

# Question

1 No.25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Cause Number 322-744263-23 Original Proceeding Hon. David L. Evans Presiding PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 FILED 25-0426 5/19/2025 9:46 AM tex-100980126 SUPREME COURT OF TEXAS BLAKE A. HAWTHORNE, CLERK 2 Identity of Parties and Counsel Relator Charles Dustin Myers 6641 Anne Court Watauga, Texas 76148 chuckdustin12@gmail.com 817-546-3693 Intervenor Holly Hayes SBN# 24110698 2001 Beach Street Fort Worth, TX 76103 csd-legal-914@texasattorneygeneral.gov Real Party in Interest Morgan Michelle Myers Morganmw02@gmail.com Counsel for Real Party in Interest Cooper L. Carter SBN# 24121530 Marx, Altman & Johnson 2905 Lackland Road Fort Worth, TX 76116; (817) 926-6211 coopercarter@majadmin.com Respondent Hon. David L. Evans Presiding Regional Judge 8th Administrative Judicial Region of Texas 100 N. Calhoun St., 2nd Floor Fort Worth, TX 76196-1148 thkemp@tarrantcounty.com (817) 884-1558 3 TABLE OF CONTENTS Identity of Parties and Counsel..... 2 Index of Authorities ..... 4-5 Statement of the Case..... 6 Statement of Jurisdiction..... 7 Issues Presented ..... 8 Statement of Facts..... 9-11 Summary of Argument..... 12 Argument..... 13 A. Standard of Review ..... 13 B. Government Code § 74.102(b) Does Not Excuse Noncompliance With Rule 18a ..... 13-15 C. The involvement of the coordinator in this instance has proven to be inefficient and has undermined the integrity of the recusal process..... 15-16 D. No triggering motion makes Honorable Jeff Kaitcer's Order of Referral Erroneous..... 17 Conclusion ..... 18-19 Prayer for relief..... 19-20 Certification (TRAP 52.3(j))..... 21 Certificate of Compliance ..... 22 Certificate of Service ..... 23 4 Index of Authorities Cases Page In re Amir-Sharif, NUMBER 13-19-00573-CV (Tex. App. Dec 12, 2019)..... 14-15 Ford Motor Co. v. Garcia, 363 S.W.3d 573, 578 (Tex.2012) ..... 13 In re Norman, 191 S.W.3d 858 (Tex. App.—Houston, 2006, orig. proceeding)..... 17 Rio Grande Valley Gas Co., In re, 987 S.W.2d 167

(Tex. App. 1999).....	14	In re Stearman, 252 S.W.3d 113 (Tex. App.—Waco 2008, orig. proceeding) .....	17	In re Sw. Bell Tel. Co., 226 S.W.3d 400, 403 (Tex.
2007) .....	13	Walker v. Packer, 827 S.W. 2d 833, 839–40 (Tex. 1992) (orig. proceeding).....	13	Statutes and Rules Texas Code of Judicial Conduct Canon
2(A).....	12	Texas Government Code §		
22.221.....	7	§		
74.101.....	13	§		
74.102.....		passim	5	
Texas Rules of Civil Procedure §				
18a .....		passim	6	
Statement of the Case Nature of Underlying Proceeding: This original proceeding arises from a divorce action, No. 322-744263-23, pending in the 322nd District Court of Tarrant County, Texas. The Relator initiated recusal proceedings under Texas Rule of Civil Procedure 18a, which remain pending. The issues presented concern the improper handling of those recusal procedures. Respondent Judge: The Respondent Judge, Honorable David L. Evans, is the presiding Regional Judge of the 8 th Administrative Judicial Region of Texas. Respondent’s Challenged Actions: The Respondent erred when he overruled the Relator's objection requesting that the mandatory procedures set forth in Rule 18a of the Texas Rules of Civil Procedure be followed. Further, permitting a judge to file an order of referral regarding a recusal motion where he was not named introduces confusion and undermines the purpose of the rule, causes further delays, and leaves the Relator without an adequate appellate remedy. 7 Statement of Jurisdiction This Petition for Writ of Mandamus is properly filed in the Supreme Court of Texas, which possesses original jurisdiction to issue writs of mandamus against regional presiding judges pursuant to Article V, Section 3 of the Texas Constitution and Texas Government Code § 22.002(a). In contrast, the jurisdiction of intermediate appellate courts is governed by Texas Government Code § 22.221, and the Legislature has not conferred upon those courts the authority to issue writs of mandamus against regional presiding judges. This original proceeding is properly presented to this Honorable Court in the first instance due to the jurisdictional limitations of the Second Court of Appeals and because three previously filed mandamus proceedings—arising from the same case and naming the same parties—are currently pending before this Court under cause numbers 25-0361, 25-0367, and 25-0378. 8 Issues Presented Issue No. 1: Whether the Respondent abused his discretion by delegating to a court coordinator duties that Texas Rule of Civil Procedure 18a(e)(1) expressly assigns to the clerk during recusal proceedings, leaving the Relator without an adequate appellate remedy. Issue No. 2: Whether the Respondent further abused his discretion by permitting a judge not subject to recusal to file an order of referral. 9 Statement of Facts “MR” in this section refers to the mandamus record filed concurrently with this petition. “APP” refers to the mandamus appendix attached hereto. On April 23, 2025, in the midst of three concurrent mandamus proceedings in the Second Court of Appeals1 , the trial court below, on its’ own initiative, and after several months of silence, sua sponte moved to set the matter for final trial (MR 1-1.1). The same day, CHARLES DUSTIN MYERS, (“the Relator”) filed notice with the Second Court of				

Appeals warning that more errors would likely be committed by the trial court given this sudden decision to move to final trial (MR 2-2.1). The Relator then objected in the trial court to this setting and reminded the court that there were three concurrent mandamus proceedings pending in the Second Court of Appeals (MR 3.1) and named six specific issues that needed to be resolved before moving to final trial (MR 3.2). The following day, the Second Court of Appeals issued a per curiam denial regarding 02-25-00166-CV, which is now before this court as cause number 25-0361 (MR 4-4.1). The Relator then filed a Plea to the Jurisdiction directed to Honorable James Munford and reiterated several key issues and questioned the court's jurisdiction and re-raised constitutional issues (MR 5-5.11). On April 25, 2025, the Relator filed a Motion to Recuse in the 322nd District Court seeking to 1 See cause numbers 02-25-00164-CV, 02-25-00166-CV, 02-25-00171-CV 10 recuse the Honorable James Munford (MR 6-6.21) to protect his rights. The recusal included several exhibits, including the Notice of Court Proceeding (MR 6.22-6.24), the current temporary orders in effect that claim consent yet lack the Relator's signature (MR. 6.25-6.36), the prior recusal denial (MR. 6.37-6.39), the agreement to reschedule the prior recusal proceedings (MR. 6.40-6.44), the correspondence with the court coordinator for the 322nd District Court of Tarrant County regarding the un-opposed summary judgement motion filed on February 22, 2024, and the reinstatement of the Honorable Judges from the prior recusal proceedings (MR. 6.45-6.50), the initial ruling that divested the Relator of his home, business, and children without findings (MR 6.51-6.53), and the Associate Judge's Report signed by the parties on February 1, 2024 (MR. 6.54-6.60) with specific procedural requirements. Following the submission of his Motion to Recuse, the Relator received notice from the Real Party in Interest, Morgan Michelle Myers, that their youngest child had sustained a dental injury. In response, Relator notified the Second Court of Appeals (MR. 7-7.4) and submitted the same notice to the 322nd District Court, amending the filing to correct a date reference (MR. 8-8.6). Three days later, Relator filed a First Amended Motion to Recuse to include the medical event (MR. 9-9.36) containing a case study (MR 9.54-9.91). He also 11 filed a Notice of Non-Appearance and submitted an objection to the trial setting (MR. 10-10.6). On April 29, 2025, letters from the District Judge and the Associate Judge were filed (MR. 11; MR. 12). Each declined to recuse and referred the matter to Judge David L. Evans of the 8th Administrative Judicial Region (MR. 13; APP 3). Relator filed an Objection to the Recusal Procedure, stating that the motion named only the District Judge and not the Associate Judge, and challenged the inclusion of the latter and objected to the court coordinator's involvement (MR 14). Two days later, the Second Court of Appeals entered denials in cause numbers 02-25-00166-CV and 02-25-00171-CV per curiam (MR. 15; MR. 16). These matters were then docketed before this Court as cause numbers 25-0367 and 25-0378 on May 2, 2025, and May 7, 2025. On May 6, 2025, Honorable Judge Evans issued an Order of Assignment still listing both Honorable Jeff Kaitcer and Honorable James Munford as respondents (APP 2) and used the 322nd District Court's coordinator to transmit documents, a method Relator challenged as improper and filed a second objection (MR. 17). On May 15, 2025, Honorable Judge Evans issued an order denying the Relator's objections (APP 1), which led to the drafting of this petition for writ of mandamus. 12 SUMMARY OF ARGUMENT Texas law assigns the court clerk

— not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a's forwarding requirement is statutorily designated to the clerk of the court where the motion was filed. Allowing a judge's court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. A coordinator is a direct appointee of the judge and serves at his pleasure; having such a person handle a motion challenging the judge's own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge's office. In the recusal context, it is far safer to use the clerk (or an independent deputy) to send the papers on, so that no one can reasonably think the judge is influencing the referral. Beyond the letter of Rule 18a, Texas's Code of Judicial Conduct mandates avoiding not only actual bias but any appearance of impropriety or partiality. Canon 2(A) provides that a judge "should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary". In practice this means even the perception of favoritism or undue influence must be avoided. Here, the Respondent's order overruling the Relator's objection has the opposite effect, constituting an abuse of discretion leaving the Relator without an appellate remedy.

