

## **Question**

Can an administrative judge use the district judge's coordinator in recusal proceedings?

## **Answer (Texas)**

### **Short response**

Based on Texas case law, an administrative judge cannot use the district judge's coordinator in recusal proceedings, as the Texas Rules of Civil Procedure specifically assign the authority to handle matters following recusal to the regional presiding judge. Courts have consistently held that once a recusal motion is filed, the judge must either recuse or refer the matter to the presiding administrative judge, with no provision for utilizing staff from the recused court.

### **Summary**

In Texas, recusal proceedings follow a strict procedural framework that does not permit administrative judges to utilize a district judge's coordinator. When a motion to recuse is filed, the judge must either recuse themselves or request the presiding administrative judge to assign another judge to hear the motion. The authority to reassign cases following recusal is expressly conferred to the regional presiding judge of the administrative judicial district, with no provision in the rules allowing other judges or court personnel to handle these matters.

Multiple Texas appellate decisions have emphasized that any actions taken outside this "recuse or refer" framework are void. The courts have consistently held that once a judge is recused, they should have no further involvement in the case, which logically extends to their staff. Furthermore, cases addressing venue transfer have explicitly stated that judges may not utilize services of court coordinators from the original venue without specific legal authorization, reinforcing the separation required in recusal proceedings.

## **Background and Relevant Law**

### **Case Law on Recusal Proceedings**

The Texas courts have established clear guidelines regarding recusal proceedings. These guidelines primarily stem from interpretations of Texas Rule of Civil Procedure 18a, which governs the process for judicial recusal.

In [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#), the Texas Court of Appeals addressed the authority to reassign cases following recusal. The court explicitly stated: "Under Rule 18a(f), the regional presiding judge had the authority to assign a judge to rule. See id. R. 18a(g). Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal. See generally id. R. 18a. Stated otherwise, Rule 18a 'expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district.'" This ruling clearly establishes that the authority to handle matters post-recusal belongs exclusively to the regional presiding judge, with no provision for delegation to other personnel such as a district judge's coordinator.

Similarly, in [In re Rio Grande Valley Gas Co., 987 S.W.2d 167 \(Tex. App. 1999\)](#), the court explicitly outlined the mandatory procedure when a recusal motion is filed: "When a motion to recuse has been filed, a judge must either recuse him- or herself or request the presiding administrative judge to assign another judge to hear the motion." The court further emphasized that "Any order other than an order of recusal or referral, entered by a court after a proper motion to recuse is entered is void." This case establishes the "recuse or refer" rule, which offers no alternative procedures involving court staff such as coordinators.

This principle was reaffirmed in [In re PG & E Reata Energy, et al., 4 S.W.3d 897 \(Tex. App. 1999\)](#), where the court held that after a motion to recuse has been filed, a judge must either recuse themselves or request the presiding judge to assign a judge to hear the recusal motion "prior to any further proceedings in the case." The court emphasized that Judge Gonzalez's transfer of the Recusal Cases was void because it did not follow this procedure, further illustrating the strict adherence required to Rule 18a's framework.

### **Case Law on Judicial Staff Utilization After Recusal**

While the cases above establish who has authority in recusal proceedings, additional cases provide guidance about the use of court personnel and staff after recusal.

In [In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#), the Texas Court of Appeals addressed the use of court personnel in cases transferred to a different venue. The court stated: "Thus, absent effective application of article 31.09, respondent may not continue to preside over the cases or utilize the services of the court reporter, court coordinator, or clerk of the court of original venue." While this case specifically addresses venue transfer rather than recusal, it demonstrates the principle that judges cannot utilize staff from another court without specific legal authorization. This principle is relevant by analogy to recusal proceedings, suggesting that administrative judges would not be permitted to use a district judge's coordinator in recusal proceedings absent express authorization.

Further guidance is found in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#), where the Texas Court of Criminal Appeals noted that "[e]xcept for good cause stated in the order in which any further action is taken,' the judge who recused himself 'can make no further orders.'" The court also cited [In re Amos, 397 S.W.3d 309, 314 \(Tex. App.-Dallas 2013, no pet.\)](#), stating that "Once a judge has been recused, the prudent approach is for the recused judge and the assigned judge to have no further communications with each other concerning any aspect of that case." This directive to avoid communication between the recused judge and the assigned judge strongly implies that staff associated with the recused judge, including coordinators, should not be involved in the proceedings after recusal.

