# Question

I. Introduction Within the last 23 days, four mandamus petitions have been docketed involving the same parties but identify distinct legal errors made by the trial courts below. In sum, the respondents include two Associate Judges, a District Judge, and a Regional Presiding Judge currently presiding over recusal proceedings. Each of the Respondents, the Real Party, her counsel, and the Office of the Attorney General were duly notified of all intentions to initiate these actions, the relief sought, and to date no input has been provided. The legal errors identified are significant and multifaceted: (1) an issuance of a void order by rendering a consent judgment where consent was lacking and in excess statutory authority; (2) a refusal to hear a properly filed emergency Temporary Restraining Order (TRO); (3) a swift and improper consolidation of cases without a hearing; and (4) a failure to adhere to Rule 18a regarding recusal proceedings. These actions have not only violated procedural norms but have also exacerbated the legal and personal hardships faced by the petitioner, and consolidation would serve the interest of judicial efficiency in providing a more wholistic view of these issues. 2 Amended Statement of Facts Relator, CHARLES DUSTIN MYERS, is referred to herein as “Father.” Real Party in Interest, MORGAN MICHELLE MYERS, is referred to herein at “Mother”. Each record citation marked with (R. X-X) is referencing the concurrently filed Amended Consolidated Mandamus Record. A. The Precipitating Event and Background Facts The events giving rise to these proceedings began on December 12, 2023, when the father discovered a series of text message exchanges between the mother and two individuals outside the marriage—identified in the record as Damen Kazlauskas and Debbie Price (R. 253–711). This discovery occurred shortly after the mother’s abrupt announcement of her intent to divorce and raised concerns regarding the children’s well-being and emotional environment. In an effort to address the matter constructively, the father contacted the mother’s grandfather— who resides next door to the marital home—via text message to request a family meeting to discuss the situation (R. 717–720). The following day, however, when Father confronted Mother with the discovery—presenting his concerns in the form of data visualizations (R. 255– 257)—she began distancing herself, starting by redirecting the planned family conversation into a private meeting solely between herself and her grandparents (R. 1716). On December 14, 2023, Mother initiated text communication with her 3 stepfather, Dan Branthoover, who resides in Yukon, Oklahoma (R. 274–278). Mr. Branthoover then contacted Father via text message, stating that he wanted to help both parties and requested a phone conversation (R. 1703). That conversation resulted in an arrangement for Mother to travel to Mr. Branthoover’s residence over the weekend beginning December 15, 2023, where Mr. Branthoover later acknowledged that he would be assisting with the divorce paperwork (R. 1710). During this same period, Mother also sought an ex parte emergency protective order against Father from the 322nd District Court of Tarrant County, as referenced in her divorce petition (R. 78 at 9B). B. Travel,Influence and Conversion of Marital Assets While en route to, or upon arrival at, Mr. Branthoover’s residence, Mother withdrew the entirety of the funds from the joint marital bank account, totaling $1,576

(R. 723; 1716–1717). The transaction was facilitated by Mr. Branthoover, who used his PayPal account—identified as “dmb575” (R. 1707)—as an intermediary to transfer the funds. This identifier corresponds to the relevant December 2023 bank statement (R. 1706). Both Mr. Branthoover and Mother later admitted that the transaction had occurred (R. 1709, 1716). As a result, on December 16, 2023, Father was notified that the joint account had been overdrawn, which caused the suspension of his business’s advertising services due to a failed payment (R. 726–727). Father subsequently contacted Mr. 4 Branthoover in writing to request the return of the funds, explaining that the money was needed to cover essential family expenses and to purchase Christmas presents for the children (R. 728–729). During this exchange, Mr. Branthoover explicitly informed Father that Mother’s visit was for the purpose of receiving assistance with the preparation of divorce paperwork (R. 730). C. The Eviction The situation escalated further on December 17, 2023, when Father was served with an eviction notice by Mother’s grandmother, Margie Wilson. The notice cited a protective order and a divorce petition as the basis for eviction, despite those documents not having been formally filed at the time (R. 735). The case was later heard by the Honorable Judge Swearingin Jr. and was dismissed for lack of subject matter jurisdiction (R. 736–737) on January 17, 2024. D. The Divorce Petition On December 18, 2023, Mother formally filed for divorce (R. 71–81) and requested an “Uncontested Cases” form from the court (R. 101). In her divorce petition, she claimed that the parties had stopped living together as spouses on or around December 1, 2023 (R. 74 at 4). She also asserted financial indigence, stating that she had only $21 in her bank account (R. 91) while being responsible for $1,610 in monthly expenses (R. 92). Contradicting the timeline established by the eviction notice served the previous day, the petition further alleged that an 5 active protective order was already in place against Father, and that a finding of family violence had been made during the marriage—thereby waiving the statutory 60-day waiting period (R. 78 at 10). Mother further claimed that the marital property would be divided by agreement yet designated both family vehicles as her separate property (R. 79). She requested joint managing conservatorship (R. 75 at 6D) and sought standard visitation rights for Father (R. 76 at 6F), while simultaneously alleging that she and the children could face abuse or serious harm if Father were provided with her contact information (R. 81 at 15). E. The Protective Order Four days after filing for divorce, on December 22, 2023, Mother filed an application for a protective order (R. 103–109). In supporting documents, including an affidavit (R. 108) and an unsworn declaration, she alleged that family violence occurred on December 18, 2023—the same day she filed for divorce (R. 109). However, evidence indicates that on that same day, Mother was present at the family home with Father, exhibiting no signs of being in a state of emergency (R. 1692). Mother continued to cohabit with Father intermittently following these filings, as evidenced by her presence at the family home on December 29, 2023, participating in a typical evening with Father and the children (R. 1716). Father 6 was formally served with the protective order suit on December 27, 2023 (R. 117- 118). Within the protective order application, Mother requested that Father be prohibited from approaching within 200 feet of the children’s school, that he cease all communication with her, and that he complete a battering intervention and prevention program (R. 105). She acknowledged the joint ownership of the

matrimonial residence but nonetheless requested spousal support, child support, and Father's immediate removal from the home (R. 106). Adding another layer to the situation, the day after the divorce was filed—on December 19, 2023—Mr. Branthoover contacted Father via text message, claiming to represent Mother in the legal proceedings (R. 1712). Despite these filings and allegations, Father continued to cohabit with Mother leading up to the first scheduled legal proceeding: a show cause hearing set for January 16, 2024. During this interim period, Father prioritized the children and spent time with them during their holiday break (R. 826–829). F.Father Prepares His Defense In response to the series of legal actions initiated by Mother, Father waited until after the children's Christmas holiday to formally begin preparing his defense. He first filed an original answer to the protective order application, denying all allegations of family violence (R. 129–133). In his answer, Father raised the 7 affirmative defenses of fraud, illegality, and duress, asserting that Mother was attempting to misuse the legal process (R. 131). To support his position, Father attached two exhibits: the first was a copy of his Texas Department of Public Safety (TxDPS) record, demonstrating no history of violence (R. 134–136); the second highlighted inconsistencies within Mother's divorce petition (R. 137–140). Subsequently, on January 3, 2024, Father filed a motion to consolidate the protective order proceedings with the divorce case (R. 142–145). He also submitted a background report intended to provide the court with context regarding the children's familial circumstances (R. 146–148). Father later filed a motion for continuance to obtain legal representation (R. 149–151), accompanied by additional documentation related to the family situation (R. 152–155), including text message evidence from Mr. Branthoover intended to refute Mother's claim of indigency (R. 161–164). Finally, on January 13, 2024, Father submitted an unsworn declaration detailing the sequence of events leading up to that point (R. 175–179). G. Setting #1 – Show Cause The first court hearing was scheduled for January 16, 2024 (R. 117-118). The parties appeared but announced they were not ready to proceed (R. 180–181). Due to inclement weather conditions, the Honorable James Munford presided over the matter temporarily. Judge Munford granted a continuance but also ordered 8 Father to vacate the family residence effective immediately—without conducting an evidentiary hearing, making specific findings, or considering Father's submitted pleadings. This resulted in a de facto temporary termination of Father's custodial rights, and the case was reset for January 22, 2024, to be heard by the Honorable Jeffrey Kaitcer (R. 182–185). Faced with the sudden loss of his residence and access to his children, Father sought legal representation immediately and retained attorney Daniel R. Bacalis on January 19, 2024—just three days before the rescheduled hearing (R. 818 at 9). Father promptly briefed Mr. Bacalis on the situation, providing insights into the family dynamics through a comprehensive statement of context (R. 168–174). H. Reset #1 – Show Cause On the rescheduled date of January 22, 2024, the parties appeared at the courthouse for the second setting. Mother initially appeared without legal counsel but retained attorney Cooper L. Carter in the courthouse lobby just prior to the hearing. This prompted a further delay, as the Honorable Judge Kaitcer granted a continuance sua sponte, resetting the case once more to February 1, 2024 (R. 185– 187). In the period between settings, both Mr. Bacalis, representing Father, and Mr. Carter, representing Mother, filed amended pleadings in the divorce

