

Hospitality

Overview

Serving the hospitality industry for more than 30 years, our interdisciplinary team of attorneys bring skills, knowledge and collective experience to the table when providing legal services for clients in the lodging industry. Our attorneys counsel some of the world's foremost owners, investors, lenders, developers and managers, helping them drive value into complex and creative hotel projects throughout the United States, Mexico, South America and the Caribbean. From managing massive asset portfolios, large single-asset projects and mixed-use developments to handling daily matters and strategic responses to market dynamic, Munsch Hardt's breadth of experience and fully-integrated service model ensures critical details are covered every step of the way.

Our hospitality team has been touted among the top firms in the country working on all aspects of hotel deals, including development of new projects, redevelopment of historic structures, investment in lodging assets and hotel operations. Working in tandem with operators and developers, our attorneys are active in projects from concept to completion, attending to all of the details such as land acquisition, joint development agreements with co-developers, management and franchise agreements with brands, loan and equity negotiations, construction contracts and leasing of retail and specialty areas to include spas, restaurants, bars and nightclubs. The combination of our extensive experience and our sincere commitment to provide responsive service is why clients trust our hospitality team to handle their legal needs.

At Munsch Hardt, we know there's nothing ordinary about the challenges business leaders face in the hospitality industry. The multi-faceted nature of hotel and resort developments requires a firm that is capable of synthesizing numerous complex moving parts, while also minimizing risk and disruptions by ensuring assets are operated efficiently and all liabilities are managed effectively.

Internationally-recognized hotels, resorts, golf courses and restaurants look to Munsch Hardt not only for its Real Estate experience, but also for the Firm's collective skills in dealing with a broad array of transactions and controversies. Our most distinguishing services in the hospitality sector include the following:

BANKRUPTCY, RESTRUCTURING & INSOLVENCY

Recognized by *Chambers USA* since 2005, our Bankruptcy, Restructuring & Insolvency group has extensive experience representing all major constituencies in bankruptcy, restructuring and insolvency matters. We are adept at every facet of the bankruptcy and restructuring process, which allows our clients to better evaluate possible outcomes, develop strategies, assess risks and ultimately plan for the future.

CORPORATE & SECURITIES

We represent dynamic, growing businesses in transactions and other matters that are critical to their success. Our services include mergers and acquisitions; venture capital; private equity; family office investments; business succession planning; technology contracts and intellectual property licensing; corporate governance and special board committees; securities offerings and capital raises; outsourced counsel services; executive compensation; joint ventures; and transactional tax planning and tax controversies.

ENVIRONMENTAL

Environmental issues are present in every acquisition and disposition of hospitality properties and developments, from resorts and hotel complexes to freestanding restaurants and other entertainment venues. Our environmental practice provides environmental representation in all aspects of state and federal matters, environmental due diligence associated with corporate and real estate transactions and environmental litigation involving judicial challenges to, and defense of, government actions, defense against agency enforcement and liability actions and toxic tort claims. Our team also provides regulatory guidance regarding environmental issues, such as underground fuel tanks, asbestos, mold, toxic tort stormwater and wastewater and waste disposal.

FINANCE

When clients partner with Munsch Hardt, they partner with some of the best and most experienced finance attorneys in the industry. In fact, there are few law firms involved in as many complex lending transactions as Munsch Hardt. Our Finance attorneys represent lenders from a variety of disciplines within the industry, including banking institutions, non-regulated lenders, private equity and hedge funds, as well as domestic and foreign financial institutions in a broad range of transactions.

IMMIGRATION

Foreign workers are the backbone of the hospitality industry. Our Immigration attorneys have a breadth of experience assisting hospitality industry in obtaining temporary visas and permanent resident status for foreign workers. We also have significant experience with I-9 compliance and responding to audits and investigations, which often require an expedited expert response.

INTELLECTUAL PROPERTY

Munsch Hardt provides clients with successful and comprehensive IP strategies to protect, manage and optimize IP assets. Our team provides consultation in the selection, clearance and registration of trademarks, trade names, trade dress and service marks, as well as advice on intellectual property issues in the context of mergers and acquisitions. We also assert and defend infringement claims and resolve IP-related disputes before regulatory bodies, in courts and through negotiated settlement.

