

**Daron L. Janis**

Counsel

Boston

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**OVERVIEW**

Daron is a seasoned appellate advocate with a robust practice in regulatory compliance and business litigation. He has played a pivotal role in several landmark cases before the Texas Supreme Court, particularly those involving home equity loans under article XVI, section 50(a)(6) of the Texas Constitution. Daron frequently argues before the U.S. Circuit Courts of Appeals and state courts of appeals, representing clients, including mortgage servicers, national banks, and credit reporting agencies, in complex appellate matters.

Daron's regulatory compliance work is extensive, advising forward and reverse mortgage lenders on federal and state statutory and regulatory requirements. He assists clients in developing new loan products, creating compliant loan documents and disclosures, and revising existing documents to adapt to regulatory changes. Daron also supports lenders during federal and state regulatory investigations.

Daron's litigation experience includes defending national mortgage servicers in lender liability claims and representing commercial loan creditors in high-stakes recovery suits.

**REPRESENTATIVE MATTERS****Appellate – Texas 50(a)(6)/Home Equity**

- Obtaining an answer from the Texas Supreme Court on a certified question that preserved equitable subrogation rights for Texas 50(a)(6)/home equity lenders.
- Defending an appeal in the Texas Supreme Court regarding significant issues related to the contractual forfeiture penalty mandated by the Texas Constitution.
- Defending appeal in the Texas Supreme Court upholding lenders' ability to modify Texas 50(a)(6)/home-equity loans.

**Appellate – Consumer Finance Generally**

- Representing a mortgage servicer and mortgage-backed securities trustee in an appeal involving foreclosure statute-of-limitations issues.
- Representing a credit reporting agency in an FCRA defense of negligence and defamation claims arising from a

background report.

- Defending a mortgage servicer in the litigation and appeal of a putative class action within multidistrict litigation involving modifications of Texas 50(a)(6)/home-equity loans.

### **Appellate – Other**

- Obtaining a mandamus from the Texas Supreme Court that reaffirmed a dormant Texas law regarding dismissals for want of prosecution.
- Pro bono appellate defense of a judgment awarding damages to a victim of civil rights abuse under 42 U.S.C. § 1983.
- Briefing for amicus curiae in the Texas Supreme Court in a negligent entrustment case.

### **Regulatory Compliance**

- Representing a national bank in an internal investigation of closing practices, including self-reporting and resolution of issues with relevant regulators.
- Revising government sponsored entities' uniform instruments for Texas 50(a)(6)/home-equity loans.
- Advising insurance companies regarding FCRA compliance issues.
- Advising solar loan providers regarding TILA compliance issues.
- Advising a mortgage broker regarding RESPA and licensing issues in connection with expansion into new states.
- Representing a mortgage servicer in investigations by the CFPB and state attorney general regarding reverse mortgage servicing, escrow, and foreclosure practices.
- Drafting loan documents and disclosures for new reverse mortgage products.
- Revising loan documents and disclosures for existing reverse mortgage products to conform with new state requirements.
- Conducting due diligence for a national bank in its acquisition of a mortgage banker.

### **Litigation**

- Defending a national mortgage servicer in scores of cases involving lender liability claims arising from forbearance agreements in the wake of Hurricanes Katrina and Rita.
- Representing a commercial loan creditor in a suit to recover a \$1 million judgment from an entity related to a judgment debtor under a successor liability theory.
- Representing mortgage servicers in putative class actions and individual litigation regarding Texas 50(a)(6)/home-equity loans.

### **Reported Decisions**

- *Fed. Home Loan Mortg. Corp. v. Zepeda*, \_\_\_ 601 S.W. 3d 763 (Tex. 2020). Certified question to the Texas Supreme Court regarding equitable subrogation. The Court reaffirmed Texas 50(a)(6)/home-equity lenders' equitable subrogation rights.
- *De los Santos v. Commission for Lawyer Discipline*, 547 S.W. 3d 640 (Tex. App.—San Antonio 2017, pet. denied). Affirming jury verdict in a case involving a state constitutional due process challenge to rules governing the appointment of judges in attorney disciplinary actions.
- *Worthing v. Deutsche Bank Nat'l Trust Co.*, 545 S.W. 3d 127 (Tex. App.—El Paso 2017, no pet.). Affirming summary judgment against wrongful foreclosure claims and holding that a lender could retroactively become authorized to make Texas 50(a)(6)/home-equity loans.

