

COURT OF APPEALS OF TEXAS, SECOND DISTRICT OF TEXAS, FORT WORTH

Estate of John David Harris, Deceased

No. 02-13-00294-CV · No. No. 02-13-00294-CV · Decided October 3, 2013

SUMMARY

The Texas Court of Appeals, Second District, dismissed David Glen Harris’s appeal from an order denying his motions for appointment of counsel in a probate proceeding. The court held that the order was not a final judgment or an appealable interlocutory order and therefore dismissed the appeal for want of jurisdiction.

CASE DETAILS

COURT	Court of Appeals of Texas, Second District of Texas, Fort Worth
WRITING FOR THE COURT	Per curiam; McCoy, J.; Meier, J.; Gabriel, J.
JURISDICTION	Texas
DECIDED	October 3, 2013
DOCKET	No. 02-13-00294-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se appeal from an order denying the appellant's first and second motions for appointment of counsel in a probate proceeding.
STANDARD OF REVIEW	The court independently examined whether it had subject-matter jurisdiction over the appeal.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion
PARTIES	David Glen Harris

TOPICS

- probate procedure
- appellate jurisdiction
- interlocutory appeal
- probate
- appellate procedure

PRACTICE AREAS

- Probate
- Appellate procedure
- Civil procedure

QUESTIONS PRESENTED

1. Whether the probate court's order denying motions for appointment of counsel was a final judgment or an appealable interlocutory order.
2. Whether the court of appeals had subject-matter jurisdiction over the appeal.

HOLDINGS

1. An order denying motions for appointment of counsel in this probate proceeding was neither a final judgment nor an appealable interlocutory order, so the court of appeals lacked jurisdiction and was required to dismiss the appeal.

FACTUAL BACKGROUND

David Glen Harris, acting pro se, sought appointment of counsel in an estate proceeding and filed first and second motions for that relief. The probate court denied both motions in an August 1, 2013 order, which did not dispose of the entire proceeding.

PROCEDURAL HISTORY

The Probate Court No. 1 of Tarrant County entered an August 1, 2013 order denying David Glen Harris's motions for appointment of counsel. The court of appeals notified Harris that it appeared to lack jurisdiction because the order was neither a final judgment nor an appealable interlocutory order. After Harris filed a response that did not establish appellate jurisdiction, the court dismissed the appeal for want of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001)
- *Crowson v. Wakeham*, 897 S.W.2d 779, 783 (Tex. 1995)
- *Okumu v. Wells Fargo Bank, N.A.*, No. 02-09-00384-CV, 2010 WL 87735, at *1 (Tex. App.—Fort Worth Jan. 7, 2010, no pet.) (mem. op.)