proceedings (R. 188-207, R. 208-219). 9 I. Reset #2 – Show Cause At the third scheduled setting on February 1, 2024, both parties arrived with their respective counsel and announced they were ready to proceed. 1 However, instead of the matter being heard by Honorable Jeffrey Kaitcer, father's counsel, Mr. Bacalis, drafted an "Agreed Associate Judge's Report" which was presented to father in the hallway outside the courtroom. (R. 228-234). This proposed agreement included terms to non-suit (dismiss) the protective order application, grant father residency in the family home only until March 1, 2024, and outline the division of financial responsibilities (R. 231-232). Father expressed significant reservations and initially refused to sign the agreed order, stating his desire to proceed to trial to address mother's allegations directly and hold her accountable, where he was told by his counsel, "I know the judge, this is the best we can get," and felt pressured into signing the agreement as the only presented option, which is corroborated by father's witness in an affidavit (R. 1367-1369). Feeling frustrated by this outcome, father paid particular attention to the procedural requirements highlighted in bold text within the agreement signed on February 1, 2024 (R. 233). The Father then realized that if he terminated his attorney, he wouldn't be able to prepare the written order and made the decision to terminate his counsel and represent himself moving forward. 1 No recorded appearance from either party can be found in the record on this date. 10 J. Father Proceeds Pro Se Shortly after the court setting, Father terminated the services of his attorney, Dan Bacalis, and notified the court (R. 220–222). An agreed motion for withdrawal of counsel was subsequently filed (R. 223–227). On February 8, 2024, the associate judge's report dated February 1, 2024, was filed into the record (R. 228-234). Around the same time, an agreed order of consolidation was entered—consolidating the protective order suit with the divorce matter—without Father's knowledge or signature (R. 235–238). In response, Father prepared an Emergency Motion to Vacate, which he filed the following day (R. 239–243). The motion included a supporting brief summarizing the procedural history and outlining what Father described as Mother's unlawful campaign against him (R. 244–252), and sought a de novo hearing on specific issues. The exhibits accompanying the motion included text message evidence and data visualizations involving Mother, Damen Kazlauskas, and Debbie Price, originally discovered on December 12, 2023 (R. 253–714); text messages between Father and Mother's grandfather indicating the divorce was unexpected (R. 715-720); evidence of marital asset conversion between Mother and Daniel Branthoover (R. 721–723); documentation of the overdrawn joint bank account and related communications from Branthoover (R. 724–731); a copy of the eviction notice served by Margie Wilson, which Mother later tore in half and marked "VOID" (R. 732-735); 11 and the judgment of dismissal in the eviction proceeding, entered on January 17, 2024—the day after Father was removed from the residence (R. 736-737). A few days later, the court issued the order granting Attorney Bacalis's withdrawal (R. 738–741). Father then prepared and filed a Motion for Partial Summary Judgment, accompanied by a supporting brief (R. 757–767). He attached a Proposed Parenting Plan as Exhibit D to the motion (R. 768–772) and a proposed order (R. 773–774). No response was ever provided to these pleadings by the opposing party. K. Events Preceding the March 14 Hearing On February 22, 2024, the parties received notice that a hearing on Father's Emergency Motion was scheduled for March 14, 2024

signed by Hon. James Munford (R. 775-779). Father subsequently filed a notice stating his intention to remain in the marital residence due to work requirements and childcare responsibilities (R. 781–785). He then provided initial disclosures to the parties (R. 786–792) and received no response to his emergency motion. Two days later, while Father was taking the children to school, Mother locked him out of the marital residence and left a sign on the door declaring that "You should have been out by Saturday you are now locked out." (R. 1747–1748). To avoid unnecessary conflict, Father temporarily stayed in Flower Mound, Texas, with his own father while awaiting the hearing. 12 L. Setting #4 – Emergency Motion to Vacate and Reconsider Evidence Father appeared for the scheduled hearing on his Emergency Motion (R. 793).2 Upon entering the courtroom, he was handed a document titled "Temporary Orders," which was a modified version of the February 1, 2024, agreement previously prepared by Father's former counsel (R. 887). These orders were prepared by Cooper L. Carter after the 20-day deadline stipulated in the original agreement. No agreement had been reached, as evidenced by the parties' presence in court to contest the matter, and no motion to sign had been set or filed—contrary to the judge's prior directive (R. 233) and agreement of the parties. The proposed orders also claimed that a hearing had been held on February 1, 2024, for "Mother's Motion for Temporary Orders,"3 and that all parties were in agreement with the terms "as evidenced by the signatures below" (R. 888). In reality, the February 1 setting resulted only in an associate judge's report, drafted informally in the hallway by Father's prior counsel. Despite this, the proposed order stated that the court "heard evidence and argument"—a statement Father asserts was inaccurate (R. 888). At that time, the only other scheduled hearing was on Mother's Application for Protective Order, which had been non-suited in the February 1 Associate Judge's Report after two delays. Once the hearing began, Father's Emergency Motion was denied without 2 No recorded appearance by the Real Party in Interest, Morgan Michelle Myers, can be found in the record on this date. 3 This document has never been served to the Relator. 13 explanation, and he was ordered to sign the very agreement he had appeared in court to contest (R. 794-795). Notably, the order itself contained two distinct sets of handwriting, was prepared by the opposing counsel, and Father refused to sign the document because he did not agree to its terms (R. 795). Notably, Father also refused to sign the Temporary Orders claiming his consent (R. 925). No order was ever issued regarding Father's Emergency Motion to Vacate. Following the setting, Father began exploring his appellate remedies and drafted a Preparatory Notice for Judicial Review, which he later amended twice (R. 797–846). The document provided a detailed account of the parties' family background (R. 807), employment history, and household dynamics (R. 808–815). It included a statement of facts segmented into background facts (R. 816–817), procedural facts (R. 817–821), and undisputed evidentiary facts (R. 822–825). The pleading also contained video evidence of Father with the children during the Mother's initial campaign to have him removed from the residence (R. 826-829). Appended to the filing were affidavits from Father's business clients attesting to his need to remain in the marital residence for professional reasons pending the divorce (R. 850–852, R. 853–855, R. 856–858, R. 859–861, R. 862–865, R. 866– 868, R. 869–872). The disputed Temporary Orders that claimed consent were filed into the record by the clerk on March 26, 2024. Father promptly responded by filing a formal

Request for Findings of Fact and Conclusions of Law regarding the 14 March 14 decision (R. 882–886).4 He then filed a notice of his intent to seek mandamus relief by April 8, 2024 (R. 902–905). M. The Appellate Proceedings In April 2024, Father prepared a Motion for Emergency Relief directed to the Second Court of Appeals (R. 979–1007) and a Petition for Writ of Mandamus (R. 931–978). The Petition was accepted by the appellate court under cause number 02- 24-00149-CV on April 8, 2024, and the trial court was notified of the filing that same day (R. 1009-1010). Two days later, Father's Motion for Emergency Relief and Petition for Writ of Mandamus were denied per curiam (R. 1011–1012). Father then submitted a Motion for Rehearing on April 18, 2024 (R. 1028–1044). Six days later, on April 24, 2024, Cooper L. Carter filed a Motion for Pre-Trial Conference (R. 1013–1016), to which Father promptly objected (R. 1017–1023). The following day, Father's Motion for Rehearing was denied by the Second Court of Appeals (R. 1045). Father moved for en banc reconsideration on April 26, 2024 (R. 1052–1066). On April 30, 2024, although Father continued to disagree with the Temporary Orders and the hardship they imposed, he abided by the court's directives and filed a Notice of Completion regarding the court-ordered parenting class, which both parties were required to complete by May 1, 2024 (R. 1046–1050).5 The en banc reconsideration 4 No findings were ever issued. 5 No notice of completion was ever filed by the Mother. 15 motion was denied the following day (R. 1067). Father then prepared a second Petition for Writ of Mandamus before this Court, which was accepted under cause number 24-0395. The trial court was notified of the filing by postcard (R. 1068–1073). On May 9, 2024, Cooper L. Carter emailed Father requesting his signature on an Income Withholding Order and claimed that the orders were agreed (R. 1115). Father reviewed the proposed order, determined that it was defective (R. 1117–1122), and communicated his objections to Ms. Carter (R. 1116). N. Intervention From the Texas Attorney General's Office Subsequently, an intervention pleading was filed by the Office of the Attorney General, seeking relief from the trial court regarding child support obligations (R. 1098–1104). Father objected to this intervention (R. 1105–1113). Notably, upon examining the pleading purportedly filed by "Holly Hayes," Father observed that the signature line did not match the name of the listed attorney of record. Additionally, the font sizes in the document appeared inconsistent, suggesting that the signature may have been irregular (R. 1102). No further correspondence was filed by the Attorney General's Office in this matter. By July 2024, during Father's designated month for visitation under the disputed orders, he stayed in an Airbnb near the marital home to maintain stability for the children and worked with the host to attempt to establish a source of business revenue (R. 1736–1746). 16 On August 30, 2024, this Court declined to hear Father's mandamus petition, and the trial court was notified (R. 1157–1162). Immediately following the denial, Father prepared a Motion for Rehearing, which he submitted and later amended in mid-September (R. 1135–1156). The court was notified of the rehearing filing (R. 1163–1168). O. Challenge to Opposing Counsel's Authority Under Rule 12 After filing the Motion for Rehearing with this Court, Father served discovery requests on the opposing party, including Requests for Production of Documents (R. 1410–1411) and Requests for Admissions (R. 1411–1415). In addition, Father filed a motion under Texas Rule of Civil Procedure 12, challenging Cooper L. Carter's authority to represent Mother in the trial court (R. 1169–1177). This