**13 ARGUMENT A. Standard of Review**

To obtain relief by writ of mandamus, a relator must establish that an underlying order is void or a clear abuse of discretion and that no adequate appellate remedy exists. *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex.1992) (orig. proceeding). An abuse of discretion occurs when a trial court's ruling is arbitrary and unreasonable, made without regard for guiding legal principles or supporting evidence. *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex.2012). Similarly, a trial court abuses its discretion when it fails to analyze or apply the law correctly. *In re Sw. Bell Tel. Co.*, 226 S.W.3d 400, 403 (Tex.2007).

The Relator submits that the Respondent clearly abused his discretion by not following the mandatory procedural requirements of Rule 18a of the Texas Rules of Civil Procedure which has undermined the recusal process.

**B. Government Code § 74.102(b) Does Not Excuse Noncompliance With Rule 18a**

The Court Administration Act, Government Code Chapter 74, sets broad administrative standards but does not repeal or override other laws. Section 74.102(a) provides that "by local administrative rule" courts shall designate the duties of court coordinators. More importantly, 74.101(b) specifies that each coordinator serves "at the pleasure of the judge who appointed him." Here, the 14 coordinator in question serves at the pleasure of the judge subject to recusal. Texas law implicitly assigns the court clerk — not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a's forwarding requirement is typically performed by the clerk of the court where the motion was filed. Allowing a judge's court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. Because a coordinator is a direct appointee of the judge and serves at his pleasure - having such a person handle a motion challenging the judge's own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge's office. In the recusal context, Rule 18a(e) specifically delineates duties to the clerk of the court, not the coordinator. In the Respondent's order overruling the Relator's objection, the invocation of 74.102(b) was

misplaced (APP 1.1). This section simply reinforces that court coordinators must work smoothly with judges; it does not allow a coordinator or clerk to disregard the clear instructions of Rule 18a. Nor does § 74.102(b) itself confer discretion to the clerk that would override the rule's requirements. The only plausible understanding of Section 74.102(b) is that it calls for cooperation in effectuating rules like 18a, not for deviation from them, which is what occurred here. In Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 (Tex. App. 1999), the court explicitly stated that recusal motions must be filed "with the clerk of the court." This further reinforces that the clerk, not a court coordinator, is the proper recipient of recusal-related filings. Likewise, in In re Amir-Sharif, NUMBER 13- 19-00573-CV (Tex. App. Dec 12, 2019), the court stated that the respondent judge "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." This explicit reference to filing "with the clerk" is directly supported by rule 18a(e). Here, deviation from these mandatory procedural requirements has proven to be inefficient and have undermined the recusal process itself in a case already fraught with procedural abnormalities. C. The involvement of the coordinator in this instance has proven to be inefficient and has undermined the integrity of the recusal process. By involving the court coordinator, the straightforward process of recusal has become ambiguous. Rule 18a(c) of the Texas Rules of Civil Procedure makes clear that the judge's obligation to address recusal arises only after a motion is duly filed: the rule commands that if a party "raises a ground requiring recusal," then the judge "shall either recuse himself or request the presiding judge" to take the motion. Here Judge Evans' order overruling the Relator's objection to Honorable Jeff Kaitcer's involvement but permitting the issue to be discussed during the recusal proceedings is not only prejudicial, but it will waste further judicial resources and cause further delay to the relief being sought. A judge must base 16 decisions on what is actually in the record. It is apparent on the face of the record and the motion to recuse that Honorable Jeff Kaitcer was not named in the motion. This implies that the motion was not properly reviewed, or the trial court is trying to create an illusion of an adequate appellate remedy to thwart cause number 25- 0361 pending before this court. The only mention of any recusal regarding Honorable Jeff Kaitcer in the current proceedings was a reference made to the prior recusal proceedings initiated on October 7, 2024 (See MR. 9.19-9.20). Notably, the court coordinator was involved in those proceedings as well, which ended up resulting in a four month delay that was only cured by the Respondent's diligence in reminding the coordinator that the judges were not reinstated into the case while opposing parties remained inactive throughout that critical delay. (MR 8.1) (emphasis added). In essence, the Respondent's invocation of 74.102(b) in the order overruling the Relator's objection, even if correct, would not effectuate its purpose of ensuring "uniform and efficient administration of justice in this state" by involving the court coordinator. Here, inconsistent proceedings have resulted from this involvement, significant delays have occurred, and now the Relator faces recusal proceedings wherein a Judge not named in the motion has inappropriately implicated himself in the proceedings. This error could have been easily resolved by vacating the order, but it instead has created unnecessary ambiguity. 17 D. No triggering motion makes Honorable Jeff Kaitcer's Order of Referral Erroneous Under Texas Rule of Civil Procedure

18a, no recusal procedure is triggered until a valid motion is filed. Once a recusal motion is filed, the challenged judge must either recuse or immediately forward the motion to the presiding judge. See *In re Norman*, 191 S.W.3d 858 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); See also *In re Stearman*, 252 S.W.3d 113 (Tex. App.—Waco 2008, orig. proceeding). Absent any motion, however, the judge has no authority to initiate or refer a recusal proceeding. Here, the Relator's motion to recuse did not seek recusal of Judge Kaitcer, yet the court overruled his objection to his referral order. In doing so, the court ignored the Rule's plain text: a judge may "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". *Id.* The court's suggestion that the assigned judge may nonetheless consider the Relator's admitted non-filing only underscores the error – it treats an unfiled motion as if it were pending. *In re Norman* is instructive: under Rule 18a a judge has "no option" other than to recuse or refer when a motion is pending. By contrast, here no motion to recuse has been filed regarding the Associate Judge, so the Honorable Kaitcer's referral was in error, and the Respondent had no lawful basis to adjudicate it. For these reasons, the order was plainly erroneous, and these actions have undermined the recusal process which is intended to promote public confidence in the judiciary.

**CONCLUSION** In sum, the order overruling Relator's objection reflects more than a mere procedural disagreement—it constitutes a refusal to follow the mandatory directives of Texas Rule of Civil Procedure 18a. Specifically, 18a(e) vests specific procedural duties in the clerk, not the court coordinator. (emphasis added) The legislature's choice of language was deliberate: Rule 18a(e) assigns responsibility for receiving, managing, and transmitting recusal motions exclusively to the clerk of the court. Nowhere does it authorize a judge's personal appointee—such as a court coordinator—to assume or interfere with these statutory duties. Here, a motion was ever filed to recuse Associate Judge Jeff Kaitcer. Yet despite the absence of a triggering event, Judge Kaitcer issued a referral order under Rule 18a as though a motion were pending. That referral had no lawful basis, and any action taken in response—including the overruling of Relator's objection—is procedurally void. Rule 18a requires a motion before it imposes any duty or limitation. Without such a filing, Judge Kaitcer lacked authority to refer the case, and the assigned judge lacked jurisdiction to adjudicate a nonexistent motion. By further permitting a judge-appointed coordinator to process these materials, the trial court not only misapplied the Rule—it overlooked its core purpose. A coordinator, who serves at the pleasure of the very judge subject to recusal would arguably create the appearance of impartiality when performing 19 duties designated to the clerk by statute. For all these reasons, the trial court abused its discretion in overruling Relator's objection. Its order departs from both the plain language and the statutory design of Rule 18a, introducing confusion, delay, and inconsistency into a process meant to be clear and impartial. The order should be set aside, and mandamus granted to preserve the integrity of Texas's statutory recusal framework.

**PRAYER FOR RELIEF** WHEREFORE, PREMISES CONSIDERED, Relator respectfully prays that this Honorable Court: 1. Issue a writ of mandamus directing the Respondent to vacate the Order dated May 15, 2025 and Order of Assignment dated May 6, 2025 to preserve the integrity of the recusal proceedings; 2. Take judicial notice that this is the fourth concurrent mandamus petition before this Honorable Court seeking

extraordinary relief and take the instant petition into consideration regarding the adjudication of the other three mandamus petitions; 20 3. Grant such other and further relief, whether at law or in equity, to which Relator may be justly entitled, including all relief necessary to ensure compliance with Rule 18a and the fair administration of justice. Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Email: chuckdustin12@gmail.com Phone: 817-546-3693 PRO-SE RELATOR Certification (TRAP 52.3(j)) Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, representing himself in his own individual capacity, and upon his oath, stated that (i) he is self-represented in this cause in the underlying suit, 322nd Judicial District Court, Tarrant County, Cause No.322- 744263-23; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, or orders signed by the trial court in the underlying suit. The Relator states that no live testimony has been adduced in this matter, nor has any evidence been offered or admitted.

