

## Question

What are all the grounds for recusal of a judge?

## Answer (Texas)

### Short response

Judges must recuse themselves when their impartiality might reasonably be questioned, they have personal bias or prejudice concerning the subject matter or a party, they have personal knowledge of disputed facts, or they have a financial interest in the case. Additionally, recusal is required when the judge has previously served as counsel in the case, is related to parties by affinity or consanguinity, or when due process concerns make their continued participation constitutionally intolerable.

### Summary

Judicial recusal in Texas is governed by a comprehensive framework derived from constitutional provisions, statutory requirements, and court-promulgated rules. The Texas Constitution establishes fundamental grounds for disqualification, while the Texas Rules of Civil Procedure (particularly Rule 18b) expand these grounds into a more detailed recusal framework that applies to both civil and criminal proceedings. The grounds range from objective circumstances, such as financial interests or family relationships, to more subjective considerations like the appearance of impartiality or personal bias.

The standards for judicial recusal fall into several categories: constitutional disqualification (such as having an interest in the case or a relationship with parties), situations where impartiality might reasonably be questioned, personal bias or prejudice, personal knowledge of disputed facts, prior involvement in the case, and financial interests. Texas courts have consistently held that these grounds should be evaluated using a reasonable person standard—whether a reasonable member of the public, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt about the judge's impartiality. The procedural framework ensures that when a judge's impartiality is questioned through a properly filed motion, the judge must either recuse themselves or refer the motion to another judge for determination.

## Background and Relevant Law

### Constitutional and Statutory Framework

The Texas Constitution provides fundamental grounds for when a judge must be disqualified from a case. Article V, Section 11 of the Texas Constitution states:

"No judge shall sit in any case wherein the judge may be interested, or where either of the parties may be connected with the judge, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when the judge shall have been counsel in the case." [Tex. Const. art. 5 § 11 Disqualification of Judges; Exchange of Districts; Holding Court For Other Judges, Tex. Const. art. 5 § 11](#)

Additionally, Article XV, Section 6 outlines grounds for removal of judges by the Supreme Court, which, while not directly addressing recusal, identifies judicial conduct that renders a judge unfit to hear cases:

"Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court." [Tex. Const. art. 15 § 6 Judges of District Court; Removal By Supreme Court, Tex. Const. art. 15 § 6](#)

### Texas Rules of Civil Procedure: Rule 18b

Texas Rule of Civil Procedure 18b provides the primary framework for judicial recusal in Texas, applicable to both civil and criminal proceedings. This rule sets forth specific grounds for recusal that go beyond the constitutional disqualification grounds. These standards have been referenced in numerous cases and are considered the fundamental grounds for recusal in Texas.

As noted in [Gaal v. State, 332 S.W.3d 448 \(Tex. Crim. App. 2011\)](#): "A Texas judge may be removed from presiding over a case for one of three reasons: he is constitutionally disqualified; he is subject to a statutory strike; or, he is subject to statutory disqualification or recusal under Texas Supreme Court rules."

Multiple administrative code provisions also reference Rule 18b as the governing standard for recusal in administrative proceedings, such as [1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges, 1 Tex. Admin. Code § 155.152](#), which states that "A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b."

## Grounds for Recusal

Based on the provided materials, the grounds for recusal of a judge in Texas can be organized into several categories:

### 1. Constitutional Disqualification

The Texas Constitution establishes fundamental grounds for disqualification:

1. The judge has an interest in the case
2. The judge is connected to either party by affinity or consanguinity (family relationship) within degrees prescribed by law
3. The judge has previously served as counsel in the case

Additionally, as noted in [Degarmo v. State, 922 S.W.2d 256 \(Tex. App. 1996\)](#): "Disqualification of a judge in a criminal case can occur when: (1) the judge is the injured party; (2) the judge has been counsel for the accused or the State; or (3) the judge is related to the defendant or complainant by affinity or consanguinity within the third degree."

## **2. Reasonable Questioning of Impartiality**

A judge must recuse when their impartiality might reasonably be questioned. This is perhaps the broadest and most frequently cited ground for recusal.

As explained in [Garcia v. State, 11-22-00208-CR \(Tex. App. May 23, 2024\)](#): "Rule 18b(b) states, in relevant part, that a judge must recuse in any proceeding in which [the judge's impartiality might reasonably be questioned]." The case further elaborates that a judge's impartiality might reasonably be questioned to a degree warranting recusal "only if it appears that he or she harbors an aversion, hostility or disposition of a kind that a fair-minded person could not set aside when judging the dispute."

This standard is assessed objectively, as clarified in [Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#): "The test for recusal... is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial."

## **3. Personal Bias or Prejudice**

A judge must recuse when they have a personal bias or prejudice concerning the subject matter or a party.

[Lopez v. State, 672 S.W.3d 915 \(Tex. App. 2023\)](#) reiterates that Rule 18b provides that "a judge must recuse himself in any proceeding which... the judge has a personal bias or prejudice concerning the subject matter or a party."

This requirement is closely related to the impartiality standard but focuses specifically on the judge's personal attitudes or predispositions. [Duffey v. State, 428 S.W.3d 319 \(Tex. App. 2014\)](#) confirms that a judge must be recused when they have "a personal bias or prejudice concerning the subject matter or a party."

## **4. Personal Knowledge of Disputed Facts**

A judge must recuse when they have personal knowledge of disputed evidentiary facts concerning the proceeding.

[Garcia v. State, 11-22-00208-CR \(Tex. App. May 23, 2024\)](#) notes that recusal is required when the judge "has personal knowledge of disputed evidentiary facts concerning the proceeding." This ground recognizes that a judge should not preside over a case where they possess factual information about the disputed matters from sources outside the judicial process.

## **5. Prior Involvement as Counsel or Witness**

A judge must recuse if they participated as counsel, adviser, or material witness in the matter in controversy, or expressed an opinion concerning the merits of it while acting as an attorney in government service.

This ground is reflected in various sources, including Pretrial Motions (2021-08-16), which states that a judge shall recuse if "he or a lawyer with whom he previously practiced law has been a material witness concerning it" or "he participated as counsel, adviser, or material witness in the matter in controversy, or expressed an opinion concerning the merits of it, while acting as an attorney in government service."

## **6. Financial Interest**

A judge must recuse if they, individually or as a fiduciary, or their spouse or minor child residing in their household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

[Rodriguez v. Newton, NUMBER 13-19-00309-CV \(Tex. App. Jul 16, 2020\)](#) explains: "Under the Texas Rules of Civil Procedure, 'A Judge must disqualify in any proceeding in which... the judge knows that, individually or as a fiduciary, the judge has an interest in the subject matter in controversy.'" The court further clarifies that the type of interest "required for disqualification must be of a pecuniary nature so that the judge would gain or lose by the judgment rendered in the case."

