



JUDGE CHRISTOPHER W. PONDER

PROBATE COURT NO. 1
100 W. WEATHERFORD ST., ROOM 260A
FORT WORTH, TEXAS 76196
(817) 212-7238

POLICY OF *PRO SE* REPRESENTATION IN TARRANT COUNTY PROBATE COURT NO. 1

The right to represent oneself in court without an attorney is well established in American jurisprudence; this is called *pro se* representation. This right, however, is limited to representing one's *own* rights. The law draws a distinction between a person acting *pro se* to represent their own rights and the same person in their representative capacity.

Under Texas law only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and probate estates. *See Steele v. McDonald*, 202 S.W.3d 926, 928 (Tex. App.—Waco 2006, no pet.). The following actions¹ all involve the interests of third-parties or entities:

- Applying to probate a will and be appointed as executor;
- Applying to become administrator of an estate; and
- Applying for a guardianship.

Because an estate (whether a decedent's estate or a guardianship estate) can only appear in a court proceeding by or through its personal representative, an individual attempting to represent "himself" or "herself" is necessarily also attempting to represent others, such as estate beneficiaries, the heirs, or the proposed ward.

One of the ways that a person may admit a will to probate as a *pro se* is when an individual applies to probate a will as a muniment of title, and the individual is the sole beneficiary under the will. **Note, however, that whether a muniment of title is the correct probate procedure for a particular situation is a legal decision that is best made by an attorney.**

Further, seeking to merely contest the appointment of another may be done *pro se*, as long as the person contesting is not also seeking to be appointed as a personal representative.

If you need a referral to a probate attorney, you may contact the Tarrant County Bar Association's Lawyer Referral Service at 817-336-4101.

¹This mandate will not be circumvented by the creative labeling of representation as "next friend" or "friend of the court."