

# Pro Se Policy



## Notice

### REQUIREMENT FOR ATTORNEY

Only a licensed attorney may represent anyone other than themselves in a judicial proceeding in the State of Texas. In most probate or guardianship cases, an individual applicant is not truly representing only himself; rather he 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. (See Texas Penal Code Section 38.122)

For the Loving County Probate Courts to be consistent with requirements of applicable law, including the statutes prohibiting the unauthorized practice of law, the Loving County Probate Court will not permit "Pro Se" litigants to represent estates or other persons in most probate and guardianship cases. Named Executors, Administrators or persons applying for guardianship of persons, estates or both must also be represented by legal counsel. 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.

### EXCEPTIONS

There are rare situations when a person may, without the assistance of the court or court staff, proceed without legal counsel. For example, if the individual is:

- The **sole** beneficiary offering a will for probate as a Muniment of Title;
- A non-corporate creditor of a probate or guardianship estate;
- A non-corporate party in an ancillary civil action;
- A guardian filing an Annual Report of the Person; or
- Other actions at the discretion of the Judge.