

2025 EDITION HIGHLIGHTS

What's New in This Edition

With each new edition of O'Connor's Texas Probate Law Handbook, we strive to improve the quality of the book and to make it more useful overall. Here are some highlights from the update:

- **Will modification & reformation.** We wrote a new subchapter (ch. 4-D) focused on will modification (i.e., altering a will due to unforeseen circumstances to achieve statutorily mandated objectives) and will reformation (i.e., correcting a mistake or inaccuracy to conform the will to the testator's intent). The new subchapter outlines the required procedures, explains the personal representative's duties and potential liability, and includes helpful practice tips.
- **Liability of death-care service providers.** We added a new section in ch. 1-B discussing the general duty of care required from death-care service providers (e.g., funeral homes, cemeteries) and the statutory immunity granted to service providers when carrying out instructions or, in case of a dispute over a decedent's remains, refusing to take action.
- **Due-order-of-pleading rule.** We added a new note in ch. 2-A discussing how several courts have applied the due-order-of-pleading rule in probate proceedings.
- **Recent court opinions.** We added citations to over 35 new court opinions issued in 2023 and 2024, including the recent Texas Supreme Court opinion, **In re Estate of Brown**, __ S.W.3d __, 2024 WL 3995734 (Tex.2024) (No. 23-0258; 8-30-24) (sufficiency of testimony explaining why original will could not be produced for probate).