## **7. Family Relationships with Parties or Lawyers**

A judge must recuse when they, their spouse, or a person within the first degree of relationship to either of them, or the spouse of such a person, is acting as a lawyer in the proceeding or is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding.

As noted in [Motion for Recusal of Trial Judge](#) (2023-08-12): Recusal is required when "the trial judge or the trial judge's spouse, or a person within the first degree of relationship to either of them, or the spouse of such a person, is acting as a lawyer in the proceeding."

## **8. Due Process Concerns**

In certain exceptional circumstances, due process may require recusal even where traditional grounds are not explicitly met.

Pretrial Motions (2019-08-16) cites the U.S. Supreme Court case Rippo v. Baker, stating: "The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable."

[What every judge should know about the appearance of impartiality.](#) (2016-06-22) describes four types of cases when due process requires recusal as articulated by the Supreme Court in Caperton:

1. A judge has a direct, personal, and substantial pecuniary interest in a case
2. The judge has an indirect financial interest in the outcome of the case
3. The judge issues a contempt citation and tries the contempt citation
4. A party contributes to the judge's election campaign

## 9. Other Grounds

Additional situations that may necessitate recusal include:

- When a judge is negotiating for post-judicial employment with a party or lawyer in the case
- When a lawyer who enters an appearance is currently representing the judge personally in an unrelated matter
- When the judge is in a business relationship with a party or lawyer in the proceeding

Judicial Disqualification and Legitimacy (2023-07-01)

## Application and Standards

### Reasonable Person Standard

Texas courts consistently apply a reasonable person standard when evaluating whether recusal is warranted. This standard assesses whether a reasonable observer with knowledge of all relevant facts would doubt the judge's impartiality.

[Fuelberg v. State, 447 S.W.3d 304 \(Tex. App. 2014\)](#) articulates this standard: "The ultimate issue is... would 'a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, ... have a reasonable doubt that the judge is actually impartial [?]'"

Similarly, [Woodruff v. Wright, 51 S.W.3d 727 \(Tex. App. 2001\)](#) notes: "The appearance of impropriety must be determined by a 'reasonable person' who is in possession of all of the facts."

### Distinction between Disqualification and Recusal

Texas law distinguishes between disqualification and recusal in important ways:

[Gaal v. State, 332 S.W.3d 448 \(Tex. Crim. App. 2011\)](#) explains: "Generally, a motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason, while grounds for disqualification are limited to those identified in the constitution."

This distinction has important procedural implications. As noted in [Degarmo v. State, 922 S.W.2d 256 \(Tex. App. 1996\)](#): "If a judge is disqualified under the constitution, he is absolutely without jurisdiction in the case, and any judgment rendered by him is void and subject to collateral attack." In contrast, recusal generally involves non-constitutional grounds that do not necessarily render judgments void.

### Procedural Framework

When a motion for recusal is properly filed, the judge has limited options:

[De Leon v. Aguilar, 127 S.W.3d 1 \(Tex. Crim. App. 2004\)](#) states: "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." The court further clarifies that "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."

### Appearance of Impropriety vs. Actual Bias

While some grounds for recusal require a showing of actual bias, others focus on the appearance of impropriety, which sets a lower threshold:

[In re Slaughter, 480 S.W.3d 842 \(Tex. Spec. Ct. Rev. 2015\)](#) recognizes that "Sometimes the judge may need to recuse herself, or be recused, even though she has no actual bias and would do her very best to weigh the scales of justice equally between contending parties."

This principle acknowledges that maintaining public confidence in the judiciary sometimes requires recusal even when the judge believes they can be impartial.

## Exceptions and Limitations

### Mere Acquaintance or Professional Relationship

Not every connection between a judge and parties or lawyers necessitates recusal:

[Woodruff v. Wright, 51 S.W.3d 727 \(Tex. App. 2001\)](#) explicitly states: "We find that recusal is not required merely because the trial judge knows the defendant, or even because the defendant (who was for some time the only heart surgeon in this region) performed surgery on a family member of the judge."

### Ethical Violations Alone

Ethical violations by themselves do not automatically trigger recusal:

[In re Slaughter, 480 S.W.3d 842 \(Tex. Spec. Ct. Rev. 2015\)](#) notes that "Ethical violations alone are not necessarily grounds for recusal" and "violations of the Code of Judicial Conduct will not support recusal without further evidence of bias."

## Conclusion

The grounds for recusal of a judge in Texas form a comprehensive framework designed to protect the integrity of the judicial process and ensure public confidence in the impartiality of the judiciary. These grounds range from objective circumstances, such as financial interests or family relationships, to more subjective considerations like the appearance of impartiality or personal bias.

The Texas framework for judicial recusal rests on three pillars:

1. Constitutional disqualification, which includes having an interest in the case, a relationship with parties, or having previously served as counsel
2. Statutory provisions and procedural rules, particularly Texas Rule of Civil Procedure 18b, which expand the grounds to include impartiality concerns, bias, knowledge of disputed facts, prior involvement, and financial interests
3. Due process considerations that may demand recusal when the probability of bias becomes constitutionally intolerable

The standard applied throughout these considerations is whether a reasonable person with knowledge of all relevant facts would doubt the judge's ability to be impartial. This objective standard helps ensure that recusal decisions protect both the reality and appearance of judicial fairness.

When a judge's impartiality is properly questioned through the established procedural framework, the judge must either recuse themselves or refer the motion to another judge, recognizing that a judge whose impartiality is in question should not be the one to determine whether sufficient grounds for recusal exist.

Together, these principles create a robust system for identifying when a judge should step aside from a case, balancing the need for judicial efficiency with the paramount importance of maintaining a fair and impartial judiciary in which the public can place its trust.

## Legal Authorities

[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. GOVT 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.*

#### Summary

The passage outlines three primary grounds for the removal of a judge from a case in Texas: constitutional disqualification, statutory strike, and recusal under court-promulgated rules. This provides a comprehensive framework for understanding the legal basis for recusal in Texas, applicable to all cases within the jurisdiction.

[Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)

### Texas Court of Appeals

#### Extract

*The Texas Supreme Court mandates that when there exists a reasonable question as to a judge's impartiality, recusal is mandatory. In determining whether recusal is required pursuant to Tex.R.Civ.P. 18b(2)(a), the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain would have a reasonable doubt that a judge is actually impartial. ... The grounds for recusal of an appellate court justice are generally the same as those provided in the rules of civil procedure. Tex. R. App. P. 16.2. Texas Rule of Civil Procedure 18b(2) provides, in part, that judges shall recuse themselves when their impartiality might be questioned or when they have a personal bias or prejudice concerning the subject matter or a party. Tex. R. Civ. P. 18b(2)(a),(e).*

#### Summary

The passage provides specific grounds for recusal, such as when a judge's impartiality might be questioned or when there is personal bias or prejudice. It also references the relevant Texas rules that govern these procedures, indicating that these are standard grounds for recusal in Texas.

