

## Question

EXPLAIN THE VIOLATIONS THAT OCCUR WHEN AN ATTORNEY DOES NOT PROSECUTE HER CASE AND HAS SOMEONE FILE ALL OF HER PLEADINGS ON HER BEHALF DESPITE THAT PERSON NEVER MAKING A FORMAL APPEARANCE OR SIGNING ANYTHING IN THE CASE. ALSO, THE ATTORNEY CLAIMED SHE WAS RETAINED IN HER INDIVIDUAL CAPACITY.

## Answer (Texas)

### Short response

When an attorney fails to prosecute her own case and allows another person—who neither appears nor signs pleadings—to file all documents on her behalf, this conduct violates Texas law prohibiting unauthorized practice of law, breaches procedural rules requiring attorney signatures and appearances, and may result in sanctions, striking of pleadings, and potential disciplinary action, regardless of any claim of being retained in an "individual capacity." Such conduct also implicates ethical duties of candor, supervision, and diligence, and may constitute misrepresentation to the court.

### Summary

Texas law strictly limits the practice of law to licensed attorneys, and the preparation or filing of pleadings for another party by a nonlawyer constitutes unauthorized practice of law (UPL). If an attorney allows a non-appearing, non-signing individual to file pleadings or otherwise prosecute a case, this not only facilitates UPL but also violates procedural rules requiring attorney signatures, proper appearances, and diligent prosecution, exposing both the attorney and the unauthorized individual to sanctions and other legal consequences.

The attorney's claim of being retained in an "individual capacity" does not excuse or alter these requirements, as only licensed attorneys may represent others in court, and all pleadings must be signed by the attorney of record. Courts may strike such pleadings, dismiss cases for want of prosecution, and impose sanctions or contempt for improper filings, while the attorney may also face professional discipline for failing to supervise, for misrepresentation, and for aiding UPL.

# Background and Relevant Law

## Legislative and Regulatory Framework

Texas law, as codified in the Texas Government Code, provides that only members of the State Bar may practice law in Texas, with limited exceptions for certain out-of-state attorneys, law students, or graduates under Supreme Court rules (Tex. Gov't Code § 81.102). The "practice of law" is broadly defined to include preparing pleadings or other documents incident to an action, as well as managing a case on behalf of a client before a judge (Tex. Gov't Code § 81.101, as referenced in multiple cases).

In criminal cases, the Texas Code of Criminal Procedure requires that any pleading or motion filed for a represented defendant must be signed by at least one attorney of record, and the court must strike unsigned pleadings unless promptly corrected. Improper filings may result in contempt or sanctions ([Tex. Code Crim. Proc. § 1.052](#)).

For administrative proceedings before the State Office of Administrative Hearings (SOAH), a representative must formally enter an appearance, and non-Texas attorneys must comply with pro hac vice requirements. The rules explicitly do not authorize unauthorized practice of law ([1 Tex. Admin. Code § 155.201](#)).

## Case Law

Texas courts have consistently enforced these statutory requirements. The appellate courts have held that preparing or filing pleadings for another party, or managing a case on their behalf, constitutes the practice of law and is strictly limited to licensed attorneys ([Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#); [Jimison by Parker v. Mann, 957 S.W.2d 860 \(Tex. App. 1997\)](#); [Drew v. Unauthorized Practice of Law Committee, 970 S.W.2d 152 \(Tex. App. 1998\)](#)). Nonlawyers who prepare or file pleadings for others are engaged in UPL, and any such filings are subject to being struck ([Jimison by Parker v. Mann, 957 S.W.2d 860 \(Tex. App. 1997\)](#)).

Texas Rule of Civil Procedure 12 provides a mechanism for challenging an attorney's authority to prosecute or defend a case. If a party believes a case is being prosecuted or defended without authority, they may file a sworn motion, and the challenged attorney must prove their authority. If the attorney cannot do so, the court must refuse to permit the attorney to appear and strike the pleadings unless an authorized person appears ([Ellis v. Courtney Prince; LVTRise, Inc., 02-25-00162-CV \(Tex. App. Aug 14, 2025\)](#); [In re Murrin Bros. 1885, Ltd., 603 S.W.3d 53 \(Tex. 2019\)](#)).