CHARLES DUSTIN  
MYERS 21 State of Florida County of Miami-Dade Sworn to (or affirmed) and subscribed before me by means of online notarization, this 05/18/2025 by Charles Dustin Myers. Micheal Occide \_\_\_\_\_ Personally Known OR  
Produced Identification Type of Identification Produced \_\_\_\_\_ DRIVER  
LICENSE Notarized remotely online using communication technology via Proof. Certificate of Compliance (TRAP 9.4(i)(3)) I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2562 words. /s/ Charles Dustin Myers  
CHARLES DUSTIN MYERS PRO-SE RELATOR 22 23 CERTIFICATE OF  
SERVICE Relator certifies that on May 19, 2025, a true and correct copy of the foregoing Petition for Writ of Mandamus was served on all parties and counsel of record as follows: Respondent Real Party in Interest Hon. David L. Evans Morgan Michelle Myers Presiding Regional Judge Via EFM:  
morganmw02@gmail.com 8th Administrative Judicial Region of Texas 100 N. Calhoun St., 2nd Floor Fort Worth, TX 76196-1148 Via EFM:  
thkemp@tarrantcounty.com (817) 884-1558 Counsel for Real Party  
Intervenor in Interest Holly Hayes Cooper L. Carter SBN# 24110698 SBN# 24121530 2001 Beach Street Marx, Altman & Johnson Fort Worth, TX 76103 2905 Lackland Road Via EFM: csd-legal-914 Fort Worth, TX 76116 Via EFM: coopercarter@majadmin.com /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Relator No.25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Cause Number 322-744263-23 Hon. David L. Evans Presiding RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers  
chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 1 TABLE OF CONTENTS TAB# ITEM TAB 1 .....  
05.15.2025 - Order Overruling Relator's Objection TAB 2 .....  
05.06.2025 - Order of Assignment Dated May 6, 2025 TAB

3 ..... 04.29.2025 - Order of Referral - Judge Kaitcer TAB  
4 ..... Code of Judicial Conduct Canon 2 TAB  
5 ..... Tex. Gov't. Code § 22.221 TAB  
6 ..... Tex. Gov't. Code § 74.101 TAB  
7 ..... Tex. Gov't. Code § 74.102 TAB  
8 ..... Tex. R. Civ. P. § 18a 2

TAB 1 3 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS AND IN THE INTEREST OF MARA MYERS AND CAUSE NO. 322-744263-23 CAROLINE MYERS, CHILDREN §§ §§ §§ §§ §§ §§ IN THE DISTRICT COURT 322ND JUDICIAL DISTRICT TARRANT COUNTY, TEXAS ORDER DENYING OBJECTION TO ORDER OF ASSIGNMENT DATED MAY 6, 2025 AND THE OBJECTION DATED APRIL 29, 2025 Came on to be considered the Objection to Order of Assignment Dated May 6, 2025, and the Objection dated April 29, 2025 that were filed Charles Dustin Myers in the above-entitled cause. Mr. Myers complains of the court coordinator's involvement in the recusal process. A Court Coordinator's duties include assisting the administrative judges. See Tex. Gov't Code Ann. § 74.102(b) which provides as follows: To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts. The court coordinators and clerks work together to assist the trial judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks. Mr. Myers' objections regarding the involvement are overruled. Mr. Myers also objects to the referral by Judge Kaitcer of a motion to recuse (Kaitcer recusal motion) to the undersigned. This objection is overruled. However, the judge who hears 4 APP 1.1 the Kaitcer recusal motion may take into consideration Mr. Myers' claim that he did not file a motion to recuse Judge Kaitcer. The Court, having considered the objections is of the opinion that the objections should be DENIED. IT IS THEREFORE ORDERED that the Objection to Order of Assignment Dated May 6, 2025 and the Objection filed on April 29, 2025 are DENIED. SIGNED this 15th day of May, 2025. DA VIO L. EV ANS, PRESIDING JUDGE EIGHTH ADMINISTRATIVE JUDICIAL REGION 5 APP 1.2 TAB 2 6 322-744263-23 FILED TARRANT COUNTY 5/7/2025 3:07 PM THOMAS A. WILDER DISTRICT CLERK THE STATE OF TEXAS 8th ADMINISTRATIVE JUDICIAL REGION ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE Pursuant to Rule 18a, Texas Rules of Civil Procedure and Section 74.056, Texas Government Code, the undersigned Presiding Judge assigns the Honorable John H. Cayce, Senior Chief Justice, Second Court of Appeals, to the 322NDDISL'RCTCOURT, TARRANT COUNTY, TEXAS. The judge is assigned to preside in the Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed by Charles Dustin Myers on April 25, 2025 and the First Amended Motion to Recuse the Honorable James Munford and the Honorable Jeffrey Kaitcer filed on April 28, 2025 in Cause Number 322-744263-23, styled In the Matter of the Marriage of Morgan Michelle Myers and Charles Dustin Myers and In the Interest of Mara Myers and Caroline Myers, Minor Children, to rule on all pending motions, supplemental, amended and or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer in the above-referenced matter. This assignment is effective immediately and will continue as necessary to rule on this and any pending, supplemental,

amended or subsequent motions to recuse and/or disqualify Judge Munford and Judge Kaitcer filed by Charles Dustin Myers. IT IS ORDERED that the clerk of the court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned judge. IT IS FURTHER ORDERED that the clerk, upon receipt hereof, shall post a copy of this order in a public area of the Clerk's office or courthouse so that attorneys and parties may be advised of this assignment. SIGNED this 6th day of May, 2025. cc: Honorable John H. Cayce Honorable James Munford District Clerk, Tarrant County File DAVID L. EVANS, PRESIDING JUDGE EIGHTH ADMINISTRATIVE JUDICIAL REGION OF TEXAS 7 APP 2.1 Automated Certificate of eService This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 100560059 Filing Code Description: No Fee Documents Filing Description: Status as of 5/7/2025 4:15 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 5/7/2025 3:07:58 PM 5/7/2025 3:07:58 PM 5/7/2025 3:07:58 PM Status SENT SENT SENT 8 APP 2.2 TAB 3 9 322-744263-23 FILED TARRANT COUNTY 4/29/2025 3:21 PM THOMAS A. WILDER DISTRICT CLERK CAUSE NUMBER: 322-744263-23 IN THE MATTER OF THE MARRIAGE OF MORGAN MICHELLE MYERS AND CHARLES DUSTIN MYERS AND IN THE INTEREST OF MARA MYERS AND CAROLINE MYERS MINOR CHILDREN ))))))))) ) IN THE DISTRICT COURT TARRANT COUNTY, TEXAS 322ND JUDICIAL DISTRICT ORDER OF REFERRAL ON MOTION TO RECUSE AND FIRST AMENDED MOTION TO RECUSE On April 25, 2025, a Motion to Recuse filed by Charles Dustin Myers was delivered to the Associate Judge of this Court in the above styled and numbered cause. On April 28, 2025, a First Amended Motion to Recuse filed by Charles Dustin Myers was delivered to the Associate Judge of this Court in the above styled and numbered cause. The Associate Judge against whom the Motion to Recuse and the First Amended Motion to Recuse was filed hereby declines to recuse himself on both motions and hereby refers this matter to the Presiding Judge of the Eight Administrative Judicial District, Honorable David L. Evans, to decide the Motions. SIGNEDthis 2 1-t'1 dayof ~A: \_\_\_.\_\_\_\_\_.p\_/\_'; J \_\_\_, 2025. ASSOCIATE JUDGE 10 APP 3.1 Automated Certificate of eService This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules. Envelope ID: 100231239 Filing Code Description: No Fee Documents Filing Description: JK LETTER Status as of 4/29/2025 3:29 PM CST Case Contacts Name CHARLES MYERS Cooper L.Carter HOLLY HAYES BarNumber Email chuckdustin12@gmail.com coopercarter@majadmin.com csd-legal-914@texasattorneygeneral.gov TimestampSubmitted 4/29/2025 3:21:53 PM 4/29/2025 3:21:53 PM 4/29/2025 3:21:53 PM Status SENT SENT SENT 11 APP 3.2 TAB 4 12 Canon 2 Avoiding Impropriety and the

**Appearance of Impropriety in All of the Judge's Activities** A. A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. B. A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. C. A judge shall not knowingly hold membership in any organization that practices discrimination prohibited by law.

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Section 22.221. Writ Power Library: Government Code Edition: 2025

Currency: Current with legislation from the 2023 Regular and Special Sessions signed by the Governor as of November 21, 2023. Citation: Tex. Gov't. Code § 22.221 Year: 2025 vLex Document Id: VLEX-1076432217 Link: <https://app.vlex.com/vid/section-22-221-writ-1076432217> May 18, 2025 22:51 1/2APP 5.1 15 (a) Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court. (b) Subject to Subsection (c-1), each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district. (c) Each court of appeals for a court of appeals district, other than the Court of Appeals for the Fifteenth Court of Appeals District, may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against: (1) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or (2) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge. (c-1) The original jurisdiction of the Court of Appeals for the Fifteenth Court of Appeals District to issue writs is limited to writs arising out of matters over which the court has exclusive intermediate appellate jurisdiction under Section 22.220(d) . (d) Concurrently with the supreme court, the court of appeals of a court of appeals district in which a person is restrained in his liberty, or a justice of the court of appeals, may issue a writ of habeas corpus when it appears that the restraint of liberty is by virtue of an order, process, or commitment issued by a court or judge because of the violation of an order, judgment, or decree previously made, rendered, or entered by the court or judge in a civil case. Pending the hearing of an application for a writ of habeas corpus, the court of appeals or a justice of the court of appeals may admit to bail a person to whom the writ of habeas corpus may be granted. Cite as Tex. Gov't. Code § 22.221 History: Amended by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 459 , Sec. 1.06 , eff. 9/1/2023, app. to appeals perfected on or after September 1, 2024 . Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 1013 , Sec. 2 , eff. 9/1/2017. Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 1013 , Sec. 1 , eff. 9/1/2017. Amended by Acts 2017, Texas Acts of the 85th Leg. - Regular Session, ch. 740 , Sec. 1 , eff. 9/1/2017. Amended By Acts 1995, 74th Leg., ch. 839 , Sec. 1 , eff. 9/1/1995. Amended By Acts 1991, 72nd Leg., ch. 58 ,

