

John T. Brooks

Partner/Retired

Chicago



John T. Brooks is a partner with Foley & Lardner LLP focusing his practice in the area of estate and trust controversy and litigation. His practice includes estate planning, administration and breach of fiduciary duty issues, judicial constructions of wills and trusts, will and trust contests, tax litigation, contested heirship, adoption and paternity issues, charitable pledge disputes, guardianship matters, and wrongful death actions. John also handles appeals of these matters as well.

He is the general editor and contributing author of the Illinois Institute for Continuing Legal Education's handbook for lawyers on the subject of contested estates and trusts. He represents individuals as well as banks and trust companies.

Representative Experience

- Won an Illinois Supreme Court victory in a case involving a claim by a charity against a decedent's off-shore asset protection trust.
- Successfully settled an action for tortious interference with inheritance brought by three sisters against a fourth sister for her alleged undue influence exerted on their elderly and infirm mother.
- Part of the trial team that successfully litigated an action for wrongful death brought by three daughters against their father for murdering their mother. The case resulted in a jury verdict in excess of \$66 million.
- Successfully defended an action on behalf of a decedent's brother in a contested case involving heirship, paternity and DNA testing.
- Recovered approximately \$2 million from decedent's caretaker/nurse who had orchestrated large lifetime gifts and joint accounts with decedent.
- Numerous favorable decisions reforming or construing will and trusts.
- Successfully defended bank client against allegations of breach of fiduciary duty.

Awards and Recognition

John has been Peer Review Rated as AV Preeminent® the highest performance rating in the Martindale-Hubbell® Peer Review Ratings™ system. He has been selected by his peers for inclusion in *The Best Lawyers in America*® in the fields of Litigation – Trusts and Estates (2011-2023) and Trusts and Estates (2010) and he was named the Best Lawyers® Litigation – Trusts and Estates “Lawyer of the Year” in Chicago (2015, 2019 and 2022). He was also selected for inclusion in the 2005-2018 *Illinois Super Lawyers*® lists and Leading Lawyer in 2003-2018.

Affiliations

John’s professional activities include membership in the Chicago Bar Association and the American College of Trust & Estate Counsel.

Presentations and Publications

- General editor and contributing author of IICLE Book: *Litigating Disputed Estates, Trusts, Guardianships and Charitable Bequests*, 2009, 2012, and 2016 editions
- “Fiduciary Litigation Decisions,” *Trusts & Estates Magazine* e-mail newsletter, January 2006-present

Thought Leadership

John is a frequent speaker and author on topics related to estate and trust litigation and fiduciary risk management. He has lectured to the Chicago Bar Association, the Illinois Institute for Continuing Legal Education (IICLE), ALI-ABA, the Heckerling Institute, the American Bankers Association, Chicago Estate Planning Council and the Chicago Council on Planned Giving. He also serves on the Advisory Board to *Trusts & Estates* magazine.

Expert Witness

- Occasionally serves as expert witness in complex estate and trust cases.

*The Illinois Supreme Court does not recognize certifications of specialties in the practice of law and no award or recognition is a requirement to practice law in Illinois.

Education

- University of Illinois (Law Degree, magna cum laude)
- University of Illinois (B.S.)
 - Business Administration

Admissions

- Illinois
- Florida
- U.S. District Court for the Northern District of Illinois