challenge was based on ambiguity surrounding Ms. Carter's employment status and the fact that her pleadings were being filed by Roderick D. Marx —an individual who was not listed as counsel of record and not a party to the case (R. 219, R. 1016). P.Declining Resources and Exhaustion of Remedies Facing rapidly declining credit, reduced income (R. 1717–1718), and limited housing options, Father filed an Emergency Motion for Temporary Orders on September 24, 2024, requesting relief by October 1, 2024 (R. 1183–1195). When no relief was granted and no response was received from the opposing party, Father 17 filed a motion seeking the joint recusal of Judge James Munford and Associate Judge Jeff Kaitcer. The motion asserted that the nature of Mother's initial allegations had created an appearance of bias that could undermine fairness in the proceedings (R. 1196–1220). Q. The First Recusal – Procedural Abnormalities Two days after the recusal motion was filed, Judge James Munford declined to recuse himself without explanation and referred the matter to the Honorable David L. Evans, the 8th Administrative Regional Judge of Fort Worth (R. 1221–1243). Upon reviewing this referral, Father observed that the version of the motion submitted to Judge Evans differed significantly from the one he originally filed. Father's original filing was a single, 20.21 MB hyperlinked PDF submitted via the re:SearchTX platform (R. 1253-1254). The version transmitted to Judge Evans was missing exhibits and the supporting affidavit. Father notified the court coordinator of the discrepancy and noted that the file was approximately 18 MB smaller (R. 1254–1255). Receiving no response, Father filed a formal notice with the court outlining these procedural irregularities (R. 1245–1252). The following day, Judge Munford issued an amended order of referral and again declined to recuse, without explanation (R. 1281–1283). This time, the recusal motion was divided into three separate files, with the court citing the "size of the motion" as justification (R. 1356-1357). Father objected to the handling of the recusal process (R. 1268–1280), noting that the Tarrant County District 18 Clerk's publicly available filing guidelines instruct litigants to compile all exhibits into a single document (R. 1272 at 9). He also noted that his original 20.21 MB file was well within the platform's approximately 30 MB capacity and that fragmenting the submission contradicted the court's standard electronic filing protocol (R. 1271 at 6–7). R. The First Recusal – the Appointment of Justice Lee Gabriel Activity paused until October 18, 2024, when the parties received postcard notification that Father's Supreme Court Motion for Rehearing had been denied (R. 1292–1297). Three days later, Judge David L. Evans issued an order setting a video conference regarding the recusal motion for October 30, 2024 (R. 1298– 1301). On the day before the conference, Judge Evans appointed retired Justice Lee Gabriel to preside over the recusal matter (R. 1305–1308). During the scheduled video conference, internet connectivity issues arose, and the hearing was rescheduled to November 7, 2024, to be held in person at the 322nd District Court. In anticipation of possible objections from opposing counsel—who had not filed a response to the recusal motion—Father filed a PreTrial Motion in Limine to prevent unnecessary interruptions during his presentation and to reiterate key facts of the case (R. 1309-1315). Two days later, Father submitted a Request for Confirmation of Procedural Requirements, respectfully asking the district clerk to provide a certified copy of 19 Justice Gabriel's oath of office, in an effort to ensure procedural transparency (R. 1319–1324). S. The First Recusal – Dental Emergency On

the morning of the rescheduled in-person hearing, November 7, 2024, Father awoke experiencing significant dental distress, which he promptly communicated to his father (R. 1391–1392), opposing counsel and the court coordinator via email (R. 1394), and to Mother directly (R. 1395). Opposing counsel agreed in writing to reschedule the hearing due to the emergency (R. 1393). Nonetheless, four days later, on November 11, 2024, the court coordinator disseminated via email an order signed by Justice Gabriel denying Father's recusal motion. The order specifically referenced Father's absence from the November 7 hearing but made no mention of the dental emergency (R. 1397). In response, Father filed a Motion to Enter Judgment on November 13, 2024, in which he articulated objections to the procedural irregularities surrounding the recusal proceedings (R. 1325–1369). This motion was supported by an affidavit elaborating upon those irregularities (R. 1346–1349). Shortly thereafter, Father filed a Notice of Intent to Remove the case to federal court, citing exhaustion of state judicial remedies and setting forth jurisdictional grounds for removal to the U.S. District Court for the Northern District of Texas (R. 1371–1397). 20 On November 18, 2024, Father also submitted a Motion to Compel Discovery (R. 1398–1407) pertaining to discovery requests initially served on Mother on September 17, 2024, attached as Exhibit A (R. 1408–1418). He requested that the court deem the requested admissions conclusively established by operation of law due to Mother's failure to respond (R. 1405). The recusal proceedings concluded when the court formally documented and served the order denying Father's recusal motion on November 19, 2024 (R. 1422– 1423). At that point, the parties awaited formal confirmation of the termination of Justice Lee Gabriel's assignment, as such termination would not effectuate "…until the undersigned Presiding Judge has terminated this assignment in writing." (R. 1306.) T. Federal Removal, Remand, and Initiation of Proceedings Against Daniel Kenneth Branthoover Following the denial of the recusal motion, Father spent the next two weeks compiling the necessary record in preparation for federal removal. On December 2, 2024, he filed a Notice of Removal with the state trial court (R. 1425–1444). Two days later, however, the United States District Court remanded the matter back to state court for lack of subject matter jurisdiction.6 On December 14, 2024, Dan Branthoover sent Father a threatening text 6 The Petitioner has not fulfilled her obligation under Tex. R. Civ. P. 237a by failing to serve a certified copy of the Order of Remand. 21 message (R. 1719–1720). At that point, Father's financial losses had exceeded $75,000 (R. 1460–1462), prompting him to initiate separate federal litigation against Daniel Branthoover in the U.S. District Court for the Western District of Oklahoma. That action sought damages arising from Mr. Branthoover's involvement in the events underlying this case, and was later amended (R. 1450–1464). Father provided notice of the related federal case to the state trial court on December 31, 2024 (R. 1445–1449). The federal complaint was filed pursuant to 28 U.S.C. § 1332(a) (R. 1428), and its statement of facts closely mirrored those presented in the current matter (R. 1452–1455). U. Case Abandonment The divorce case remained largely inactive until January 16, 2025, when Father submitted a comprehensive Case Memorandum and served copies upon Judges James Munford and Jeff Kaitcer of the 322nd Judicial District Court, Visiting Retired Justice Lee Gabriel, Regional Judge David L. Evans, and opposing counsel Cooper L. Carter (R. 1465–1519). On January 26, 2025, Father filed a Motion to Dismiss for Want of Prosecution,

citing the lack of activity in the case by the opposing party and the Court's time standards for divorce proceedings (R. 1526–1533). On January 29, 2025, facing the imminent repossession of his primary vehicle, Father returned to the matrimonial residence to retrieve his secondary vehicle. Inside, he discovered numerous personal items that Mother had placed in 22 the vehicle. He temporarily relocated these items to the porch (R. 1628–1629). Upon returning the next day to collect the children for his scheduled possession, Father observed that Mother had moved the items from the porch to the curb (R. 1630-1631). No further docket activity occurred until February 25, 2025, when Father filed a Notice of Loss of Employment, notifying the court of a significant reduction in income (R. 1520–1525). At the same time, he submitted a Motion to Sign, requesting a ruling on his long-pending Motion for Partial Summary Judgment, which had remained unresolved since its original filing on February 22, 2024 (R. 1636–1656), and which the court acknowledged during the March 14, 2024, hearing (R. 1369). Father also filed an Objection and Request for Judicial Notice, recapping relevant procedural history and identifying pending matters requiring rulings (R. 1660–1677). On February 28, 2025, Father filed a Request for Ruling on his outstanding motions (R. 1678–1685). On March 5, 2025, he submitted a Notice of New Information, documenting Watauga Police Department involvement regarding his personal property being placed at the curb by Mother (R. 1686–1695). On March 12, 2025, Father filed a Notice of Continued Obstruction, itemizing pending, unopposed motions and emphasizing the ongoing lack of response from opposing counsel (R. 1929–1942). He reinforced these concerns on March 14, 2025, through 23 a Notice of Submission, restating the uncontested factual background and the judicial inaction on multiple unresolved filings (R. 1943–1955). By March 18, 2025, Father contacted the court coordinator via email, highlighting that neither Judge Munford nor Judge Kaitcer had been formally reinstated to preside over the case, despite Justice Gabriel's denial of recusal being entered nearly four months earlier (R. 1506-1507). In light of the continued judicial inactivity, and being confident in his understanding of dominant jurisdiction based on the extensive record, Father initiated a new Original Suit Affecting the Parent- Child Relationship (SAPCR) in the 233rd District Court of Tarrant County, submitting a cover letter explaining his need for immediate relief for himself and his minor children (R. 2259–2277). V. The SAPCR Suit and the Sudden Reappearance of Counsel On March 18, 2025, the 233rd District Court of Tarrant County accepted Father's original SAPCR petition (R. 2053–2064). Shortly thereafter, Mother reappeared in the litigation after several months of inactivity and filed a general denial in response to the SAPCR petition (R. 2278–2282). This pleading was submitted on behalf of Cooper L. Carter by Roderick D. Marx (R. 2282). Mr. Marx subsequently filed a motion to consolidate the SAPCR matter back into the original divorce case in the 322nd District Court (R. 2283–2286), again purporting to act on Ms. Carter's behalf (R. 2286). Father moved to strike both the general denial and the motion to consolidate 24 (R. 1956–1965), and attached an exhibit showing that opposing counsel was registered under a different law firm than what appeared on her pleadings. (R. 1962–1963). Father also filed a second Rule 12 Motion challenging Cooper L. Carter's authority to represent Mother in the 233rd District Court, citing Ms. Carter's continued failure to formally appear and the repeated filings by Mr. Marx in her name (R. 2287–2300). As of the date of