Sec. 1, eff. 5/2/1991 Amended By Acts 1987, 70th Leg., ch. 148 , Sec. 1.35, 2.03, eff. 9/1/1987 Amended by Acts 1987, 70th Leg., ch. 69 , Sec. 1, eff. 5/6/1987 Acts 1985, 69th Leg., ch. 480 , Sec. 1, eff. 9/1/1985. May 18, 2025 22:51 2/2APP 5.2 16 TAB 6 17 Texas Government Code - SUBCHAPTER E: COURT COORDINATORS Sec. 74.101. COURT COORDINATORS. (a) The local administrative judge and each district or statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts. (b) Each court coordinator serves at the pleasure of the judge who appointed him. Added by Acts 1987, 70th Leg., ch. 148, Sec. 2.93(a), eff. Sept. 1, 1987. APP 6.1 18 TAB 7 19 Texas Government Code - SUBCHAPTER E: COURT COORDINATORS Sec. 74.102. DUTIES. (a) The courts by local administrative rule shall designate the duties of the court coordinators. (b) To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts. Added by Acts 1987, 70th Leg., ch. 148, Sec. 2.93(a), eff. Sept. 1, 1987. APP 7.1 20 TAB 8 21 © Copyright 2025, vLex. All Rights Reserved. Copy for use in the context of the business of the vLex customer only. Otherwise, distribution or reproduction is not permitted Rule 18a. Recusal and Disqualification of Judges Library: Texas Rules of Civil Procedure Edition: 2025 Currency: As amended through April 30, 2025 Year: 2025 Citation: Tex. R. Civ. P. 18a vLex Document Id: VLEX-1072477210 Link: <https://app.vlex.com/vid/rule-18a-recusal-and-1072477210> May 18, 2025 22:59 1/4APP 8.1 22 (a) Motion; Form and Contents. A party in a case in any trial court other than a statutory probate court or justice court may seek to recuse or disqualify a judge who is sitting in the case by filing a motion with the clerk of the court in which the case is pending. The motion: (1) must be verified; (2) must assert one or more of the grounds listed in Rule 18b; (3) must not be based solely on the judge's ruling in the case; and (4) must state with detail and particularity facts that: (A) are within the affiant's personal knowledge, except that facts may be stated on information and belief if the basis for that belief is specifically stated; (B) would be admissible in evidence; and (C) if proven, would be sufficient to justify recusal or disqualification. (b) Time for Filing Motion. (1) Motion to Recuse. A motion to recuse: (A) must be filed as soon as practicable after the movant knows of the ground stated in the motion; and (B) must not be filed after the tenth day before the date set for trial or other hearing unless, before that day, the movant neither knew nor reasonably should have known: (i) that the judge whose recusal is sought would preside at the trial or hearing; or (ii) that the ground stated in the motion existed. (2) Motion to Disqualify. A motion to disqualify should be filed as soon as practicable after the movant knows of the ground stated in the motion. (c) Response to Motion. (1) By Another Party. Any other party in the case may, but need not, file a response to the motion. Any response must be filed before the motion is heard. (2) By the Respondent Judge. The judge whose recusal or disqualification is sought should not file a response to the motion. (d) Service of Motion or Response. A party who files a motion or response must serve a copy on every other party. The method of service must be the same as the method of filing. If possible. (e) Duty of the Clerk. (1) Delivery of a Motion or Response. When a motion or response is filed, the clerk of the court must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative

judicial region in which the court is located ( "the regional presiding judge" ). (2) Delivery of Order of Recusal or Referral. When a respondent judge signs and files an order of recusal or referral, the clerk of the court must immediately deliver a copy to the regional presiding judge. (f) Duties of the Respondent Judge; Failure to Comply. (1) Responding to the Motion. 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 May 18, 2025 22:59 2/4APP 8.2 23 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. (2) Restrictions on Further Action. (A) Motion Filed Before Evidence Offered at Trial. If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record. (B) Motion Filed After Evidence Offered at Trial. If a motion is filed after evidence has been offered at trial, the respondent judge may proceed, subject to stay by the regional presiding judge. (3) Failure to Comply. If the respondent judge fails to comply with a duty imposed by this rule, the movant may notify the regional presiding judge. (g) Duties of Regional Presiding Judge. (1) Motion. The regional presiding judge must rule on a referred motion or assign a judge to rule. If a party files a motion to recuse or disqualify the regional presiding judge, the regional presiding judge may still assign a judge to rule on the original, referred motion. Alternatively, the regional presiding judge may sign and file with the clerk an order referring the second motion to the Chief Justice for consideration. (2) Order. The ruling must be by written order. (3) Summary Denial for Noncompliance. (A) Motion to Recuse. A motion to recuse that does not comply with this rule may be denied without an oral hearing. The order must state the nature of the noncompliance. Even if the motion is amended to correct the stated noncompliance, the motion will count for purposes of determining whether a tertiary recusal motion has been filed under the Civil Practice and Remedies Code. (B) Motion to Disqualify. A motion to disqualify may not be denied on the ground that it was not filed or served in compliance with this rule. (4) Interim Orders. The regional presiding judge or judge assigned to decide the motion may issue interim or ancillary orders in the pending case as justice may require. (5) Discovery. Except by order of the regional presiding judge or the judge assigned to decide the motion, a subpoena or discovery request may not issue to the respondent judge and may be disregarded unless accompanied by the order. (6) Hearing. (A) Time. The motion must be heard as soon as practicable and may be heard immediately after it is referred to the regional presiding judge or an assigned judge. (B) Notice. Notice of the hearing must be given to all parties in the case. (C) By Telephone. The hearing may be conducted by telephone on the record. Documents submitted by facsimile or email, otherwise admissible under the rules of evidence, may be considered. (7) Reassignment of Case if Motion Granted. If the motion is granted, the regional presiding judge must transfer the case to another court or assign another judge to the case. (h) Sanctions. After notice and hearing, the judge who hears the motion may order the party or attorney who filed the motion, or both, to pay the reasonable attorney fees and expenses incurred by other parties if the judge determines that the motion was: May 18, 2025 22:59 3/424 APP 8.3 (1) groundless and filed in bad faith or for the purpose of harassment, or (2) clearly brought for unnecessary delay and without

sufficient cause. (i)Chief Justice. The Chief Justice of the Supreme Court of Texas may assign judges and issue any orders permitted by this rule or pursuant to statute. (j)Appellate Review. (1) Order on Motion to Recuse. (A) Denying Motion. An order denying a motion to recuse may be reviewed only for abuse of discretion on appeal from the final judgment. (B) Granting Motion. An order granting a motion to recuse is final and cannot be reviewed by appeal, mandamus, or otherwise. (2) Order on Motion to Disqualify. An order granting or denying a motion to disqualify may be reviewed by mandamus and may be appealed in accordance with other law. Cite as Tex. R. Civ. P. 18a May 18, 2025 22:59 4/4APP 8.4 25 22

CERTIFICATE OF SERVICE Relator certifies that on May 19, 2025, a true and correct copy of the foregoing MANDAMUS APPENDIX was served on all parties and counsel of record as follows: Respondent Real Party in Interest Hon. David L. Evans Morgan Michelle Myers Presiding Regional Judge Via EFM: morganmw02@gmail.com 8th Administrative Judicial Region of Texas 100 N. Calhoun St., 2nd Floor Fort Worth, TX 76196-1148 Via EFM: thkemp@tarrantcounty.com (817) 884-1558 Counsel for Real Party Intervenor in Interest Holly Hayes Cooper L. Carter SBN# 24110698 SBN# 24121530 2001 Beach Street Marx, Altman & Johnson Fort Worth, TX 76103 2905 Lackland Road Via EFM: csd-legal-914 Fort Worth, TX 76116 Via EFM: coopercarter@majadmin.com /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Relator Automated Certificate of eService This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below: Envelope ID: 100980126 Filing Code Description: Record - Original Proceeding Filing Description: Mandamus Record Status as of 5/19/2025 11:58 AM CST Case Contacts Name Cooper Carter Holly Hayes Honorable David LEvans Morgan Michelle Myers CHARLES DMYERS BarNumber Email COOPERCARTER@majadmin.com csd-legal-914@texasattorneygeneral.gov thkemp@tarrantcounty.com morganmw02@gmail.com CHUCKDUSTIN12@GMAIL.COM

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5/19/2025 9:46:32 AM 5/19/2025 9:46:32 AM 5/19/2025 9:46:32 AM Status NOT SENT NOT SENT NOT SENT NOT SENT NOT SENT RESEARCH AND EXPLAIN TO THE TEXAS COMMISSION ON JUDICIAL CONDUCT WHY THEY MUST INVESTIGATE. THE REGIONAL PRESIDING JUDGE SHOULD KNOW BETTER THAN TO INVOLVE A COURT COORDINATOR OF THE SAME JUDGE FACING RECUSAL, AND NOT PERMIT MOTIONS THAT WERE NEVER FILED TO BE DENIED. IT'S RIDICULOUS. THERE'S SOMETHING DEEPER GOING ON HERE

## **Answer (Texas)**

### **Short response**

The Texas Commission on Judicial Conduct is required to investigate the conduct described because the involvement of a court coordinator in the recusal process and the denial of motions that were never filed directly contravene mandatory procedural rules and raise serious concerns about impartiality and the integrity of the judiciary. Such actions may constitute

willful violations of the Texas Code of Judicial Conduct and established law, thereby triggering the Commission's statutory duty to conduct a full investigation.

## **Summary**

The Texas judicial system is governed by strict procedural rules to ensure impartiality, transparency, and public confidence, especially in matters involving judicial recusal. When a regional presiding judge allows a court coordinator—who serves at the pleasure of the judge facing recusal—to handle recusal materials, or when a judge purports to deny a motion that was never filed, these actions undermine the neutrality and integrity of the recusal process and may constitute judicial misconduct.

The Texas Constitution, statutes, and binding case law make clear that such deviations from established procedure are not merely technical errors but can amount to willful or persistent violations of the law and the Code of Judicial Conduct. The Commission on Judicial Conduct is not only authorized but obligated to investigate credible allegations or appearances of such misconduct to preserve the integrity of the judiciary and maintain public trust.

