Daniel Durell

Partner

Austin

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Daniel is a seasoned commercial trial attorney and appellate advocate dedicated to counseling clients involved in pre-litigation business disputes, litigation, and arbitration.

OVERVIEW

Daniel has a proven track record of securing verdicts in favor of clients in jury trials conducted in both state and federal trial courts. At the appellate level, he defends summary judgments he obtained on behalf of financial services clients in the state and federal appeals courts, including presenting oral arguments before the U.S. Court of Appeals for the Fifth Circuit and the Texas Supreme Court.

Daniel litigates and arbitrates disputes for clients operating across many industry sectors, including financial services, health care, insurance, real estate, and energy. He routinely defends lenders and mortgage servicing companies facing putative class actions and individual actions related to consumer protection statutes, breach of contract, and mortgage lending practices. Daniel's managed health care work focuses on defending insurers and managed care organizations in reimbursement disputes with in-network providers and out-of-network emergency care providers.

Daniel also assists clients in resolving ownership and management disputes within LLCs, limited partnerships, and other business entities. His work often involves breaches of fiduciary duty, non-compete agreements, and partnership agreements.

In addition, Daniel represents property owners in litigation against appraisal districts involving property tax issues, including excessive appraised values, unequal appraisals, and improperly denied tax exemptions. He also assists property owners with addressing mechanic's liens.

REPRESENTATIVE MATTERS

- Obtained an opinion in favor of a mortgage servicer from the Texas Supreme Court determining that lenders can unilaterally reset and restart the statute of limitations to foreclose by rescinding a prior acceleration and re-accelerating in the same notice.
- Secured a jury verdict against an appraisal district determining the appraisal district unequally appraised an underground storage capacity for hydrocarbons, reducing the property owner's tax liability by around $4 million in addition to an attorney's fee award.

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- Defended a cloud computing company by obtaining a take-nothing summary judgment on tortious interference and trade secret misappropriation claims by a competing bidder for a state technology contract seeking more than $60 million in alleged lost profits from the contract award.
- Defeated a putative class action alleged against a multifamily residential management company by obtaining a take-nothing summary judgment on the named plaintiff's individual claims for violations of the Texas Property Code and DTPA.
- Obtained summary judgment against an appraisal district that declared crude oil appraised around $120 million completely exempt from ad valorem taxation under the Import-Export clause of the U.S. Constitution, resulting in a tax liability reduction of around $2.5 million.
- Prevailed on a motion to dismiss in state court dismissing breach of contract and bad faith claims asserted by a health care provider against a health plan related to alleged underpayment for out-of-network emergency care claims and defended the dismissal order on interlocutory appeal.

AWARDS

- *The Best Lawyers in America*® Ones to Watch, Commercial Litigation and Litigation – Banking and Finance (2021-2023)
- *Super Lawyers*® Texas, Rising Star, Business Litigation (2020-2025)

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Financial Services Litigation
- Health Care Litigation
- Real Estate Litigation

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Consumer Debt Servicing + Protection
- Consumer Financial Services
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Financial Services Litigation
- Health Care Litigation
- Insurance + Reinsurance
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Mortgage Lending + Servicing
- Real Estate Litigation
- Telephone Consumer Protection Act (TCPA)

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Austin Young Lawyers Association
- Member, State Bar of Texas
- Member, Austin Bar Association

PROFESSIONAL EXPERIENCE

- Briefing attorney, Supreme Court of Texas, Justice Paul W. Green

EDUCATION AND CERTIFICATIONS

EDUCATION

- Texas Tech University School of Law, J.D., *summa cum laude*, 2011, articles editor, *Texas Tech Law Review*, Vol. 43; Order of the Coif; Order of Barristers; Phi Delta Phi; Dean's List; Regent's Full Tuition Scholarship
- Texas Tech University, B.A., *summa cum laude*, 2008, Phi Beta Kappa

BAR ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Western District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas

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