



Danielle Oakley

Partner

Newport Beach

D: +1-949-823-7921

doakley@omm.com

Danielle Oakley counsels banks and other non-bank financial services providers with respect to their most strictly scrutinized practices. Danielle guides banks through process overhauls, risk assessments, and internal as well as external-facing compliance reviews with respect to various consumer financial products, including deposit products and mortgage loans, with particular expertise in the intersection between consumer bankruptcy and financial products.

Danielle also litigates her clients' most escalated and novel consumer litigation and regulatory enforcement actions. Danielle believes it is critical that regulatory and compliance legal advisors of regulated financial institutions have firsthand experience with the potential litigation impact of their clients' practices as well as extensive knowledge of their clients' business operations and their regulators' views and approaches. Danielle serves her clients with a deep understanding not only of their industries, but also of their institutions' specific goals, strategies, and initiatives.

Experience

Regulatory Compliance Advice & Enforcement

- Created industry-leading programs pursuant to regulatory consent orders with the OTS, OCC, FTC, and CFPB relating to mortgage servicing best practices, default servicing, payment application, credit reporting, residential foreclosure, and loss-mitigation practices, among others
- Negotiated the first joint FTC/CFPB consent order on behalf of a mortgage servicer

Admissions

Bar Admissions

California

Court Admissions

US Court of Appeals for the Second, Seventh, Ninth and Eleventh Circuits

US District Court for the Central, Eastern, Northern and Southern Districts of California

US District Court for the District of Colorado

Education

University of Nevada at Las Vegas, J.D.: *summa cum laude*; Valedictorian; Recipient, James E. Rogers Award for Outstanding Scholastic Achievement; Moot Court Executive Board Member; Moot Court Best Brief Award; Moot Court Best Oralist Award; Symposium Editor, *Nevada Law Journal*

University of Nevada at Las Vegas, B.S., Hotel Administration, concentration in Entertainment Management

- Represents numerous mortgage servicers and owners of mortgage servicing rights in licensing, examination, and enforcement matters before state regulators
- Convinced state attorney general not to pursue fair lending claims against subprime mortgage lender
- Advises national banks regarding bankruptcy related processes impacting deposit and consumer credit products
- Created internal compliance testing protocols for national bank regarding reverse mortgage servicing practices, default servicing, foreclosure, and loss mitigation
- Counsels mortgage market participants with respect to RESPA and FIRREA compliance
- Counsels reverse mortgage servicer regarding HUD compliance issues and representing the servicer in putative class actions relating to the placement of hazard and flood insurance and proper payment of set-aside funds
- Creates investor- and regulator-approved remediation programs for providers of consumer financial products

Litigation

- Represents national bank in numerous qui tam actions alleging violations of the False Claims Act
- Won dismissal with prejudice of putative nationwide class action against a national bank alleging usurious overdraft-related fees
- Won dismissal with prejudice of putative class action asserting that the Truth in Lending Act requires mortgage servicers to provide new disclosures when modifying loans
- Won summary judgment in mortgage servicer's favor in a series of adversary proceeding alleging wrongful accounting and unreasonable assessment of fees to borrowers who have filed for bankruptcy under Chapter 13
- Obtained de-certification of a nationwide class of 129,000+ African American borrowers in lending discrimination disparate-impact ECOA/FHA case
- Develops and performs compliance reviews of mortgage servicers and originators relating to default-servicing practices, foreclosure, bankruptcy, ECOA, TILA, and RESPA
- Won dismissal of numerous putative class actions brought against mortgage servicers for allegedly wrongful foreclosure
- Successfully resolved numerous FDCPA cases asserted against mortgage servicers challenging borrower communications

Professional Activities

Internship

- Honorable Jay S. Bybee, US Court of Appeals, Ninth Circuit

Externship

- Honorable Roger L. Hunt, US District Court, District of Nevada

Co-Author

- “Defending Against Unfairness Claims Disguised As Consumer Fraud Theories: Lessons For Practice,” *Inside the Minds: Mortgage and Finance Fraud Litigation Strategies*, 2014 ed. (with Elizabeth McKeen and Carmen Ramirez)
- “The Latest Standing to Foreclose Challenges at Odds with UCC Article III,” 45 *U.C.C. L.J* 321, May 2014 (with Elizabeth McKeen and Ashley Pavel)
- “The Use of Eminent Domain To Write Down Mortgage Notes,” *Westlaw Journal Securities Litigation & Regulation*, December 2012 (with Elizabeth McKeen and Ashley Pavel)

Speaker

- PLI’s 24th Annual “Consumer Financial Services Institute”
- American Conference Institute Residential Mortgage Litigation and Regulatory Enforcement Conferences
- Bridgeport Class Action Litigation Conferences
- Mortgage Regulatory Forums
- Cambridge Forum on Consumer Finance Litigation and Enforcement

Member

- Editorial Board Member, *Banking Law 360*

Honors & Awards

- Recommended by *The Legal 500 US* in the category of Financial Services Litigation (2018-2020)
- Named a “Rising Star” in a survey conducted by *Law & Politics Media Inc.* and published in *Los Angeles* magazine and the Southern California edition of *Super Lawyers* (2012-2020)