[Gaal v. State , 332 S.W.3d 448 \(Tex. Crim. App. 2011\)](#)

### Texas Court of Criminal Appeals

#### Extract

A Texas judge may be removed from presiding over a case for one of three reasons: he is constitutionally disqualified; he is subject to a statutory strike; or, he is subject to statutory disqualification or recusal under Texas Supreme Court rules. 'Generally, a motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason, while grounds for disqualification are limited to those identified in the constitution.' Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution.

## Summary

Clear explanation of the grounds for recusal of a judge in Texas, distinguishing between constitutional disqualification, statutory strikes, and statutory disqualification or recusal under Texas Supreme Court rules. It also references Rule 18b(2) of the Texas Rules of Civil Procedure, which governs recusal for nonconstitutional reasons.

### [Monroe v. Blackmon, 946 S.W.2d 533 \(Tex. App. 1997\)](#)

#### Texas Court of Appeals

##### Extract

*Is recusal required of a trial judge when an attorney for a party to a proceeding in the judge's court is concurrently representing the judge as attorney of record before another tribunal? We determine that recusal is the singular appropriate response... Active participation by a challenged judge in recusal proceedings can only lead to the judge's recusal.*

## Summary

A judge should be recused if an attorney representing a party in the judge's court is also representing the judge in another matter. This situation creates a conflict of interest and questions the judge's impartiality. Additionally, if a judge actively participates in recusal proceedings, it can lead to their recusal.

### [Fuelberg v. State, 447 S.W.3d 304 \(Tex. App. 2014\)](#)

#### Texas Court of Appeals

##### Extract

*Therefore, in addressing either disqualification under article 30.01 of the Code of Criminal Procedure or recusal under section 18b(b)(1) of the Rules of Civil Procedure, the ultimate issue is the same—would "a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, ... have a reasonable doubt that the judge is actually impartial [?]" Ex parte Ellis, 275 S.W.3d at 116 (internal quotations omitted).*

## Summary

The passage provides insight into the grounds for recusal of a judge in Texas. It highlights that both disqualification and recusal hinge on whether a reasonable person, aware of all the facts, would doubt the judge's impartiality. This standard is derived from both the Code of Criminal Procedure and the Rules of Civil Procedure, indicating its broad applicability in Texas legal proceedings.

### [Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#)

#### Texas Court of Appeals

##### Extract

*Kniatt complains that the assigned judge erred by denying his motion to recuse Judge Knize under Texas Rule of Civil Procedure 18b(2)(a) or (b). Kniatt urged recusal under the following provisions of Rule 18b: A judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; or (b) he has... personal knowledge of disputed evidentiary facts concerning the proceeding. TEX.R. CIV. P. 18b(2)(a), (b).*

## Summary

The passage provides specific grounds for recusal under Texas Rule of Civil Procedure 18b, which are applicable to any proceeding in Texas. These grounds include situations where a judge's impartiality might reasonably be questioned or where the judge has personal knowledge of disputed evidentiary facts. This information is directly relevant to understanding the legal basis for recusal in Texas.

### [Ludlow v. DeBerry, 959 S.W.2d 265 \(Tex. App. 1997\)](#)

#### Texas Court of Appeals

##### Extract

Ludlow first argues that we erred in overruling point of error one, which challenged Judge Steib's refusal to recuse the trial judge under Texas Rule of Civil Procedure 18b(2)(a). As a second ground for rehearing, Ludlow claims we erred in overruling point of error two in which Ludlow complained of Judge Steib's determination that Rule 18b(2)(a) did not state a separate ground for recusal.

### **Summary**

Texas Rule of Civil Procedure 18b(2)(a) is relevant to the grounds for recusal of a judge. The case discusses the application of this rule in the context of a judge's impartiality being questioned, which is a recognized ground for recusal. The passage also suggests that Rule 18b(2)(a) is broad and encompasses various specific grounds for questioning a judge's impartiality.

#### [Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#)

### **Texas Court of Appeals**

#### **Extract**

*The rules governing recusal are found in the rules of appellate procedure and in the rules of civil procedure. See Tex.R.App. P. 16.1-3 (governing recusal of appellate judges); Tex.R. Civ. P. 18a-18b (governing recusal and disqualification of judges); see also Tex.R.App. P. 16.2 (providing that '[t]he grounds for recusal of an appellate court justice or judge are the same as those provided in the' rules of civil procedure). ... Texas Rule of Civil Procedure 18b provides that '[a] judge shall recuse himself in any proceeding in which ... his impartiality might reasonably be questioned.' Tex.R. Civ. P. 18b(2)(a). ... In addition to the general rules that a judge should be recused if his impartiality might reasonably be questioned or when he has a personal bias concerning the subject matter of the case, the rules also set out specific situations requiring recusal, such as if the judge or a family member is a party to or has a financial interest in the case.*

### **Summary**

Clear explanation of the grounds for recusal of judges in Texas, as outlined in the Texas Rules of Appellate Procedure and the Texas Rules of Civil Procedure. It specifies that a judge must recuse themselves if their impartiality might reasonably be questioned, if they have a personal bias, or if they or a family member have a financial interest in the case. These rules are applicable to both appellate and civil judges in Texas.

#### [Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#)

### **Texas Supreme Court**

#### **Extract**

*The rule's language is clear, simple and unequivocal: Texas Rule of Appellate Procedure 15a provides that an appellate judge 'shall disqualify or recuse himself in any proceeding in which judges must disqualify themselves under Texas Rule of Civil Procedure 18b....' Rule 18b provides in relevant part that a judge 'shall recuse himself in any proceeding in which ... his impartiality might reasonably be questioned.' Tex.R.Civ.P. 18b(2)(a).*

### **Summary**

Specific ground for recusal under Texas law, which is when a judge's impartiality might reasonably be questioned. This is a standard that is objective and not subjective, meaning it is based on how a reasonable person would view the situation. The passage also references Texas Rule of Civil Procedure 18b, which outlines the conditions under which a judge should recuse themselves.

#### [In re Pena, 07-21-00170-CV \(Tex. App. Dec 16, 2021\)](#)

### **Texas Court of Appeals**

#### **Extract**

*The grounds for recusal of an appellate court justice are the same as those identified in Rule 18b(b) of the Texas Rules of Civil Procedure. Tex.R.App.P. 16.2. This Rule provides that a judge must recuse in any proceeding in which: Tex. R. Civ. P. 18b(b).*

### **Summary**

The grounds for recusal of an appellate court justice in Texas are aligned with those specified in Rule 18b(b) of the Texas Rules of Civil Procedure. This suggests that the criteria for recusal are standardized across the state for appellate justices, providing a consistent framework for when a judge must recuse themselves from a case.