The rationale behind these strict recusal procedures was articulated in [Carmody v. State Farm Lloyds, 184 S.W.3d 419 \(Tex. App. 2006\)](#), where the court explained that "The rationale for the 'recuse or refer' rule is to preserve confidence in the impartiality of the judiciary by minimizing a judge's involvement in

recusal proceedings." This underlying purpose—to maintain judicial impartiality by limiting involvement—would be undermined if the recused judge's staff, including coordinators, remained involved in the proceedings.

Finally, [McInnis v. State, 618 S.W.2d 389 \(Tex. Ct. App. 1981\)](#) reiterated that "A District Judge shall request the Presiding Judge to assign a judge of the Administrative District to hear any motions to recuse such district judge from a case pending in his court." This reinforces the procedure whereby the Presiding Judge assigns judges for recusal motions, with no provision for the use of coordinators or other staff from the district judge's court.

## Analysis

### Authority in Recusal Proceedings

The case law provides a clear and consistent framework for handling recusal proceedings in Texas. When a motion to recuse is filed, the judge has only two options: recuse themselves or refer the matter to the presiding administrative judge. As stated in [In re Rio Grande Valley Gas Co., 987 S.W.2d 167 \(Tex. App. 1999\)](#), any action outside this binary choice is void. The presiding judge then has the exclusive authority to assign another judge to hear the recusal motion.

[In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#) explicitly addressed who has authority following recusal, emphasizing that Rule 18a "expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district." The court specifically noted that Rule 18a "offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal." This language is particularly significant because it clearly establishes that only the regional presiding judge—not other judges or staff—has authority to handle matters post-recusal.

The lack of explicit provision for using a district judge's coordinator in recusal proceedings is significant. Texas courts have consistently interpreted Rule 18a narrowly, emphasizing strict adherence to its procedures. As demonstrated in [In re PG & E Reata Energy, et al, 4 S.W.3d 897 \(Tex. App. 1999\)](#), even actions by judges that deviate from these procedures are considered void. Given this strict interpretation, the absence of any provision allowing for the use of coordinators in recusal proceedings strongly suggests such use would be improper.

### Prohibition on Using Court Staff After Recusal

While Rule 18a does not explicitly address the use of court staff such as coordinators, case law provides guidance by analogy. In [In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#), the court explicitly prohibited judges from utilizing "the services of the court reporter, court coordinator, or clerk of the court of original venue" after a case transfer, absent specific legal authorization. While this case addressed venue transfer rather than recusal, the principle applies equally: judges cannot utilize staff from another court without authorization.

This principle is reinforced by [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#), which cited the directive that recused judges should have "no further communications" with assigned judges concerning the case. If direct communication between judges is discouraged to preserve impartiality, it follows that communication through staff members, such as coordinators, would be similarly problematic.

The concern extends beyond mere procedural formality. As explained in [Carmody v. State Farm Lloyds, 184 S.W.3d 419 \(Tex. App. 2006\)](#), the purpose of strict recusal procedures is "to preserve confidence in the impartiality of the judiciary by minimizing a judge's involvement in recusal proceedings." Using a district judge's coordinator in recusal proceedings could be perceived as continued involvement by the recused judge through their staff, undermining this core principle.

### Application to Administrative Judges

Based on the analyzed case law, an administrative judge would not have authority to use the district judge's coordinator in recusal proceedings. The authority to handle matters following recusal is explicitly conferred to the regional presiding judge by Rule 18a, and there is no provision allowing for delegation to court staff or coordinators.

While [Carmody v. State Farm Lloyds, 184 S.W.3d 419 \(Tex. App. 2006\)](#) noted that "Civil procedure rule 330 permits one judge to sit for another," this rule addresses judicial substitution generally, not the specific procedures for recusal outlined in Rule 18a. The specific provisions of Rule 18a, which have been strictly interpreted by Texas courts, supersede any general authority regarding judicial substitution when dealing with recusal proceedings.

Moreover, the prohibition in [In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#) against utilizing court coordinators from the original venue would apply equally to recusal proceedings. If a judge cannot use a coordinator from another court after venue transfer, it follows that an administrative judge could not use a district judge's coordinator in recusal proceedings.

### The Role of Court Coordinators in the Judicial System

Court coordinators typically handle administrative tasks such as scheduling, managing case files, and facilitating communication between parties. In the context of recusal proceedings, these functions would be particularly sensitive, as they directly impact the procedural integrity of the case.