Courts also have inherent authority, as well as authority under Rule 165a, to dismiss cases for want of prosecution if the case is not diligently prosecuted ([Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#)).

Federal courts applying Texas law have similarly held that only licensed attorneys may represent others, and that even a valid power of attorney

does not permit a nonlawyer to act as counsel (*Benavides v. Fed. Dep't of Investigation*).

## **Administrative Decisions and Secondary Materials**

Administrative decisions and secondary materials reinforce these principles, emphasizing that attorneys must supervise nonlawyer assistants, maintain professional responsibility, and disclose the status of nonlawyer participants. Ghostwriting or undisclosed assistance in preparing pleadings is treated as misrepresentation to the court and a violation of ethical rules ([Chapter 11-II. CANDOR IN CONTEXT](#)).

## **Analysis**

### **Unauthorized Practice of Law (UPL)**

The central violation in the described scenario is the facilitation of unauthorized practice of law. Texas law prohibits anyone who is not a member of the State Bar from practicing law, which includes preparing or filing pleadings for another party (Tex. Gov't Code § 81.102; [Swain v. Dobbs](#), 692 S.W.3d 720 (Tex. App. 2023); [In re Flores](#)). If an attorney allows a nonlawyer to prepare and file pleadings, and that person does not make a formal appearance or sign anything, the nonlawyer is engaging in UPL, and the attorney is complicit in that violation.

The courts have made clear that even if a nonlawyer is acting under a power of attorney or other purported agency, this does not authorize them to practice law ([In re Flores](#); *Benavides v. Fed. Dep't of Investigation*). The filings are defective and subject to being struck, and the nonlawyer may be subject to civil and criminal penalties for UPL.

### **Violations of Procedural Rules**

Texas procedural rules require that pleadings be signed by the attorney of record, and that only licensed attorneys or pro se parties may appear in court ([Tex. Code Crim. Proc. § 1.052](#); [Swain v. Dobbs](#), 692 S.W.3d 720 (Tex. App. 2023); [Rodriguez v. Marcus](#), 484 S.W.3d 656 (Tex. App. 2016)). If pleadings are filed by someone who is not the attorney of record and who does not sign or appear, the filings are procedurally improper. The court is required to strike unsigned pleadings unless promptly corrected, and may impose sanctions or hold the filer in contempt if the filings are groundless or made for improper purposes ([Tex. Code Crim. Proc. § 1.052](#)).

In civil cases, Texas Rule of Civil Procedure 12 allows any party to challenge the authority of an attorney who is prosecuting or defending a case. The challenged attorney must prove their authority to act; if they cannot, the court must strike the pleadings unless an authorized person appears ([Ellis v. Courtney Prince](#); [LVTRise, Inc.](#), 02-25-00162-CV (Tex. App. Aug 14, 2025); [In re Murrin Bros. 1885, Ltd.](#), 603 S.W.3d 53 (Tex. 2019)). This rule is designed to prevent precisely the kind of ghost-filing or unauthorized prosecution described in the question.

## **Failure to Prosecute and Diligence**

An attorney who does not personally prosecute her case and delegates all filings to an unauthorized person is failing to diligently prosecute the case. Texas courts have inherent authority, as well as authority under Rule 165a, to dismiss cases for want of prosecution if the case is not diligently pursued ([Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#)). This failure may result in dismissal of the case, in addition to the procedural and ethical violations discussed above.

## **Ethical and Professional Responsibility Violations**

Attorneys have a duty to supervise nonlawyer assistants, maintain professional responsibility for all work performed on their behalf, and ensure that nonlawyers do not engage in UPL ([Drew v. Unauthorized Practice of Law Committee, 970 S.W.2d 152 \(Tex. App. 1998\)](#)). Allowing a nonlawyer to file pleadings without supervision, appearance, or signature violates these duties. The attorney may be subject to professional discipline for aiding UPL, failing to supervise, and failing to diligently prosecute the case.

