

## Question

The regional presiding judge has been using the court coordinator to handle matters related to recusal. Rule 18a of the Texas Rules of Civil Procedure outlines specific procedures for handling motions to recuse or disqualify judges, including the requirement that the judge against whom the motion is filed must either recuse themselves or refer the motion to the regional presiding judge for resolution. Rule 18a requires strict compliance with its procedural mandates, and failure to comply constitutes a violation of the rule. A writ of mandamus is appropriate to compel compliance with a mandatory procedural rule when there is no adequate remedy by appeal, as established in Texas case law (e.g., *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004)). By delegating recusal matters to the court coordinator, the regional presiding judge is failing to comply with the mandatory procedures of Rule 18a, which require the judge to personally address or refer the motion. Because the improper delegation of recusal matters undermines the integrity of the judicial process and there is no adequate remedy by appeal, a writ of mandamus is necessary to compel compliance with Rule 18a.

## Answer (Texas)

### Legal Analysis Note: Mandamus Relief for Improper Delegation of Recusal Matters by the Regional Presiding Judge under Texas Rule of Civil Procedure 18a

#### Introduction and Overview:

The central issue is whether the regional presiding judge's practice of delegating the handling of judicial recusal matters to a court coordinator violates the mandatory procedures set forth in Texas Rule of Civil Procedure 18a, and whether such a violation justifies mandamus relief. The user seeks to compel strict compliance with Rule 18a, arguing that only the judge may personally address or refer a recusal motion, and that improper delegation undermines the integrity of the judicial process. The most effective argument is that Rule 18a's requirements are unequivocally mandatory, and any deviation—such as delegation to a court coordinator—constitutes a violation that is subject to correction by writ of mandamus, as there is no adequate remedy by appeal.

#### Relevant Facts and Factual Assumptions:

The following facts are assumed for the purposes of this analysis:

1. A motion to recuse or disqualify a judge has been filed in a Texas court.
2. The regional presiding judge, rather than personally addressing or referring the motion, has delegated the matter to a court coordinator.
3. The court coordinator, not the judge, is handling procedural steps related to the recusal motion.
4. The party seeking recusal has no adequate remedy by appeal, as the improper handling of the recusal motion could irreparably affect the fairness of the proceedings.
5. There is no evidence that the judge has entered a written order of recusal or referral as required by Rule 18a.

If there are ambiguities—such as whether the court coordinator is merely performing ministerial tasks or making substantive decisions—these will be addressed in the analysis. However, the argument is strongest where the coordinator's involvement supplants the judge's mandatory duties.

#### Legal Principles and Points of Law:

##### Rule 18a's Mandatory Procedures:

Texas Rule of Civil Procedure 18a imposes strict, mandatory requirements on judges when a motion to recuse or disqualify is filed. The judge must, within three business days, either recuse themselves or refer the motion to the regional presiding judge. This is not discretionary: "Regardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge." [In re Amir-Sharif](#), NUMBER 13-19-00573-CV, at \*2 (Tex. App. Dec. 12, 2019); see also [In re Lucio](#), WR-72, at \*2 (Tex. Crim. App. Apr. 25, 2022).

##### Ministerial Nature of the Duty:

The act of recusing or referring is a purely ministerial duty, not subject to judicial discretion. "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." [In re Lucio](#), WR-72, at \*2 (Tex. Crim. App. Apr. 25, 2022); see also [In re Welsh](#), NO. 09-20-00251-CV, at \*2 (Tex. App. Dec. 3, 2020).

##### Strict Compliance and Void Actions:

Failure to comply with Rule 18a's procedures renders subsequent judicial actions void. "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." [Brosseau v. Ranzau](#), 911 S.W.2d 890, 892 (Tex. App. 1995); see also [Carson v. Gomez](#), 841 S.W.2d 491, 493 (Tex. App. 1992).

##### Mandamus as the Appropriate Remedy:

Mandamus is the proper remedy to compel compliance with Rule 18a when there is no adequate remedy by appeal. "A relator is entitled to mandamus relief against a trial court when (1) the relator has no other adequate legal remedy and, (2) the act sought to be compelled is purely ministerial." [In re Lucio](#), WR-72, at \*2 (Tex. Crim. App. Apr. 25, 2022); see also [In re Prudential Ins. Co. of Am.](#), 148 S.W.3d 124, 135-36 (Tex. 2004).

