

Information & Instructions: Motion to show authority

PREVIEW

1. Rule 12 of the Texas Rules of Civil Procedure permits challenge on an attorney's authority to prosecute or defend a case. The following motion is the proper vehicle for such a challenge.

Form: Motion to show authority

NO: [Cause Number]

IN THE MATTER OF THE MARRIAGE OF	§	IN THE DISTRICT COURT
[Petitioner Name], Petitioner	§	
v.	§	
[Respondent Name], Respondent	§	TH JUDICIAL DISTRICT
	§	
AND IN THE INTEREST OF:	§	[SUIT COUNTY] COUNTY, TEXAS
[CHILD NAME]	§	

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**MOTION TO SHOW AUTHORITY
[Rule 12]**

[Petitioner Name], Movant brings this Motion to Show Authority and in support shows:

1. Identification of Attorney

1.1 [Name of Attorney Purportedly Representing Movant] has made an appearance in this cause, purporting to represent [Name of Person Purportedly Represented] by [Attorney did What].

THIS DOCUMENT

2. Absence of Authority

2.1 Movant alleges that [Name of Attorney Purportedly Representing Movant] does not have proper authority for representation and, pursuant to Rule 12 of the Texas Rules of Civil Procedure, requests that [Name of Attorney Purportedly Representing Movant] be cited to appear before the Court and show such attorney's authority to defend.

THANK YOU

3. Pleadings Filed without Authority

3.1 Movant alleges that the following pleadings were filed without authority:

a. [Pleading to Strike]

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Prayer

This motion prays for the Court, after hearing, to deny permission to [Name of Attorney Purportedly Representing Movant] to continue representation in the cause and to strike any pleadings which have been filed by [Name of Attorney Purportedly Representing Movant] if there is no appearance at the hearing by any person who has the proper authority for filing of the same.

PREVIEW

Respectfully Submitted,

[Law Firm Name]

By

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[Attorney's Name]

Attorney for [Petitioner or Respondent]

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

State of Texas

After being placed under oath, the Affiant herein states:

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"I am the movant in this Motion to Show Authority. The allegations and facts contained in this affidavit are within my personal knowledge and such allegations and facts are true and correct."

[Petitioner Name], Affiant

State of Texas

County of _____

THANK YOU

Subscribed and sworn to before me by _____ on _____.

Notary Public, State of Texas

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Notary's typed or printed name

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My commission expires: _____

[or Notary's Stamp]

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NOTICE OF HEARING

The above motion is set for hearing on [Date of Hearing], [9:00 a.m.]. [Place], [Address].

Judge or Clerk

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PREVIEW

NO. [Cause Number]

IN THE MATTER OF THE MARRIAGE OF §
[Petitioner Name], Petitioner §
v. §
[Respondent Name], Respondent §
AND IN THE INTEREST OF: §
[CHILD NAME] §

IN THE DISTRICT COURT
____ TH JUDICIAL DISTRICT
[SUIT COUNTY] COUNTY, TEXAS

ORDER PLEASE DO NOT COPY

On [Date of Hearing], the Court heard the Motion of [Petitioner Name], Movant to Show Authority.

1. Dismissal of Attorney

1.1 The Court ORDERS that [Name of Attorney Purportedly Representing Movant] is dismissed from this cause.

2. Pleadings Stricken

2.1 The Court FURTHER ORDERS all pleadings filed by [Name of Attorney Purportedly Representing Movant] are stricken and such pleadings include:

a. [Pleading to Strike]

3. Further Orders of the Court

The Court FURTHER ORDERS

a. [Order of the Court]

SIGNED on _____.

THANK YOU

JUDGE PRESIDING

APPROVE AS TO FORM AND SUBSTANCE

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[Law Firm's or Attorney's Name]
Attorney for Petitioner
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

PREVIEW

APPROVED AS TO FORM ONLY:

[Law Firm's or Attorney's Name]
Attorney for Respondent
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

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