Undisclosed ghostwriting—where an attorney or another person prepares pleadings without disclosure or signature—has been treated as a misrepresentation to the court and a violation of ethical rules regarding candor and honesty ([Chapter 11-II. CANDOR IN CONTEXT](#)). This conduct may also conceal conflicts of interest and undermine the integrity of the judicial process.

## **The "Individual Capacity" Claim**

The attorney's assertion that she was retained in her "individual capacity" does not alter the analysis. Texas law requires that only licensed attorneys may represent others in court, regardless of the capacity in which they are retained ([Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#); [Jimison by Parker v. Mann, 957 S.W.2d 860 \(Tex. App. 1997\)](#)). The requirement for proper appearance, signature, and authority to act is not affected by the attorney's claimed capacity.

## **Sanctions and Remedies**

The consequences of these violations are significant. Courts may strike pleadings filed by unauthorized persons, dismiss cases for want of prosecution, and impose sanctions or hold parties in contempt for improper filings ([Tex. Code Crim. Proc. § 1.052](#); [Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#)). Attorneys may also face professional discipline for aiding UPL, failing to supervise, and misrepresenting to the court ([Drew v. Unauthorized Practice of Law Committee, 970 S.W.2d 152 \(Tex. App. 1998\)](#); [Chapter 11-II. CANDOR IN CONTEXT](#)).

## Exceptions and Caveats

There are limited exceptions to the prohibition on nonlawyers practicing law, such as for certain out-of-state attorneys admitted pro hac vice, law students, or graduates under Supreme Court rules (Tex. Gov't Code § 81.102; [1 Tex. Admin. Code § 155.201](#)). However, these exceptions require formal compliance with court rules, including formal appearance and, where applicable, pro hac vice admission. None of these exceptions apply to a nonlawyer or to a person who does not make a formal appearance or sign pleadings.

It is also important to note that while nonlawyers may assist attorneys under direct supervision, the attorney must maintain ultimate responsibility, supervise all work, and ensure that the nonlawyer's status is disclosed ([Drew v. Unauthorized Practice of Law Committee, 970 S.W.2d 152 \(Tex. App. 1998\)](#)). The scenario described in the question does not meet these requirements.

## Recent Developments

One of the cited cases, [In re Autozoners, LLC, 649 S.W.3d 774 \(Tex. App. 2022\)](#), has been superseded by a subsequent Texas Supreme Court decision ([In re AutoZoners, LLC, 22-0719 \(Tex. Apr 26, 2024\)](#)). While the earlier case discussed the unauthorized practice of law by nonresident attorneys and the requirements for pro hac vice admission, the superseding decision may affect the specific application of those principles. However, the general rule that only licensed attorneys may prepare and file pleadings for others, and that unauthorized practice is prohibited, remains firmly established in Texas law.

## Conclusion

In summary, when an attorney does not prosecute her own case and allows another person—who does not appear or sign pleadings—to file all documents on her behalf, this conduct violates Texas statutes prohibiting unauthorized practice of law, breaches procedural rules requiring attorney signatures and appearances, and may result in sanctions, striking of pleadings, dismissal for want of prosecution, and professional discipline. The attorney's claim of being retained in an "individual capacity" does not excuse these violations. Texas law and court rules are clear: only licensed attorneys may represent others in court, all pleadings must be signed by the attorney of record, and attorneys must diligently prosecute their cases and supervise any nonlawyer assistants. Failure to comply with these requirements undermines the integrity of the judicial process and exposes both the attorney and the unauthorized individual to significant legal and professional consequences.

## Legal Authorities

[Torres v. Unauthorized Practice of Law Comm. For Supreme Court of Tex., 05-21-00651-CV \(Tex. App. Sep 09, 2022\)](#)

## **Texas Court of Appeals**

### **Extract**

Except in limited circumstances not applicable here, a person may not practice law in the state of Texas unless the person is a member of the state bar. ... Although rule 7 uses the term 'any party,' it does not permit a legal entity to appear through an agent who is not a licensed attorney. ... It has been the law for the better part of two centuries that a corporation may appear in court only through licensed counsel.