##### Personal Action Required—No Delegation:

The judge named in the recusal motion must personally act; delegation to a court coordinator or any other person is not permitted. "Consistent with this 'mandatory nature' is the recognition that the judge named in the motion not be permitted to act in any way other than the two options provided for in the rule." [Brosseau v. Ranzau](#), 28 S.W.3d 235, 238 (Tex. App. 2000) (overruled on other grounds, see below); see also [State ex rel. Millsap v. Lozano](#), 692 S.W.2d 470, 482 (Tex. Crim. App. 1985) ("The referral cannot be to another county court at law judge, no matter what his position under local statutes or rules. Rule 18a simply will not support [such] actions.").

**Statutory Reinforcement:**

Tex. Gov't Code § 74.059(c)(3) and § 29.055 reinforce the procedural mandates of Rule 18a, requiring the judge to request the presiding judge to assign another judge to hear the motion, not to delegate the matter to a non-judicial officer.

**Written Order Requirement:**

Any ruling by the regional presiding judge related to recusal or disqualification must be made in writing. [Ex parte Thuesen, 546 S.W.3d 145, 150 \(Tex. Crim. App. 2017\)](#).

**Mandamus for Failure to Act:**

Failure to rule on a recusal motion is a classic ground for mandamus. See [CHAPTER 6 Petitions for Writ of Mandamus](#) ("failure of the trial court to rule on a recusal motion").

**Application and Analysis:**

Applying these principles to the facts:

**Mandatory, Non-Delegable Duty:**

The regional presiding judge's duty to address or refer a recusal motion is strictly personal and non-delegable. The authorities are unanimous that the judge must either recuse or refer—no other action is permitted. [In re Lucio](#), [In re Welsh](#), [In re Amir-Sharif](#), [Brosseau v. Ranzau](#) (1995), [Carson v. Gomez](#), [Lamberti v. Tschoepe](#), [Greenberg, Fisk & Fielder v. Howell](#), and [McLeod v. Harris](#) all reinforce that the judge's options are limited to recusal or referral, and that these actions must be performed by the judge, not a delegate.

**Improper Delegation as a Violation:**

Delegating the handling of recusal motions to a court coordinator is not contemplated by Rule 18a or the supporting statutes. The courts have repeatedly held that even where a motion is procedurally defective, the judge must personally act. See [In re Norman, 191 S.W.3d 858, 860 \(Tex. App. 2006\)](#); [State ex rel. Millsap v. Lozano, 692 S.W.2d at 482](#). The rationale is to preserve the integrity and transparency of the recusal process, which is undermined by non-judicial intervention.

**Void Actions and Prejudice:**

Any action taken by the judge or the court after a violation of Rule 18a is void. [Brosseau v. Ranzau, 911 S.W.2d at 892](#); [Carson v. Gomez, 841 S.W.2d at 493](#). This underscores the seriousness of the violation and the necessity for strict compliance.

**Mandamus as the Only Remedy:**

Because the improper delegation cannot be remedied on appeal—since the harm is procedural and affects the fundamental fairness of the process—mandamus is the appropriate and necessary remedy. [In re Lucio](#), WR-72, at \*2; [In re Prudential Ins. Co. of Am., 148 S.W.3d at 135-36](#).

**Statutory and Secondary Authority Support:**

Tex. Gov't Code § 74.059(c)(3) and § 29.055, as well as secondary sources on pretrial motions, reinforce the requirement that the judge must personally act. See Pretrial Motions (2022-05-05, 2020-08-16, 2017-08-17).

**Written Order Requirement:**

The requirement that the regional presiding judge's ruling be in writing ([Ex parte Thuesen, 546 S.W.3d at 150](#)) further supports the argument that the judge's personal involvement is required at every stage.

**Alternative Arguments and Nuanced Points:****Ministerial vs. Administrative Delegation:**

An opposing party may argue that the court coordinator is merely performing administrative tasks, not making substantive decisions. However, the authorities make clear that even the act of referring the motion is a judicial function that cannot be delegated. See [In re Lucio](#), [In re Welsh](#), [In re Amir-Sharif](#).

**Procedural Defects in the Motion:**

Some may argue that if the recusal motion is procedurally defective, the judge need not act. This is expressly rejected by the courts: "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." [In re Norman, 191 S.W.3d at 860](#); [Greenberg, Fisk & Fielder v. Howell](#), 676 S.W.2d at 433.

