



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-21-00307-CR

IN RE HUNTER TYLER SCHRECK, RELATOR

ORIGINAL PROCEEDING

December 27, 2021

MEMORANDUM OPINION

Before PIRTLE and PARKER and DOSS, JJ.

Marcie Schreck, a non-attorney, filed a petition for writ of mandamus purporting to represent relator, Hunter Tyler Schreck, in this original proceeding. The petition seeks to compel the Honorable Dan L. Schaap to allow Marcie to represent Hunter in a criminal case pending against him in the 47th District Court.

To practice law in Texas state courts, an individual must be a member of the State Bar of Texas and licensed by the Texas Supreme Court. See TEX. GOV'T CODE ANN. §§ 81.101, .102. Although a layperson has the right to represent themselves in civil and criminal matters in Texas, a layperson does not have the right to represent others. See

Jimison by Parker v. Mann, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, no pet.) (per curiam).

Because Marcie is not an attorney, she is not legally permitted to practice law in Texas state courts and cannot file a petition for writ of mandamus on behalf of Hunter.¹ See *In re Pate*, No. 13-15-00346-CR, 2015 Tex. App. LEXIS 8951, at *2 (Tex. App.—Corpus Christi—Edinburg Aug. 26, 2015, orig. proceeding) (per curiam) (mem. op., not designated for publication) (holding that a petition for writ of mandamus filed by a non-attorney on behalf of another is a legal nullity). For this reason, we strike the petition for writ of mandamus, as well as all documents filed by Marcie, and dismiss this original proceeding.

Per Curiam

¹ The petition provides that Marcie is serving as Hunter's durable power of attorney. A power of attorney authorizes an agent to transact business for the principal but does not authorize one to act as a licensed attorney at law, representing individuals in proceedings in court. See TEX. ESTATES CODE ANN. § 751.0021; *In re Pritchard*, No. 05-20-00880-CV, 2020 Tex. App. LEXIS 9165, at *2 (Tex. App.—Dallas Nov. 23, 2020, orig. proceeding) (mem. op.).