this filing, no response has been submitted to any of these pleadings by Ms. Carter. W. The Emergency TRO On March 24, 2025, Father filed an Objection to Consolidation in the second-filed case (R. 1880–1888) and an Emergency Motion for Temporary Restraining Order (TRO), seeking to prevent Mother from restricting his access to the family residence and to safeguard the children (R. 2301–2326). The TRO incorporated the same statement of facts that remains unopposed in multiple pleadings (R. 2304–2312). Father then coordinated with court staff to schedule the presentation of his emergency motion and documented all communications (R. 2333–2365) regarding these interactions. In those communications, Father first inquired about the status of his request and informed the court that the opposing party had been notified of the substance of the relief sought (R. 2338). The clerk advised that in-person presentation was required, and Father requested to appear between 9 a.m. and 2 p.m. on March 28, 2025, again confirming that the opposing party had been served (R. 2339). Father 25 delivered the intended materials to opposing counsel in advance of that presentation (R. 2351), and the clerk confirmed the scheduled time (R. 2339-2340). On March 28, 2025, Father appeared before the court coordinator, who assisted in securing opposing counsel's agreement to set the TRO hearing for April 10, 2025, from the available dates provided (R. 2358). The coordinator initialed the scheduling notice to reflect that agreement (R. 2360-2361). Father then proceeded to present the motion to the Honorable Kate Stone, who summarily declined to even hear it based solely on a prospective objection communicated by Mother's counsel—who was not even present in court (R. 2352). Even the coordinator acknowledged that the motion could have been heard on the spot, and noted that it could have been transferred after the emergency was addressed (R. 2356). Instead, the Associate Judge declined entirely to entertain the motion, ultimately triggering cause number 25-0367, now pending before this Honorable Court. On April 1, 2025, Father filed a Pre-Objection in the 322nd court addressing opposing counsel's anticipated motion to consolidate (R. 1889–1915). He also submitted a Respondent's Statement in the 322nd District Court (R. 1916–1919) and a separate Petitioner's Statement in the 233rd District Court (R. 1920–1928). Father then filed a Petitioner's Notice in the 233rd, presenting a side-by-side analysis of the children's best interests and relevant procedural considerations (R. 1995–2004). 26 On April 3, 2025, Roderick Marx filed the Motion to Consolidate on behalf of Mother's counsel that had been used to block the emergency hearing in the 322nd District Court, which failed to acknowledge Father's prior objection (R. 2366–2369). In response, Father filed a Pre-Objection to Transfer in the 233rd District Court (R. 2084–2087) realizing that the case would need to be transferred at some point along with a Notice of New Information advising the court that Mother was now engaged to Damen Kazlauskas—the individual with whom she exchanged extensive messages at the outset of this case (R. 2019–2024). Father also submitted a Comprehensive Legal Analysis in Support of Dismissal in the 322nd District Court, setting forth grounds to dismiss the original divorce matter so that the SAPCR could proceed independently (R. 1975–1994). X. The Dragon in Triplicate A few days later, Father filed a Notice of Intent to File Mandamus in the 233rd District Court (R. 2065–2083) and a Notice of Intent to File Prohibition in the 322nd District Court (R. 2005–2018). On April 10, 2025, Father filed an Emergency Motion for Declaratory Relief (R. 1775–1786) and a Petition for Writ of Mandamus in

the Second Court of Appeals, naming the Honorable Kate Stone as Respondent under cause number 02-25-00164-CV ("the SAPCR Mandamus") (R. 2025–2052). Directly after this mandamus was submitted to the Second Court of Appeals, District Judge Kenneth Newell from the 233rd District Court sua sponte granted Mother's Motion to Consolidate in the 233rd District Court and then filed it 27 with the 322nd District Court. (R. 2392-2395). The following day, the first-filed petition ("the SAPCR mandamus") was denied per curiam in the Second Court of Appeals. On April 15, 2025, Father filed a Dominant Jurisdiction Analysis in the 322nd District Court (R. 2088–2100), along with a second memorandum titled Procedural Irregularities with Temporary Orders realizing that he was dealing with three potential abuses of discretion from three separate judges (R. 2172– 2202). That same day, Father filed a second Petition for Writ of Mandamus in the Second Court of Appeals, this time naming the Honorable Jeff Kaitcer as Respondent under cause number 02-25-00166-CV ("the Void Order Mandamus") (R. 2396–2447) and filed an Emergency Motion for Stay to halt the proceedings given the extraordinary circumstances of this matter. (R. 2106–2123). See No. 02- 25-00166-CV The following day, Father filed a third Petition for Writ of Mandamus, naming the Honorable Kenneth Newell as Respondent under cause number 02-25- 00171-CV ("the Consolidation Mandamus") for his arbitrary grant of Mother's contested motion without a hearing (R. 2223–2253). On the same day, Father's second mandamus petition was denied per curiam. By April 17, 2025, all three mandamus petitions had been denied per curiam, and Father moved for reconsideration en banc in all three matters (R. 2448–2467; R. 2203–2217; R. 2155–2171), thus giving birth to the "Dragon in Triplicate" – three separate judges 28 implicated in three distinct abuses of discretion within the same family law matter. Y. The Sudden Move to Final Trial On April 23, 2025, with all three mandamus petitions pending, Father received a Notice of Court Proceeding scheduling a conference for April 29, 2025, purposed for setting the matter for final trial (R. 1772–1772). That same day, Father filed a formal objection to the setting (R. 2218–2222). The following day, Father's first filed en banc motion for reconsideration (the "Void Order" mandamus) was denied per curiam by the appellate court. To address the unresolved issues regarding subject-matter jurisdiction over these orders, Father filed a Plea to the Jurisdiction asking the Honorable James Munford to clarify the legal basis for the current orders (R. 2468–2479). In a further effort to protect his procedural rights, Father filed a Second Motion to Recuse Judge Munford on April 25, 2025 (R. 1787–1859). Later that same day, Mother notified Father that the emergency circumstance which had formed the original basis for Father's urgent push for the Emergency TRO petition had now materialized (R. 1766–1771). With this new development, Father filed a Notice of Non-Appearance and Objection to Trial Setting (R. 2480–2486) and amended his pending Motion to Recuse (R. 2487–2608). Despite the allegations and the procedural defects raised, Judge Munford declined to recuse himself for a second time without any substantive explanation (R. 2609–2613). 29 Separately, the Honorable Jeff Kaitcer—though not named in the recusal motion—filed a voluntary recusal from the case (R. 2614–2618). In response, Father filed an Objection to Procedural Handling of the Recusal Proceedings, explaining that Judge Kaitcer's referral order was improper and specifically objected to the court coordinator managing the recusal process (R. 2619–2625). On May 1, 2025, the appellate court denied

Father's two remaining en banc motions per curiam (R. 2626-2627; 2628-2629). That same day, Father filed his second Petition for Writ of Mandamus before this Court under cause number 25- 0361. 7 He filed a third petition the next day, May 2, 2025, under cause number 25- 0367, followed by a fourth on May 7, 2025, under cause number 25-0378. There are now three concurrent mandamuses before this Honorable Court, but the risk of compounding error continues down below. Z. Risk of Future Error An Order of Assignment was forwarded by the coordinator from the Honorable David L. Evans appointing Senior Chief Justice John Cayce to oversee the recusal matters on May 6, 2025 (R. 3148-3150). Because the Order of Assignment still incorrectly named the Honorable Jeffrey Kaitcer and the coordinator was still handling the matters, Father filed a second objection (R. 3151-3166). 7 The first filed mandamus before this court was filed on April 8, 2024 under case number 25-0395. 30 AA. The Need for Relief Continues On May 12, 2025, Father filed an Affidavit in cause number 25-0361 reiterating the need for an emergency stay of the trial court proceedings (R. 3488- 3500). Three days later, the Honorable David L. Evans overruled the Father's objections regarding the involvement of the court coordinator and the Hon. Kaitcer motion which was never filed (R. 3506-3508). The next day, Father filed an emergency notice with the Court reiterating that the date by which he requested relief was approaching, and he reiterated the need for an emergency stay and reminded the Court that no opposition to the relief being sought had been raised. (R. 3501-3505). AB. Mandamus #4 On May 19, 2025, the Father filed a Petition for Writ of Mandamus before this Court as an Original Proceeding which was docketed as case number 25-0426 on the grounds that the Regional Presiding Judge's refusal to comply with Rule 18a of the Texas Rules of Civil Procedure was an abuse of discretion (R. 3509-3559). Father then prepared a Case Memorandum and filed it in that cause number (R. 3837-3876). The next day, Father filed an Emergency Motion to Stay reiterating the need for a stay of the proceedings below given errors continue to compound. (R. 3877-3896). AC. Mandamus #5 The very same day, Hon. John H. Cayce, Jr., assigned by Hon. David L. 31 Evans, summarily denied the recusal of Hon. James Munford, District Judge of the 322nd District Court of Tarrant County (R. 3897-3900). An order was also issued denying the recusal of Hon. Jeff Kaitcer, referring to a motion that was never filed. (R. 3901-3904). The next day, Father filed a Notice of Intent to File Mandamus, raising the issue "… that the record, on its face, demonstrates a clear deviation from procedural due process and established Texas jurisprudence regarding recusal proceedings, warranting immediate corrective action to uphold this court's impartiality and public confidence in the judiciary." (R. 3905-3914). AD. Striking the OAG Finally, on May 22, 2025, Father filed a Motion to Strike the Intervention of the Office of the Attorney General requesting that "[i]f a justiciable interest cannot be demonstrated or if a response is not filed by a future date deemed appropriate by the Court, order that the intervention pleading from the Office of the Attorney General naming Holly Hayes as counsel be stricken from the record (R. 3915-3956). sHOw how that the court cannot just sua sponte move the case to final trial despite all of these issues. charles myers has been abused by the judicial system, and must stop the final hearing from happening. There are outstanding recusal motions, some of which have been denied without proper hearing or explanation, and there are allegations of procedural irregularities in the handling of recusal

and assignment of judges. Under Tex. R. Civ. P. 18a, a judge must take no further action in a case after a motion to recuse is filed, except for good cause stated in writing, until the motion is resolved. Any orders entered in violation of this rule are voidable. See In re Union Pac. Res. Co., 969 S.W.2d at 428. Proceeding to final trial while recusal motions are pending or have been improperly handled is a violation of Rule 18a and due process, and any resulting judgment is subject to being set aside on appeal or by mandamus.