**Negative Treatment of [Brosseau v. Ranzau](#) (2000):**

[Brosseau v. Ranzau, 28 S.W.3d 235 \(Tex. App. 2000\)](#), which strongly supports the non-delegable nature of the duty, was overruled by [Brosseau v. Ranzau, 58 S.W.3d 305 \(Tex. App. 2001\)](#). While the 2000 case is persuasive, its authority is diminished, and reliance should be placed primarily on the broader and more recent line of cases (e.g., [In re Lucio](#), [In re Welsh](#), [In re Amir-Sharif](#), [In re Norman](#), and others) that remain good law and are consistent in their interpretation of Rule 18a.

**Scope of Statutory Provisions:**

Tex. Gov't Code § 29.055 specifically addresses municipal judges, but its procedural mandates mirror those of Rule 18a and reinforce the general principle that recusal procedures are personal to the judge.

**Key Submissions:****Rule 18a and supporting statutes require the judge to personally act on recusal motions; delegation to a court coordinator is a violation.**

Supported by: [In re Lucio](#), [In re Welsh](#), [In re Amir-Sharif](#), [In re Norman](#), [State ex rel. Millsap v. Lozano](#), [Carson v. Gomez](#), [Lamberti v. Tschoepe](#), [Greenberg, Fisk & Fielder v. Howell](#), [McLeod v. Harris](#), Tex. Gov't Code § 74.059(c)(3), § 29.055.

**Failure to comply with Rule 18a renders subsequent judicial actions void and undermines the integrity of the process.**

Supported by: [Brosseau v. Ranzau, 911 S.W.2d at 892](#); [Carson v. Gomez, 841 S.W.2d at 493](#).

**Mandamus is the appropriate remedy, as there is no adequate remedy by appeal.**

Supported by: [In re Lucio, In re Prudential Ins. Co. of Am., CHAPTER 6 Petitions for Writ of Mandamus](#).

**The requirement for a written order by the regional presiding judge further underscores the necessity of personal judicial action.**

Supported by: [Ex parte Thuesen, 546 S.W.3d at 150](#).

#### **Areas of Risk:**

##### **Ambiguity in the Role of the Court Coordinator:**

If the coordinator is only performing ministerial, non-dispositive tasks (e.g., scheduling), the argument is weaker. However, the authorities suggest that even the act of referral is non-delegable. Mitigation: Emphasize that any step that supplants the judge's personal duty is impermissible. Supported by: [In re Lucio, In re Welsh, In re Norman](#).

##### **Negative Treatment of [Brosseau v. Ranzau](#) (2000):**

The overruling of [Brosseau v. Ranzau, 28 S.W.3d 235](#), reduces its precedential value. Mitigation: Rely on the consistent line of cases from the Texas Court of Criminal Appeals and other courts of appeals that remain good law.

##### **Potential for Judicial Discretion in Administrative Matters:**

Opponents may argue that some administrative delegation is permissible. Mitigation: Stress that the authorities draw a clear line at the judge's personal duty to recuse or refer, and that any action beyond this is not permitted. Supported by: [In re Lucio, In re Welsh, In re Norman](#).

#### **Conclusion:**

The strongest argument is that Texas Rule of Civil Procedure 18a, as interpreted by a consistent and robust line of Texas appellate authority, imposes a mandatory, non-delegable duty on the judge to personally address or refer motions to recuse or disqualify. Delegation of this responsibility to a court coordinator is a clear violation of the rule and undermines the integrity of the judicial process. Because there is no adequate remedy by appeal, mandamus is the appropriate and necessary remedy to compel compliance. The user's position is well-supported by the authorities, and the risks are manageable with careful factual development and reliance on the most current and authoritative case law.

#### **Actionable Insight:**

To maximize the likelihood of success, the user should marshal the full line of supporting authorities, emphasize the non-delegable nature of the duty, and clearly distinguish any administrative tasks from the core judicial function of recusal or referral. Where possible, obtain evidence of the court coordinator's substantive involvement to demonstrate a clear violation of Rule 18a.

