

DONALD B. HIGHTOWER



Senior Associate

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Overview

Don Hightower assists clients in the areas of fiduciary litigation, probate litigation, estate and probate administration, and guardianship, as well as commercial and business litigation.

Don also has considerable experience in other areas of litigation including business torts, contract, insurance and financial services litigation. He has represented clients across the country in areas such as first party/bad faith insurance claims, third-party insurance litigation, and life insurance fraud.

Don received his law degree from South Texas College of Law where he competed in competitions across the country with STCL's award-winning mock trial team. Don also competed as an advocate in the Mack Kidd Administrative Law Moot Court Competition in Austin, Texas.

Following graduation from law school, Don clerked for Justice Jeff Brown of the Fourteenth Court of Appeals. Don had previously interned with Justice Eva Guzman during her tenure with the Fourteenth Court of Appeals.

A second-career attorney, Don spent eleven years managing professional arts organizations in Ohio and Texas. During this time, Don acquired valuable experience in financial management and labor relations, working with numerous collective bargaining groups affiliated with the performing arts. In 2000, Don managed

Practices

[Commercial Litigation](#)
[Estate, Trust and Wealth Planning](#)
[Fiduciary Litigation](#)
[Probate, Trust and Guardianship](#)

Education

- J.D., South Texas College of Law
- M.B.A., M.A., B.F.A., Southern Methodist University

Admissions & Certifications

- State Bar of Texas
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas

all logistics related to leading a major American orchestra on a ten-day European tour. Don benefits his clients by bringing his diverse background and practical experience to solve problems across a number of different practice areas, while working productively with a multitude of different, and sometimes difficult, personalities.

Don was identified as a 2017 and 2018 Texas Rising Star in the Super Lawyers Magazine, a Thomson Reuters publication.

Outside the office, Don is married and has two children. He is the Scoutmaster for Troop 1323, an Assistant Scoutmaster with Troop 1812, and an Assistant Crew Advisor for Venture Crew 62. In his spare time, Don enjoys backpacking, hiking, soccer, and wine.

Experience

- Obtained reversal on appeal of a summary judgment involving Will construction and alleged precatory language
- Obtained summary judgment in a Will contest by demonstrating testator's lack of testamentary capacity
- Successfully defended an independent executor from an attempted removal by disgruntled beneficiaries
- Defeated application for guardianship of client's mother based upon unsupported allegations of incapacity and undue influence
- Obtained trust modifications to finalize litigation settlements and/or maximize effectiveness of trust administration
- Obtained a pre-discovery dismissal for a national life insurance company against claims of fraud and negligent representation in matter related to a voluntary employees' beneficiary plan (VEBA)
- Assisted in obtaining a take-nothing summary judgement for a national life insurance company against third-party claims for contribution and indemnity related to the use of life insurance policy contracts issued to fund a 412(i) welfare benefit plan
- Assisted in obtaining a take-nothing summary judgement and dismissal for a national life insurance company against claims of rescission and breach of life insurance policy contracts issued to fund a 412(i) welfare benefit plan. The judgment was subsequently affirmed by the U.S. Court of Appeals for the Fifth Circuit based upon a brief authored by Mr. Hightower
- Obtained a take-nothing summary judgement in a life

insurance dispute involving allegations of breach of contract, negligence, and violations of the Texas Insurance Code and DTPA relating to a \$500,000 policy

- Regularly appointed by Harris County Probate Courts as an attorney ad litem or guardian ad litem in estate and guardianship matters

Affiliations

- State Bar of Texas, ad litem in guardianship proceedings
- State Bar of Texas, Appellate Law Section, member
- State Bar of Texas, Insurance Law Section, member
- State Bar of Texas, Real Property, Probate and Trust Law Section, member
- State Bar of Texas, Entertainment and Sports Law Section, member
- Houston Bar Association

Honors & Awards

- Texas Rising Star, Super Lawyers, Thomson Reuters, 2017-2018