LABOR & EMPLOYMENT

With a sophisticated practice devoted to employment and labor matters, we provide counsel on a full scope of the following issues: employment discrimination; employment contracts; non-compete agreements; FLSA/wage and hour; independent contractors; discrimination claims; labor relations and union avoidance strategies; and development of employee handbooks, policy manuals and benefit plans. Our attorneys understand how hospitality clients are affected by matters related to potential employee claims and we work diligently help guide clients through the maze of laws and regulations that impact hospitality-related businesses.

LITIGATION

Because disputes are often costly and disruptive to normal business operations, our primary goal is to avoid them by putting proactive, preventative measures in place. However, when disputes arise that must be resolved through the intervention of the courts or other third-party resolution processes, our seasoned trial attorneys are formidable advocates. Whether you are faced with labor and employment issues, shareholder/partner disputes or any other type of claim threatening your business, our litigation attorneys have the experience necessary to resolve these matters efficiently and effectively. We also regularly counsel hotel owners as to their rights under management contracts and franchise agreements, as well as handle major real estate-related litigation, including prosecuting and defending claims for specific performance, royalties, breach of contract matters, foreclosures, eminent domain, land use issues, title defects and lender's liability.

REAL ESTATE

With more than 30 Real Estate attorneys, Munsch Hardt drives many of our hospitality clients' transactions from start to finish, handling due diligence, site acquisition, development and construction, as well as drafting and negotiating purchase and sale agreements, operating agreements, leases and financing and loan documentation (including tax increment financing and other emerging financing vehicles). Our team regularly represent developers, owners and investors, and offers extensive experience in the integration of hotel components into larger mixed-use resort developments, single-asset transactions and large portfolio transactions, including golf course agreements, complex easement agreements, branded residences and timeshares, vacation clubs and other shared ownership structures. Having the opportunity to represent national brands on an on-going basis, our real estate team is poised to manage any hospitality project in an efficient and cost effective manner.

TAX

Our tax attorneys add another layer of expertise to our Hospitality practice. Our tax group has cutting-edge knowledge and skill in structuring hotel and restaurant acquisitions, dispositions (including through Section 1031 or "like-kind" exchanges), joint ventures and financings. Our tax team works to design structures to facilitate tax efficient investment and exits for investors of all types, including venture capitalists, pension funds and other institutional investors. In addition, should a controversy arise, our team encompasses attorneys with the ability to resolve federal and state tax disputes both administratively and through litigation.

Experience

Mixed-Use Acquisition + Development

Represented a real estate developer in the acquisitions of multiple new development sites in Dallas, Texas; Phoenix, Arizona; San Diego, California; and other locations for the development of new high-rise residential projects, with several included as part of a hotel, retail and/or office mixed-use developments.

Hotel, Mixed-Use Development

Represented a developer in the development of a \$75 MM boutique hotel, residential condominium and parking garage in the Magnolia District of Fort Worth, Texas.

Hotel Development

Represented a developer in connection with the rollout and development of more than 200 extended stay hotels in multiple states for the largest integrated hotel owner/operator in North America.

Convention Center Hotel Development

Represented the developer in the development of multiple branded convention center hotels through public-private partnership with local municipalities throughout Texas. While each was unique, the developer utilized local banks for debt financing and the city Economic Development Agency to provide mezzanine financing.

Hotel Development

Represented the developer in a \$600 MM mixed-use luxury branded hotel, retail and multi-family development on a 4.6 acre tract in a historic part of Los Angeles, California, which ultimately served as a catalyst for redevelopment of this area. We also represented the developer in the development of additional luxury branded hotels in Dallas, Texas; San Diego, California; New Orleans, Louisiana; San Francisco, California; and Atlanta, Georgia.

Hotel Campus Development

Represented a hotel development company in the development of a \$120 MM hotel campus within the Frisco Station master planned development in Frisco, Texas.

Hotel Investment Acquisitions

Represented a prominent real estate fund in the acquisition of multiple full-service hotels, including a 500-room historic luxury hotel in Denver, Colorado, a 418-room, upscale hotel in Boston, Massachusetts, and a 225-room, luxury hotel located in a mixed use development in Annapolis, Maryland. Munsch Hardt represented the fund in the acquisition of the property, negotiation of hotel franchise and management agreements and financing of the properties. One transaction required special attention to the on-going historic façade renovations, unusual issues related to two artisan water wells on the site and converting the adjacent property to a different hotel brand.