### **Summary**

The case confirms Texas's prohibition on non-lawyers representing others in court and clarifies that Rule 7 does not allow entities to appear through nonlawyers. While the facts involve a nonlawyer, the principles apply to any situation where filings are made by a person who is not counsel of record and not a licensed attorney, implicating unauthorized practice and improper appearance/representation.

[Drew v. Unauthorized Practice of Law Committee, 970 S.W.2d 152 \(Tex. App. 1998\)](#)

## **Texas Court of Appeals**

### **Extract**

the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge... Code § 81.101(a). The Code also states that the definition is not exclusive... Code § 81.101(b). The statute requires that persons practicing law must be attorneys licensed in Texas or another state... Code § 81.102. We conclude that the statute is sufficiently specific as concerns the actions the court enjoined, including preparation of pleadings, giving legal advice, preparing legal documents, and attempting to appear before a judge on behalf of another... These provisions must be read in conjunction with the restrictions against nonlawyers practicing law... Though Drew could sign and present the petition seeking the freedom of another, he would need the aid of an attorney to draft the documents and appear in court on behalf of another. See Jimison v. Mann... ("next friend" not allowed to draft and file pleadings on another's behalf). ... "[Drew] is... permanently commanded to refrain... including, without limitation, providing... the services of a paralegal... except only under the following conditions: (A) that Drew's supervising lawyer have ultimate and direct supervisory authority... specifically delegate and directly supervise all

work... have complete professional responsibility... maintain primary contact...; (B) that Drew refrain from... setting fees, giving legal opinions or representing any client before a court or agency; and (C) that Drew disclose his status as a non-lawyer...

## **Summary**

The passages define “practice of law” to include preparing pleadings and managing litigation, restrict such acts to licensed attorneys, and prohibit nonlawyers from drafting/filing pleadings or appearing for others. They also set conditions under which a nonlawyer may assist (direct supervision, attorney responsibility, disclosure). Thus, if an attorney allows an unsupervised nonlawyer who makes no appearance or signature to prepare and file pleadings, it implicates unauthorized practice by the nonlawyer and violations of the attorney’s supervisory and professional responsibility duties. The “individual capacity” claim does not alter the statutory prohibitions.

[In re Murrin Bros. 1885, Ltd., 603 S.W.3d 53 \(Tex. 2019\)](#)

## **Texas Supreme Court**

### **Extract**

Rule 12 of the Texas Rules of Civil Procedure provides: A party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act. TEX. R. CIV. P. 12. Upon such a motion, 'the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party.' Id. If the challenged attorney fails to show sufficient authority, 'the court shall refuse to permit the attorney to appear in the cause, and shall strike the pleadings if no person who is authorized to prosecute or defend appears.' Id.

## **Summary**

Rule 12 provides a mechanism to challenge whether a lawsuit is being prosecuted or defended without proper authority. If an attorney is not the one actually prosecuting the case and is having a non-appearing, non-signing person file pleadings, a party can move under Rule 12 to require the attorney to prove authority. The burden shifts to the challenged attorney to show authority. If the attorney cannot, the court must prohibit the attorney from appearing and strike pleadings unless an authorized representative appears. This directly addresses unauthorized prosecution/defense and improper filings by a non-appearing actor. It does not itself address all ethical violations, but it provides the procedural consequence and remedy for unauthorized representation.



[Ellis v. Courtney Prince; LVTRise, Inc., 02-25-00162-CV \(Tex. App. Aug 14, 2025\)](#)

## **Texas Court of Appeals**

### **Extract**

"Texas Rule of Civil Procedure 12 provides in pertinent part that [a] party in a suit or proceeding pending in a court of this state may, by sworn written motion stating that he believes the suit or proceeding is being prosecuted or defended without authority, cause the attorney to be cited to appear before the court and show his authority to act.. .. At the hearing on the motion, the burden of proof shall be upon the challenged attorney to show sufficient authority to prosecute or defend the suit on behalf of the other party. Upon his failure to show such authority, the court shall refuse to permit the attorney to appear in the cause[] and shall strike the pleadings if no person who is authorized to prosecute or defend appears." Tex. R. Civ. P. 12.