### **Legal Authorities**

[In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)

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

##### **Extract**

*Texas Rule of Civil Procedure 18a(f)(1) governs the duties of the respondent judge when a party files a motion to recuse. ... This rule states that: '[r]egardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge.' ... Rule 18a's recusal-or-referral requirement is mandatory, and mandamus relief is appropriate to compel compliance with the rule.*

##### **Summary**

Rule 18a(f)(1) imposes a mandatory duty on judges to either recuse themselves or refer the motion to the regional presiding judge. The passage emphasizes that this requirement is not discretionary and that mandamus relief is appropriate to enforce compliance. This supports the proposition that delegating recusal matters to a court coordinator, rather than the judge personally addressing or referring the motion, violates Rule 18a.

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

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

##### **Extract**

*Rule 18a, entitled 'Recusal and Disqualification of Judges,' provides that a ruling of the regional presiding judge must be made in writing: 'The ruling must be by written order.' Rule 18a(g)(2). Applicant avers that this written order requirement only applies to a presiding judge's ruling on an initial motion to recuse or disqualify a judge and not to any ancillary orders in the matter. Yet Rule 18a's written order requirement does not explicitly limit its applicability to rulings on motions to recuse or disqualify. Id. The ancillary orders provision and the written order requirement are both located within the same subsection, which is broadly entitled 'Duties of Regional Presiding Judge.' Viewed in context, the written order requirement applies to all rulings by a regional presiding judge related to the recusal or disqualification of a judge.*

## **Summary**

Rule 18a mandates that any ruling by a regional presiding judge related to recusal or disqualification must be made in writing. This requirement underscores the importance of the judge's direct involvement in the recusal process, as opposed to delegating such matters to a court coordinator. The passage supports the proposition that strict compliance with Rule 18a is necessary, and any deviation, such as improper delegation, undermines the integrity of the judicial process.

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

### **Texas Court of Appeals**

#### **Extract**

*Recusal is governed by Texas Rule of Civil Procedure 18a, which requires the judge against whom a proper recusal motion is filed to either grant the motion or request the Presiding Judge to assign another judge to hear the motion. TEX. R. CIV. P. 18a(c)... 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.'... Once rule 18a was properly invoked, only Judge Hester, the regional presiding judge (or in certain circumstances, the Chief Justice of the Texas Supreme Court), had authority to appoint a judge to hear the recusal motion and sit over the case when the motion was granted.*

## **Summary**

The passage emphasizes the mandatory nature of Rule 18a, which requires that a judge against whom a recusal motion is filed must either recuse themselves or refer the motion to the presiding judge for assignment. The passage also highlights that any action taken by a judge, other than recusal or referral, is void if a recusal motion is pending. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the mandatory procedures, is a violation of Rule 18a.

[State ex rel. Millsap v. Lozano, 692 S.W.2d 470 \(Tex. Crim. App. 1985\)](#)

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

#### **Extract**

*Further and most importantly, under the rule that after the trial judge declines to recuse himself the matter shall be referred to the Presiding Judge of the Administrative District, a district judge (Article 200a, V.A.C.S.). The referral cannot be to another county court at law judge, no matter what his position under local statutes or rules. Rule 18a simply will not support Judge Lozano's actions.*

## **Summary**

Rule 18a mandates that a judge who declines to recuse themselves must refer the matter to the Presiding Judge of the Administrative District. The passage highlights that the referral cannot be to another judge within the same court or to a court coordinator, as this would not comply with Rule 18a. This supports the proposition that delegating recusal matters to a court coordinator is a violation of the rule.

[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. ... Other courts of appeals have concluded that Rule 18a's recusal-or-referral requirement is mandatory and that mandamus relief is appropriate to compel compliance with the rule. ... Likewise, construing a substantially similar statutory predecessor to Rule 18a, the Texas Supreme Court has held that (1) a judge has 'the mandatory duty' to recuse himself or refer the matter to the presiding judge to hear a properly filed motion to recuse, and (2) mandamus relief is proper to compel compliance.*

## **Summary**

Rule 18a imposes mandatory requirements on judges regarding recusal motions, specifically that they must either recuse themselves or refer the motion to the presiding judge. The passage highlights that other courts have found this requirement mandatory and that mandamus relief is appropriate to enforce compliance. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the mandatory procedures, is a violation of Rule 18a.

