



**Amy L. Varnell
Cass County Clerk**

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**COUNTY COURT POLICY REGARDING “PRO SE” APPLICANTS
(APPLICANTS WITHOUT AN ATTORNEY)**

People who represent themselves in court are called “pro se” litigants. You are not required to have a lawyer to file papers or to participate in a case in court. You have a constitutional right to represent yourself. However, a pro se litigant may not represent anyone else. According to *Steel v. McDonald*, 202 S.W. 3rd 926 (Tex. App.-Waco, 2006) and the authorities cited in that opinion, only a licensed attorney may represent the interests of third-party individuals or entities, including guardianship wards and probate estates.

Individuals applying for letters testamentary, letters of administration, determination of heirship and guardianships of the person or estate must be represented by a licensed attorney. The only time a pro se litigant may proceed in probate court is when truly representing only himself. The only proceeding in which you may be able to appear pro se in probate court is an application to probate a will as a muniment of title when you are the sole beneficiary under the will and there are no debts against the estate other than those secured by liens against real estate. **Whether or not an application to probate a will as a muniment of title is appropriate is a legal decision best made by a lawyer.**

This does not mean that you cannot act as an executor, administrator or guardian.

However, the executor, administrator or guardian must be represented by a lawyer.