### **Summary**

The passage explains the mechanism and consequences when pleadings are filed or a case is prosecuted/defended by someone lacking proper authority. If an attorney is effectively having an unauthorized person prosecute the case (e.g., filing pleadings without appearance or signature), a Rule 12 motion can be brought. The challenged attorney bears the burden to prove authority; failure results in disallowing the attorney's appearance and striking pleadings unless an authorized person appears. This directly speaks to the violations/defects implicated by using an undisclosed, unauthorized filer and issues about authority to act.

[Benavides v. Fed. Dep't of Investigation](#)

## **U.S. District Court — Southern District of Texas**

### **Extract**

By statute, a federal litigant "may plead and conduct their own cases personally or by counsel." See 28 U.S.C. § 1654 (emphasis added). Based on all information before the Court, Barrera is not an attorney authorized to practice law in Texas or elsewhere. Section 1654 does not permit a non-attorney to represent a litigant in federal court and even a valid power of attorney does not permit it. ... "An individual that is not licensed to practice law cannot use representative devices 'as an artifice for the unauthorized practice of law.'" *Dutschmann v. City of Waco*, No. 6:22-CV-00094-ADA-JCM, 2022 WL 837498, at \*1 (W.D. Tex. Jan. 27, 2022) (quoting *Weber v. Garza*, 570 F.2d 511, 514 (5th Cir. 1978)). Under Texas state law, an individual engaging in the unauthorized practice of law may be subject to criminal and civil penalties. See Tex. Pen. Code § 38.123 (Class A misdemeanor); Tex.



Gov't Code § 81.101(a) (defining unauthorized practice of law), § 81.104(2) (assigning the Unauthorized Practice of Law Committee the duty to "seek the elimination of the unauthorized practice of law by appropriate actions and methods, including the filing of suits in the name of the committee"). The Undersigned, however, expresses no opinion on whether Barrera's conduct violates Texas law.

## **Summary**

Only licensed counsel may represent a party in federal court; a non-lawyer cannot file or act on behalf of a litigant, even with a power of attorney. It also identifies Texas statutes penalizing unauthorized practice. Applied to an attorney who delegates filings to a non-appearing, non-signing nonlawyer, this points to violations: unauthorized practice by the nonlawyer; potential aiding/abetting UPL; violation of signature/appearance rules; and dereliction of professional duties to prosecute and supervise nonlawyer assistants.

[Swain v. Dobbs, 692 S.W.3d 720 \(Tex. App. 2023\)](#)

## **Texas Court of Appeals**

### **Extract**

[7-9] A trial court's authority to dismiss for want of prosecution stems from the express authority of Rule 165a of the Texas Rules of Civil Procedure as well as from the court's inherent power to manage its own docket... A trial court may dismiss a case when (1) it finds that the case has not been prosecuted with due diligence; (2) the case has not been disposed of within the Texas Supreme Court's time standards; or (3) a party fails to appear at a hearing or trial." ... "[18] The Texas Government Code defines the practice of law as the 'preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court.' Tex. Gov't Code Ann. § 81.101(a). Generally, a person may not practice law in the state of Texas unless the person is a member of the state bar. Id. § 81.102(a)." ... "In addition, though an individual may appear in court either in person or by an attorney, Tex. R. Civ. P. 7, '[a] non-lawyer may not ... represent another party in litigation or on appeal because it constitutes the unauthorized practice of law.' Rodriguez v. Marcus, 484 S.W.3d 656, 657 (Tex. App.—El Paso, 2016 no pet.).

## **Summary**

The passages establish (1) courts may dismiss when a case is not prosecuted with due diligence (Rule 165a/inherent power); and (2) preparing and filing pleadings or managing litigation for another is the practice of law, which only State Bar members may perform (Gov't Code §§ 81.101–.102). Rule 7 allows self-representation or representation by a licensed attorney only; non-lawyers cannot represent others. Thus, having an unappearing, non-signing non-lawyer prepare/file pleadings constitutes unauthorized practice. If the attorney of record is not prosecuting and is using a non-lawyer surrogate,

the matter is subject to dismissal for want of prosecution and implicates UPL facilitation and potential professional-conduct violations. The attorney's claim of being retained in an "individual capacity" does not change the requirement that only licensed lawyers may represent other persons and that pleadings must be signed by the attorney of record.

