

**JUDGE BYRON RYDER**

**LEON COUNTY PROBATE COURT**

**P.O. BOX 98**

**CENTERVILLE, TX 75833**

**October 24, 2014**

**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 in court. 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. Individuals applying for letters of administration, letters testamentary, small estate affidavits, determination of heirship, muniment of title and guardianships of the person or estate must by represented by a licensed attorney.

**FREQUENTLY ASKED QUESTIONS**

Q. What is 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 who 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 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, may 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 (3) advise the client about the ongoing responsibilities of a fiduciary. Unless you are a lawyer, your creation of legal pleadings while acting as a fiduciary would constitute the unauthorized practice of law.

Q. As a pro se, what proceedings CAN I do on my own?

A. The only proceedings you can handle as a pro se are those in which you truly would be representing ONLY yourself. Whether a muniment of title is the correct probate procedure for a particular situation is a legal decision best made by a lawyer.