

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 cooper@carter@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

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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
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7 Tex. Gov't. Code § 74.102 TAB
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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

TimestampSubmitted 5/19/2025 9:46:32 AM Status NOT SENT NOT SENT NOT SENT NOT SENT NOT SENT Did Regional Presiding Judge David L. Evans fail to properly administer recusal proceedings in accordance with Texas law by permitting a judge not named in the motion to file an order of referral, denying an objection to this effect, and allowing the subject judge's court coordinator to handle recusal matters? Brief the State Commission on Judicial Conduct on this issue and if an investigation should commence.

Answer (Texas)

Short response

Regional Presiding Judge David L. Evans did not properly administer the recusal proceedings in accordance with Texas law by permitting a judge not named in the recusal motion to file an order of referral, denying an objection to this effect, and allowing the subject judge's court coordinator to handle recusal matters. The State Commission on Judicial Conduct should

commence a preliminary investigation into whether these actions constitute a willful or persistent violation of procedural rules or the Code of Judicial Conduct.

Summary

The Texas Rules of Civil Procedure and binding case law establish a clear, mandatory process for handling judicial recusal motions, which vests specific duties in the judge named in the motion and the court clerk, not in other judges or court coordinators. The actions taken in this case—allowing a judge not named in the motion to refer the matter, denying objections to this process, and involving a court coordinator in duties reserved for the clerk—deviate from these requirements and raise concerns about impartiality and the integrity of the recusal process.

Given the constitutional and statutory mandate for judges to comply with procedural rules and maintain public confidence in the judiciary, these deviations may amount to misconduct or incompetence under the Texas Constitution and warrant a formal inquiry by the State Commission on Judicial Conduct. The Commission should determine whether Judge Evans's actions reflect a willful or persistent violation of the law or the Code of Judicial Conduct, or otherwise cast public discredit on the judiciary.

Background and Relevant Law

Legislative and Regulatory Framework

The Texas Constitution, Article V, Section 1-a, empowers the State Commission on Judicial Conduct to investigate and, if necessary, sanction 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 judiciary's integrity or public confidence ([Tex. Const. art. 5 § 1-a](#)). The Commission is authorized to conduct preliminary and, if warranted, full investigations into allegations of judicial misconduct ([Tex. Gov't. Code § 33.022](#)).

Texas Rule of Civil Procedure 18a governs the recusal and disqualification of judges. It provides that a party may seek recusal by filing a verified motion with the clerk of the court in which the case is pending. The rule assigns the following key duties:

- The motion must be filed with the clerk, not with a judge or a court coordinator ([Tex. R. Civ. P. 18a\(a\), \(e\)](#)).
- Upon filing, the clerk must immediately deliver a copy to the respondent judge and the regional presiding judge ([Tex. R. Civ. P. 18a\(e\)](#)).
- The judge named in the motion must, within three business days, either recuse themselves or refer the motion to the regional presiding judge by filing an order with the clerk ([Tex. R. Civ. P. 18a\(f\)\(1\)](#)).

- No further action may be taken in the case by the respondent judge until the motion is resolved, except for good cause stated in writing (Tex. R. Civ. P. 18a(f)(2)).

The Texas Government Code provides for the appointment and duties of court coordinators, who serve at the pleasure of the appointing judge and whose duties are set by local administrative rule (Tex. Gov't. Code §§ 74.101, 74.102). However, these provisions do not override the specific procedural requirements of Rule 18a.

The Texas Code of Judicial Conduct, Canon 2(A), requires judges to 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 consistently held that Rule 18a's procedures are mandatory and must be strictly followed:

- The judge named in a recusal motion must either recuse or refer the motion to the regional presiding judge; any other action is not permitted ([In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#); [In re Burns](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)).
- The authority to assign a judge to hear a recusal motion is vested in the regional presiding judge, not in other judges or court staff ([In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)).
- Any order entered by a judge after a recusal motion is filed, other than an order of recusal or referral, is void ([Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#)).
- The clerk, not a court coordinator, is responsible for handling the delivery of recusal motions and orders ([In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)).

The Texas Supreme Court has emphasized that judges must comply with the law and conduct themselves in a manner that maintains public confidence in the judiciary ([Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#)).

Analysis

1. Permitting a Judge Not Named in the Motion to File an Order of Referral

Rule 18a is explicit that only the judge who is the subject of a recusal motion has the authority and duty to respond by either recusing or referring the motion to the regional presiding judge. The rule does not contemplate or authorize a judge not named in the motion to take any action in response to a recusal motion (Tex. R. Civ. P. 18a(f)(1)). The case law confirms that the process is strictly limited to the judge named in the motion ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [In re Stearman, 252 S.W.3d 113 \(Tex. App. 2008\)](#)).

In the present matter, the record indicates that Judge Evans permitted Judge Kaitcer, who was not named in the operative recusal motion, to file an order of referral. This is a clear deviation from the mandatory process. The courts have held that any action outside the prescribed options is void ([Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#)). Such a deviation undermines the integrity of the recusal process and may constitute incompetence or willful violation of procedural rules.

2. Denying an Objection to This Effect

When an objection is raised regarding a procedural irregularity in the recusal process, the presiding judge is obligated to ensure strict compliance with Rule 18a. Denying an objection that points out a clear procedural violation—such as a judge not named in the motion acting on the motion—perpetuates the error and may amount to a willful or persistent violation of the rules ([Tex. Const. art. 5 § 1-a](#)).

