

Donald B. Hightower *Associate*

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Overview

Don Hightower assists clients in the areas of probate litigation, estate and probate administration, and guardianship, as well as in general civil litigation.

Don's practice includes representing fiduciaries and beneficiaries in the State of Texas in matters relating to probate and trust administration, accounting and administration issues, as well as prosecution and defense of fiduciary claims.

Before attending law school, Don spent eleven years managing professional arts organizations in Ohio and Texas. During this time, Don acquired valuable experience working with numerous collective bargaining groups affiliated with the performing arts. In 2000, Don managed 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 a volunteer coach for the Klein Soccer Club, and the cubmaster of Cub Scout Pack 1325. In his spare time, Don enjoys baseball, soccer, and wine.

Education

South Texas College of Law - J.D., 2007

Southern Methodist University - M.B.A., 1993; M.A., 1993; B.F.A., 1991

Practice Areas

Commercial Litigation

Estate, Trust, and Wealth Planning

Fiduciary Litigation

Probate, Trust and Guardianship

Appellate

Representative Experience

Stephen DiMarco, et al., v. The Guardian Life Insurance Company of America, et al., Civil Action No. SUCV2013-04544, In the Superior Court for Suffolk County, Massachusetts (2015). Obtained a pre-discovery dismissal for

Admissions

Texas

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

a national life insurance company against claims of fraud and negligent representation in matter related to a voluntary employees' beneficiary plan (VEBA).

Nelson Choi, et al., v. Sagemark Consulting, et al., Case No. 1-10-CV-187143, In the Superior Court for Santa Clara County, California (2014). 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.

Dameware Dev., L.L.C. v. Am. Gen. Life Ins. Co., 688 F.3d 203 (5th Cir. 2012) 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.

Milton Fried, et al., v. AIG American General Life Insurance Company, et al., Cause No. 2009-48998, In the 127th District Court for Harris County, Texas (2010). 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

Affiliations and Awards

Affiliations

- Certified by the State Bar of Texas to serve as an 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

Awards

- Texas Rising Star, 2017-2018, Super Lawyers Magazine (Thomson Reuters)