Given the emphasis in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#) that recused judges should have "no further communications" concerning the case, it would be problematic for an administrative judge to utilize a coordinator who regularly works with and reports to the recused judge. Such an arrangement could create, at minimum, the appearance of continued involvement by the recused judge, contrary to the principle articulated in [Carmody v. State Farm Lloyds, 184 S.W.3d 419 \(Tex. App. 2006\)](#) of "preserving confidence in the impartiality of the judiciary."

### Exceptions and Caveats

#### Potential for Good Cause Exception

While the general rule prohibits using a district judge's coordinator in recusal proceedings, [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#) referenced an exception for "good cause stated in the order in which any further action is taken." This suggests that in exceptional circumstances, a judge might be able to

justify continued involvement—potentially including the use of staff—if good cause is explicitly stated in an order.

However, this exception applies to the recused judge's ability to make further orders, not directly to the use of staff by administrative judges. Additionally, given the strict interpretation of recusal procedures by Texas courts and the emphasis on maintaining judicial impartiality, such an exception would likely be interpreted narrowly and would require explicit justification in a court order.

## **Administrative Necessity**

One might argue that administrative necessity could justify using a district judge's coordinator in limited circumstances, such as when immediate action is required and no other staff is available. However, none of the provided cases recognize such an exception. Given the courts' strict approach to recusal procedures and the clear assignment of authority to the regional presiding judge, administrative convenience would be unlikely to override the established procedural requirements.

## **Consent of Parties**

[In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#) suggested that the use of staff from the original venue might be permissible with consent from the parties involved, as required by article 31.09. By analogy, if all parties were to explicitly consent to the use of a district judge's coordinator in recusal proceedings, this might potentially overcome the general prohibition.

However, given that [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#) specifically stated that Rule 18a "offers no third option" beyond the regional presiding judge's authority to reassign cases, even consent of the parties might be insufficient to override the specific procedural framework established by Rule 18a.

## **Conclusion**

Based on the provided Texas case law, an administrative judge cannot use the district judge's coordinator in recusal proceedings. The Texas Rules of Civil Procedure, as interpreted by multiple appellate decisions, establish a strict framework for recusal proceedings that does not permit such an arrangement.

The authority to handle matters following recusal is expressly conferred to the regional presiding judge by Rule 18a, with "no third option" permitted. Courts have consistently emphasized the importance of the "recuse or refer" rule and have declared actions outside this framework void. The prohibition against using court staff from the original venue in transferred cases, as established in [In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#), logically extends to recusal proceedings as well.

The underlying purpose of these strict procedures—"to preserve confidence in the impartiality of the judiciary"—would be undermined by allowing an administrative judge to use the district judge's coordinator in recusal proceedings. Once a motion to recuse is filed, the process must follow the established statutory framework, with authority vested solely in the regional presiding judge.

While limited exceptions might theoretically exist for good cause or with the consent of all parties, these exceptions are not clearly established in the case law and would likely be interpreted narrowly given the courts' strict approach to recusal procedures. In practice, administrative judges should avoid using district judges' coordinators in recusal proceedings to ensure compliance with Texas law and to maintain the integrity and impartiality of the judicial process.

The consistent message from Texas courts is that recusal proceedings require strict separation between the recused judge and subsequent proceedings, extending logically to the judge's staff. As stated in [In re Amos, 397 S.W.3d 309, 314 \(Tex. App.—Dallas 2013, no pet.\)](#) and cited in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#), "Once a judge has been recused, the prudent approach is for the recused judge and the assigned judge to have no further communications with each other concerning any aspect of that case." This principle of complete separation best serves the interests of justice and maintains public confidence in the impartiality of the judiciary.

## **Legal Authorities**

[Carmody v. State Farm Lloyds, 184 S.W.3d 419 \(Tex. App. 2006\)](#)

### **Texas Court of Appeals**

#### **Extract**

*The rationale for the 'recuse or refer' rule is to preserve confidence in the impartiality of the judiciary by minimizing a judge's involvement in recusal proceedings. ... Here, any sitting district judge in Collin County could have heard the motion for summary judgment. The administrative order of January 29, 2004, appointed Judge Rusch 'to preside over the... case as 'sitting for' the 416th Judicial District Court,' and noted '[a]ny district judge in Collin County, Texas may sit in a case for any other district judge in Collin County, Texas.' Civil procedure rule 330 permits one judge to sit for another.*

#### **Summary**

Procedures and rules surrounding recusal in Texas district courts. It highlights that the "recuse or refer" rule is designed to maintain judicial impartiality by limiting a judge's involvement in recusal proceedings. The passage also notes that any district judge in Collin County can sit for another, as permitted by civil procedure rule 330. This suggests that administrative judges have the authority to assign other district judges to preside over cases when a recusal occurs, indicating a level of flexibility and coordination among judges within the district.

