

Procedural Forms Annotated

TRCP 6.

TRCP 7. May appear by attorney

Any party to a suit may appear and prosecute or defend his rights therein, either in person or by an attorney of the court.

History of TRCP 7: Adopted eff. Sept. 1, 1941, by order of Oct. 29, 1940 (3 Tex.B.J. 525 [1940]). Source: TRCS art. 1993 (repealed).

Annotations

[Kunstplast of Am., Inc. v. Formosa Plastics Corp., USA](#), 937 S.W.2d 455, 456 (Tex.1996).

"Generally a corporation may be represented only by a licensed attorney.... We hold, however, that ... a nonlawyer [is not precluded] from performing the specific ministerial task of [perfecting the appeal]."

[Ayres v. Canales](#), 790 S.W.2d 554, 557 (Tex.1990). "Ordering a party to be represented by an attorney violates Rule 7." See also [Assignees of Best Buy v. Combs](#), 395 S.W.3d 847, 862 (Tex.App.—Austin 2013, pet. denied) (trial court does not have power to appoint attorney without statutory or procedural authorization).

[Kaminetzky v. Newman](#), No. 01-10-01113-CV (Tex.App.—Houston [1st Dist.] 2011, no pet.) (memo op.; 12-29-11). The right to represent oneself pro se "only applies ... when the person is litigating his rights on his own behalf, instead of litigating certain rights in a representative capacity." See also [In re Gerstner](#), No. 02-15-00315-CV (Tex.App.—Fort Worth 2015, orig. proceeding) (memo op.; 10-23-15) (sole proprietorship may appear pro se through its sole proprietor).

ANNOTATIONS

HISTORY

COMMENTARY

See "Rules for Serving Documents," ch. 1-D;

"The Attorney," ch. 1-H;

FORMS

FORM 1H1.

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