Hotel Disposition

Represented a prominent real estate fund in the sale of a 400-room, full-service upscale hotel located in Washington D.C. Munsch Hardt negotiated, documented and closed the sale within 30 days, including negotiations regarding the transition of hotel management.

Hotels Dispositions

Represented a hospitality REIT in the sales of approximately thirty hotels in multiple states as part of an on-going disposition and repositioning plan. The Firm's work included negotiating and drafting the purchase and sale agreements and conveyance documentation for each hotel, as well as resolving issues with the various hospitality brands with respect to their franchise or management agreements.

Historic Redevelopment

Represented a large landowner in the formation of a joint venture with one of the nation's largest developers to undertake a multi-hundred million dollar redevelopment of an iconic, national historic district that will include retail, entertainment, office, multifamily and other uses. Munsch Hardt is also counsel to the joint venture with respect to real estate and development matters, including the acquisition of interests in a related hotel.

Historic Tax Credits

Represented real estate development and management company in acquiring and redeveloping two large office buildings and a surface parking lot into (i) the first dual branded AC/Residence Inn by Marriott in Texas, (ii) a Hampton Inn & Suites, and (iii) a 12-story parking garage with an approximate cost of \$100 MM. Munsch Hardt represented the client in all facets of the development – closed acquisitions from two different sellers, obtained economic development incentives, negotiated franchise agreements with Marriott and Hilton, negotiated construction contracts, provided tax advice for utilizing historic rehabilitation tax credits and negotiated project financing.

Management Company Expansion

Represented the development and management group for a luxury hotel company in the expansion of the hotel's brand for the first time into third party management. This expansion included third party management agreements for to-be-built hotels in Houston and Dallas, Texas. Munsch Hardt drafted and negotiated the respective Hotel Management Agreements and Brand Fee Agreements on behalf of the luxury hotel, and created a "form" agreement for the hotel to utilize as they continue to expand around the country.

Hotel Development + Pre-Sale

Represented the hotel brand and owner in the development of a to-be-built high-rise mixed-use (hotel and multi-family) project in downtown Austin, Texas. The project was structured as a two-unit commercial condominium with the hotel brand and owner providing a pre-sale contract to acquire the hotel unit following completion.

Historic Tax Credits

Represented a European investment group in its construction and tax credit equity financing for the \$100 MM rehabilitation of the historic Butler Brothers building in downtown Dallas, Texas. The building was converted into 238 apartments and a 270-room, dual branded hotel (Fairfield Inn/Town Home Suites by Marriott). The construction financing was through an EB-5 lender and it included a separate closing for the mezzanine financing, which required specific knowledge of how the tax credit closing would work with the mezzanine loan.

Practice Leaders



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Related People

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Ryan Mitchell
Michael Navarro
Andrew Palmer
Ross Parker
Sarah Rogers
Frances Tubb

Related Practices

Bankruptcy, Restructuring & Insolvency
Corporate & Securities
Finance
Immigration
Intellectual Property
Labor & Employment
Real Estate
Tax
Litigation
Environmental

Related Industries

Financial Services
Construction
Retail
Technology & Telecommunications

Achievements

Best Lawyers® “Best Law Firms” – Leisure and Hospitality Law, Metropolitan Tier Ranking (2023-2025)

Newsroom

In The News: Houston Texans' Former Associate General Counsel Joins Local Law Firm to Launch New Sports Practice

Press Release: Best Lawyers® Ranks Munsch Hardt in 2025 “Best Law Firms” in America Listing

Press Release: Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

Speech: Hotel Receiverships / Receivership Sales Panel

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

Speech: Hotel Receiverships / Receivership Sales Panel

Speech: Hotel Owners + The Novel Coronavirus Webinars

In The News: Experts Outline the Hotel Industry's Top Legal Hurdles

In The News: Law360 Covers Addition of Craig Harris in Dallas Office

Press Release: Experienced Trial Lawyer Craig Harris Joins Munsch Hardt's Growing Litigation Practice

Press Release: Munsch Hardt Launches Blog, Brings Attention to the Latest in Immigration Law

In The News: How One Firm Helped Navigate A Dozen Texas Hotel Deal Changes

Speech: Legal Issues in the Texas Hospitality Industry

In The News: 2 old downtown towers transforming into 3 hotels -- all on one Dallas block

In The News: Female Powerbroker Q&A: Munsch Hardt's Deborah Perry