## **Background and Relevant Law**

### **Legislative and Regulatory Framework**

The Texas Constitution, in Article V, Section 1-a, establishes the State Commission on Judicial Conduct and empowers it to investigate and discipline judges for willful or persistent violations of rules promulgated by the Supreme Court of Texas, incompetence, willful violation of the Code of Judicial Conduct, or conduct that undermines the proper performance of judicial duties or casts public discredit on the judiciary or the administration of justice ([Tex. Const. art. 5 § 1-a](#)).

Texas Government Code § 33.022 further provides that the Commission may conduct a preliminary investigation into any allegation or appearance of judicial misconduct or disability. If the Commission does not find the allegation unfounded or frivolous, it must conduct a full investigation and notify the judge involved ([Tex. Gov't. Code § 33.022](#)).

The recusal and disqualification of judges in Texas is governed by Texas Rule of Civil Procedure 18a and related statutes. Rule 18a requires that a motion to recuse or disqualify a judge must be filed with the clerk of the court, and upon such filing, the judge must either recuse themselves or refer the motion to the regional presiding judge within three business days. The rule assigns specific duties to the court clerk, not to a court coordinator or other staff member (Tex. R. Civ. P. 18a; [Tex. Gov't. Code § 25.00255](#)).

Court coordinators are administrative staff who serve at the pleasure of the judge who appointed them and whose duties are set by local administrative rule (Tex. Gov't. Code §§ 74.101, 74.102). Their role is to assist in the

efficient administration of justice, not to perform judicial or quasi-judicial functions, especially in matters where their appointing judge's impartiality is at issue.

The Texas Code of Judicial Conduct, Canon 2A, requires judges to comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

## **Case Law**

Texas appellate courts have repeatedly held that the procedures set forth in Rule 18a are mandatory. When a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge; any further action by the judge in the case is void ([In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)). The duty to process and transmit recusal materials is assigned to the clerk, not to a court coordinator ([In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)).

Moreover, the Texas Supreme Court has made clear that even the appearance of impropriety or partiality is sufficient to warrant investigation and possible discipline ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)). Judges must not only comply with the law but also maintain professional competence in it, especially regarding recusal procedures.

If a judge or court staff acts outside the bounds of these mandatory procedures—such as by involving a court coordinator in the recusal process or denying a motion that was never filed—such conduct may constitute an abuse of discretion, a violation of the Code of Judicial Conduct, and a breach of public trust ([In re Burns \(2022\)](#); [In re Stearman, 252 S.W.3d 113 \(Tex. App. 2008\)](#)).

## **Analysis**

### **1. The Role of the Court Coordinator in the Recusal Process**

Rule 18a of the Texas Rules of Civil Procedure is explicit: the filing, management, and transmission of recusal motions are the responsibility of the court clerk, not the court coordinator (Tex. R. Civ. P. 18a(e)). The rationale is clear—while the clerk is a neutral officer of the court, the coordinator is a direct appointee of the judge and serves at the judge's pleasure ([Tex. Gov't. Code § 74.101](#)). Allowing a coordinator to handle recusal materials, especially when the judge's impartiality is in question, creates at least the appearance of impropriety and undermines the neutrality of the process ([In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)).

The Texas Supreme Court has admonished judges for even minor procedural deviations in recusal matters, emphasizing that strict compliance is

necessary to maintain public confidence in the judiciary ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)). The involvement of a court coordinator in the recusal process, particularly when that coordinator is beholden to the judge facing recusal, is inconsistent with the requirement of impartiality and the avoidance of any appearance of bias (Tex. Code of Judicial Conduct, Canon 2A).

## **2. Denial of Motions That Were Never Filed**

Rule 18a and its interpreting case law make clear that recusal procedures are only triggered by the filing of a verified motion with the clerk (Tex. R. Civ. P. 18a(a); *In re Johnson*, No. 14-04-00519-CV (Tex. 2004)). If no motion is filed, there is no basis for the judge to act, and certainly no basis to deny a nonexistent motion. Any such action is not only procedurally improper but void ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#)).

The denial of a motion that was never filed is not a mere technical error; it is a fundamental violation of due process and the rules governing judicial conduct. It suggests either a lack of competence in the law or a willful disregard for established procedure, both of which are grounds for investigation and possible discipline by the Commission ([Tex. Const. art. 5 § 1-a](#); [Tex. Gov't. Code § 33.022](#)).

## **3. The Commission's Duty to Investigate**

The Texas Constitution and Government Code require the Commission on Judicial Conduct to investigate any credible allegation or appearance of judicial misconduct ([Tex. Const. art. 5 § 1-a](#); [Tex. Gov't. Code § 33.022](#)). The Commission's mandate is not limited to clear-cut cases of corruption or malfeasance; it extends to any conduct that undermines the integrity, impartiality, or proper administration of justice.

When a regional presiding judge, who is charged with upholding the highest standards of judicial administration, allows or participates in procedural irregularities such as those described—namely, the involvement of a court coordinator in the recusal process and the denial of motions that were never filed—this raises at least the appearance of misconduct. The Commission is therefore obligated to conduct a preliminary investigation, and if the allegations are not found to be unfounded or frivolous, to proceed with a full investigation and notify the judge involved ([Tex. Gov't. Code § 33.022](#)).

## **4. Public Confidence and the Appearance of Impropriety**

The Texas Code of Judicial Conduct, Canon 2A, requires judges to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The Texas Supreme Court has repeatedly emphasized that even the appearance of impropriety is sufficient to warrant investigation and possible discipline ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)). The involvement of a court coordinator in the recusal process, especially when that coordinator is

directly answerable to the judge facing recusal, creates a clear appearance of impropriety and undermines public trust.

Similarly, the denial of motions that were never filed is not only procedurally improper but also creates the appearance that the judicial process is being manipulated or that the rules are not being followed. This is precisely the type of conduct that the Commission is charged with investigating to preserve the integrity of the judiciary ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

## **5. The Broader Context: Potential for Deeper Issues**

The facts presented suggest not isolated procedural errors but a pattern of disregard for mandatory rules and the appearance of impartiality. When such conduct is repeated or involves high-ranking judicial officers, it raises the possibility of systemic issues that go beyond individual mistakes. The Commission on Judicial Conduct is specifically empowered to investigate not only actual misconduct but also the appearance of misconduct or disability ([Tex. Gov't. Code § 33.022](#)).

Failure to investigate such matters would itself undermine public confidence in the judiciary and the effectiveness of the Commission as a guardian of judicial integrity.

## **Exceptions and Caveats**

It is important to note that the Commission is not required to investigate allegations that are clearly unfounded or frivolous. However, the facts described here—namely, the involvement of a court coordinator in the recusal process and the denial of motions that were never filed—are not trivial or technical errors but go to the heart of judicial impartiality and procedural integrity. The mandatory nature of the rules involved and the clear case law interpreting them leave little room for discretion in this context.

Additionally, while the Commission does not have the power to reverse judicial decisions, it does have the authority to investigate and discipline judges for violations of law or the Code of Judicial Conduct ([Tex. Gov't. Code § 33.002](#)).

## **Conclusion**

The Texas Commission on Judicial Conduct is required by law to investigate credible allegations or appearances of judicial misconduct, especially when they involve violations of mandatory procedural rules designed to ensure impartiality and public confidence in the judiciary. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed are clear violations of established law and the Code of Judicial Conduct. These actions undermine the integrity of the judicial process and create at least the appearance of impropriety, triggering the Commission's

duty to investigate and, if warranted, to take disciplinary action. Failure to do so would erode public trust in the judiciary and the rule of law.

## **Legal Authorities**

[In re Johnson, No. 14-04-00519-CV \(TX 7/15/2004\) \(Tex. 2004\)](#)

### **Texas Supreme Court**

#### **Extract**

Because the procedural requirements in Rule 18a are mandatory, a party who fails to conform to the requirements waives his right to complain of a judge's failure to recuse himself. ... Thus, the provisions of the rule obligating the trial judge either to recuse himself or refer the motion to the presiding judge of the administrative judicial district never arise unless and until a formal timely, written and verified motion to recuse is filed.

#### **Summary**

The procedural requirements of Rule 18a are mandatory. This means that for a recusal motion to be considered, it must be formally, timely, written, and verified. If these requirements are not met, the judge is not obligated to recuse themselves or refer the motion. This underscores the importance of following proper procedures in recusal matters.

[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. See TEX. R. CIV. P. 18a(f)(1). 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.' ... Under Rule 18a(f)'s 'clear terms,' when a party files a motion to recuse, the judge must either grant or refer the motion without regard to whether the motion meets the rule's technical requirements. ... Rule 18a's recusal-or-referral requirement is mandatory, and mandamus relief is appropriate to compel compliance with the rule.

#### **Summary**

Texas Rule of Civil Procedure 18a(f)(1) mandates that a judge must either recuse themselves or refer the motion to the regional presiding judge within three business days of a motion to recuse being filed. This requirement is

mandatory, and failure to comply can be addressed through mandamus relief. The involvement of a court coordinator in the recusal process, especially if it leads to procedural errors or delays, undermines the integrity of the process. Additionally, denying motions that were never filed is a clear procedural error that violates the mandatory nature of Rule 18a.

[In re Torres, 130 S.W.3d 409 \(Tex. 2004\)](#)

**Texas Supreme Court**

**Extract**

See TEX. R. CIV. P. 18a(c) (providing that a judge who recuses himself in response to recusal motion shall enter order of recusal and request presiding judge of administrative judicial district to assign another judge to sit in case); Arnold v. State, 853 S.W.2d 543, 544 (Tex. Crim. App. 1993) (holding rule 18a applicable to criminal cases); In re K.E.M., 89 S.W.3d 814, 821 n.11 (Tex. App.—Corpus Christi 2002, no pet.) (noting procedural requirements of rule 18a apply to criminal cases).

