



Case Summaries November 7, 2025

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DECIDED CASES

In re Est. of Lopez, __ S.W.3d __, 2025 WL __ (Tex. Nov. 7, 2025) (per curiam) [24-0315]

The issue in this case is whether the trial court committed reversible error by allowing a former family court judge to testify as an expert on whether the evidence established an informal marriage.

Elvira Gonzalez filed a bill of review from a judgment declaring heirship, alleging that she was the decedent's common-law wife and seeking a declaration that she was an heir. A jury was asked to determine whether she and the decedent were informally married. Gonzalez offered expert testimony from a former district court judge who opined, based on her experience as a family-law judge, that the evidence clearly showed Gonzalez and the decedent were informally married. The jury agreed, and the trial court rendered judgment awarding Gonzalez a share of the estate. The estate's representative appealed, arguing that the trial court erred by admitting the former judge's testimony. The court of appeals affirmed, concluding that any asserted error in admitting this testimony was harmless. The representative filed a petition for review.

The Supreme Court granted the petition and reversed. In a per curiam opinion, the Court held that the trial court abused its discretion by admitting the former judge's testimony. The Court concluded that the issue on which she opined—whether the evidence established an informal marriage—was within the average juror's knowledge and therefore she did not provide specialized knowledge to help the jury determine a fact in issue. The Court held that the error was harmful because (1) the former judge's testimony was crucial to the only contested issue, on which the evidence conflicted; (2) the testimony was not cumulative; (3) Gonzalez's use of the testimony was calculated and not inadvertent; and (4) Gonzalez emphasized the expert's role as a former family-law judge. The Court remanded the case to the trial court for a new trial.