

BELL NUNNALLY'S T.J. HALES AND KIM CRUZ ON TEXAS LAWYER LOOK AT THE “CONFUSING HOLDING OF ROHRMOOS FOR LANDLORD-TENANT LAW”

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Bell Nunnally associates Troy “T.J.” Hales and Kimberly A. Cruz authored the *Texas Lawyer* article “Grappling With the Confusing Holding of Rohrmoos for Landlord-Tenant Law,” breaking down the 2019 Texas Supreme Court’s decision in *Rohrmoos Venture v. UTSW DVA Healthcare, LLP*, relating to the remedy of rescission in a commercial lease.

In their article, Hales and Cruz unpack *Rohrmoos*’ apparent collapsing of the distinction between the implied warranty of suitability in a commercial lease and a material breach of lease and offers insight into what both transactional and litigation lawyers should consider in evaluating commercial leases post-*Rohrmoos*.

Hales and Cruz explore in detail issues in *Rohrmoos* relating to landlord and tenant rights. They suggest, for example, that attorneys handling commercial lease disputes post-*Rohrmoos* should carefully review the lease and amendments for ‘AS IS’ clauses, independent covenant provisions, definitions of materiality, breach and remedy provisions, and limitations on termination.

They conclude by commenting that much remains to be seen in the application of *Rohrmoos* going forward and that courts will hopefully provide additional guidance on the Court’s confusing foray into the remedy of lease rescission.

To read the full article, please click [here](#).

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