**Summary**

Texas Rule of Civil Procedure 18a outlines specific procedural requirements for the recusal of judges. This includes the requirement for a judge to enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to the case. The involvement of a court coordinator in this process, especially if it deviates from the prescribed procedure, could undermine the integrity of the recusal process. Additionally, the denial of motions that were never filed contradicts the procedural requirements and could indicate a deeper issue that warrants investigation.

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

**Texas Court of Appeals**

**Extract**

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

or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## **Summary**

Texas Rule of Civil Procedure 18a sets forth specific mandatory procedures that must be followed when a motion to recuse a judge is filed. These procedures include the requirement for the judge to either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The rule also specifies that the judge must take no further action in the case until the motion is resolved. The involvement of a court coordinator in this process, especially if they are part of the judge's staff, could undermine the neutrality and integrity of the recusal process. Additionally, denying motions that were never filed violates the procedural requirements and could indicate deeper issues within 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); see also TEX. GOV'T CODE ANN. 74.059(c)(3) (Vernon 1998) (providing for requested assignment by the presiding judge). The purpose of a recusal motion under Texas Rule of Civil Procedure 18a is to insure that all litigants have the opportunity to have an impartial judge preside over their case. ... We held in *In re Rio Grande Valley Gas* that Judge Gonzalez's transfer of the Recusal Cases was void because after a motion to recuse has been filed, a judge must either recuse himself or herself or request the presiding judge to assign a judge to hear the recusal motion 'prior to any further proceedings in the case.' See TEX. R. CIV. P. 18a(c); *In re Rio Grande Valley Gas*, 987 S.W.2d at 179 (emphasis in original).

## **Summary**

Texas Rule of Civil Procedure 18a mandates that when a recusal motion is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. This ensures impartiality in judicial proceedings. The passage highlights that any action taken by a judge after a recusal motion is filed, without following these procedures, is void. This underscores the importance of adhering to procedural rules to maintain the integrity of the judicial process.

[In re Stearman, 252 S.W.3d 113 \(Tex. App. 2008\)](#)

**Texas Court of Appeals**

**Extract**

Once a recusal motion is filed, a trial judge generally has two options: (1) recuse himself/herself; or (2) forward the motion to the presiding judge and request the assignment of another judge to hear the motion. See *id.* 18a(c), (d); TEX. GOV'T CODE ANN. § 74.059(c)(3) (Vernon 2005); *In re A.R.*, 236 S.W.3d 460, 477 (Tex.App.-Dallas 2007, no pet.); *In re Norman*, 191 S.W.3d 858, 860 (Tex.App.-Houston [14th Dist.] 2006, orig. proceeding). However, the judge may make 'further orders' while the recusal motion is pending 'for good cause stated in the order.' TEX.R. CIV. P. 18a(d).

**Summary**

Once a recusal motion is filed, the judge has limited options and must either recuse themselves or forward the motion to the presiding judge. The judge is restricted from taking further action in the case unless there is "good cause" stated in the order. This ensures that the recusal process is handled impartially and without undue influence from the judge facing recusal. The involvement of a court coordinator, who serves at the pleasure of the judge, could undermine the neutrality of the process. Additionally, denying motions that were never filed contradicts the procedural requirements, suggesting a potential abuse of discretion or procedural irregularity that warrants investigation.

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

**Texas Court of Criminal Appeals**

**Extract**

Next, along came the adoption of Rule 18a, Texas Rules of Civil Procedure, which was added by order of June 10, 1980, eff. Jan. 1, 1981. It was later amended by order of December 15, 1983, eff. April 1, 1984. This rule as originally written applied only to district courts. Rule 18a now provides: ... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken,

the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## **Summary**

Rule 18a outlines specific procedures that must be followed when a motion to recuse a judge is filed. The rule mandates that the judge in question must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The judge is not to take any further action in the case until the motion is resolved. This ensures impartiality and prevents any appearance of bias or impropriety. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the neutrality of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate deeper issues within the judicial process.

[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... Furthermore, Judge Austin was not free to ignore the statutory duty to either recuse or refer the motion to recuse him and instead deny it, and then rule on the motion to recuse Judge Wood. Once the motion to recuse Judge Austin was filed, Judge Austin was precluded from taking any further action other than issuing an order of recusal of himself or an order of referral to the presiding judge. See TEX.R. CIV. P. 18a. If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.

## **Summary**

The passage highlights the mandatory nature of the duties imposed by Texas Rule of Civil Procedure 18a on judges when a recusal motion is filed. Specifically, a judge must either recuse themselves or refer the motion to the presiding judge. The passage also emphasizes that any actions taken by a judge after a recusal motion is filed, other than recusal or referral, are void. This underscores the importance of adhering to procedural rules to maintain the integrity of the judicial process.

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

**Texas Court of Appeals**

**Extract**

Relators contend that Judge Gonzalez abused his discretion in transferring the cases for three reasons. First, the relators argue the transfer violates the mandatory procedures set forth in rule 18a, which provides generally, that following the filing of a motion to recuse, and prior to any further proceedings, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion. TEX.R.CIV.P. 18a. (Vernon Supp.1998)... Rule 18a(c) requires a judge to either recuse himself or request the presiding judge to assign a judge to hear a recusal motion 'prior to any further proceedings in the case.' TEX.R.CIV.P. 18a(c) (Emphasis supplied).

**Summary**

Rule 18a of the Texas Rules of Civil Procedure mandates specific procedures when a motion to recuse is filed. The judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion before any further proceedings. This rule is designed to ensure impartiality and prevent any appearance of bias or impropriety. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the neutrality of the process. Additionally, denying motions that were never filed violates the procedural requirements and could indicate deeper issues within the judicial process.

[In re Sw. Pub. Serv. , NUMBER 13-19-00111-CV \(Tex. App. Apr 16, 2020\)](#)

**Texas Court of Appeals**

**Extract**

Relators assert that respondent Judge Medary abused her discretion by denying relators' motion to recuse Judge Vasquez where 'there was uncontested evidence of "judge shopping" by plaintiffs' counsel 'through manipulation of the random assignment procedures.' Relators filed their motion to recuse Judge Vasquez on December 4, 2018. Relators argued that they discovered, during the pendency of the lawsuit, that plaintiffs' counsel had filed a series of 'bogus' lawsuits before 'selecting' Judge Vasquez's court to litigate the underlying case, and they argued that Judge Vasquez should be recused as a result of the plaintiffs' alleged forum shopping. Relators asserted that recusal is warranted in cases involving alleged forum shopping because 'the judge's impartiality might reasonably be questioned.'

## **Summary**

The Texas Court of Appeals has addressed issues related to judge shopping and manipulation of court procedures, which can undermine the integrity of the judicial process. The passage highlights the importance of addressing such allegations to maintain public confidence in the judiciary. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could similarly undermine the integrity of the judicial process and raise questions about impartiality.

### In re Burns

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

#### **Extract**

Mandamus is an extraordinary remedy. *In re Sw. Bell Tel. Co., L.P.*, 235 S.W.3d 619, 623 (Tex. 2007) (orig. proceeding). A writ of mandamus will issue only when the relator has no adequate remedy by appeal and the trial court committed a clear abuse of discretion. *In re Cerberus Capital Mgmt., L.P.*, 164 S.W.3d 379, 382 (Tex. 2005) (orig. proceeding). The relator has the burden of establishing both prerequisites. *In re Fitzgerald*, 429 S.W.3d 886, 891 (Tex. App.-Tyler 2014, orig. proceeding.). A respondent judge, within three business days after a motion to recuse is filed, must sign and file with the clerk (1) an order of recusal or disqualification; or (2) an order referring the motion to the regional presiding judge. Tex.R.Civ.P. 18a(f). 'An order denying a motion to recuse may be reviewed only for abuse of discretion on appeal from the final judgment.' Tex.R.Civ.P. 18a(j)(1)(A). But 'mandamus relief is available when a judge violates a mandatory statutory duty either to recuse or refer a motion to recuse.' *In re Norman*, 191 S.W.3d 858, 860 (Tex. App.-Houston [14th Dist.] 2006, orig. proceeding); see *In re Runnels*, No. 06-19-00061-CV, 2019 WL 3366793, at \*1 (Tex. App.-Texarkana July 26, 2019, orig. proceeding) (mem. op.).

## **Summary**

A writ of mandamus is an extraordinary remedy used when there is no adequate remedy by appeal and when a trial court has committed a clear abuse of discretion. The passage also highlights that a judge has a mandatory statutory duty to either recuse themselves or refer a motion to recuse to the regional presiding judge within three business days of the motion being filed. If this duty is violated, mandamus relief is available. This is relevant to the question because it underscores the importance of following procedural rules in recusal matters and suggests that any deviation from these rules, such as involving a court coordinator improperly or denying motions that were never filed, could constitute an abuse of discretion warranting investigation.

[In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)

**Texas Supreme Court**

**Extract**

The 'public admonition' arose from a single instance of Judge Rangel filing a written response to a motion seeking her recusal from a particular case. Underlying the determination was the rule of procedure stating that a jurist subject to such a motion 'should not file a response' to it. TEX. R. CIV. PROC. 18a(c)(2). According to the Commission, the mere fact that Judge Rangel filed a response meant she failed to comport and maintain competence in the law, thereby violating 'Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.' ... Canon 2A states that: a 'judge shall comply with the law ....' Per Canon 3B(2), a jurist also 'shall maintain professional competence in' the law. Of the myriad laws we 'shall comply with' and 'should maintain professional competence in' is that establishing the procedures to be followed when a litigant attempts to recuse a trial judge. Those procedures appear in Rule 18a of the Texas Rules of Civil Procedure.