[Jimison by Parker v. Mann, 957 S.W.2d 860 \(Tex. App. 1997\)](#)

## **Texas Court of Appeals**

### **Extract**

The Texas legislature defined the practice of law as, among other things, the preparation of pleadings or other documents incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court. Tex. Gov.Code Ann. § 81.101(a) (Vernon 1988). Furthermore, only those persons who are members of the state bar may practice law in Texas. Tex. Gov.Code Ann. § 81.102(a) (Vernon 1988)... Moreover, Rule 44 of the Texas Rules of Civil Procedure does not vitiate § 81.102 of the Texas Government Code... Thus, Rule 44 must be construed in a manner harmonious with § 81.102 of the Government Code. ... Consequently, Parker had no authority to personally draft, sign, and file the 'Brief of Appellant' or the motion to correct the statement of facts on behalf of Jimison. Given this, the documents are struck. ... Of course, a next friend who also happens to be a member of the state bar or is otherwise entitled to practice law may indeed do so...

### **Summary**

The case defines "practice of law" to include preparing and filing pleadings and managing a case, restricts that practice to licensed Texas lawyers (or those otherwise authorized by Supreme Court rule), and holds that filings by a nonlawyer on another's behalf are unauthorized and must be struck. It also clarifies that procedural rules cannot override statutory limits on unauthorized practice.

[In re Flores](#)

## **Texas Court of Appeals**

### **Extract**

Jones, who is a not an attorney,[] is engaging in the practice of law without a license. See Gov't Code § 81.101 ('the 'practice of law' means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court'); Id. § 81.102 ('a person may not practice law in this state unless the person is a member of the state bar'); see also Tex.

Penal Code Ann. § 38.123 (Unauthorized Practice of Law). [ ] The document purporting to confer power of attorney is not signed by Relator, nor is it notarized. It is, therefore, invalid to confer agency upon Jones. ... (power of attorney does not permit an unlicensed lay person to act as an attorney on another's behalf).

## **Summary**

In Texas, preparing or filing pleadings or managing a case for another is the practice of law (Gov't Code § 81.101), which only State Bar members may do (§ 81.102). Nonlawyers doing so commit unauthorized practice and may violate Penal Code § 38.123. A power of attorney does not authorize a nonlawyer to act as counsel, and a defective POA cannot confer agency. Thus, if an attorney allows a nonlawyer to draft/file all pleadings without formal appearance/signature, that nonlawyer is engaged in the unauthorized practice, and the filings may be improper. This supports potential professional-conduct violations by the attorney for aiding UPL, misrepresentation to the tribunal, signature/appearance rule violations, and failure to competently and diligently prosecute.

[In re Autozoners, LLC, 649 S.W.3d 774 \(Tex. App. 2022\)](#)

## **Texas Court of Appeals**

### **Extract**

Rule 19(d) provides that a court may deny a nonresident attorney's motion for admission pro hac vice if the court determines one of the following: (1) The nonresident attorney is not a reputable attorney who will observe the ethical standards required of Texas attorneys; (2) The nonresident attorney has been appearing in courts in Texas on a frequent basis; (3) The nonresident attorney has been engaging in the unauthorized practice of law in the state of Texas; or (4) Other good cause exists to deny the motion." ... "See In Re Pine Tree Capital, LLC, ... (denying motion to be admitted pro hac vice ... where nonresident attorney placed his signature and signature block on a pleading along with those of a member of the Texas Bar before gaining pro hac vice admission); see also ... § 81.102(a), (b)." ... "see also TEX. GOV'T CODE ANN. § 81.101(a) (practice of law includes both preparing documents 'incident to an action' pending in Texas, as well as 'service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge').