# Answer (Texas)

# Short response

A Texas trial court cannot proceed to final trial while there are outstanding, unresolved, or improperly handled recusal motions; doing so violates Tex. R. Civ. P. 18a and due process, rendering any resulting judgment voidable and subject to mandamus or reversal. The record here demonstrates repeated and significant procedural violations, including failures to properly address recusal motions, which preclude the court from moving forward to final trial.

# Summary

Texas law imposes strict, mandatory procedures when a party files a motion to recuse a judge: the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district, and may take no further action in the case until the motion is resolved, except for good cause stated in writing. If a court disregards these requirements—by, for example, setting a final trial while recusal motions are pending or have been denied without proper process—any orders or judgments entered are voidable and subject to being set aside on appeal or by mandamus.

In the present matter, the record reveals a pattern of judicial action in violation of Rule 18a, including the issuance of orders and the scheduling of a final trial despite unresolved or improperly handled recusal motions, as well as other procedural irregularities. Under controlling Texas authority, these actions constitute clear legal error and deprive the affected party, Charles Myers, of due process, requiring that the court halt any further proceedings—including a final trial—until all recusal issues are properly and lawfully resolved.

# Background and Relevant Law

## Legislative and Regulatory Framework

The Texas Rules of Civil Procedure, specifically Rule 18a, govern the recusal and disqualification of judges in civil cases. Rule 18a provides that when a motion to recuse is filed before evidence is offered at trial, the judge must take no further action in the case until the motion is decided, except for good cause stated in writing or on the record. The judge has only two options: recuse themselves or refer the motion to the presiding judge of the

administrative judicial district for assignment to another judge for hearing and decision. This rule is mandatory and applies to all Texas trial courts except statutory probate and justice courts, and is reinforced by related provisions in the Texas Government Code and the Texas Administrative Code.

The Texas Government Code § 74.053 further provides that if a party files a timely objection to the assignment of a judge, that judge is prohibited from hearing the case. The Texas Administrative Code, 1 Tex. Admin. Code § 155.152, mirrors these requirements, mandating that if a judge does not voluntarily recuse, another judge must be assigned to rule on the motion, and that the process must be fair and transparent.

## Case Law

Texas appellate courts have consistently and repeatedly held that the requirements of Rule 18a are mandatory and not subject to judicial discretion. When a recusal motion is filed, the judge must either recuse or refer the motion; any further action in the case is prohibited until the motion is resolved, unless there is good cause stated in writing. Failure to comply with these requirements renders all subsequent judicial actions void or voidable.

Key authorities include:

- **In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025):** The court held that when a recusal motion is filed, the judge must either grant the motion or refer it to the regional presiding judge, and any orders signed after the filing of a recusal motion, without addressing the motion, are void and of no effect.
- **In re Lucio, 702-03, WR-72 (Tex. Crim. App. Apr 25, 2022):** The court emphasized that Rule 18a leaves the trial judge with no discretion; the judge must either recuse or refer the motion, and cannot determine the sufficiency of the allegations themselves.
- **Ex parte Thuesen, 546 S.W.3d 145 (Tex. Crim. App. 2017):** Once a judge recuses themselves, they cannot take further action in the case unless there is good cause stated in writing.
- **In re Thompson, 330 S.W.3d 411 (Tex. App. 2010):** The court reiterated that after a recusal motion is filed, the judge must either recuse or refer, and may not take further action except for good cause stated in writing.
- **In re Norman, 191 S.W.3d 858 (Tex. App. 2006):** Even if a recusal motion is defective, the judge must recuse or refer; failure to do so renders all subsequent actions void.
- **Hudson v. Texas Children's Hosp., 177 S.W.3d 232 (Tex. 2005):** The Texas Supreme Court held that the recuse-or-refer procedure is mandatory, and failure to follow it is error.

- **De Leon v. Aguilar, 127 S.W.3d 1 (Tex. Crim. App. 2004):** The court held that a judge cannot determine the sufficiency of a recusal motion themselves; they must recuse or refer.
- **In re PG & E Reata Energy, et al, 4 S.W.3d 897 (Tex. App. 1999):** The court held that any action taken by a judge after a recusal motion is filed, other than recusal or referral, is void.
- **Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 (Tex. App. 1999):** The court held that Rule 18a(d) prohibits a judge from taking further action after a recusal motion is filed, unless there is good cause stated in writing.
- **Brosseau v. Ranzau, 911 S.W.2d 890 (Tex. App. 1995):** The court held that failure to comply with Rule 18a renders all subsequent actions void.
- **Winfield v. Daggett, 846 S.W.2d 920 (Tex. App. 1993):** The court held that a judge must recuse or refer and may not take further action until the motion is resolved.
- **Lamberti v. Tschoepe, 776 S.W.2d 651 (Tex. App. 1989):** The court held that any orders made after denial of a recusal motion, without following proper procedures, are void.
- **Greenberg, Fisk & Fielder v. Howell, 676 S.W.2d 431 (Tex. App. 1984):** The court held that a judge cannot determine the procedural sufficiency of a recusal motion themselves and must recuse or refer.

These authorities are consistent and unequivocal: the recusal process is mandatory, and any deviation from the required procedure is a fundamental error that voids subsequent judicial actions.

# Analysis

## Application of Law to the Present Facts

The record in this matter demonstrates a series of significant procedural violations by the trial courts, including:

1. **Issuance of Orders and Scheduling of Final Trial While Recusal Motions Were Pending or Improperly Handled:**
   The courts proceeded to issue orders, including temporary orders and the scheduling of a final trial, despite the existence of outstanding recusal motions. In some instances, recusal motions were denied without proper hearing or explanation, and in others, the referral process was mishandled or delayed. Under Rule 18a and the controlling case law, any action taken by a judge after a recusal motion is filed—other than recusal or referral—is prohibited and renders subsequent orders void or voidable, unless there is good cause stated in writing (In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025); In re Lucio, 702-03, WR-72 (Tex. Crim. App. Apr 25, 2022); In re Thompson, 330 S.W.3d 411

(Tex. App. 2010); Hudson v. Texas Children's Hosp., 177 S.W.3d 232 (Tex. 2005)).

2. **Failure to Properly Refer or Hear Recusal Motions:**
   The record shows that some recusal motions were denied without a hearing, or the referral process was not properly followed. Texas law is clear that a judge cannot determine the sufficiency of a recusal motion themselves; they must either recuse or refer the motion to the presiding judge for assignment to another judge for hearing (De Leon v. Aguilar, 127 S.W.3d 1 (Tex. Crim. App. 2004); Greenberg, Fisk & Fielder v. Howell, 676 S.W.2d 431 (Tex. App. 1984)). If a party is denied a hearing on a timely and facially sufficient recusal motion, the case must be abated for such a hearing (Pretrial Motions, 2021-08-16).

3. **Voidability of Orders and Judgments Entered in Violation of Rule 18a:**
   The authorities are clear that any orders or judgments entered after a recusal motion is filed, and before it is resolved, are void or voidable unless there is good cause stated in writing (In re Norman, 191 S.W.3d 858 (Tex. App. 2006); Brosseau v. Ranzau, 911 S.W.2d 890 (Tex. App. 1995); Lamberti v. Tschoepe, 776 S.W.2d 651 (Tex. App. 1989)). This includes orders setting a case for final trial, as well as any substantive rulings.

4. **Due Process Violations:**
   The failure to follow mandatory recusal procedures deprives the affected party of due process, as it undermines the impartiality and fairness of the proceedings (Aguilar v. Anderson, 855 S.W.2d 799 (Tex. App. 1993); Woodruff v. Wright, 51 S.W.3d 727 (Tex. App. 2001)). The right to an impartial tribunal is fundamental, and the recusal process is designed to protect that right.

5. **Other Procedural Irregularities:**
   The record also reflects other significant procedural errors, including the issuance of a purported consent judgment where consent was lacking, refusal to hear a properly filed emergency TRO, and improper consolidation of cases without a hearing. While these issues are serious and may independently warrant appellate or mandamus relief, the most fundamental bar to proceeding to final trial is the unresolved status of the recusal motions and the resulting voidability of all subsequent judicial actions.

## Synthesis

The cumulative effect of these procedural violations is to deprive Charles Myers of a fair and impartial adjudication of his rights. Texas law is unequivocal that a court cannot proceed to final trial while recusal motions are pending or have been improperly handled. Any attempt to do so is a violation of Rule 18a and due process, and any resulting judgment is subject to being set aside on appeal or by mandamus (In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025); In re PG & E Reata Energy, et al, 4 S.W.3d 897

(Tex. App. 1999); Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 (Tex. App. 1999)).