- *Garofolo v. Ocwen Loan Serv., L.L.C.*, 497 S.W. 3d 474 (Tex. 2016). Certified questions to the Texas Supreme Court regarding the contractual forfeiture penalty for Texas 50(a)(6)/home-equity loans.
- *Wood v. HSBC Bank USA, N.A.*, 505 S.W. 3d 542 (Tex. 2016). Determining whether a four-year statute of limitations applies to quiet-title claims in Texas 50(a)(6)/home equity cases.
- *Cowart v. Erwin*, 837 F. 3d 444 (5th Cir. 2016). Affirming jury verdict for civil rights abuse victim in 42 U.S.C. § 1983 case.
- *In re Connor*, 458 S.W. 3d 532 (Tex. 2015). Issuing a mandamus to dismiss the case for want or prosecution after more than eight years of inactivity.
- *Sims v. Carrington Mortg. Servs., L.L.C.*, 440 S.W. 3d 10 (Tex. 2014). Certified question to the Texas Supreme Court regarding the permissibility of modifications of Texas 50(a)(6)/home-equity loans.
- *Exel Transp. Servs., Inc. v. Aim High Logistics Servs., LLC*, 323 S.W. 3d 224 (Tex. App.—Dallas, 2010, pet. denied). Reversed jury verdict and rendered a take-nothing judgment based on failure to prove lost profits damages.

## AWARDS

- *Super Lawyers®* Texas Rising Star, Appellate (2017-2018)

## TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Consumer Financial Services
- Financial Services Litigation
- Regulatory Investigations, Strategy + Enforcement

## ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action
- Consumer Financial Services
- Consumer Law Compliance
- Fair Credit Reporting Act (FCRA)
- False Claims Act + Other Whistleblower Actions
- Financial Services Litigation
- Litigation + Trial
- Regulatory Investigations, Strategy + Enforcement

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, J. Reuben Clark Law Society

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- William & Mary Law School, J.D., 2007, associate articles editor, *William & Mary Law Review*

- Brigham Young University, B.A., *magna cum laude*, 2002

## **BAR ADMISSIONS**

- Massachusetts
- New Hampshire
- Texas

## **COURT ADMISSIONS**

- 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
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of New Hampshire
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Tenth Circuit

## **SPEAKING ENGAGEMENTS**

- Speaker, "[Primer on Fair Credit Reporting Act and Insurance Adverse Action Laws for InsurTechs](#)," InsurTech Legal Academy, June 18, 2025.
- Speaker, "E-Signatures, FCRA Regulations, and Data Security," Insurance IT Strategy and Regulatory Compliance, March 24, 2021.
- Speaker, "Current Issue Facing Lenders of Texas 50(a)(6) Loans and Reverse Mortgages," Grant Thornton Financial Services Symposium, September 25, 2019.

## **PUBLICATIONS**

- Author, "Texas Justices' PNC Opinion Clarifies Subrogation Questions," *Law360*, May 23, 2023.
- Author, "Texas Supreme Court Clarifies How Equitable Subrogation Operates for Texas Home Loans," Locke Lord QuickStudy, May 15, 2023.
- Author, "New York Opens Significant New Lending Market by Authorizing Reverse Mortgages Secured by Co-Op Apartments," Locke Lord QuickStudy, December 3, 2021.
- Author, "Texas Supreme Court Affirms a Lender's Equitable Subrogation Rights Following Expiration of the Statute of Limitations on the Lender's Lien," Locke Lord QuickStudy, January 29, 2021.
- Author, "New York to Impose New Foreclosure, Loss Mitigation, and Reporting Requirements for Home Equity Conversion Mortgages," Locke Lord QuickStudy, December 17, 2020.
- Author, "Loss-Mitigation Communications to Mortgage Borrowers During COVID-19 Pandemic," Locke Lord QuickStudy, March 20, 2020.