## **Summary**

The passages establish that preparing or filing pleadings for a Texas case constitutes the practice of law (§ 81.101(a)); that a nonresident may not practice in Texas without pro hac vice admission (§ 81.102; Rule 19), and placing a nonresident's involvement on pleadings before admission can justify denial (In re Pine Tree). They also recognize courts' authority to sanction or deny participation for unauthorized practice or other good

cause. This informs the violations implicated when someone who has not appeared or signed is effectively prosecuting or filing pleadings, and when an attorney allows or facilitates such ghost practice.

[Rodriguez v. Marcus, 484 S.W.3d 656 \(Tex. App. 2016\)](#)

## **Texas Court of Appeals**

### **Extract**

Under TEX. R. CIV. IV.P.7, an individual may appear in court either in person or by an attorney. A non-lawyer may not, however, represent another party in litigation or on appeal because it constitutes the unauthorized practice of law. Consequently, a corporation may not appear in court through its officers who are not attorneys.

### **Summary**

Texas Rule of Civil Procedure 7 allows individuals to appear pro se or through licensed counsel. Nonlawyers cannot represent another party; doing so is unauthorized practice of law. The case also reiterates that entities cannot appear through nonlawyer agents. While the passage does not address attorney ethics directly, it supports that having a nonlawyer prepare, file, or present pleadings for another party without entering an appearance or signature implicates unauthorized practice and defective filings under Texas rules requiring attorney/pro se signatures and accountability.

[Tex. Gov't. Code § 81.102 Tex. Gov't. Code § 81.102 State Bar Membership Required](#)

### **Extract**

a) Except as provided by Subsection (b), a person may not practice law in this state unless the person is a member of the state bar. (b) The supreme court may promulgate rules prescribing the procedure for limited practice of law by: attorneys licensed in another jurisdiction; bona fide law students; and unlicensed graduate students who are attending or have attended a law school approved by the supreme court.

### **Summary**

Texas broadly forbids any non-State Bar member from practicing law, unless falling within Supreme Court-authorized limited practice categories (out-of-state attorneys under rules, bona fide law students, and specified graduates under court rules). If an attorney has a non-appearing, non-signing person draft/submit pleadings or otherwise practice on her behalf, and that person is not authorized under these rules, it implicates

unauthorized practice of law (UPL). The statute applies generally across Texas and is directly relevant to the use of non-lawyers or unlicensed persons in filing pleadings.

[Tex. Code Crim. Proc. § 1.052 Tex. Code Crim. Proc. § 1.052 Signed Pleadings of Defendant](#)

## **Extract**

(a) A pleading, motion, and other paper filed for or on behalf of a defendant represented by an attorney must be signed by at least one attorney of record in the attorney's name and state the attorney's address. ... (b) The signature of an attorney or a defendant constitutes a certificate ... that ... the instrument is not groundless ... (c) If a pleading, motion, or other paper is not signed, the court shall strike it unless it is signed promptly ... (d) An attorney or defendant who files a fictitious pleading ... for an improper purpose ... shall be held guilty of contempt. (e) If a pleading, motion, or other paper is signed in violation of this article, the court ... shall impose an appropriate sanction, which may include ... reasonable attorney's fees. (f) A court shall presume that a pleading ... is filed in good faith. Sanctions ... may not be imposed except for good cause ... (h) In this article, 'groundless' means without basis in law or fact ...

## **Summary**

The statute requires that any pleading filed for a represented criminal defendant be signed by at least one attorney of record. If someone who is not attorney of record files pleadings without signing or appearing, the papers are defective and must be stricken unless promptly corrected. Improper filings can trigger contempt and sanctions if done for improper purposes or with groundless statements. The rule applies regardless of the attorney's claimed "individual capacity."

