



## BELL NUNNALLY'S JOSH FULLER EXPLORES ON TEXAS LAWYER "WHAT TO DO WHEN YOU LOSE A CONTRACT WHEN LITIGATING CONTRACT-BASED CLAIMS" IN TEXAS COURTS

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**Bell Nunnally Associate Joshua D. Fuller authored the *Texas Lawyer* article "What to Do When You Lose a Contract When Litigating Contract-Based Claims." The piece details how "(although) a lost contract may seem like a disaster in the moment, it does not necessarily spell defeat for litigating contract-based claims."**

Fuller offers useful practice tips rooted in Texas case law, including:

- Identify a custodian or signatory of the document who can testify about when the document was signed, who signed it and what the contents of the document were.
- Offer a credible explanation of why the writing cannot be located.
- If you can demonstrate that a standard or form contract is regularly used by the group or association in question, you may be able to offer them as proof of terms.
- Don't rely on contract language as an opponent of a lost writing.

Fuller notes, "How a party advances or responds to evidentiary arguments in these unfortunate but perhaps not-all-that-unusual circumstances could make all the difference."

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

## Related Practices

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