More Than a Fiduciary: *Jackson v. James* Clarifies the Independent Rights of Interested Persons in Probate Litigation

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A person appointed to serve as a temporary administrator possesses only the powers authorized by the probate court. But what happens when that same person also has an independent interest in the estate? In *Jackson v. James*, the First Court of Appeals addressed that distinction, holding that a temporary administrator could pursue dismissal of a competing claimant's claims as an interested person, even though her appointment order did not expressly authorize litigation. The opinion also provides important guidance concerning the requirements for revoking a will and the finality of judgments entered during ongoing probate proceedings.

In *Jackson v. James*, Nos. 01-24-00806-CV & 01-25-00823-CV, 2026 WL 3030613 (Tex. App.—Houston [1st Dist.] Oct. 9, 2026, no pet. h.) (mem. op.), Fitz Jackson and Courtney James disputed the estate of Vera Mae James, who died in May 2020. Courtney, Vera's daughter, sought probate of a 2010 will (after first seeking probate of a 1996 will) and opposed admission of a purported 2017 will based on Vera's alleged lack of testamentary capacity. Jackson, Vera's longtime partner, sought probate of the 2017 instrument. The probate court appointed Courtney temporary administrator in October 2020, granting her authority to contact beneficiaries, obtain medical records, and inventory estate property.

The parties mediated their dispute in December 2020, agreeing that the estate would pay Jackson $22,865.92 in exchange for his release of claims against the estate. After Jackson challenged the agreement, the probate court entered an August 2022 judgment enforcing it. Jackson did not timely appeal. Litigation nevertheless continued, resulting in dismissal of his declaratory judgment action in 2024, admission of a copy of Vera's 2010 will in September 2025, and dismissal of his remaining claims in January 2026. Jackson appealed the subsequent orders.

A temporary administrator's limited authority does not eliminate independent rights as an interested person.

Jackson challenged Courtney's authority to seek dismissal of his claims because the order appointing her temporary administrator did not expressly authorize litigation. Section 452.101 of the Texas Estates Code limits temporary administrators to powers specifically granted by the appointing court. The statute expressly provides that "[a]n act performed by a temporary administrator is void unless expressly authorized by the court's orders." Tex. Est. Code § 452.101(b).

The First Court did not dispute that limitation. Instead, it rejected Jackson's assumption that Courtney could participate only in her representative capacity. Courtney was also an heir, devisee, probate applicant, and party opposing Jackson's competing claims. Those interests independently qualified her as an interested person under Section 22.018 of the Texas Estates Code.

As the court explained, "an interested person may participate in a probate proceeding in an individual capacity even when that person lacks the same authority in a representative capacity." *Jackson*, 2026 WL 3030613, at *8 (citing *Ferreira v. Butler*, 575 S.W.3d 331, 334–35, 338 (Tex. 2019)).

That distinction resolved Jackson's challenge. Section 53.052 permits anyone interested in an estate to request security for the probable costs of a proceeding. Rule 143 likewise permits a party to seek security for costs and requires dismissal of affirmative claims when the claimant fails to comply within

the prescribed period. Courtney's individual interest in the estate authorized her to invoke those procedures without relying on powers granted under her temporary administrator appointment. *Id.*

The holding draws an important distinction between restrictions on fiduciary powers and restrictions on an individual's right to participate in probate litigation. An appointment order may limit what a temporary administrator can do on behalf of the estate without restricting what the same person may do independently as an heir, devisee, or interested person. Thus, the absence of express authority in a fiduciary appointment does not necessarily foreclose the person's participation in another capacity.

A later will cannot revoke an earlier will without proof of its validity.

The court also addressed Jackson's challenge to the admission of Vera's 2010 will. Jackson argued that a purported 2017 will revoked the earlier instrument because it bore a later execution date and contained an express revocation clause.

The First Court rejected that argument. Under Section 253.002 of the Texas Estates Code, a subsequent instrument must satisfy the statutory execution formalities to revoke an earlier will. The party relying on the subsequent instrument must also establish the testator's testamentary capacity at the time of execution. As the Fourteenth Court explained in *In re Estate of Corbett*, "An invalid will cannot serve to revoke a former will." No. 14-24-00922-CV, 2025 WL 3522942, at *3 (Tex. App.—Houston [14th Dist.] Dec. 9, 2025, no pet.), cited in *Jackson*, 2026 WL 3030613, at *8.

Jackson offered no evidence establishing the validity of the 2017 instrument. Consequently, its later date and revocation clause did not establish revocation of the 2010 will. The probate court instead admitted a copy of the 2010 will after finding that the original could not be located despite reasonable diligence and that Vera had not revoked it. *Jackson*, 2026 WL 3030613, at *8–9.

A later-dated instrument does not displace an earlier will merely because it contains a revocation clause. Its proponent must first prove that the later instrument was validly executed and that the decedent had testamentary capacity. Without that proof, the instrument cannot revoke the earlier will and may have no effect at all.

An appeal from a later probate order cannot revive the deadline to challenge an earlier final judgment.

Unlike ordinary civil litigation, where a final judgment generally must dispose of all parties and claims, probate proceedings may produce multiple final, appealable judgments before the administration concludes. This departure from the traditional final-judgment rule creates a particular risk for litigators who assume that appellate deadlines do not begin until the entire proceeding ends.

Jackson encountered precisely that problem. He attempted to challenge the August 2022 judgment enforcing the mediated settlement through appeals of subsequent probate orders. The First Court held that the 2022 judgment had already become final and separately appealable because it conclusively resolved the settlement-related phase of the proceeding.

Relying on *Estate of Wheatfall*, 729 S.W.3d 788, 790–92 (Tex. 2026), the court recognized that "multiple judgments final for purposes of appeal can be rendered on certain discrete issues" in probate proceedings. A probate order becomes final when it "actually disposes of every party and issue in a particular phase of the proceedings" or clearly and unequivocally states that it does so. *Jackson*, 2026 WL 3030613, at *6.

The August 2022 judgment resolved the settlement's validity and enforceability and disposed of Jackson's related claims. It therefore triggered its own appellate deadline, notwithstanding the continued litigation concerning the estate. Jackson's failure to timely appeal prevented him from challenging that judgment through appeals of later orders. Nor could he revive the deadline by alleging that the judgment was void or characterizing his challenge within the same proceeding as a collateral attack. *Id.* at *6–7.

In ordinary civil litigation, counsel generally can await a judgment disposing of the entire case before appealing. In probate proceedings, that approach can forfeit appellate rights. A probate practitioner must evaluate whether each order conclusively resolves a discrete phase of the proceeding, even when substantial litigation remains pending. Continued litigation regarding an estate does not postpone an appellate deadline that has already begun to run.

Jackson illustrates three recurring pitfalls in probate litigation: (1) a fiduciary's limited authority does not necessarily restrict that person's independent rights as an interested person, (2) a purported later will cannot revoke an earlier will without proof of its validity, and (3) a judgment resolving a discrete phase of probate litigation may become final and unappealable long before litigation concerning an estate concludes. Each issue requires counsel to look beyond the procedural posture of the estate proceeding and assess the legal effect of the particular act, instrument, or order.