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

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

## **Extract**

The Dallas court also held that, '*[e]xcept for good cause stated in the order in which any further action is taken,' the judge who recused himself 'can make no further orders.*' *Id.* ; see also *In re Amos*, 397 S.W.3d 309, 314 (Tex. App.—Dallas 2013, no pet.) ('Once a judge has been recused, the prudent approach is for the recused judge and the assigned judge to have no further communications with each other concerning any aspect of that case.').

## **Summary**

Once a judge has recused themselves, they should not have further communications with the assigned judge concerning any aspect of the case. This suggests that the use of the district judge's coordinator by an administrative judge in recusal proceedings would likely be inappropriate, as it could be seen as a form of communication or involvement in the case by the recused judge.

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

## **Texas Court of Appeals**

### **Extract**

*We held in In re Rio Grande Valley Gas that Judge Gonzalez's transfer of the Recusal Cases was void because after a motion to recuse has been filed, a judge must either recuse himself or herself or request the presiding judge to assign a judge to hear the recusal motion 'prior to any further proceedings in the case.'* See TEX. R. CIV. P. 18a(c); *In re Rio Grande Valley Gas*, 987 S.W.2d at 179 (*emphasis in original*).

## **Summary**

Once a motion to recuse is filed, the judge involved must either recuse themselves or request the presiding judge to assign another judge to hear the motion. This suggests that the administrative judge does not have the authority to use the district judge's coordinator in recusal proceedings, as the process is strictly governed by the rules requiring the presiding judge's involvement.

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

## **Texas Court of Appeals**

### **Extract**

*When a motion to recuse has been filed, a judge must either recuse him- or herself or request the presiding administrative judge to assign another judge to hear the motion. ... Any order other than an order of recusal or referral, entered by a court after a proper motion to recuse is entered is void.*

## **Summary**

Procedure that must be followed when a motion to recuse is filed. It specifies that the judge in question must either recuse themselves or request the presiding administrative judge to assign another judge to hear the motion. It also states that any orders other than recusal or referral are void once a motion to recuse is filed. This implies that the administrative judge's role is to assign another judge, not to use the district judge's coordinator for recusal proceedings.

### [McInnis v. State, 618 S.W.2d 389 \(Tex. Ct. App. 1981\)](#)

## **Texas Civil Court of Appeals**

### **Extract**

*A District Judge shall request the Presiding Judge to assign a judge of the Administrative District to hear any motions to recuse such district judge from a case pending in his court.*

## **Summary**

When a motion to recuse a district judge is filed, the district judge must request the Presiding Judge to assign another judge from the Administrative District to hear the motion. This suggests that the administrative judge's role is to assign a judge to handle the recusal motion, rather than using the district judge's coordinator. The passage does not mention the use of a district judge's coordinator in this process, focusing instead on the assignment of a judge by the Presiding Judge.

### [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#)

## **Texas Court of Appeals**

### **Extract**

*Under Rule 18a(f), the regional presiding judge had the authority to assign a judge to rule. See id. R. 18a(g). Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal. See generally id. R. 18a. Stated otherwise, Rule 18a 'expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district.'*

## **Summary**

The passage from "In re Moore" clarifies that, according to Texas Rule of Civil Procedure 18a, the authority to reassign a case following a judge's recusal is expressly conferred to the regional presiding judge of the administrative judicial district. There is no provision in Rule 18a that allows for a judge other than the regional presiding judge to handle matters following recusal. This implies that the use of a district judge's coordinator in recusal proceedings is not addressed or permitted under Rule 18a, as the rule specifically assigns the responsibility to the regional presiding judge.

[In re Paxton, No. 05-17-00507-CV, No. 05-17-00508-CV, No. 05-17-00509-CV \(Tex. App. May 30, 2017\)](#)

## **Texas Court of Appeals**

### **Extract**

*Thus, absent effective application of article 31.09, respondent may not continue to preside over the cases or utilize the services of the court reporter, court coordinator, or clerk of the court of original venue.*

## **Summary**

When a case is transferred to a different venue, the original judge cannot continue to preside over the case or use the services of the court coordinator from the original venue unless there is consent from the parties involved, as required by article 31.09. This suggests that an administrative judge cannot use the district judge's coordinator in recusal proceedings without such consent.

This memo was compiled by Vincent AI based on vLex materials available as of May 17, 2025. [View full answer on vLex](#)