#### [Rhodes v. State , 357 S.W.3d 796 \(Tex. App. 2011\)](#)

### **Texas Court of Appeals**

## **Extract**

A Texas judge may be removed from a case if he or she is (1) constitutionally disqualified, (2) subject to a statutory strike, (3) subject to statutory disqualification, or (4) subject to recusal under rules promulgated by the Texas Supreme Court. *Gaal v. State*, 332 S.W.3d 448, 452 (Tex.Crim.App.2011). Rule 18b(2) of the Texas Rules of Civil Procedure sets forth the law specifically pertaining to recusal of judges, including recusals in criminal proceedings. Tex.R. Civ. P. 18b(2); *Gaal*, 332 S.W.3d at 452–53 & n. 12. It states in relevant part: “A judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) he has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding....”

## **Summary**

Comprehensive list of grounds for the recusal of a judge in Texas, as outlined by the Texas Rules of Civil Procedure and supported by case law. It specifies constitutional disqualification, statutory strike, statutory disqualification, and recusal under Texas Supreme Court rules as the primary grounds. Additionally, it details specific circumstances under Rule 18b(2) where a judge's impartiality might be questioned or where there is personal bias or knowledge of disputed facts.

[Garcia v. State, 11-22-00208-CR \(Tex. App. May 23, 2024\)](#)

## **Texas Court of Appeals**

### **Extract**

Rule 18b(b) states, in relevant part, that a judge must recuse in any proceeding in which: Tex. R. Civ. P. 18b(b)(1)-(3). In *Gaal*, the Texas Court of Criminal Appeals explained in-depth when subsections (1)-(3) merit a judge's recusal. 332 S.W.3d at 453-54 (analyzing a former version of Rule 18b).[] First, the court held that a judge's impartiality might reasonably be questioned to a degree warranting his recusal ‘only if it appears that he or she harbors an aversion, hostility or disposition of a kind that a fair-minded person could not set aside when judging the dispute.’ Id. at 453 (quoting *Liteky v. United States*, 510 U.S. 540, 558 (1994)); see Tex. R. Civ. P. 18b(b)(1). The court further explained that subsections (2) and (3)—whether the judge ‘has a personal bias or prejudice concerning the subject matter or a party’ or has ‘personal knowledge of disputed evidentiary facts concerning the proceeding’—are ‘more specific’ than subsection (1) because they cover ‘how the judge feels and what the judge knows.’ *Gaal*, 332 S.W.3d at 453; see Tex. R. Civ. P. 18b(b)(2)- (3).

## **Summary**

The passage provides specific grounds for the recusal of a judge under Rule 18b(b) of the Texas Rules of Civil Procedure. These grounds include: (1) when a judge's impartiality might reasonably be questioned due to aversion, hostility, or disposition that a fair-minded person could not set aside; (2) when a judge has a personal bias or prejudice concerning the subject matter or a party; and (3) when a judge has personal knowledge of disputed evidentiary facts concerning the proceeding. These grounds are generally applicable to cases in Texas.

[Jonson v. Duong, 642 S.W.3d 189 \(Tex. App. 2021\)](#)

## **Texas Court of Appeals**

### **Extract**

In Issue Two, Jonson contends that Judge Livingston erred by failing to recuse or disqualify herself from hearing his case, asserting that she was not ‘fair or impartial’ in dismissing his lawsuit and refusing to grant his motion to file his out-of-time pleading. In support of his argument, Jonson cites Rule 18b of the Texas Rules of Civil Procedure, which sets forth the grounds for both recusals and disqualifications. Rule 18b provides, in part, that a judge must recuse when ‘the judge's impartiality might reasonably be questioned’ or when ‘the judge has a personal bias or prejudice concerning the subject matter or a party.’ See TEX.R.CIV.P. 18b(b)(1), (2).

## **Summary**

Rule 18b of the Texas Rules of Civil Procedure outlines the grounds for recusal of a judge. Specifically, a judge must recuse themselves if their impartiality might reasonably be questioned or if they have a personal bias or prejudice concerning the subject matter or a party. This rule is generally applicable in Texas and provides a clear basis for seeking recusal.

[Duffey v. State, 428 S.W.3d 319 \(Tex. App. 2014\)](#)

## **Texas Court of Appeals**

### **Extract**

A motion to recuse a judge “must assert one or more of the grounds listed in Rule 18b.” Tex.R. Civ. P. 18a(a)(2). Among other things, a judge must be recused in any proceeding in which “the judge's impartiality might reasonably be questioned,” Tex.R. Civ. P. 18b(b)(1), or the judge “has a personal bias or prejudice concerning the subject matter or a party; ... [or] personal knowledge of disputed evidentiary facts concerning the proceedings,” Tex.R. Civ. P. 18b(b)(2).

## **Summary**

The passage provides specific grounds for the recusal of a judge in Texas, as outlined in the Texas Rules of Civil Procedure. These include situations where a judge's impartiality might reasonably be questioned, or where the judge has a personal bias, prejudice, or personal knowledge of disputed evidentiary facts. This information is directly relevant to understanding the grounds for recusal in Texas.

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

**Texas Court of Appeals**

**Extract**

*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). ... In applying this standard, courts often apply a reasonable person standard in determining whether a recusal motion should have been granted. ... We find that recusal is not required merely because the trial judge knows the defendant, or even because the defendant (who was for some time the only heart surgeon in this region) performed surgery on a family member of the judge. The appearance of impropriety must be determined by a 'reasonable person' who is in possession of all of the facts.*

**Summary**

The passage provides insight into the grounds for recusal of a judge in Texas, specifically under the Texas Rules of Civil Procedure. It highlights that a judge should recuse themselves if their impartiality might reasonably be questioned, and this is assessed using a reasonable person standard. The passage also clarifies that mere acquaintance with a party or prior professional interactions do not automatically necessitate recusal unless they create a reasonable appearance of impropriety.

