



Jerry W. Simoneaux, Jr.

Judge, Harris County Probate Court No. 1
Civil Courthouse, 201 Caroline, Ste. 600
Houston, Texas 77002
832-927-1401

One-Minute Prove-Up

Updated July 16, 2020

The One-Minute Prove-Up, formerly called the *Rocket Docket*, is for attorneys with limited time or whose clients who may have some unease about testifying in court. Unlike the traditional docket, very little oral testimony will be necessary.

One-Minute Prove-Ups are available on every docket for the probate of wills. Those who qualify for the one-minute prove-up will be heard first on the docket.

Requirements.

- Original Will and Codicil(s) with self-proving affidavit. (no copies of wills, holographic wills, no need to prove up signatures or bring witnesses for any other reasons).
 - Independent Administration with no bond set forth in the Will. (no need for bond testimony). Independent Executor named and willing to serve or declinations filed and named successors willing to serve; **or**
 - Probate as a Muniment of Title.
- Citation and posting completed (you may call before the return date, but you must confirm that the hearing date is after the return date).
- Original Will and/or Codicil is on file with the County Clerk *before you call* to request a hearing.
- Applicant is represented by a licensed attorney. *See e.g. Steele v. McDonald*, 202 S.W.3d 926 (Tex.App.—Waco 2006).
- Seven (7) days prior to the hearing, E-file the ***Proposed Order, the Unexecuted Proof of Death and Other Facts***, and the *Oath*¹ (*select “Proposed Order” for the filing type and file each document as a Lead Document*).

If you can check all the boxes above, you are eligible for the One-Minute Prove-Up. The Staff Attorney will review your documents prior to your hearing. If further information or clarification is required, she will notify you. If it appears that your case is eligible for the One-Minute Prove-

¹ Pursuant to Administrative Order 2019-1 (available on the Probate Court 1 website) and TRCP 21(f).

Up, she will email you with a confirmation. **Please do not use a one-minute prove-up without prior confirmation from the staff attorney.**

On the day of the hearing, the Judge will swear in the proponent of the will (either the Applicant or the attorney who has personal knowledge of the facts). Because the proposed written testimony will have been previously e-filed and reviewed by the judge, the oral testimony can be shortened.

Sample Script for the hearing:

1. Identity of the witness. (“State your name...”)
2. Identify the testamentary document(s) (“Do you recognize this as the Last Will and Testament of...”)
3. Ask the Judge to take judicial notice that the will/codicil just identified is an original (applies to remote video hearings)
4. Confirmation that testimony has been committed to writing (“You have committed your testimony to writing in the Proof of Death and Other Facts, and it is true and correct ...”)
5. Ask the Court for what you want. (“We ask that you appoint _____ as Independent Executor to serve w/o bond and waive appraisers.”)

After giving oral testimony, the witness will step to the Clerk’s desk to sign the Proof of Death and Other Facts and sign the Oath (if he or she has been appointed as a personal representative). The Clerk will have the documents on a screen viewable by the witness and the witness will sign using a digital signature pad.

For remote video hearings, please wait until the conclusion of the hearing to execute and file the proof of death and other facts and do not sign the oath until you receive confirmation from the Court that the order admitting the will to probate has been signed. Please wait until the order is viewable on the clerk’s website to efile the executed oath.