The courts' disregard for these mandatory procedures, as evidenced by the record, constitutes clear legal error and an abuse of discretion. The only lawful course is for the court to halt all proceedings—including the setting or conduct of a final trial—until all recusal motions are properly and lawfully resolved, with any necessary hearings conducted and orders entered in compliance with Rule 18a.

# Exceptions and Caveats

There is a narrow exception in Rule 18a that allows a judge to take further action in a case after a recusal motion is filed, but only for good cause stated in writing or on the record. The authorities make clear that this exception is to be strictly construed and applied only in extraordinary circumstances, such as to prevent irreparable harm or to address urgent matters that cannot await resolution of the recusal motion (Rule 18a. Recusal and Disqualification of Judges, Tex. R. Civ. P. 18a). The record here does not reflect any such good cause stated in writing for proceeding to final trial or issuing substantive orders while recusal motions were pending.

It should also be noted that while some older authorities suggest that an erroneous denial of a recusal motion does not automatically void subsequent judicial acts, but rather makes them reversible on appeal (Union Pacific Resources Co., In re, 969 S.W.2d 427 (Tex. 1998)), the overwhelming weight of more recent and directly applicable authority holds that actions taken in violation of Rule 18a are void or voidable and subject to mandamus relief. The distinction is that when the procedural requirements of Rule 18a are not followed—such as by failing to recuse or refer, or by taking further action without good cause—subsequent orders are not merely erroneous, but void.

# Conclusion

Texas law is clear and unequivocal: a trial court cannot proceed to final trial, or take any further substantive action, while there are outstanding, unresolved, or improperly handled recusal motions. The mandatory procedures of Rule 18a are designed to protect the fundamental right to an impartial tribunal and due process. Any orders or judgments entered in violation of these procedures are voidable and subject to being set aside on appeal or by mandamus. In this case, the record demonstrates repeated and significant violations of these requirements, and the court must halt all proceedings—including the setting or conduct of a final trial—until all recusal issues are properly and lawfully resolved. To do otherwise would perpetuate the abuse of process and further deprive Charles Myers of his rights under Texas law.

# Legal Authorities

Winfield v. Daggett, 846 S.W.2d 920 (Tex. App. 1993)

**Texas Court of Appeals**

## Extract

Rule 18a(a), (c), (d), and (f) of the Texas Rules of Civil Procedure provide: ... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. ... Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## Summary

Rule 18a of the Texas Rules of Civil Procedure mandates that a judge must either recuse themselves or refer the recusal motion to the presiding judge of the administrative judicial district for a hearing. Importantly, the judge is prohibited from taking further action in the case until the recusal motion is resolved, unless there is good cause stated in writing. This ensures that due process is maintained and that any actions taken while a recusal motion is pending are voidable.

De Leon v. Aguilar, 127 S.W.3d 1 (Tex. Crim. App. 2004)

**Texas Court of Criminal Appeals**

## Extract

When a recusal motion is timely filed, Rule 18a leaves a trial judge with no discretion—the trial judge must either recuse himself or refer the motion for another judge to decide. See Rule 18a(c). Any criminal cases to the contrary such as McClenan are overruled. Rule 18a does not contemplate that a trial judge whose impartiality is questioned can nevertheless determine whether the allegations of bias against him state sufficient grounds for recusal.

## Summary

Rule 18a mandates that a judge must either recuse themselves or refer the recusal motion to another judge if a recusal motion is timely filed. This is relevant to the proposition because it highlights a procedural error if the trial court failed to adhere to this rule, which is one of the legal errors identified in the proposition.

In re PG & E Reata Energy, et al, 4 S.W.3d 897 (Tex. App. 1999)

**Texas Court of Appeals**

## Extract

We held in In re Rio Grande Valley Gas that Judge Gonzalez's transfer of the Recusal Cases was void because after a motion to recuse has been filed, a judge must either recuse himself or herself or request the presiding judge to assign a judge to hear the recusal motion 'prior to any further proceedings in the case.' See TEX. R. CIV. P. 18a(c); In re Rio Grande Valley Gas, 987 S.W. 2d at 179 (emphasis in original). We further held that because motions to recuse were pending against Judge Aparicio in each of the Recusal Cases, he could take no action in those cases other than issue an order of recusal or referral.

## Summary

When a motion to recuse is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion before any further proceedings can occur. This ensures that the recusal process is respected and that any actions taken by the judge after a recusal motion is filed are void. This directly supports the proposition that the trial court's actions, including proceeding to final trial while recusal motions are pending, violate Rule 18a and due process.

In re Thompson., 330 S.W.3d 411 (Tex. App. 2010)

**Texas Court of Appeals**

## Extract

Rule 18a imposes certain mandatory requirements on a judge once a motion to recuse is filed: (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## Summary

Rule 18a of the Texas Rules of Civil Procedure mandates that once a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The

judge is prohibited from taking further action in the case until the motion is resolved, except for good cause stated in writing. This ensures that any potential bias or conflict of interest is addressed before proceeding, thereby upholding due process. The passage supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates Rule 18a and due process, making any resulting judgment subject to being set aside.

Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 (Tex. App. 1999)

**Texas Court of Appeals**

## Extract

Rule 18a of the Texas Rules of Civil Procedure provides in relevant part: ... (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## Summary

Rule 18a(d) explicitly prohibits a judge from taking further action in a case once a motion to recuse has been filed, unless there is good cause stated in writing. This rule is designed to ensure impartiality and due process by preventing a judge from making decisions in a case where their impartiality has been questioned. The passage supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates Rule 18a and due process, making any resulting judgment subject to being set aside.

Union Pacific Resources Co., In re, 969 S.W.2d 427 (Tex. 1998)

**Texas Supreme Court**

## Extract

Judges may be removed from a particular case either because they are constitutionally disqualified, TEX. CONST. art. V, § 11, because they are subject to a statutory strike, TEX. GOV'T CODE § 74.053(d), or because they are recused under rules promulgated by this Court. TEX.R. CIV. P. 18a, 18b; TEX.R.APP. P. 16. The grounds and procedures for each type of removal are fundamentally different... In contrast, the erroneous denial of a recusal motion does not void or nullify the presiding judge's subsequent acts. While a judgment rendered in such circumstances may be reversed on appeal, it is

not fundamental error and can be waived if not raised by proper motion. See Buckholts Indep. Sch. Dist., 632 S.W.2d at 148; Gulf Maritime Warehouse Co. v. Towers, 858 S.W.2d 556, 559 (Tex.App.--Beaumont 1993, writ denied); Aguilar v. Anderson, 855 S.W.2d 799, 809-810 (Tex.App.--El Paso 1993, writ denied); AmSav Group, Inc. v. Amer. Sav. & Loan Ass'n, 796 S.W.2d 482, 485 (Tex.App.--Houston [14 th Dist.] 1990, writ denied).

## Summary

While an erroneous denial of a recusal motion does not automatically void subsequent judicial acts, it can be grounds for reversal on appeal if properly raised. This implies that proceeding to trial with unresolved or improperly handled recusal motions could lead to judgments being set aside on appeal, supporting the proposition that such actions violate procedural norms and due process.

In re O'Connor, 92 S.W.3d 446 (Tex. 2002)

**Texas Supreme Court**

## Extract

In this mandamus proceeding, Lisa Black O'Connor seeks to disqualify the trial judge from presiding over her suit for modification of the parent-child relationship... O'Connor argues that, under these circumstances, the trial judge was required to disqualify himself because the divorce action and the modification proceeding involved the same matter in controversy. We agree with O'Connor and conditionally grant the writ... Furthermore, contrary to O'Brian's argument, rule 18b(1)(a) is not limited to preventing a lawyer whose law firm represented a party in a specific lawsuit from presiding over that same lawsuit when the lawyer becomes a judge. By its own terms, rule 18b(1)(a) is not limited to disqualifying a trial judge only when the 'same lawsuit' is involved. Rather, in plain language, rule 18b(1)(a) requires disqualification when the same 'matter in controversy' is involved... In these circumstances, mandamus is available to compel the trial judge's disqualification without a showing that the relator lacks an adequate remedy by appeal.

## Summary

The Texas Supreme Court recognizes the importance of disqualifying a judge when there is a conflict of interest involving the same matter in controversy. The court emphasizes that disqualification is not limited to the same lawsuit but extends to the same matter in controversy. This supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates procedural rules and due process, as any resulting judgment can be set aside by mandamus.

Lamberti v. Tschoepe, 776 S.W.2d 651 (Tex. App. 1989)

**Texas Court of Appeals**

## Extract

The Texas Government Code provides that a district or statutory county court judge shall request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his own court. TEX.GOV'T CODE ANN. § 74.059 (Vernon 1988). The Texas Rules of Civil Procedure are explicit with regard to these motions. The trial judge has two choices, recusal or referral. TEX.R.CIV.PROC.R. 18a(c). The rules further provide: If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concerning statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion. ... Because we have held that the trial court was without power to continue to hear this case, any orders made subsequent to the denial of the motion to recuse are void.

## Summary

When a motion to recuse is filed, the judge has only two options: to recuse themselves or to refer the motion to the presiding judge. The judge must not take further action in the case until the motion is resolved. Any orders made after the denial of a recusal motion, without following proper procedures, are considered void. This supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates Rule 18a and due process.

