barrister) ('05-present)
- Chair, Indianapolis Bar Association's Bar Leader Series ('04-'05)
- General Counsel, WEST POINT SOCIETY OF INDIANA (present)
- General Counsel & Director, INDY FAMILY FOUNDATION (present)
- Class XXV, Stanley K. Lacy Executive Leadership Series
- Co-Class Agent, Indiana University School of Law - Bloomington
- Member, 1988 Army Football Sun Bowl Team; Commander-in-Chief's Trophy Winner

Outside the Office

Bryan H. Babb

Mr. Babb spends most of his free time with his wife Marti, daughter Emily, and twin sons Drew and Blake. He also enjoys golfing, watching the Indianapolis Colts and rooting for the Army football team.