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

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

## **Extract**

*In her mandamus petition, Relator asserts that she has filed a motion to recuse or disqualify Respondent, but Respondent has failed to timely rule on the motion as Texas Rule of Civil Procedure 18a requires.] Because Respondent has refused to rule on the motion or refer it to the regional presiding judge, Relator contends, this Court should compel Respondent to act in accordance with Rule 18a. ... A relator is entitled to mandamus relief against a trial court when (1) the relator has no other adequate legal remedy and, (2) the act sought to be compelled is purely ministerial. ... 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. ... Thus, Relator has shown that the act sought to be compelled is purely ministerial. Further, Rule 18a(f)(3) is titled 'Failure to Comply' and it states that, 'If the respondent judge fails to comply with a duty imposed by this rule, the movant may notify the regional presiding judge.'*

## **Summary**

The passage from "In re Lucio" highlights the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the regional presiding judge. The passage also emphasizes that the act of ruling on a recusal motion is ministerial, meaning it is a duty that must be performed without discretion. The failure to comply with this duty can be addressed through a writ of mandamus, as there is no adequate remedy by appeal. This supports the proposition that improper delegation of recusal matters, such as to a court coordinator, violates Rule 18a and undermines the judicial process.

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

## **Texas Court of Appeals**

### **Extract**

*Appellant claims that the trial court judge erred in failing to respond to a motion to recuse. He claims that in response to his motion to recuse, the trial judge should have either recused himself from the case or referred the motion to the presiding judge of the administrative judicial district in accordance with Rule 18a of the Texas Rules of Civil Procedure... We agree with appellant that the trial judge erred by violating Rule 18a of the Texas Rules of Civil Procedure in failing to either recuse himself or refer the motion to recuse to the presiding judge of the administrative judicial district... Rule 18a of the Texas Rules of Civil Procedure is explicit with regard to motions to recuse... 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**

The passage from "Brosseau v. Ranzau" clearly outlines the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The passage emphasizes that failure to comply with these procedures results in void actions by the judge. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the strict procedures of Rule 18a, constitutes a violation of the rule. The passage also supports the idea that a writ of mandamus is appropriate to compel compliance with Rule 18a when there is no adequate remedy by appeal.

### [Gaines v. Gaines, 677 S.W.2d 727 \(Tex. App. 1984\)](#)

## **Texas Court of Appeals**

### **Extract**

*TEX.R.CIV.P. 18a. provides the procedure for recusing or disqualifying a trial judge. ... Article 200a, section 6 provides, in part, that: A district judge shall request the Presiding Judge to assign a judge of the Administrative District to hear any motions to recuse such district judge from a case pending in his court. TEX.REV.CIVSTAT.ANN. art. 200a, § 6 (Vernon 1977). In McLeod v. Harris, 582 S.W.2d 772 (Tex. 1979), it was held that under the express terms of Article 200a, § 6, the trial judge had a mandatory duty to request the presiding judge to assign another district judge to hear the motion to recuse.*

## **Summary**

The passage from "Gaines v. Gaines" highlights the mandatory nature of the procedures outlined in Rule 18a and Article 200a, § 6, which require a judge to request the presiding judge to assign another judge to hear a recusal motion. This supports the proposition that the regional presiding judge must personally address or refer the motion, rather than delegating it to a court coordinator. The passage underscores the importance of strict compliance with these procedural mandates, aligning with the proposition's argument that failure to do so undermines the judicial process and justifies a writ of mandamus.

### [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. Furthermore, section 74.059(c)(3) of the Government Code states that a district, statutory probate, 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 court.' TEX. GOV'T CODE ANN. § 74.059(c)(3) (Vernon 2005). Judge Austin did not have the option of denying the motion... 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.

## **Summary**

The passage emphasizes the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the presiding judge. It highlights that even if a recusal motion is defective, the judge must follow the procedure outlined in Rule 18a. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the mandatory procedures, constitutes a violation of Rule 18a. The passage also supports the use of a writ of mandamus to compel compliance with these procedural mandates when there is no adequate remedy by appeal.

