

Solo Litigation Practice

A Civil Approach To An Emotional Job

DORI HIGHTOWER

seeks less confrontational ways to practice family law

By ROBIN DeMERELL PROVEY

Family law isn't about winning or tearing down your opponent. It's about coming to a fair and reasonable agreement so that both parties and their families can move forward. It's about finding the best way to rebuild lives that have been ripped apart.

That's the philosophy of Stamford solo Dori Hightower who handles contentious and complex marital litigation cases, often involving spouses fighting over millions of dollars. But there's more than money at stake. Just recently, Hightower represented a father about to have his parenting time reduced by a schedule recommended by the guardian ad litem.

"I had to hammer that it was unjust and unfair," Hightower said. "I took it to the max with the judge and we prevailed. You have to have courage in your convictions trying to advocate for clients. Emotionally it's difficult, but sometimes you have to go there."

For her persistent, successful advocacy on behalf of family law clients, Hightower is receiving a Connecticut Law Tribune Litigation Departments of the Year Award in the solo attorney category.

When she was a young girl growing up in New York, Hightower dreamed of being a dancer. As a teenager, she moved to Ohio after receiving a scholarship to a prestigious dance school. But Hightower encountered racial prejudice as a minority student in a predominately white school. She realized it was a hurdle she wasn't ready to face and headed home. But when that door closed, another opened.

"I wanted to understand how you could have these rules to make things better, but things were getting worse," Hightower said. Setting out to make a difference in the world, she enrolled at Bennington College in Vermont and earned a bachelor's de

gree in three years before attending Boston University School of Law.

After law school graduation, Hightower worked as a commercial litigation associate and in-house for the Southern New England Telephone Co., where one of her responsibilities was



contract management. She eventually found her niche as a family lawyer, moving to the practice area initially because of her aptitude for drafting contracts, which is the heart—if not the soul—of divorce litigation.

“Family law chose me,” Hightower said. “I worked in a number of areas and a friend of mine was working on a divorce case and said, ‘You’d be great. You’re great with contracts. I just got sucked in.’”

An Influential Mentor

In 2008 Hightower took on her first divorce case—a high-stakes, celebrity case. The couple had been in and out of court for 12 years before she took over. Hightower was finally able to forge a settlement and she was hooked on family law.

“I’m looking for what’s fair and equitable,” said Hightower, herself a divorcee and mother of one. “Family law is highly emotional, but I have compassion. And I have tolerance for the screaming, yelling and threats. I also have my own coping skills, such as doing yoga, exercising and meditation.”

Retired state Supreme Court Justice Lubbie Harper Jr. touts Hightower’s sensitivity in helping clients through the emotional and complex process of divorce. Harper became Hightower’s mentor a few years ago after she attended a reception in his honor. He said Hightower is able to achieve the proper balance in being sensitive to her clients’ emotional needs while also giving objective advice.

Harper advised Hightower to advocate for her clients without being adversarial to the other spouse or opposing counsel. “Lawyers are advocates, but they shouldn’t view their opposing party as an enemy,” Harper said, though he added that Hightower can be “tenacious if the circumstances warrant it.”

In describing her less confrontational approach, Hightower describes herself as a counselor-at-law, which means helping her clients with all phases of divorce litigation. “I work with forensic accountants [to value the assets of both parties], psychologists and social workers,” Hightower said. “If we’re going to trial, we do video preparation. I want my clients to know how to answer questions. You can’t throw people in there and have them testify. They have to be well-prepared.”

Most of Hightower’s cases are financially complex, often involving large sums of money from large businesses or hedge funds. She limits her caseload to six to eight clients at a time to ensure she is accessible to each of them. But one thing she refuses to do is dole out emotional punishment to the opposing spouse. “I’m not here to be your tool to advance your vindictive agenda,” she tells her clients. “That’s not what I’m about.”

Because of the nature of her clients, Hightower estimated

that 50 to 60 percent of her cases go to trial. “That’s not the norm,” she said. “Most people don’t have money to litigate.”

Teamwork

Though a solo attorney, Hightower has two full-time staffers with paralegal training to help her. She also contracts temporary employees to assist during trials and with research and hires other professionals as needed per case.

She recently boned up on hedge funds for one case involving millions of dollars in assets. She learned the legal issues, hired a special discovery master and found Securities and Exchange Commission experts. “People think it’s mom-and-pop [as a solo attorney], but it’s complex litigation,” Hightower said. “I bring a different level of scrutiny that you might not see in the run-of-the-mill family lawyer. ... Sometimes we go to trial within six weeks and then people in my office start working around the clock.”

In the hedge fund case, Hightower said the key was learning what to ask for during the discovery phase. The other party settled “because it was going to cost them more if the discovery continued,” Hightower said. “In that case, my client received \$45 million, which was the result of research, understanding the business, hiring experts and estimating the value of the marital assets.”

Asked about the rewards of her practice, Hightower spoke of reaching equitable settlements that allow both parties to rebuild their lives. Hightower finds it very satisfying to run into clients years later and find out they are dating and financially stable.

What concerns Hightower most about family law is seeing so many people representing themselves in divorce actions. In part, she sees this as a lack of confidence in the legal profession. Hightower said self-represented parties end up wasting a lot of court time because people don’t have the skills and training to handle the nuances of more complicated cases. She thinks the answer is for lawyers to win back confidence of prospective clients by being more responsive, compassionate and civil.

“As a profession, we have to redefine who we are. We can’t just keep doing the same thing we’ve always done,” said Hightower, who is active in the Connecticut Bar Association’s Family Law and Small Firm Practice sections. “When you look at the challenges we face as the practice is changing, my commitment to being civil and seeing a fair and equitable resolution, that all makes me a better lawyer. I try to give my clients a positive experience. I provide a service and I make sure I’m at the top of my game.” ■



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