



**ERATH COUNTY COURT AT LAW POLICY REGARDING
“Pro Se” APPLICANTS
(Applicants without an Attorney)**

People who represent themselves in court are called “pro se” or “self-represented.” You are not required to have an attorney to file papers or to participate in a court proceeding. You have a right to represent yourself. However, a pro se party may not represent others. Under Texas law, only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and a decedent’s estate. *Steele v. McDonald*, 202 S.W. 3d 926 (Texas. App. – Waco 2006, no pet.). The only time a pro se party may proceed in court is when he or she is truly representing only himself or herself.

In most probate cases, an individual applicant is not truly representing only himself or herself; rather he or she is attempting to represent another person or persons such as beneficiaries, heirs or the estate itself. Unless that individual is a licensed attorney, this constitutes the unauthorized practice of law and will not be allowed by the Court.

For the Erath County Court at Law to be consistent with requirements of applicable law, including the statutes prohibiting the unauthorized practice of law, the Court will not permit “pro se” litigants to represent estates or other persons in most probate and guardianship cases. Although the clerk may accept documents for filing, the Court will take no action on the documents unless there is an attorney of record in the case.

A pro se party may, however, probate a will as a muniment of title if **ALL** beneficiaries under the will are applicants, and **ALL** beneficiaries appear and testify at the hearing. If the will offered to probate is not the signed original or is not “self-proved,” you must follow additional procedural requirements for proving up the will in Court. The applicant(s) will need to research those issues and prepare the proper pleadings prior to the hearing. If the applicant(s) are unsure as to how to meet those requirements, you should consult an attorney as the Court is not permitted to provide legal advice.

March 30, 2016

A handwritten signature in black ink, appearing to read "Blake Thompson", written over a horizontal line.

Blake Thompson
Erath County Court at Law Judge