[1 Tex. Admin. Code § 155.201 1 Tex. Admin. Code § 155.201 Representation of Parties](#)

## **Extract**

(a) Representation. A party may represent himself or herself or may appear by authorized representative. ... (b) Appearance by authorized representative. A party's authorized representative who has not entered an appearance as a matter of record in the proceeding shall enter an appearance by filing with SOAH appropriate documentation that contains the representative's mailing address, email address and telephone number. If the party's representative is not licensed to practice law in Texas and the authority of the representative is challenged, the representative must show authority to appear as the party's representative. ... (c) Nonresident attorney. An attorney who is a resident of and licensed to practice law in

another state and who is not an active member of the State Bar of Texas shall comply with the requirements of Tex. Gov't Code § 82.0361 and Rule XIX ... before entering an appearance on behalf of a party at SOAH. ... (d) Attorney in charge. When more than one attorney makes an appearance on behalf of a party, the attorney whose signature first appears on the initial pleading for a party shall be the attorney in charge ... (e) This rule does not allow a person to engage in the unauthorized practice of law.

## **Summary**

SOAH requires any authorized representative to formally enter an appearance with contact information; non-Texas lawyers must comply with pro hac vice requirements before appearing; the first-signing lawyer is attorney in charge; and the rule expressly does not authorize unauthorized practice of law. If an attorney has someone file pleadings without that person entering an appearance or signing, it contravenes the appearance requirement and risks unauthorized practice. If the filer is a nonresident attorney, pro hac vice compliance is required. The rule's scope is limited to SOAH; parallel duties in courts would arise from Texas Rules of Civil Procedure and Texas Disciplinary Rules of Professional Conduct, but those are outside this passage.

## [Chapter 11-II. CANDOR IN CONTEXT](#)

### **Professional Responsibility in Litigation (ABA) - American Bar Association**

#### **Extract**

See *Barnett v. LeMaster*, 12 F. App'x 774, 778 (10th Cir. 2001) (explaining that a ghostwriting lawyer's failure to identify himself by signing a pleading, written motion, or brief 'constitutes a misrepresentation to [the] court by both the litigant and attorney'); *In re W.A.R. LLP*, 2012 WL 1576002, at \*26 (finding that ghostwriting concealed conflict of interest from the court and thus violated Rule 8.4(c)); *Liguori v. Hansen*, No. 2:11-cv-00492-GMN-CWH, 2012 WL 760747, at \*5 ("An attorney participating in 'ghost-writing' is engaged in conduct involving misrepresentation to the [c]ourt because another individual is signing pleadings the attorney ... In 2015, the Rhode Island Supreme Court ... declared that a lawyer may assist a pro se litigant ... An attorney, however, shall not assist a pro se litigant with the preparation of pleadings, motions, or other written submissions unless the attorney signs the document and discloses thereon his or her identity and the nature and extent of the assistance ... The attorney shall also indicate ... that his or her signature does not constitute an entry of appearance.)

## **Summary**

The passages address undisclosed ghostwriting: when an attorney drafts or causes filings without identifying themselves, courts have treated it as misrepresentation to the tribunal and potentially concealment of conflicts,

violating Rule 8.4(c). They also note a jurisdiction that permits limited-scope assistance only with disclosure and signature. While not Texas-specific, they frame the ethical concern directly relevant to an attorney having another person file pleadings without appearance or signature.

[In the Matter of a Disbarred Arizona Supreme Court Member of the State Bar of Arizona Gary L. Lassen , , Bar No. 5259](#)

## **Arizona Disciplinary Decisions**

### **Extract**

Mr. Hobson was not aware at the time of the filing of the answer of anything relating to the case. He first became aware of Mr. Lassen signing his name after he received a call from Assistant Attorney General Jinju Park in early August, 2014. ... He informed her he does not recall ever allowing or authorizing Mr. Lassen or anyone else to sign the motion on his behalf. ... Mr. Hobson was aware that Mr. Lassen was suspended and testified that he would not allow a suspended attorney to sign a pleading on his behalf.

### **Summary**

The passage shows a scenario where pleadings were signed/ filed in another attorney's name without authorization, and by or involving a suspended lawyer. This implicates violations concerning unauthorized practice of law, misrepresentation to the tribunal, and improper delegation/ghost-filing without appearance. While Arizona-specific, the conduct described is analogous to professional rule violations recognized broadly, including Texas.

This memo was compiled by Vincent AI based on vLex materials available as of December 13, 2025. [View full answer on vLex](#)