**Summary**

The passage highlights the importance of judges adhering to procedural rules, specifically Rule 18a of the Texas Rules of Civil Procedure, which governs the recusal process. It emphasizes that judges must not only comply with the law but also maintain professional competence in it. The failure to adhere to these rules can result in sanctions, as seen in the case of Judge Rangel. This underscores the necessity for the Texas Commission on Judicial Conduct to investigate any deviations from these procedures, such as the involvement of a court coordinator in the recusal process or the denial of motions that were never filed, as these actions could undermine the integrity of the judicial process.

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

**Texas Court of Appeals**

**Extract**

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

## **Summary**

The Texas Rules of Civil Procedure require that when a motion to recuse is filed, the judge must either recuse themselves or have the motion heard by another judge. The rules also state that a judge should recuse themselves if their impartiality might reasonably be questioned. The involvement of a court coordinator, who serves at the pleasure of the judge, in the recusal process could undermine the impartiality and integrity of the process. Additionally, denying motions that were never filed is contrary to the procedural requirements and could indicate an abuse of discretion. These actions could reasonably lead to questions about the judge's impartiality and adherence to procedural rules, warranting an investigation by the Texas Commission on Judicial Conduct.

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

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

#### **Extract**

The manner in which our judicial system handles the recusal of judges affects public confidence in the judiciary, as it goes to the 'very heart of the promise of impartiality.' ... Rule 18a sets out the procedures to be followed when a party moves to recuse a trial judge. ... The mere existence of a ground for recusal of a judge does not in itself void or nullify subsequent proceedings before that judge; the ground can be waived if not raised by proper motion. ... The Dallas court concluded that a 'fair reading of rules 18a and 18b suggests that[,] in the event a judge should elect to recuse himself ..., two things are required: (1) an order of recusal, and (2) a request to the administrative judge of the district to assign another judge to sit.' ... Further, twenty years after the Dallas court decided Dunn, the Texas Legislature passed Section 24.002 of the Texas Government Code providing the procedure that must be followed when a district judge voluntarily recuses himself: If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken.

## **Summary**

The recusal process is critical to maintaining public confidence in the judiciary, as it ensures impartiality. Rule 18a outlines the procedures for recusal, emphasizing that a judge must either recuse themselves or refer the motion to the presiding judge. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the impartiality of the process. Additionally, the denial of motions that were never filed contradicts the procedural requirements, as a motion must be

properly filed to trigger recusal procedures. The Texas Legislature has provided specific procedures for voluntary recusal, emphasizing that a judge should take no further action in the case except for good cause. These principles highlight the importance of adhering to established procedures to ensure fairness and impartiality.

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

### **Texas Court of Appeals**

#### **Extract**

TEX.CODE OF JUDICIAL CONDUCT, Canon 8, pt. A (1994). Thus, a judge may be disciplined for violating one of these rules, but a violation does not necessarily mean that the judge should be recused... A judge must also perform his judicial duties without bias or prejudice. TEX.CODE OF JUDICIAL CONDUCT, Canon 3A(9) (1989) (amended 1992, 1994)... Although a number of the directives in Canon 3 are mandatory and assist in determining when a trial judge's impartiality may reasonably be questioned, the determination whether to grant or deny a recusal motion, regardless of the ground asserted, is within the discretion of the judge assigned to hear the motion and this determination must stand unless the assigned judge abused his discretion. See TEX.R. CIV. P. 18a(f).

#### **Summary**

The Texas Code of Judicial Conduct provides guidelines for judicial behavior, including the requirement for judges to perform duties without bias or prejudice. The Code also outlines that a judge may be disciplined for violations, and the decision to grant or deny a recusal motion is at the discretion of the judge assigned to hear it, unless there is an abuse of discretion. This implies that any deviation from these standards, such as involving a court coordinator inappropriately or denying motions that were never filed, could be seen as an abuse of discretion or a violation of the Code, warranting investigation.

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

### **Texas Court of Appeals**

#### **Extract**

Texas Rule of Civil Procedure 18a(f)(1) provides: 'Regardless of whether the motion [to recuse] 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.' Tex.R.Civ.P. 18a(f)(1). Under the rule's clear terms, when a party files a

motion to recuse, the judge must either grant the motion or refer it to the regional presiding judge. See *id.* Once Gold filed the motion to recuse, respondent could not take further action other than signing an order of recusal or an order referring the motion to the regional presiding judge. See Tex. R. Civ. P. 18a(f)(1); *In re Marshall*, 515 S.W.3d 420, 422 (Tex. App.-Houston [14th Dist.] 2017, orig. proceeding). The failure to take one of these two actions renders subsequent orders void. *In re Marshall*, 515 S.W.3d at 422; *In re Norman*, 191 S.W.3d 858, 861 (Tex. App.-Houston [14th Dist.] 2006, orig. proceeding) ('If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.').

## **Summary**

Texas Rule of Civil Procedure 18a mandates specific actions when a motion to recuse is filed. The judge must either recuse themselves or refer the motion to the regional presiding judge. Any failure to comply with these requirements renders subsequent judicial actions void. This rule ensures the integrity and impartiality of the judicial process by preventing judges from taking further actions in cases where their impartiality is questioned.

[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). A motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason. Even if a motion to recuse is procedurally defective, he must refer the motion so another judge can determine the merits of the motion to recuse if the judge does not then voluntarily recuse himself.

## **Summary**

The passage highlights the importance of following procedural rules for recusal to ensure impartiality and fairness in judicial proceedings. It emphasizes that even if a motion to recuse is procedurally defective, it must be referred to another judge for determination. This underscores the necessity for the Texas Commission on Judicial Conduct to investigate any deviations from these procedures, such as the involvement of a court coordinator in the recusal process or the denial of motions that were never filed, as these actions could undermine the integrity of the judicial process.

[In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)

## **Texas Court of Appeals**

### **Extract**

Rule 18a(f) expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district... Both the Texas Government Code and Texas Rules of Civil Procedure vest the 'presiding judge of the administrative judicial district' with the authority to assign a judge to hear a motion for recusal. TEX. GOV'T CODE ANN. § 25.00255; TEX.R. CIV. P. 18a.

### **Summary**

The authority to handle recusal motions and assign judges is explicitly vested in the regional presiding judge of the administrative judicial district. This authority is not to be delegated to court coordinators or other staff members. The involvement of a court coordinator in the recusal process, especially when it involves actions like denying motions that were never filed, undermines the procedural integrity and could be seen as a deviation from the established legal framework. This deviation could warrant an investigation by the Texas Commission on Judicial Conduct to ensure compliance with the law and maintain public confidence in the judiciary.

[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**

The recusal of a judge in Texas is governed by specific rules, including Rule 18b(2) of the Texas Rules of Civil Procedure. This rule outlines the circumstances under which a judge must recuse themselves, which includes non-constitutional reasons. The involvement of a court coordinator in the

recusal process, especially when it deviates from the prescribed procedures, could undermine the integrity of the process. Additionally, the denial of motions that were never filed raises concerns about procedural fairness and adherence to the rules. These issues could warrant an investigation by the Texas Commission on Judicial Conduct to ensure that the judicial process is conducted fairly and in accordance with established rules.

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

**Texas Court of Appeals**

**Extract**

A recusal decision should not be reversed if it is within the zone of reasonable disagreement. ... A trial court abuses its discretion when it acts arbitrarily and unreasonably, without reference to guiding rules or principles, or when it misapplies the law to the established facts of the case. ... Rule 18b(2)(a) plainly states that a 'judge shall recuse himself in any proceeding in which... his impartiality might reasonably be questioned.' TEX.R. CIV. P. 18b(2)(a). Texas cases almost unanimously state the following reasonable-person test for questioned impartiality: 'In determining whether a judge's impartiality might be reasonably questioned so as to require recusal, the proper inquiry 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.'

**Summary**

The passage highlights the importance of impartiality in judicial proceedings and the conditions under which a judge should recuse themselves. It emphasizes that a judge's impartiality might be reasonably questioned if a reasonable person, knowing all the facts, would doubt the judge's impartiality. This is relevant to the question because involving a court coordinator in the recusal process, especially one appointed by the judge facing recusal, could reasonably lead to questions about impartiality. Additionally, denying motions that were never filed could be seen as arbitrary and unreasonable, potentially constituting an abuse of discretion.

[Mosley v. State, 141 S.W.3d 816 \(Tex. App. 2004\)](#)

**Texas Court of Appeals**

**Extract**

A motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason. Even if a motion to recuse is procedurally defective, the challenged judge must either grant the motion or refer the motion, so another judge can determine the merits of the motion to

recuse. ... Rule 18a requires that, if a judge recuses himself or herself, the judge '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.' ... A judge shall recuse himself or herself in any proceeding in which the judge's 'impartiality might reasonably be questioned.' TEX.R. CIV. P. 18b(2)(a).

## **Summary**

The Texas Rules of Civil Procedure require that a judge must either recuse themselves or refer the motion to another judge for determination. This ensures that the process is impartial and that the judge whose impartiality is questioned does not continue to act in the case. The involvement of a court coordinator, who serves at the pleasure of the judge, in the recusal process could undermine the impartiality and integrity of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate a deeper issue of judicial misconduct or procedural irregularity.

### [In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)

#### **Texas Supreme Court**

#### **Extract**

After such investigation as it deems necessary, the Commission may in its discretion issue a private or public admonition, warning, reprimand, or requirement that the judge obtain additional training or education. Tex. Const. art. V, § 1-a(8); see Tex. Gov't Code Ann. § 33.001(a)(10). Such [a] sanction is remedial in nature. It is issued prior to the institution of formal proceedings to deter similar misconduct by a judge or judges in the future, to promote proper administration of justice, and to reassure the public that the judicial system of this state neither permits nor condones misconduct.

