



Case Summaries December 19, 2025

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DECIDED CASES

Burke v. Hous. PT BAC Office L.P., __ S.W.3d __, 2025 WL __ (Tex. Dec. 19, 2025) (per curiam) [24-0135]

At issue in this case is whether certain communications between a party and a potential party appraiser must be disclosed if the potential appraiser later becomes the designated neutral appraiser.

The lease between landlord Burke and tenant BAC included a provision to adjust rent based on the value of the property. The lease provided that if the parties could not agree on the value, the parties would each appoint an appraiser, who would in turn select a third, neutral appraiser, to value the property. BAC interviewed Scott Rando to be its party appraiser and discussed aspects of the property to be valued. Rando told BAC that he was willing to serve, characterizing Burke's appraiser as "the other side," but BAC ultimately did not hire Rando. Nonetheless, BAC told Rando he would be at the top of its list to be the neutral and Rando in fact became the neutral appraiser. When Burke discovered the communications, it protested the appraisal award. The trial court enforced the award, and the court of appeals affirmed, holding that the communications between BAC and Rando were nonsubstantive.

The Supreme Court reversed, applying arbitration principles at the parties' behest. The Court held that communications between a party and the neutral appraiser about the matter submitted to appraisal must be disclosed if they go beyond the appraiser's availability and experience.