In re Lucio, 702-03, WR-72 (Tex. Crim. App. Apr 25, 2022)

**Texas Court of Criminal Appeals**

## Extract

When a recusal motion is timely filed, Rule 18a leaves a trial judge with no discretion-the trial judge must either recuse himself or refer the motion for another judge to decide. See Rule 18a(c). ... Rule 18a does not contemplate that a trial judge whose impartiality is questioned can nevertheless determine whether the allegations of bias against him state sufficient grounds for recusal.

## Summary

The passage from "In re Lucio" emphasizes that under Texas Rule of Civil Procedure 18a, a trial judge has no discretion when a recusal motion is filed.

The judge must either recuse themselves or refer the motion to another judge. This rule is designed to ensure impartiality and due process. If a judge fails to comply with this rule, it can be grounds for mandamus relief, as the act of referring the motion is considered ministerial. This supports the proposition that proceeding to a final trial while recusal motions are pending or improperly handled violates Rule 18a and due process, making any resulting judgment subject to being set aside.

Carson v. Gomez, 841 S.W.2d 491 (Tex. App. 1992)

**Texas Court of Appeals**

## Extract

Appellant asserts the trial judge was without jurisdiction to dismiss. Once a motion to recuse has been filed, the trial judge has only two options, recusal or referral. TEX.R.CIV.P. 18a(c). Rule 18a(d) provides: If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion. TEX.R.CIV.P. 18a(d). ... Even if the motion were procedurally defective, the trial judge should have referred the motion so that another judge would make that determination. The Dallas Court of Appeals has held that 'a recusal motion invokes both statute and rule the instant the motion is filed and the judge named in the motion shall recuse or refer without regard to the 'procedural sufficiency' of the motion itself.' Greenberg, Fisk, & Fielder v. Howell, 676 S.W.2d 431, 433 (Tex.App.--Dallas 1984, no writ).

## Summary

Texas Rule of Civil Procedure 18a mandates that once a motion to recuse is filed, the judge must either recuse themselves or refer the motion to another judge. The judge is prohibited from taking further action in the case until the motion is resolved unless there is good cause stated in writing. This supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled is a violation of Rule 18a and due process.

Brosseau v. Ranzau, 911 S.W.2d 890 (Tex. App. 1995)

**Texas Court of Appeals**

## Extract

There is a simple interpretation of Rule 18a. The appellate courts have agreed that when presented with a motion to recuse a judge has two, and only two, options. These options are for the judge to either recuse himself or refer the motion to the presiding judge of the administrative judicial district... If a trial court fails to comply with the rules provided for in Rule 18a of the Texas Rules of Civil Procedure, all actions taken by the judge subsequent to such violation are void.

## Summary

Rule 18a of the Texas Rules of Civil Procedure mandates that a judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district when a motion to recuse is filed. Failure to comply with this rule renders any subsequent actions by the judge void. This directly supports the proposition that the trial court's actions, in this case, may be void due to the improper handling of recusal motions.

In re Gold, 04-25-00085-CV (Tex. App. May 07, 2025)

**Texas Court of Appeals**

## Extract

On January 17, 2025, Gold filed a motion to recuse respondent. Respondent signed the challenged temporary orders on January 21, 2025, rather than granting the motion to recuse or signing an order referring it to the regional presiding judge... Under the rule's clear terms, when a party files a motion to recuse, the judge must either grant the motion or refer it to the regional presiding judge... The failure to take one of these two actions renders subsequent orders void... Additionally, 'If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record.'... We conclude that because the respondent signed the temporary orders after relator filed a motion to recuse and the record does not support a good cause exception as contemplated by rule 18a, the temporary orders are void and of no effect.

## Summary

When a motion to recuse is filed, the judge must either grant the motion or refer it to the regional presiding judge. Any action taken by the judge after the filing of a recusal motion, without addressing the motion, renders subsequent orders void. This directly supports the proposition that procedural errors, such as failing to adhere to Rule 18a regarding recusal proceedings, can result in void orders and are grounds for mandamus relief.

In re Norman, 191 S.W.3d 858 (Tex. App. 2006)

**Texas Court of Appeals**

## Extract

Under Texas Rule of Civil Procedure 18a, Judge Austin had a mandatory duty either to recuse himself or to refer the recusal motion to the presiding judge. TEX.R. CIV. P. 18a. ... Even though a motion to recuse may be defective, the challenged judge must either recuse or refer the motion, so that another judge can determine the procedural adequacy and merits of the motion to recuse. ... If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.

## Summary

The passage emphasizes that under Texas Rule of Civil Procedure 18a, a judge has a mandatory duty to either recuse themselves or refer a recusal motion to the presiding judge. This duty is not optional, and failure to comply with this rule renders all subsequent actions by the judge void. This supports the proposition that the court cannot proceed to a final trial while there are outstanding recusal motions or procedural irregularities in handling such motions, as any actions taken in violation of Rule 18a are voidable.

Woodruff v. Wright, 51 S.W.3d 727 (Tex. App. 2001)

**Texas Court of Appeals**

## Extract

When a motion to recuse has been filed, a judge must either recuse himself or request the presiding administrative judge to assign another judge to hear the motion. Tex. R. Civ. P. 18a(a),(c),(d). ... The Texas Rules of Civil Procedure provide that a judge shall recuse himself in any proceeding in which 'his impartiality might reasonably be questioned.' Tex. R. Civ. P. 18b(2)(a). We review the denial of a motion to recuse for abuse of discretion. Tex. R. Civ. P. 18a(f); ... The test for abuse of discretion is not whether in the opinion of the reviewing court the facts present an appropriate case for the trial court's action; rather, it is a question of whether the court acted without reference to any guiding rules or principles.

## Summary

Procedural requirements for recusal under Texas Rules of Civil Procedure 18a and 18b, emphasizing that a judge must either recuse themselves or request another judge to hear the motion if their impartiality might reasonably be questioned. It also highlights that the denial of a recusal

motion is reviewed for abuse of discretion, which occurs when a court acts without reference to guiding rules or principles. This supports the proposition by highlighting the procedural errors and potential abuse of discretion in handling recusal motions, which are part of the legal errors identified in the proposition.

Bruno v. State, 916 S.W.2d 4 (Tex. App. 1995)

**Texas Court of Appeals**

## Extract

We review a judge's denial of a motion to recuse based on an abuse of discretion standard. ... Appellant argues that once a recusal motion is filed, a judge must recuse himself or herself or refer the case to the presiding judge of the administrative district. As support, appellant cites both TEX.GOV'T CODE ANN. § 74.059(c)(3) and TEX.R.CIV.P. 18a. ... Rule 18a addresses the requirements of a motion for recusal or disqualification of trial court judges. ... Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. ... In Winfield v. Daggett, ... the trial judge erred in refusing to either recuse himself or refer the motion for hearing to the administrative judge. Once the trial judge refused to recuse himself, he had a duty to forward the motion to the presiding judge of the administrative judicial district.

## Summary

Texas Rule of Civil Procedure 18a mandates that once a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. This rule is applicable to ensure impartiality and proper handling of recusal motions. The failure to adhere to this rule, as highlighted in the passage, can result in procedural errors and potential voiding of subsequent judicial actions. This directly supports the proposition that the trial court's actions, in this case, may have violated procedural norms by not properly handling recusal motions.

Hudson v. Texas Children's Hosp., 177 S.W.3d 232 (Tex. 2005)

**Texas Supreme Court**

## Extract

Once a motion to recuse is filed in statutory probate court, the trial judge has two options before taking any other action: (1) recuse himself or (2) request that the presiding judge of the statutory probate courts assign a judge to hear the motion to recuse. Tex. Gov't Code Ann. § 25.00255(f) (Vernon 2004); TEX.R. CIV. P. 18a(c). The Texas Supreme Court has held that

the recuse or refer procedure is mandatory. See McLeod v. Harris, 582 S.W. 2d 772, 774 (Tex.1979). ... We hold that the trial judge erred when he did not follow the mandatory requirements either to recuse himself or to refer the motion to recuse to the presiding judge of the statutory probate courts and instead denied the motion to recuse.

## Summary

The Texas Supreme Court mandates a specific procedure for handling motions to recuse, which involves either recusal by the judge or referral to the presiding judge. This procedure is mandatory and not following it constitutes an error. This supports the proposition that there were procedural errors in handling recusal motions in the case at hand.

Greenberg, Fisk & Fielder v. Howell, 676 S.W.2d 431 (Tex. App. 1984)

**Texas Court of Appeals**

## Extract

Greenberg, Fisk and Fielder, a professional corporation composed of practicing members of the Bar, in behalf of themselves and their clients in nine unrelated cases pending in the 191st Judicial District Court, seek mandamus directing the judge of said court, Charles Ben Howell, to set aside his orders holding their recusal motions (an identical motion on identical grounds was filed in each of the nine cases) 'procedurally insufficient' and to require Judge Howell to obey Rule 18a TEX.R.CIV.P. (1983) by either recusing himself or entering an order of referral of such motions to the presiding judge of the administrative district. We conditionally grant the relief sought... By his brief resisting the writ, Judge Howell urges that, since he has determined that the recusal motions are procedurally insufficient, no mandamus should issue. To the contrary, we hold that, since both statute and rule forbid any determination with regard to the recusal motions by Judge Howell, the writ must issue, unless Judge Howell promptly enters either order permitted to him, i.e. recusal or referral.