[Degarmo v. State, 922 S.W.2d 256 \(Tex. App. 1996\)](#)

**Texas Court of Appeals**

**Extract**

*The grounds for disqualification are expressly set out in the Texas Constitution. If a judge is disqualified under the constitution, he is absolutely without jurisdiction in the case, and any judgment rendered by him is void and subject to collateral attack. Disqualification of a judge in a criminal case can occur when: (1) the judge is the injured party; (2) the judge has been counsel for the accused or the State; or (3) the judge is related to the defendant or complainant by affinity or consanguinity within the third degree. TEX.CODE CRIM.PROC.ANN. art. 30.01 (Vernon 1981). Because appellant neither alleged nor proved any of the three grounds for disqualification, we will only address appellant's complaint regarding recusal. Recusal includes those instances in which a judge voluntarily steps down and those instances in which a judge is required to step down on motion of a party for reasons other than those enumerated as disqualifying in the constitution. Appellant argues Judge Elliott should have been recused because he was biased against appellant. Appellant's allegations of bias center around Judge Elliott's unsuccessful campaign to be elected to the 240th District Court. When bias is alleged as a ground for disqualification or recusal, a trial judge ruling on the motion must decide whether the movant has provided facts sufficient to establish that a reasonable person, knowing all the circumstances involved, would harbor doubts about the impartiality of the trial judge.*

**Summary**

The passage provides specific grounds for disqualification of a judge in Texas, as outlined in the Texas Constitution and the Texas Code of Criminal Procedure. It also explains the concept of recusal, which includes situations where a judge steps down voluntarily or is required to do so due to reasons other than those for disqualification. The passage highlights bias as a potential ground for recusal, requiring a demonstration that a reasonable person would doubt the judge's impartiality.

[Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV \(Tex. App. Dec 20, 2018\)](#)

**Texas Court of Appeals**

**Extract**

*Under Texas Rule of Civil Procedure 18b(1) and (2), a judge shall recuse himself in any proceeding in which his impartiality 'might reasonably be questioned[.]' or in which he has a 'personal bias or prejudice concerning the subject matter or a party[.]'*

**Summary**

The grounds for recusal of a judge in Texas include situations where the judge's impartiality might reasonably be questioned or where the judge has a personal bias or prejudice concerning the subject matter or a party. This is based on Texas Rule of Civil Procedure 18b(1) and (2), which are applicable to all cases in Texas where recusal is considered.

[F.S. New Products v. Strong Industries, 129 S.W.3d 594 \(Tex. App. 2003\)](#)

## Texas Court of Appeals

### Extract

Unlike disqualification, the grounds for the recusal of appellate justices are the same as the grounds for the recusal of trial judges under the Rules of Civil Procedure. Tex.R.App. P. 16.2. Under Rule of Civil Procedure 18b, a judge is required to recuse himself in any proceeding in which his impartiality might reasonably be questioned. Tex.R. Civ. P. 18b(2)(a).

### Summary

The passage provides insight into the grounds for recusal of judges in Texas, indicating that the same standards apply to both appellate and trial judges. Specifically, it highlights that a judge must recuse themselves if their impartiality might reasonably be questioned, as per Rule of Civil Procedure 18b(2)(a). This is a general standard applicable to all judges in Texas.

## [Lopez v. State, 672 S.W.3d 915 \(Tex. App. 2023\)](#)

### Texas Court of Appeals

### Extract

Texas Rule of Civil Procedure 18b provides multiple grounds for recusal of a judge. See TEX. R. CIV. P. 18b(b); see also *De Leon v. Aguilar*, 127 S.W.3d 1, 5 (Tex. Crim. App. 2004) ('The procedures for recusal of judges set out in Rule 18a of the Texas Rules of Civil Procedure apply in criminal cases.'). Potentially relevant to this case, rule 18b provides, among other things, that a judge must recuse himself in any proceeding which: (1) the judge's impartiality might be reasonably questioned and (2) the judge has a personal bias or prejudice concerning the subject matter or a party. See *id.* 18b(b)(1)–(2).

### Summary

The passage provides specific grounds for recusal of a judge in Texas, as outlined in Texas Rule of Civil Procedure 18b. It mentions that a judge must recuse themselves if their impartiality might be reasonably questioned or if they have a personal bias or prejudice concerning the subject matter or a party. This is applicable in both civil and criminal cases, as indicated by the reference to *De Leon v. Aguilar*.

## [In re Lincoln, 114 S.W.3d 724 \(Tex. App. 2003\)](#)

### Texas Court of Appeals

### Extract

The single factual basis underlying Lincoln's motion is an insufficient ground for recusal as a matter of law. A long line of Texas cases, both criminal and civil, published and unpublished, unequivocally hold that the mere filing of a lawsuit against a judge does not encumber that judge with the type of certain and immediate, personal or pecuniary stake in the underlying litigation that prevents the judge from deciding the case. See *Chamberlain v. State*, 453 S.W.2d 490, 492 (Tex. Crim.App. 1970) ('If the mere filing of a civil action against the judge presiding [over a] ... case would disqualify [the judge], then any judge would be subject to disqualification at the whim of a [party].'); *Sommers v. Concepcion*, 20 S.W.3d 27, 42 (Tex.App.-Houston [14th Dist.] 2000, pet. denied) ('Allowing recusal in every situation where a party decides to sue the judge, or threatens to call the judge as a witness, would result in unwarranted recusal and provide an easy means of recusing a judge.');

*Soderman v. State*, 915 S.W.2d 605, 608 (Tex.App.-Houston [14th Dist.] 1996, pet. ref'd, untimely filed)

### Summary

In Texas, the mere filing of a lawsuit against a judge is not considered a sufficient ground for recusal. This principle is supported by multiple Texas cases, indicating that such an action does not create a personal or pecuniary interest that would disqualify a judge from presiding over a case. The passage highlights that allowing recusal based solely on a lawsuit against a judge would lead to unwarranted recusals and could be exploited by parties to manipulate judicial assignments.

## [Rodriguez v. Newton, NUMBER 13-19-00309-CV \(Tex. App. Jul 16, 2020\)](#)

### Texas Court of Appeals

### Extract

Under the Texas Rules of Civil Procedure, 'A Judge must disqualify in any proceeding in which... the judge knows that, individually or as a fiduciary, the judge has an interest in the subject matter in controversy.' TEX. R. CIV. P. 18b(a)(2); see TEX. CONST. art. V, § 11 ('No judge shall sit in any case wherein the judge may be interested.'). The type of interest 'required for disqualification must be of a pecuniary nature so that the judge would gain or lose by the judgment rendered in the case.' ... Courts enjoy a presumption of judicial impartiality. ... However, a 'judge must recuse in any proceeding in which... the judge's impartiality might reasonably be questioned.' See Tex. R. Civ. P. 18b(b)(1). The test for recusal is 'whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge's conduct, would have a reasonable doubt that the judge is actually impartial.'

## **Summary**

The passage provides specific grounds for recusal and disqualification of a judge in Texas. It references the Texas Rules of Civil Procedure and the Texas Constitution, which are applicable to all cases within the jurisdiction. The grounds include a judge's pecuniary interest in the case and situations where a judge's impartiality might reasonably be questioned.

