

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

William Berry Waters III v. Oaks at Round Rock, LLC

No. 03-24-00721-CV (Tex. App.—Austin Apr. 10, 2026) (mem. op.) · No. 03-24-00721-CV · Decided April 10, 2026

SUMMARY

The Texas Court of Appeals, Third District, dismissed the appeal for want of prosecution because the pro se appellant failed to file an amended notice of appeal bearing his own signature. The court held that a notice of appeal filed on the appellant’s behalf by a non-lawyer was ineffective and dismissed the case under Texas Rule of Appellate Procedure 42.3(c).

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Maggie Ellis, Justice; Chief Justice Byrne; Justice Crump; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	April 10, 2026
DOCKET	03-24-00721-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court of appeals acted on its own motion to determine whether the notice of appeal was effective because it had been filed by a non-lawyer on behalf of the pro se appellant. After notifying the appellant and allowing an opportunity to file an amended notice of appeal bearing his signature, the court dismissed the appeal for failure to comply.
PRECEDENTIAL VALUE	published
PARTIES	William Berry Waters III v. Oaks at Round Rock, LLC

TOPICS

- appellate procedure
- civil procedure
- preservation of error

PRACTICE AREAS

- appellate procedure
- civil procedure
- unauthorized practice of law

QUESTIONS PRESENTED

1. Whether a notice of appeal filed by a non-lawyer on behalf of a pro se appellant is effective.
2. Whether the appeal should be dismissed when the appellant fails to comply with the clerk's notice and the requirement that an unrepresented party sign documents filed by that party.

HOLDINGS

1. A non-lawyer may not represent another party or prepare and file appellate documents on that party's behalf; a notice of appeal filed by a non-attorney in a representative capacity is ineffective.
2. The court may dismiss an appeal when the appellant fails to comply with the appellate rules, a court order, or a notice from the clerk, and dismissal was warranted because Waters did not file the required amended notice of appeal.

KEY QUOTATIONS

“Therefore, “a notice of appeal filed by a non-attorney in a representative capacity is ineffective.”” (slip op. at 2)

“Because Waters has failed to amend his notice of appeal in response to the Clerk’s notices, we dismiss this appeal pursuant to Rule 42.3(c).” (slip op. at 2)

FACTUAL BACKGROUND

Waters was proceeding pro se in an appeal from the Williamson County County Court at Law No. 5. A non-lawyer, Neneki S. Kidd, filed the notice of appeal for him, and Waters did not sign it. After the appellate clerk twice notified Waters that he needed to file a signed amended notice of appeal, he failed to do so.

PROCEDURAL HISTORY

Neneki S. Kidd, a non-lawyer, filed a notice of appeal on October 31, 2024, on behalf of pro se appellant William Berry Waters III. The court clerk notified Waters that he had not signed the notice of appeal and directed him to file an amended notice. Waters did not file the amended notice despite a second warning that failure to do so could result in dismissal. The court dismissed the appeal under Texas Rule of Appellate Procedure 42.3(c).

DISPOSITION

dismissed

CASES CITED

- Jimison v. Mann, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, order) (per curiam)
- In re Guetersloh, 326 S.W.3d 737, 740 (Tex. App.—Amarillo 2010, orig. proceeding) (per curiam)
- In re A.H., No. 02-21-00402-CV, 2022 WL 1682422, at *3 n.6 (Tex. App.—Fort Worth May 26, 2022, no pet.) (mem. op.)

- *Salmeron v. Atascocita Forest Cmty. Ass'n*, No. 01-20-00616-CV, 2021 WL 3159675, at *1 (Tex. App.—Houston [1st Dist.] July 27, 2021, no pet.) (mem. op.)
- *Trust v. Jellison*, Nos. 03-19-00590-CV, 03-20-00048-CV, 2021 WL 1725949, at *3 (Tex. App.—Austin Apr. 30, 2021, no pet.) (mem. op.)

OPINION

William Berry Waters III v. Oaks at Round Rock, LLC

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-24-00721-CV

William Berry Waters III, Appellant v. Oaks at Round Rock, LLC, Appellee

FROM THE COUNTY COURT AT LAW NO. 5 OF WILLIAMSON COUNTY

NO. 24-1337-CC5, THE HONORABLE WILL WARD, JUDGE PRESIDING

MEMORANDUM OPINION

This case is before the Court on its own motion. On October 31, 2024, Neneki S. Kidd, a non-lawyer, filed a notice of appeal on behalf of pro se appellant William Berry Waters III. According to Texas law, only a licensed attorney is allowed to represent other parties. See Tex. Gov't Code §§ 81.101–.102 (prohibiting practice of law in Texas unless person is member of state bar); *id.* §§ 83.001–.006 (prohibiting unlicensed persons from practicing law without a license); see also *Jimison v. Mann*, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, order) (per curiam) (striking documents filed by layperson having no authority to file them on behalf of another). The Texas Legislature has defined the practice of law to include, among other things, “the preparation of a pleading or other document incident to an action.” Tex. Gov't Code § 81.101(a). Consequently, if a non-lawyer files documents on behalf of another individual in an appeal, this amounts to the unauthorized practice of law. See *In re Guetersloh*, 326 S.W.3d 737, 740 (Tex. App.—Amarillo 2010, orig. proceeding) (per curiam) (concluding non-lawyer's appearance in trial court on behalf of trust amounted to unauthorized practice of law). Therefore, “a notice of appeal filed by a non-attorney in a representative capacity is ineffective.” *In re A.H.*, No. 02-21-00402-CV, 2022 WL 1682422, at *3 n.6 (Tex. App.—Fort Worth May 26, 2022, no pet.) (mem. op.); *Salmeron v. Atascocita Forest Cmty. Ass'n*, No. 01-20-00616-CV, 2021 WL 3159675, at *1 (Tex. App.—Houston [1st Dist.] July 27, 2021, no pet.) (mem. op.); see *Trust v. Jellison*, No. 03-19-00590-CV, No. 03-20-00048-CV, 2021 WL 1725949, at *3 (Tex. App.—Austin Apr. 30, 2021, no pet.) (mem. op.). On December 10, 2024, the Clerk of this Court sent Waters a letter, noting that he “did not sign the notice of appeal, which was filed pro se.” See Tex. R. App. P. 9.1(b) (“A party not represented by counsel must sign any document that the party files . . .”). We asked that Waters file an amended notice of appeal on or before December 23, 2024. On March 24, 2026, the Clerk of this Court communicated with the trial court clerk and confirmed that no amended notice of appeal had been filed with the trial court. On March 25, 2026, we again notified Waters that “he

must file an amended notice of appeal” bearing his signature, and we cautioned that the “[f]ailure to do so may result in the dismissal of this appeal.” In response to our letter, Neneki S. Kidd filed a “DUE PROCESS ARGUMENT,” asking that we reverse the trial court’s judgment but not addressing the substance of the Clerk’s letter. To date, Waters has not filed an amended notice of appeal. Because Waters has failed to amend his notice of appeal in response to the Clerk’s notices, we dismiss this appeal pursuant to Rule 42.3(c). See id. R. 42.3(c) (appellate court may dismiss appeal if appellant does not comply with rules, a court order, or notice from clerk). 2

Maggie Ellis, Justice Before Chief Justice Byrne, Justices Crump and Ellis Dismissed for Want of Prosecution Filed: April 10, 2026 3