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[Judge@CountyCivilCourt1.org](mailto:Judge@CountyCivilCourt1.org)

To: Judge Clyde Leuchtag

From: Jasmine O. Yates (2L Legal Intern, Summer 2016)

Re: Corporation and Partnership Required Appearance by Counsel

Tex. R. Civ. P. 500.4 provides that a corporation or other entity is not required to be represented by an attorney in justice court. A corporation or partnership in county court, on appeal, however, is required to appear in court only through a licensed attorney. Tex. R. Civ. P. 7; 28 U.S.C.S. § 1654; *Dell Dev. Corp. v. Best Indus. Uniform Supply Co., Inc.*, 743 S.W.2d 302 (Tex. App.—Houston [14th Dist.] 1987, writ denied) (analogizing Tex. R. Civ. P. 7 to 28 U.S.C. § 1654). Accordingly, a corporation cannot be represented *pro se* by an officer who is not an attorney. *Serrano v. Pellicano Park, L.L.C.*, 441 S.W.3d 517, 521 (Tex. App.—El Paso 2014, pet. dismiss'd w.o.j.). The courts have reasoned that corporations and partnerships are fictional legal parties thus they cannot personally appear for themselves. See *Simmons, Jannace & Stagg, L.L.P. v. Buzbee Law Firm*, 324 S.W.3d 833 (Tex. App.—Houston [14th Dist.] 2010, no pet.).

In *Kunstoplast of Am. v. Formosa Plastics Corp., USA*, 937 S.W.2d 455, 456 (Tex. 1996), the Texas Supreme Court acknowledged that generally a corporation may be represented only through an attorney, but a non-attorney may perform specific ministerial task. For example, the lower court of appeals held that a non-attorney's filing of an answer on behalf of a corporation was effective to prevent the trial court from granting default judgment. *Guadalupe Econ. Servs. Corp. v. Dehoyos*, 183 S.W.3d 712, 715-16 (Tex. App.—Austin 2005, no pet.). After answering, however, a non-attorney cannot proceed in the underlying case. *Id.* Thus, for limited purposes a non-attorney is permitted to file documents for a corporation, but is prohibited from representing the corporation in court proceedings. See *Home Sav. of Am. FSB v. Harris Cnty. Water Control & Improvement Dist.*, 928 S.W.2d 217, 219 (Tex. App.—Houston [14th Dist.] 1996, no writ.); *Kelly v. Hinson*, 387 S.W.3d 906 (Tex. App.—Fort Worth 2012, pet. denied). Therefore, any attempt to appear for a corporation or present a case on its behalf has no legal effect. *Sherman v. Boston*, 486 S.W.3d 88, 96 (Tex. App.—Houston [14th Dist.] 2016).