[In re Slaughter, 480 S.W.3d 842 \(Tex. Spec. Ct. Rev. 2015\)](#)

### **Texas Special Court of Review**

#### **Extract**

*Recusal motions—even in the criminal context—are governed by Rule 18a and Rule 18b of the Texas Rules of Civil Procedure. See Tex.R. Civ. P. 18a, 18b. ... Ethical violations alone are not necessarily grounds for recusal. ... Extrajudicial statements by a trial judge have been the subject of motions to recuse in other cases. In Simpson v. State, the Houston Court of Appeals held that violations of the Code of Judicial Conduct will not support recusal without further evidence of bias. ... Sometimes the judge may need to recuse herself, or be recused, even though she has no actual bias and would do her very best to weigh the scales of justice equally between contending parties.*

## **Summary**

Recusal motions in Texas are governed by Rule 18a and Rule 18b of the Texas Rules of Civil Procedure. It clarifies that ethical violations alone do not necessarily warrant recusal unless there is further evidence of bias. The passage also notes that extrajudicial statements by a judge can be grounds for recusal if they suggest bias. Additionally, it acknowledges that a judge may need to recuse themselves to maintain public trust and confidence, even in the absence of actual bias.

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

### **Texas Court of Criminal Appeals**

#### **Extract**

*The procedures for recusal of judges set out in Rule 18a of the Texas Rules of Civil Procedure apply in criminal cases. See TEX.R. CIV. PROC., 18a; Arnold v. State, 853 S.W.2d 543, 544 (Tex.Cr.App.1993). ... 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**

Rule 18a of the Texas Rules of Civil Procedure governs the recusal of judges in criminal cases. It specifies that when a recusal motion is timely filed, the judge must either recuse themselves or refer the motion to another judge. The rule does not allow the judge in question to determine the sufficiency of the allegations of bias against them. This suggests that grounds for recusal include any situation where the judge's impartiality is questioned, and the motion is *prima facie* adequate.

[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.*

## **Summary**

The grounds for recusal or disqualification of a judge in Texas administrative hearings are the same as those specified in the Texas Rules of Civil Procedure (TRCP) Rule 18b. This suggests that the specific grounds for recusal are not detailed in this passage but are instead referenced to another legal document, TRCP Rule 18b. Therefore, to fully understand the grounds for recusal, one would need to refer to TRCP Rule 18b.

[19 Tex. Admin. Code § 89.1170 19 Tex. Admin. Code § 89.1170 Impartial Hearing Officer](#)

#### **Extract**

*A party to a hearing who has grounds to believe that the assigned hearing officer cannot afford the party a fair and impartial hearing due to bias, prejudice, or a conflict of interest may file a written request with the assigned hearing officer asking that the hearing officer recuse himself or herself from presiding over the hearing.*

## **Summary**

Procedure for a party to request recusal based on these grounds, indicating that the hearing officer must review the request and determine its sufficiency. If the grounds are found sufficient, a new hearing officer will be assigned.

[Tex. Const. art. 5 § 11 Tex. Const. art. 5 § 11 Disqualification of Judges; Exchange of Districts; Holding Court For Other Judges](#)

**Extract**

*No judge shall sit in any case wherein the judge may be interested, or where either of the parties may be connected with the judge, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when the judge shall have been counsel in the case.*

**Summary**

The passage outlines specific grounds for the disqualification of judges in Texas, which include having an interest in the case, having a connection to either party by affinity or consanguinity as prescribed by law, or having previously served as counsel in the case. These criteria are applicable to judges in the Supreme Court, the Court of Criminal Appeals, the Court of Appeals, and District Courts in Texas.

[Tex. Const. art. 15 § 6 Tex. Const. art. 15 § 6 Judges of District Court; Removal By Supreme Court](#)

**Extract**

*Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court.*

**Summary**

The grounds for recusal or removal of a judge in Texas include incompetence, partiality, oppression, official misconduct, unfit habits and conduct, negligent failure to perform duties, and failure to reasonably execute court business. These grounds are applicable to judges of the District Courts and are addressed by the Supreme Court.

[Tex. Const. art. 5 § 1-a Tex. Const. art. 5 § 1-a Retirement, Censure, Removal, and Compensation of Justices and Judges; State Commission On Judicial Conduct; Procedure](#)

**Extract**

*Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.*

**Summary**

The grounds for removal (which can be related to recusal) of a judge include willful or persistent violation of rules, incompetence, willful violation of the Code of Judicial Conduct, or conduct that is inconsistent with the proper performance of duties or casts discredit on the judiciary. These grounds are relevant to understanding when a judge might need to recuse themselves to avoid conflicts of interest or bias.

[16 Tex. Admin. Code § 21.7 16 Tex. Admin. Code § 21.7 Standards of Conduct](#)

**Extract**

*Standards for recusal of presiding officers. Presiding officers shall disqualify themselves or shall recuse themselves on the same grounds and under the same circumstances as specified in the Texas Rules of Civil Procedure, Rule 18b.*

**Summary**

The standards for recusal of presiding officers in this context are aligned with the Texas Rules of Civil Procedure, Rule 18b. This suggests that the grounds for recusal are not explicitly detailed in this document but are instead referenced to another legal standard, which is Rule 18b. This implies that the grounds for recusal are consistent with those applicable to judges under the Texas Rules of Civil Procedure.

[What every judge should know about the appearance of impartiality.](#)

## **Extract**

*Caperton described four types of cases when due process requires recusal: 1) a judge has a direct, personal, and substantial pecuniary interest in a case; 2) she has an indirect financial interest in the outcome of the case; 3) she issues a contempt citation and tries the contempt citation; and 4) a party contributes to the judge's election campaign.*

## **Summary**

List of four specific grounds for recusal based on due process requirements as articulated by the Supreme Court. These grounds are generally applicable and not limited to a specific jurisdiction, making them relevant to understanding the broader principles of judicial recusal.

### [Recusal on appeal: an appellate advocate's perspective.](#)

**Journal of Appellate Practice and Process - University of Arizona - Bashman, Howard J. - 2005-03-22**

## **Extract**

*For ease of discussion, it is useful to focus here on the four major grounds for judicial disqualification contained in the statute: (1) a financial interest in the result of the litigation; (2) a familial interest in the litigation, for example if a close family member of the judge is a party or serving as attorney for a party; (3) actual bias involving the facts, issues, parties, lawyers or law firms involved; and (4) circumstances in which the judge's impartiality might reasonably be questioned.*

## **Summary**

Clear list of four major grounds for judicial disqualification: financial interest, familial interest, actual bias, and circumstances questioning impartiality. These grounds are fundamental and widely recognized in legal practice, making them applicable to the question of recusal in Texas.

### [Recovering judicial integrity: toward a duty-focused disqualification jurisprudence based on Jewish law.](#)

**Fordham Urban Law Journal - Fordham Urban Law Journal - Pill, Shlomo - 2011-12-01**

## **Extract**

*Judges may be removed in a variety of circumstances, including where they have a financial stake in a case, are closely related to parties or attorneys, accept bribes or gifts from parties or attorneys, or have extra-judicial knowledge about a case. These substantive grounds for removal are not disqualifying per se; they are indicia of actual or apparent judicial misconduct.*

## **Summary**

List of circumstances under which judges may be disqualified, which includes having a financial interest in the case, familial relationships with parties or attorneys, accepting bribes or gifts, and possessing extra-judicial knowledge. These are considered indicators of potential judicial misconduct, which could lead to recusal.