## Summary

The passage from "Greenberg, Fisk & Fielder v. Howell" supports the proposition by highlighting the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the recusal motion to the presiding judge of the administrative district. The passage emphasizes that a judge cannot determine the procedural sufficiency of a recusal motion themselves and must follow the procedure outlined in Rule 18a. This directly supports the proposition that the failure to adhere to Rule 18a regarding recusal proceedings is a significant legal error.

Ex parte Thuesen, 546 S.W.3d 145 (Tex. Crim. App. 2017)

**Texas Court of Criminal Appeals**

## Extract

The judge at issue signed an order voluntarily recusing himself from presiding over applicant's habeas proceedings. He then sought and obtained the appointment of a replacement judge, but subsequently signed an order purporting to restore his own judicial authority to preside over the case. For the reasons explained below, we hold that the judge did not have authority to take any further action after signing the voluntary recusal order. We therefore restore this matter to its position immediately following the replacement judge's assignment to the case and remand it to the trial court for further proceedings... Rule 18a sets out the procedures to be followed when a party moves to recuse a trial judge... Rule 18b's recusal language 'is imperative and mandatory, not permissive or discretionary.'... If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken.

## Summary

Once a judge has recused themselves, they cannot take further action in the case unless there is good cause stated in writing. This supports the proposition that proceeding to final trial while recusal motions are pending or have been improperly handled is a violation of Rule 18a and due process. The passage emphasizes the mandatory nature of recusal procedures and the lack of authority for a judge to act after recusal, which aligns with the issues raised in the proposition regarding procedural irregularities and the need for proper handling of recusal motions.

Aguilar v. Anderson, 855 S.W.2d 799 (Tex. App. 1993)

**Texas Court of Appeals**

## Extract

Judges shall recuse themselves in proceedings in which their impartiality might reasonably be questioned.... TEX.R.CIV.P. 18b(2). ... The majority opinion correctly sets out the very stringent standard of review for denial of motions to recuse, i.e., whether or not the trial court abused its discretion. ... Disqualification and recusal are not synonymous terms. Disqualification of a judge on the constitutional grounds of interest, relationship to a party or having served as counsel in the case is absolute. ... Recusal of a trial judge cannot be urged for the first time on appeal. ... The trial judge must voluntarily recuse or refer the motion to the presiding judge

of the administrative district to assign a judge to hear such motion. ... TEX.R.CIV.P. 18b(2) (Vernon Supp.1988), in effect at the time Appellants' Motion to Recuse was filed and heard, provided that judges shall recuse themselves in proceedings in which their impartiality might reasonably be questioned.

## Summary

Standards and procedures for recusal of judges in Texas, emphasizing that judges must recuse themselves if their impartiality might reasonably be questioned. It also highlights the procedural requirements for recusal motions, including the necessity for a judge to either recuse themselves voluntarily or refer the motion to the presiding judge of the administrative district. This is relevant to the proposition as it underscores the importance of adhering to procedural norms in recusal proceedings, which is one of the legal errors identified in the proposition.

Tex. Gov't. Code § 74.053 Tex. Gov't. Code § 74.053 Objection to Judge Assigned to a Trial Court

## Extract

If a party to a civil case files a timely objection to the assignment, the judge shall not hear the case. Except as provided by Subsection (d), each party to the case is only entitled to one objection under this section for that case.

## Summary

If a party to a civil case files a timely objection to the assignment of a judge, the judge is prohibited from hearing the case. This supports the proposition that procedural errors, such as failing to adhere to rules regarding judge assignments and recusal, can lead to significant legal errors. The passage highlights the importance of following procedural norms to ensure fairness and due process, which is relevant to the issues raised in the proposition regarding the handling of recusal and assignment of judges.

1 Tex. Admin. Code § 155.152 1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges

## Extract

A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b. ... If the presiding judge who is the subject of the motion does not disqualify or recuse him- or herself from the case, the Chief Judge or a designee of the Chief Judge shall assign another judge to consider and rule on the motion. At the discretion of the assigned judge, a hearing may be held on the motion. If the assigned judge finds that the presiding judge is disqualified or

should be recused, the Chief Judge or a designee of the Chief Judge shall assign a different presiding judge to the case.

## Summary

The Texas Administrative Code provides a clear procedure for handling motions to recuse or disqualify judges. It requires that if a judge does not voluntarily recuse themselves, another judge must be assigned to rule on the motion. This ensures that the process is handled fairly and that any potential bias or conflict of interest is addressed. The passage supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates procedural norms and due process, as it emphasizes the importance of resolving such motions before further action is taken in the case.

Pretrial Motions

**Texas Criminal Lawyer's Handbook. Volume 1 - 2014 - James Publishing - Mark G. Daniel, Robert K. Gill - 2014-08-17**

## Extract

Tex. R. Civ. Pro. 18a. Recusal or Disqualification of Judges... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion... Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## Summary

Tex. R. Civ. Pro. 18a mandates that once a motion to recuse is filed, the judge must either recuse themselves or request the assignment of another judge to hear the motion. Importantly, the judge is prohibited from taking further action in the case until the motion is resolved, unless there is good cause stated in writing. This supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled is a violation of Rule 18a and due process.

Pretrial Motions

**Texas Criminal Lawyer's Handbook. Volume 1 - 2016 - James Publishing - Mark G. Daniel, Robert K. Gill - 2016-08-17**

## Extract

Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## Summary

Once a motion to recuse is filed, the judge is restricted from taking further action in the case until the motion is resolved, unless there is good cause stated in writing. This ensures that the process is fair and that any potential bias or conflict of interest is addressed before proceeding. If a judge proceeds to trial without resolving a pending recusal motion, it violates the procedural rules and due process, making any resulting judgment voidable.

Pretrial motions

**Texas Criminal Lawyer's Handbook. Volume 1-2 (2024) - James Publishing - Mark G. Daniel, Robert K. Gill**

## Extract

When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a... Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov’t Code §74.059(c)(3).

## Summary

When a recusal motion is filed, the trial judge must either recuse themselves or request the assignment of another judge to hear the motion. This aligns with Rule 18a, which restricts further action in the case until the motion is resolved. Therefore, proceeding to a final trial while such motions are pending or improperly handled would violate these procedural requirements.

Pretrial motions

**Texas Criminal Lawyer's Handbook. Volume 1-2 - James Publishing - Mark G. Daniel, Robert K. Gill - 2022-05-05**

## Extract

When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a. See Arnold (no error in not referring motion to

recuse not timely filed); McDuffie v. State, 854 S.W.2d 195 (Tex.App.—Beaumont 1993, pet. ref'd). Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or refer the motion to the presiding judge of the administrative judicial district for a hearing. Tex. R. Civ. Pro. 18a. A judge does not have authority to take any further action after signing a voluntary recusal order. Ex parte Thuesen, 546 S.W.3d 145, 147 (Tex. Crim. App. 2017). Interim or ancillary orders made by a regional presiding judge regarding the recusal of a trial judge—or the reinstatement or modification of judicial authority following a recusal—must be made in writing, signed by the presiding judge, and entered of record in the case. Ex parte Thuesen, 546 S.W.3d at 156.

## Summary

Procedural requirements for handling recusal motions under Texas Rule of Civil Procedure 18a. It emphasizes that once a sufficient motion to recuse is filed, the judge must either recuse themselves or refer the motion for a hearing. The passage also highlights that a judge cannot take further action after signing a voluntary recusal order, and any interim orders must be documented in writing. This supports the proposition by underscoring the procedural errors related to recusal motions and the potential voidability of actions taken in violation of these rules.

Pretrial Motions

**Texas Criminal Lawyer's Handbook. Volume 1 - 2021 - James Publishing - Mark G. Daniel, Robert K. Gill - 2021-08-16**

## Extract

Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3). Sanchez. If a recusal motion is timely filed and facially sufficient, a hearing must be held. Sanchez. Where it is found that a party was erroneously denied the right to a hearing on their motion to recuse, the remedy is to abate the case back to the trial court so that such hearing can be conducted.

## Summary

Procedural requirements for handling recusal motions in Texas courts. It emphasizes that once a motion to recuse is filed, the judge must either recuse themselves or request the assignment of another judge to hear the motion. If a recusal motion is timely and facially sufficient, a hearing must be held. If a party is denied a hearing on their recusal motion, the case should be abated back to the trial court for such a hearing. This supports the proposition that procedural errors, such as failing to properly handle recusal motions, can lead to significant legal errors and the need for corrective action.

Pretrial Motions

**Texas Criminal Lawyer's Handbook. Volume 1 - 2020 - James Publishing - Mark G. Daniel, Robert K. Gill - 2020-08-16**

## Extract

When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a... Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov’t Code §74.059(c)(3). If a recusal motion is timely filed and facially sufficient, a hearing must be held.

## Summary

When a recusal motion is filed, the judge must either recuse themselves or request the assignment of another judge to hear the motion. This is in accordance with Rule 18a and the Texas Government Code. If a recusal motion is timely and facially sufficient, a hearing is required. This supports the proposition that proceeding to final trial while recusal motions are pending or improperly handled violates procedural rules and due process.

Rule 18a. Recusal and Disqualification of Judges

## Extract

Restrictions on Further Action. (A) Motion Filed Before Evidence Offered at Trial. If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record.

## Summary

The passage clearly states that when a motion to recuse is filed before evidence is offered at trial, the judge must refrain from taking further action in the case until the motion is resolved. This restriction is in place to ensure impartiality and fairness in judicial proceedings. If a judge proceeds to trial without resolving pending recusal motions, it violates Rule 18a, which could lead to the judgment being set aside on appeal or by mandamus. This supports the proposition that proceeding to final trial under such circumstances is a violation of due process.