

**Member**

# Kerry W. Franich

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Kerry is Co-Vice Chair of Severson & Werson's Financial Services Practice Group and a Certified Specialist in Appellate Law.

Kerry represents banks, loan servicers, government-sponsored enterprises, and other businesses in financial services-related disputes. He believes that strong legal writing is the cornerstone of an effective law practice, and that legal briefs should always be plainspoken and brief—no matter how novel or complex the issue presented. He believes that good appellate attorneys not only aim to win the affirmance or reversal that their clients seek, but go further by crafting briefs that help shape and improve the law. Kerry has argued more than 100 appeals and regularly appears in California's Second and Fourth District Courts of Appeal, as well as the Ninth Circuit Court of Appeal. He frequently publishes appellate-related articles and delivers presentations to clients nationwide regarding appellate litigation. He has won significant victories covering subjects including financial services, real estate, arbitration, unfair competition, discrimination, judicial disqualification, and civil procedure. Kerry is the California Vice-Chair for the American Bar Association's Council of Appellate Lawyers and is a fee arbitrator with the Orange County Bar Association.

Outside of the office, Kerry is the immediate past-president of the Board of Directors at South County Outreach, a non-profit corporation that prevents hunger and homelessness in South Orange County. Kerry resides in Orange County with his wife and three children.

## Education

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- Chapman University, J.D., cum laude, 2006
- Chapman University, B.A., Legal Studies, summa cum laude, 2003

## Admissions

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- California
- District of Columbia
- Nevada
- United States Court of Appeals for the Ninth Circuit
- United States Supreme Court

## Areas of Practice

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### Appeals

### Banking

- [Alternative Dispute Resolution](#)

### Business Litigation

- [Alternative Dispute Resolution](#)
- [Lender Liability Defense](#)

### Creditors' Rights & Bankruptcy

- [Alternative Dispute Resolution](#)
- [Lender Liability Defense](#)

### Financial Services

- [Alternative Dispute Resolution](#)
- [Lender Liability Defense](#)
- [Mortgage Banking](#)

## Results

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- [Breach of Loan Modification Agreement](#)
- [Promissory Estoppel](#)
- [Delayed Discovery](#)
- [Reformation of Deed of Trust](#)
- [Nevada Foreclosure Mediation](#)

- [Mass Action](#)
- [Judicial Bias and Recusal](#)
- [Enforceability of Arbitration Clauses](#)
- [Standing to Challenge Assignments of Deeds of Trust](#)
- [Combined Efforts of Construction and Appellate Teams Successful](#)
- [Severson Attorneys Obtain Defense Verdict after 3-Week Jury Trial in Los Angeles County](#)

## Publications

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- [Thompson-Reuters' Practical Law Series Overview of the California Song-Beverly Act](#)
- [SW Winter 2019 Newsletter](#)
- [Franich, K. W. \(December 2018\). "Hungry for Change: An Overview of California Waste and Donation Legislation". OC Lawyer](#)
- [SW Summer 2018 Newsletter](#)
- [Kemp, E. & Franich, K.W., \(April 11, 2017\). McGill v. Citibank, N.A. Undermines Proposition 64 and the FAA Alert](#)
- [Franich, K. W. \(July 2016\). "Rethinking The Impossible: Appellate Mediation". OC Lawyer \(Vol. 58 No. 7\)](#)
- [Franich, K. W. \(March 2016\). "Yvanova: Borrowers Achieve Limited Victory in the California Supreme Court". DS News, 92-93.](#)
- [Franich, K. W. \(January 2015\). "Preparing for the Next Wave: Borrower Standing to Challenge Errors in Securitization". DS News](#)

## Consumer Finance Posts

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- [Severson & Werson Edits Thompson-Reuters' Practical Law Series on the Song-Beverly Act](#)
- [S&W Issues Financial Services Bulletin Regarding AB 1821, Lafferty, and the FTC Holder Rule](#)
- [PHH v. CFPB: Don't Celebrate Just Yet](#)
- [Navigating Uncertainty Caused By The FTC's Transfer of Enforcement Responsibilities to the CFPB](#)