### [Contra nemo iudex in sua causa: the limits of impartiality.](#)

**Yale Law Journal - Yale University, School of Law - Watson, John H., Jr. - 2012-11-01**

## **Extract**

*Statutes require federal judges to recuse themselves from a case when their impartiality 'might reasonably be questioned,' (48) and if recusal occurs, a second judge is called in to preside. However, the first judge rules on the disqualification motion, and thus assesses her own bias, subject only to deferential review. (49) ... The Court has held that the rules governing judicial bias and recusal contain an implied exception: bias in the pejorative sense arises only if the judge's preconceptions derive from an 'extrajudicial source.' (54) Preconceptions that the judge has formed during preliminary stages of the proceeding, or related earlier proceedings, do not generally count as 'bias' of the sort that the law will find invidious.*

## **Summary**

Federal judges are required to recuse themselves if their impartiality might reasonably be questioned. This is a broad standard that can encompass various situations where a judge's impartiality could be doubted. However, the passage also notes an exception where bias must stem from an "extrajudicial source" to be considered invidious. This means that biases formed during the course of proceedings are generally not grounds for recusal unless they originate from outside the judicial process.

### [Caperton v. A.T. Massey Coal Co.: the objective standard for judicial recusal.](#)

**Notre Dame Law Review - University of Notre Dame Law School - Todt, Jonathan H. - 2011-02-01**

## **Extract**

a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused." (53) Further cases emphasized that the judge's financial interest need not be direct (54) nor have actually influenced the judge (55) to be a violation of due process. The second situation previously recognized by the Court as requiring recusal emerged from criminal contempt proceedings where a judge has no financial interest in the case, but where his participation in an earlier proceeding could lead to a conflict of interest. (56) The Court referred to *In re Murchison*, (57) where a judge examined two defendants to determine whether charges should be brought against them, as a "one-man grand jury." (58) The judge charged one man with contempt for failure to adequately answer questions asked by the judge and proceeded to try and convict both defendants after this contempt charge had been leveled. (59) The Court threw out these convictions on the grounds that, having been a part of the decision whether or not to try the defendants, the judge could not be "wholly disinterested in the conviction or acquittal of those accused." (60) Furthermore, in *Mayberry v. Pennsylvania* (61) the Court held that due process required a defendant in criminal contempt proceedings be tried "before a judge other than the one reviled by the contemnor." (62) Thus, in a case where a defendant verbally attacked the judge by calling him, among other things, a "dirty sonofabitch" (63) and a "dirty, tyrannical old dog," (64) there existed a due process requirement that the judge recuse himself for the adjudication of these charges. (65) Much like the group of indirect financial interest cases, the bias inquiry is an objective one. (66) "The Court asks not whether the judge is actually, subjectively biased, but whether the average judge in..."

## **Summary**

The passage discusses grounds for judicial recusal, emphasizing that a judge's financial interest, even if indirect, can be grounds for recusal if it violates due process. Additionally, a judge's prior involvement in a case that could lead to a conflict of interest, such as participating in earlier proceedings, is also a ground for recusal. The passage also highlights that verbal attacks on a judge by a defendant can necessitate recusal to ensure due process. The bias inquiry is objective, focusing on whether an average judge would be perceived as biased, rather than the judge's subjective feelings.

## The appearance of justice revisited.

**Journal of Criminal Law and Criminology - Northwestern University, School of Law - Blanck, Peter David - 1996-03-22**

## **Extract**

*The court of appeals concluded that the judge's rulings alone would not have been a sufficient basis for recusal. However, in light of the judge's extrajudicial knowledge of the death threat, a reasonable person might question whether the judge could be impartial in sentencing the defendant... Similarly, in *United States v. Jordan*, the Fifth Circuit granted the defendant's section 455 motion for recusal on the basis of extrajudicial bias... To require recusal on the basis of intrajudicial bias, a movant must show that a reasonable person could find the trial judge displayed behavior to such a high degree of antagonism or favoritism as to preclude a fair trial... The court of appeals held that a reasonable person could conclude from these facts that the judge could not decide the case impartially.*

## **Summary**

Recusal of a judge can be based on extrajudicial bias, where a judge's impartiality might be questioned due to knowledge or experiences outside the courtroom. Additionally, intrajudicial bias can be a ground for recusal if a judge's behavior within the courtroom shows a high degree of antagonism or favoritism that could preclude a fair trial. These grounds are generally applicable to cases where a reasonable person might question the judge's impartiality.

## Pretrial motions

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

## **Extract**

*Tex. R. Civ. Pro. 18b. Grounds for Disqualification and Recusal of Judges*

## **Summary**

The passage references "Tex. R. Civ. Pro. 18b," which outlines the grounds for disqualification and recusal of judges in Texas. This indicates that the Texas Rules of Civil Procedure provide specific grounds for when a judge may be recused or disqualified from a case. The passage suggests that these rules are applicable to cases in Texas and provide a legal framework for addressing concerns about a judge's ability to preside over a case impartially.

## Pretrial Motions

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

## **Extract**

A Texas judge may be removed from presiding over a case for one of three reasons: he is constitutionally disqualified; he is subject to a statutory strike (as in civil cases); or he is subject to statutory disqualification or recusal under Texas Supreme Court rules. *Gaal v. State*, 332 S.W.3d 448 (Tex. Crim. App. 2011). ... Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. Rule 18b(2) states, in relevant part, that a 'judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; (b) he has a personal bias or prejudice concerning the subject matter or a party; (c) he has personal

*knowledge of disputed evidentiary facts concerning the proceeding; (d) he or a lawyer with whom he previously practiced law has been a material witness concerning it; (e) he participated as counsel, adviser, or material witness in the matter in controversy, or expressed an opinion concerning the merits of it, while acting as an attorney in government service; or (f) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.'*

## **Summary**

Grounds for recusal of a judge in Texas, which include both constitutional disqualifications and statutory reasons as per Texas Supreme Court rules. Rule 18b(2) of the Texas Rules of Civil Procedure provides specific instances where a judge must recuse themselves, such as when their impartiality might be questioned or if they have a personal bias or financial interest in the case. This information is directly relevant to understanding the grounds for recusal in Texas.

