



**RON CUNNINGHAM
LLANO COUNTY JUDGE**

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July 17, 2020

Court Policy Regarding “Pro Se” Applicants (Applicants without an Attorney)

Court Policy Regarding “Pro Se” Applicants (Applicants without an Attorney): People who represent themselves in court are called “pro se” or “self-represented” litigants. You are not required to have a lawyer to file papers or to participate in a case. You have a right to represent yourself. However, a pro se 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 probate estates. See *In re: Guetersloh*, 326 S.W.3d 737 (Tex. App – Amarillo, 2010) and *Steele v. McDonald*, 202 S.W.3d 926 (Tex App. – Waco, 2006), and the authorities cited in those opinions. *Therefore, individuals applying for letters testamentary, letters of administration, determinations of heirship, muniment of title and guardianships of the person or estate must be represented by a licensed attorney.* The only time a pro se applicant may proceed in court is when truly representing only himself or herself. **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.**

Frequently Asked Questions

Q: What is a pro se?

A: A pro se is an individual who has not hired a lawyer and appears in court to represent himself and no other person or entity.

Q; Can I still serve as an executor, administrator, or guardian even though I’m not a Lawyer?

A: Yes. One need not be a lawyer to serve as an executor, administrator, or guardian. However, the executor, administrator, or guardian must be represented by counsel.

Q: But I’m the only one that needs letters testamentary. As executor, how would I be representing the interests of others?

A: As executor of a decedent’s estate, you don’t represent only yourself. ***An executor represents the interests of beneficiaries and creditors. This responsibility to act for the benefit of another is known as a fiduciary relationship.*** It gives rise to certain legal obligations and responsibilities that require legal expertise. The attorney you hire represents you in your capacity as executor and assists you in representing those for whom you are responsible.

Q: If I get the paperwork from a law library or the Internet, can I fill it out and file it? Isn’t that what lawyers do?

A: Lawyers don’t just fill out forms. Lawyers (1) determine what method of probate or guardianship is appropriate in a particular situation, (2) create or adapt any necessary paperwork and – importantly - (3) advise the client about the ongoing responsibilities of a fiduciary. If you are not a lawyer, your creating legal pleadings while acting as a fiduciary would constitute the unauthorized practice of law.