## **Summary**

The Texas Commission on Judicial Conduct has the authority to investigate judicial misconduct and issue sanctions to deter similar behavior in the future. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could be seen as misconduct that undermines the integrity and impartiality of the judiciary. The Commission's role is to ensure that such actions do not occur and to maintain public confidence in the judicial system.

### [Tex. Gov't. Code § 74.102 Tex. Gov't. Code § 74.102 Duties](#)

## **Extract**

To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts.

## **Summary**

Court coordinators are expected to cooperate with regional presiding and local administrative judges to promote the efficient administration of justice. This implies that their role is supportive and administrative, rather than judicial. The involvement of a court coordinator in the recusal process, especially when the judge they serve is the subject of the recusal, could potentially compromise the neutrality and integrity of the process. This is because the court coordinator serves at the pleasure of the judge, which could lead to a conflict of interest or the appearance of impropriety. The passage suggests that the duties of court coordinators are meant to support the judicial process, not to influence or interfere with it.

## [Tex. Gov't. Code § 74.101 Tex. Gov't. Code § 74.101 Court Coordinators](#)

## **Extract**

The local administrative judge and each district or statutory county court judge may establish a court coordinator system and appoint a court coordinator for his court to improve justice and expedite the processing of cases through the courts. Each court coordinator serves at the pleasure of the judge who appointed him.

## **Summary**

Authority of judges to appoint court coordinators to improve justice and expedite case processing. It also specifies that court coordinators serve at the pleasure of the appointing judge, indicating a direct line of authority and potential influence. This is relevant to the question because it highlights the potential conflict of interest when a court coordinator, who serves at the pleasure of a judge facing recusal, is involved in the recusal process. This could undermine the impartiality and integrity of the judicial process, which is a concern for the Texas Commission on Judicial Conduct.

## [Tex. Gov't. Code § 33.002 Tex. Gov't. Code § 33.002 Commission](#)

## **Extract**

The State Commission on Judicial Conduct is established under Section 5 1-a, Article V, Texas Constitution, and has the powers provided by that section.

The commission is an agency of the judicial branch of state government and administers judicial discipline. The commission does not have the power or authority of a court in this state.

## **Summary**

The State Commission on Judicial Conduct is responsible for administering judicial discipline. This implies that the commission has the authority to investigate matters related to judicial conduct, including potential misconduct or procedural irregularities involving judges and court personnel. The involvement of a court coordinator in a recusal process and the denial of motions that were never filed could be seen as procedural irregularities or misconduct, which fall under the purview of the commission's responsibilities.

[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 Texas Commission on Judicial Conduct has the authority to investigate and potentially remove or discipline judges for willful violations of judicial rules or conduct that undermines the integrity of the judiciary. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could be seen as a violation of procedural rules and an act that undermines public confidence in the judiciary. Therefore, the Commission has a duty to investigate such matters to ensure the integrity and proper functioning of the judicial system.

[Tex. Gov't. Code § 33.022 Tex. Gov't. Code § 33.022 Investigations and Formal Proceedings](#)

## **Extract**

The commission may conduct a preliminary investigation of the circumstances surrounding an allegation or appearance of misconduct or

disability of a judge to determine if the allegation or appearance is unfounded or frivolous... If, after conducting a preliminary investigation under this section, the commission does not determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, the commission shall: (A) conduct a full investigation of the circumstances surrounding the allegation or appearance of misconduct or disability; and (B) notify the judge in writing of: (i) the commencement of the investigation; and (ii) the nature of the allegation or appearance of misconduct or disability being investigated...

## **Summary**

The Texas Commission on Judicial Conduct has the authority to investigate allegations or appearances of judicial misconduct. If the commission finds that the allegations are not unfounded or frivolous, it is required to conduct a full investigation and notify the judge involved. This process ensures accountability and integrity within the judiciary.

### [Tex. Gov't. Code § 25.00255 Tex. Gov't. Code § 25.00255 Recusal Or Disqualification of Judge](#)

## **Extract**

A party in a case in any trial court other than a statutory probate court or justice court may seek to recuse or disqualify a judge who is sitting in the case by filing a motion with the clerk of the court in which the case is pending. The motion: (1) must be verified; (2) must assert one or more of the grounds listed in Rule 18b; (3) must not be based solely on the judge's ruling in the case; and (4) must state with detail and particularity facts that: (A) are within the affiant's personal knowledge, except that facts may be stated on information and belief if the basis for that belief is specifically stated; (B) would be admissible in evidence; and (C) if proven, would be sufficient to justify recusal or disqualification.

## **Summary**

The process for recusal or disqualification of a judge is clearly defined and must be initiated by a verified motion filed with the court clerk. The involvement of a court coordinator, who serves at the pleasure of the judge, in this process could undermine the neutrality and integrity of the recusal process. Additionally, denying motions that were never filed contradicts the procedural requirements outlined in Rule 18a, which could indicate a deeper issue of judicial misconduct or procedural irregularity.

### [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. Motion. A motion to recuse or disqualify a judge assigned to a case should: (A) be made at the earliest practicable time; (B) be verified, if the motion is in writing; (C) state with particularity the grounds for the motion; and (D) be based on personal knowledge and include such facts as would be admissible in evidence, except that facts may be stated on information and belief if the basis for such belief is specifically stated.

## **Summary**

The process for recusal or disqualification of judges is governed by specific rules that require motions to be made at the earliest practicable time, verified, and based on personal knowledge. The involvement of a court coordinator in the recusal process, especially if it deviates from these established procedures, could undermine the integrity of the process. Additionally, the denial of motions that were never filed contradicts the requirement for motions to be verified and based on specific grounds. This suggests a potential violation of procedural rules, warranting investigation by the Texas Commission on Judicial Conduct.

### [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. A municipal judge who does not recuse or disqualify himself or herself: shall forward, in original form or certified copy, an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge; and may not take other action in the case during the time after the filing of the motion for recusal or disqualification and before a hearing on the motion, except for good cause stated in the order in which the action is taken.

## **Summary**

Procedure that must be followed when a motion for recusal or disqualification of a municipal judge is filed. It specifies that the judge must either recuse themselves or request the regional presiding judge to assign another judge to hear the motion. Importantly, it also states that the judge may not take any further action in the case after the filing of the motion and before a hearing on the motion, except for good cause. This procedure ensures that the process is handled impartially and without undue influence from the judge facing recusal.

## [Motion Practice](#)

**Texas Pretrial Practice. Volume 1-2 - James Publishing - Scott Brister (Ret.), Dan S. Boyd - 2013-05-05**

### **Extract**

When a motion for disqualification or recusal is timely filed, before any further proceedings in the case, the judge must recuse himself or herself or request the presiding judge of the judicial district to assign a judge to hear the recusal motion. [TRCP 18a(c).] It is improper for the sitting judge to take any further action on the case until the recusal motion has been heard. [Jamilah v. Bass, 862 SW2d 201 (TexApp — Houston [14th Dist] 1993, orig proc) (trial judge improperly held contempt hearing after motion for recusal was filed and held attorney who filed the motion in contempt).]

### **Summary**

Under Texas Rules of Civil Procedure 18a, when a motion for recusal is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. It is improper for the judge to take any further action on the case until the recusal motion has been heard. This ensures impartiality and fairness in judicial proceedings. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the neutrality of the process. Additionally, denying motions that were never filed is contrary to the procedural requirements and could indicate deeper procedural issues.

## [CHAPTER 6 Petitions for Writ of Mandamus](#)

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

### **Extract**

When a judge denies a motion to disqualify and continues to sit in violation of a constitutional or statutory proscription, mandamus is available to compel the judge's mandatory disqualification. In that instance, the relator need not show that the remedy by appeal is inadequate.

### **Summary**

When a judge acts in violation of constitutional or statutory requirements, such as improperly denying a motion to disqualify, mandamus can be used to compel the judge's disqualification. This suggests that procedural irregularities, like involving a court coordinator inappropriately or denying motions that were never filed, could be grounds for mandamus relief if they violate statutory procedures. The Texas Commission on Judicial Conduct

would be interested in investigating such violations to ensure judicial integrity and adherence to procedural rules.

### [Recusal's Own Conflict of Interest](#)

#### **Criminal Justice - American Bar Association - Louis J. Virelli III - 2025-01-01**

#### **Extract**

Judges' recusal practices potentially compound this problem. Recusal procedures, which have a pedigree as old as recusal itself, create an air of mystery and isolation around recusal that is unusual in our judicial system. Judges rarely explain their recusal decisions, creating an (often justifiable, yet palpable) elusiveness to those decisions that distinguishes them from more traditional orders and opinions. While this should not be enough to seriously threaten recusal's credibility, especially because lower court judges do sometimes offer explanations, it adds fuel to an already smoldering fire. Similarly, the fact that judges decide their own recusal issues in the first instance promotes skepticism about the integrity of those decisions. For the uninitiated, a judge deciding their own fate in recusal matters seems like an inherent conflict that could itself...

#### **Summary**

Judicial recusal practices can create skepticism and a lack of transparency, especially when judges are involved in deciding their own recusal issues. This can lead to perceptions of conflict of interest and undermine the integrity of the judicial process. The involvement of a court coordinator in the recusal process, particularly when they are associated with the judge facing recusal, can further exacerbate these issues. Additionally, the denial of motions that were never filed raises questions about procedural fairness and transparency, which are critical to maintaining public confidence in the judiciary.

This memo was compiled by Vincent AI based on vLex materials available as of August 23, 2025. [View full answer on vLex](#)