### Pretrial Motions

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

#### **Extract**

*A Texas judge may be removed from presiding over a case for one of three reasons: he is constitutionally disqualified; he is subject to a statutory strike (as in civil cases); or he is subject to statutory disqualification or recusal under Texas Supreme Court rules. ... Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. Rule 18b(2) states, in relevant part, that a 'judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; (b) he has a personal bias or prejudice concerning the subject matter or a party; (c) he has personal knowledge of disputed evidentiary facts concerning the proceeding; (d) he or a lawyer with whom he previously practiced law has been a material witness concerning it; (e) he participated as counsel, adviser, or material witness in the matter in controversy, or expressed an opinion concerning the merits of it, while acting as an attorney in government service; or (f) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.'*

## **Summary**

Comprehensive list of grounds for recusal of a judge in Texas, as outlined in Rule 18b(2) of the Texas Rules of Civil Procedure. These grounds include situations where a judge's impartiality might be questioned, personal bias, personal knowledge of disputed facts, previous involvement as a lawyer or witness, and financial interests. This information is directly relevant to understanding the grounds for recusal in Texas.

### Motion for Recusal of Trial Judge

**Texas Criminal Forms. Volume II - 2014 - James Publishing - 2023-08-12**

#### **Extract**

*Tex.R.Civ.P. 18b states the situations in which a trial judge should be recused from presiding over a particular case. ... the trial judge's impartiality might reasonably be questioned; the trial judge has a personal bias or prejudice concerning the subject matter or ... or trustee of a party, is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding, or is to the judge's knowledge likely to be a material witness in the proceeding; the trial judge or the trial judge's spouse, or a person within the first degree of relationship to either of them, or the spouse of such a person, is acting as a lawyer in the proceeding; or any other reason that may be sufficient under law to recuse the trial judge.*

## **Summary**

The grounds for recusal of a judge in Texas include situations where the judge's impartiality might reasonably be questioned, the judge has a personal bias or prejudice concerning the subject matter, the judge or a close relative has an interest that could be affected by the proceeding, or a close relative is acting as a lawyer in the proceeding. These grounds are outlined in Tex.R.Civ.P. 18b, which governs the recusal of judges in Texas.

### Judicial Disqualification and Legitimacy

**Litigation - American Bar Association - Charles Gardner Geyh - 2023-07-01**

#### **Extract**

*the judge is a close relative of a party to the proceeding, has an interest that could be substantially affected by the outcome of the litigation, or has personal knowledge of disputed facts in the case, the judge must withdraw regardless of whether the judge could, in fact, disregard those conflicts and rule impartially... judges must recuse themselves when they have a personal bias concerning a party—a subjective standard triggered by actual prejudice... it is generally settled that a judge must recuse himself or herself from cases in which the judge is negotiating for post-judicial employment with a party or lawyer in the case before the judge; a lawyer who enters an appearance is currently representing the judge personally in an unrelated matter; or the judge is in a business relationship with a party or lawyer in the proceeding.*

## **Summary**

The grounds for recusal of a judge include having a close relationship with a party, having an interest affected by the case outcome, possessing personal knowledge of disputed facts, having personal bias, negotiating for employment with a party or lawyer involved, being represented by a lawyer in the case in an unrelated matter, or having a business relationship with a party or lawyer in the proceeding. These are general principles that apply broadly to judicial conduct and ethics.

### [SUPREME STALEMATES: CHALICES, JACK-O'-LANTERNS, AND OTHER STATE HIGH COURT TIEBREAKERS.](#)

**University of Pennsylvania Law Review - University of Pennsylvania, Law School - Willett, R. - 2021-01-01**

#### **Extract**

*judges who initially recuse from a case sometimes return to the bench, for example, if they sell the stock that necessitated the recusal. (75) The second category (prior involvement in the case) typically affects justices only early in their tenures. (76) For example, justices promoted to the Supreme Court from circuit courts typically recuse themselves from cases (including at the certiorari stage) that had been pending before their previous courts, while they were judges there. Chief Justice Roberts and Justices Alito, Sotomayor, Gorsuch, Kavanaugh, and Barrett were promoted to the Supreme Court from federal circuit courts. Once they became justices, they followed this practice of recusal. (77) With each passing Term, the need for such recusals diminished. Justices coming from the Executive Branch face even greater recusal obligations. For example, Justice Thurgood Marshall, former Second Circuit Judge and U.S. Solicitor General, recused himself in fifty...*

## **Summary**

The passage provides examples of grounds for recusal, such as financial interests (e.g., stock ownership) and prior involvement in a case. It also mentions the recusal obligations of justices who have previously served in the Executive Branch. These examples illustrate common grounds for recusal that are likely relevant to the question.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2019 - James Publishing - Mark G. Daniel, Robert K. Gill - 2019-08-16**

#### **Extract**

*Tex. R. Civ. Pro. 18b. Grounds for Disqualification and Recusal of Judges... (2) Recusal A judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) ... The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable. *Rippo v. Baker*, 580 U.S. \_\_\_, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017).*

## **Summary**

The passage provides specific grounds for recusal under Texas law, including situations where a judge's impartiality might reasonably be questioned or where there is a high probability of actual bias. This is supported by both the Texas Rules of Civil Procedure and relevant case law, indicating a broad applicability to cases in Texas.

### [Trial motions](#)

**Texas Criminal Forms - Volume 1-2 - James Publishing - Robert K. Gill, Mark Daniel - 2022-04-02**

#### **Extract**

*Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. Rule 18b(2) states, in relevant part, that 'A judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) he has a personal bias or prejudice...'*

## **Summary**

The passage provides specific grounds for recusal of a judge in Texas, as outlined in Rule 18b(2) of the Texas Rules of Civil Procedure. These grounds include situations where a judge's impartiality might reasonably be questioned or where the judge has a personal bias or prejudice. This information is directly relevant to understanding the grounds for recusal in Texas.

### [Baker v. Soc. Sec. Admin., 080422 MSPB, CH-1221-17-0318-W-1](#)

**Merit Systems Protection Board**

## Extract

¶6 In pertinent part, the appellant argues on review that the administrative judge should have construed her pleadings liberally, he repeatedly ruled against her, he exhibited improper behavior, he was biased against her, and he had a conflict of interest. PFR File, Tab 2 at 2-7. As further detailed below, most of the appellant's arguments in this regard are not persuasive. However, we find that the administrative judge erred in denying the appellant's request for recusal. Because the administrative judge's impartiality could reasonably be questioned, he erred in denying the appellant's request for recusal. ... the standard set out at 28 U.S.C. § 455). Among other things, section 455 requires recusal 'in any proceeding in which ...'

## Summary

The grounds for recusal of a judge include bias, conflict of interest, and any situation where the judge's impartiality could reasonably be questioned. The passage references 28 U.S.C. § 455, which is a federal statute that outlines the grounds for recusal of federal judges, indicating that these principles are generally applicable to federal cases.

This memo was compiled by Vincent AI based on vLex materials available as of April 25, 2025. [View full answer on vLex](#)