NOTICE

October 11, 2011

From: Wise County Courts at Law Nos. 1 and 2

Re: "Pro Se" Representation in Court

REQUIRED RETENTION OF ATTORNEY

Consistent with requirements of applicable law, including the statutes prohibiting the unauthorized practice of law, the Wise County Courts at Law Nos. 1 and 2 will not permit "Pro Se" litigants to represent estates or other persons in most Probate and guardianship cases. Named executors, administrators or persons applying as such will be required to act through legal counsel. Additionally, individuals applying for guardianships of persons, estates or both will also be required to obtain legal counsel. Although an individual may present documents to the Clerk of the Court for filing, the Court will take no action on the documents unless there is an attorney of record in the case.

Only a licensed attorney may represent a third party or entity in a judicial proceeding in the State of Texas. In most probate or guardianship cases, an individual is not truly representing him or herself. He or she is attempting to represent another person or persons such as beneficiaries, heirs or creditors or the estate of another person. Unless the individual is a licensed attorney, this constitutes the unauthorized practice of law and will not be allowed by the Court.

EXCEPTIONS

There are situations when a person may represent themselves. For example, if the individual is:

1. A sole beneficiary in a Muniment of Title action;
2. A non-corporate creditor of a probate or guardianship estate;
3. A non-corporate party in an ancillary civil action; or
4. Other actions at the discretion of the Judge or Associate Judge.

SUBSEQUENT DISCHARGE OF ATTORNEY

In certain cases, an individual may open a probate or guardianship proceeding with the help of an attorney and thereafter discharges that attorney. If this occurs and the representative fails to comply with all the requirements of the Texas Probate Code, that individual may be required to once again employ legal counsel for subsequent hearings related to such non-compliance. It is recommended that a representative NOT discharge the originating or subsequent attorney until such time as the case is closed or all the business of the case has been completed.