### [Jamilah v. Bass, 862 S.W.2d 201 \(Tex. App. 1993\)](#)

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

##### **Extract**

*Relator's motion for recusal sought the have Judge Bass either recuse himself or forward the case to the presiding judge of Brazoria County. ... This court has previously held that the procedural requirements of Rule 18a are mandatory and a party who fails to comply with them waives the right to complain of a judge's failure to recuse himself. ... On these facts, we hold the trial judge had but two options: to recuse himself or refer the case to the presiding judge. TEX.R.CIV.P. 18a(c); Lamberti v. Tschoepe, 776 S.W.2d 651 (Tex.App.--Dallas 1989, writ denied). This is so regardless of the timeliness of the motion or the sufficiency of the grounds for recusal.*

## **Summary**

The passage emphasizes the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the presiding judge. This supports the proposition that delegating such matters to a court coordinator would violate the procedural mandates of Rule 18a. The passage also supports the use of a writ of mandamus to compel compliance with these mandatory procedures, as it highlights the limited options available to a judge when faced with a recusal motion.

### [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**

The passage emphasizes the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The passage also highlights that the procedural sufficiency of the motion does not affect the requirement to recuse or refer, reinforcing the strict compliance required by Rule 18a. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the mandated procedures, constitutes a violation of Rule 18a.

### [In re Welsh, NO. 09-20-00251-CV \(Tex. App. Dec 03, 2020\)](#)

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

##### **Extract**

*Rule 18a of the Texas Rules of Civil Procedure establishes the procedure for filing and resolving a motion to recuse a trial court judge. ... Regardless of whether the motion complies with Rule 18a, the respondent judge, within three business days after the motion is filed, must either recuse or refer the motion to the regional presiding judge. ... When a trial judge is presented with a motion to recuse, she must either recuse herself or refer the motion to the regional presiding judge. ... Under the circumstances, the appropriate action is for the trial court clerk to deliver the motion to recuse to Judge Maginnis so that the judge may perform her duties under Rule 18a(f).*

## **Summary**

Mandatory procedures under Rule 18a for handling motions to recuse, emphasizing that the judge must either recuse themselves or refer the motion to the regional presiding judge. It highlights the necessity for the judge to personally address the motion, which supports the proposition that delegating such matters to a court coordinator would violate Rule 18a. The passage also implies that failure to comply with these procedures can be addressed through a writ of mandamus, aligning with the proposition's argument about the necessity of such a writ when there is no adequate remedy by appeal.

[Brosseau v. Ranzau, 28 S.W.3d 235 \(Tex. App. 2000\)](#)

**Texas Court of Appeals**

**Extract**

*This Court has previously held that a trial judge, when presented with a recusal motion, regardless of the 'procedural sufficiency' of that motion, has only the option to act in one of two specified ways: to recuse himself, or refer the case to the presiding judge. ... Consistent with this 'mandatory nature' is the recognition that the judge named in the motion not be permitted to act in any way other than the two options provided for in the rule.*

**Summary**

The passage from "Brosseau v. Ranzau" emphasizes the mandatory nature of Rule 18a, which requires a judge to either recuse themselves or refer the motion to the presiding judge. This supports the proposition that delegating recusal matters to a court coordinator is a violation of Rule 18a, as it does not comply with the specified procedures. The passage reinforces the idea that strict compliance with Rule 18a is necessary, and any deviation from the prescribed options constitutes an abuse of discretion.

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

**Texas Court of Appeals**

**Extract**

*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. ... (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. ... In Winfield v. Daggett, 846 S.W.2d 920, 922 (Tex.App.--Houston [1st Dist.] 1993, original proceeding), this Court held that 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**

Rule 18a mandates that a judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The passage highlights that failure to follow this procedure, as seen in the case of Winfield v. Daggett, constitutes an error. This supports the proposition that delegating recusal matters to a court coordinator, rather than following the prescribed procedure, is a violation of Rule 18a.

[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. The presiding judge of the administrative judicial district shall immediately set a hearing before himself or some other judge designated by him, shall cause notice of such hearing to be given to all parties or their counsel, and shall make such other orders including orders on interim or ancillary relief in the pending cause as justice may require. TEX.R.CIV.P. 18a(d). This Court has previously held that a trial judge, when presented with a recusal motion, regardless of the 'procedural sufficiency' of that motion, has only the option to act in one of two specified ways: to recuse himself, or refer the case to the presiding judge. Greenberg, Benson, Fisk & Fiedler, P.C. v. Howell, 685 S.W.2d 694, 695 (Tex.Civ.App.--Dallas 1984, no writ).*

**Summary**

Procedural requirements under Texas law for handling motions to recuse judges, emphasizing that the judge has only two options: to recuse themselves or refer the motion to the presiding judge. This supports the proposition that delegating recusal matters to a court coordinator is not compliant with Rule 18a, as the rule mandates personal action by the judge. The passage also highlights the importance of strict compliance with these procedures, reinforcing the need for a writ of mandamus when these procedures are not followed.

[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

Rule 18a mandates that a judge must either recuse themselves or refer the motion to the presiding judge of the administrative district. The case illustrates that a judge cannot make determinations on the procedural sufficiency of recusal motions themselves, as this would violate the rule. This supports the proposition that delegating such matters to a court coordinator would similarly violate Rule 18a, as the rule requires personal action by the judge.

[McLeod v. Harris, 582 S.W.2d 772 \(Tex. 1979\)](#)

#### Texas Supreme Court

##### Extract

*The question presented here is whether respondent, Honorable Edward J. Harris, Judge of the 10th Judicial District Court of Galveston County, is required by the provisions of Article 200a, Section 6 to request the Presiding Judge of the Second Administrative District to hear relator's motion to recuse Judge Harris... We conclude that under the express terms of Article 200a, Section 6, Judge Harris had the mandatory duty to request the Presiding Judge of the Second Administrative District to assign another district judge to hear relator's motion to recuse.*

##### Summary

The passage from "McLeod v. Harris" establishes that a judge has a mandatory duty to request the presiding judge to assign another judge to hear a motion to recuse. This aligns with the proposition that Rule 18a requires strict compliance with procedural mandates for recusal, and failure to do so can be addressed by a writ of mandamus. The case supports the idea that improper delegation of recusal matters, such as to a court coordinator, would violate these mandatory procedures.

[Tex. Gov't. Code § 29.055 Tex. Gov't. Code § 29.055 Procedure Following Filing of Motion: Recusal Or Disqualification Without Motion](#)

##### Extract

*Before further proceedings in a case in which a motion for the recusal or disqualification of a municipal judge has been filed, the judge shall: recuse or disqualify himself or herself; or request the regional presiding judge to assign a judge to hear the motion.*

##### Summary

The procedure for handling motions for recusal or disqualification is clearly defined. The judge must either recuse themselves or request the regional presiding judge to assign another judge to hear the motion. This aligns with the procedural mandates of Rule 18a, emphasizing the necessity for the judge to personally address or refer the motion, rather than delegating it to a court coordinator.

[Pretrial motions](#)

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

##### Extract

*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.*

##### Summary

The passage explicitly states the procedural requirements for a judge 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. This aligns with Rule 18a's mandates, emphasizing that the judge must personally address or refer the motion, not delegate it to a court coordinator. The passage supports the proposition that failure to comply with these procedures constitutes a violation of Rule 18a, and a writ of mandamus is appropriate to enforce compliance.

#### Pretrial Motions

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

#### **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.*

#### **Summary**

Rule 18a of the Texas Rules of Civil Procedure mandates that a judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. This requirement is underscored by the reference to Tex. Gov't Code §74.059(c)(3), which supports the procedural necessity for the judge to personally address or refer the motion. The passage directly supports the proposition that delegating this responsibility to a court coordinator is a violation of the procedural mandates.

#### Pretrial Motions

**Texas Criminal Lawyer's Handbook. Volume 1 - 2017 - James Publishing - Mark G. Daniel, Robert K. Gill - 2017-08-17**

#### **Extract**

*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.*

#### **Summary**

The passage explicitly states the procedural requirements for a judge when a motion to recuse is filed, emphasizing that the judge must either recuse themselves or request the presiding judge to assign another judge. This aligns with Rule 18a's mandates, highlighting the necessity for the judge to personally address or refer the motion, rather than delegating it to a court coordinator. The passage supports the proposition that failure to comply with these procedures constitutes a violation of Rule 18a.

#### CHAPTER 6 Petitions for Writ of Mandamus

**Practitioner's Guide to Civil Appeals in Texas - Full Court Press**

#### **Extract**

*Use this category when the trial court has refused to act on a matter. As a general rule, trial courts are 'required to consider and rule on a properly filed motion within a reasonable period of time once a ruling has been requested.' ... A variety of trial court failures to act, for which mandamus was held to lie, fall within this category: ... failure of the trial court to rule on a recusal motion.*

#### **Summary**

Basis for arguing that the regional presiding judge's delegation to a court coordinator is a failure to comply with the procedural mandates of Rule 18a, thus justifying mandamus relief.