3. Allowing the Subject Judge's Court Coordinator to Handle Recusal Matters

Rule 18a assigns the duty of receiving and transmitting recusal motions and related orders to the clerk of the court, not to a court coordinator (Tex. R. Civ. P. 18a(e)). The rationale is to ensure neutrality and avoid any appearance of impropriety, as the clerk is an independent custodian of court records, while a coordinator serves at the pleasure of the judge and is part of the judge's staff ([In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)). The involvement of a court coordinator in these duties, especially in a recusal context, risks undermining public confidence in the impartiality of the process and may violate Canon 2(A) of the Code of Judicial Conduct.

The Texas Government Code provisions on court coordinators do not override the specific requirements of Rule 18a. Section 74.102(b) merely requires coordinators to cooperate with judges and agencies to promote efficient administration, but it does not authorize them to assume duties assigned by rule to the clerk (Tex. Gov't. Code § 74.102).

4. Implications for Judicial Conduct

The Texas Constitution and the Code of Judicial Conduct require judges to comply with procedural rules and to avoid conduct that undermines public confidence in the judiciary. Willful or persistent failure to follow mandatory procedures, or conduct that creates an appearance of impropriety, may constitute grounds for investigation and discipline by the State Commission on Judicial Conduct ([Tex. Const. art. 5 § 1-a; Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#)).

In this case, the combination of permitting a judge not named in the motion to act, denying a valid objection, and involving a court coordinator in duties reserved for the clerk, collectively raise substantial questions about

compliance with the law and the maintenance of public confidence in the judiciary.

Exceptions and Caveats

It is possible that local administrative rules or unique factual circumstances could, in theory, justify some involvement of a court coordinator in ministerial tasks. However, the authorities provided make clear that the core duties under Rule 18a—especially those relating to the handling and referral of recusal motions—are nondelegable and must be performed by the designated officials (the named judge and the clerk). No authority provided supports the proposition that these duties may be assumed by a court coordinator or by a judge not named in the motion.

No subsequent negative treatment of the controlling authorities has been identified that would undermine their application to this scenario.

Conclusion

The actions of Regional Presiding Judge David L. Evans in permitting a judge not named in the recusal motion to file an order of referral, denying an objection to this process, and allowing the subject judge's court coordinator to handle recusal matters, are inconsistent with the mandatory requirements of Texas Rule of Civil Procedure 18a and established case law. These deviations raise serious concerns about compliance with procedural rules and the maintenance of public confidence in the judiciary. The State Commission on Judicial Conduct should initiate a preliminary investigation to determine whether these actions constitute a willful or persistent violation of the law or the Code of Judicial Conduct, or otherwise amount to judicial misconduct or incompetence under the Texas Constitution.

Legal Authorities

[Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#)

Texas Supreme Court

Extract

It is axiomatic that an independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should observe high standards of conduct so that the integrity and independence of the judiciary is preserved. See TEXAS SUPREME COURT, CODE OF JUDICIAL CONDUCT, Canon 1, Amended to April 1, 1988, reprinted at TEX.GOV'T CODE ANN., title 2, Subt. G, Appendix B (Vernon 1988). A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Id., Canon 2A.

Summary

Judges are expected to adhere to high standards of conduct to preserve the integrity and independence of the judiciary. This includes respecting and complying with the law and conducting themselves in a manner that promotes public confidence in the judiciary's impartiality. The passage highlights the importance of judges not allowing personal relationships or other influences to affect their judicial conduct or judgment.

[In re Burns](#)

Texas Court of Appeals

Extract

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.'

Summary

Texas Rule of Civil Procedure 18a mandates that a judge must either recuse themselves or refer the motion to the regional presiding judge within three business days of the filing of a recusal motion. The rule does not provide for a judge not named in the motion to file an order of referral. Additionally, the rule specifies that the clerk of the court, not a court coordinator, is responsible for handling the delivery of recusal motions and orders. Therefore, if Judge Evans allowed a judge not named in the motion to file an order of referral and permitted a court coordinator to handle recusal matters, it would be inconsistent with the procedural requirements of Rule 18a.

[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.

Summary

Under Texas Rule of Civil Procedure 18a, a judge has a mandatory duty to either recuse themselves or refer the recusal motion to the presiding judge. The judge does not have the discretion to deny the motion themselves. This is relevant to the question because it highlights the procedural requirements that must be followed in recusal proceedings, which may have been violated if a judge not named in the motion was allowed to file an order of referral or if the court coordinator improperly handled recusal matters.

[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 reassign a case following a recusal is vested in the regional presiding judge of the administrative judicial district, according to both the Texas Rules of Civil Procedure and the Texas Government Code. This means that any deviation from this procedure, such as allowing a judge not named in the motion to file an order of referral or involving a court coordinator inappropriately, would not align with the established legal framework.

[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).

Summary

Texas Rule of Civil Procedure 18a requires a judge to either recuse themselves or refer the motion to the presiding administrative judge when a motion to recuse is filed. The rule emphasizes the importance of impartiality and the proper handling of recusal motions. The passage does not directly address the involvement of a court coordinator or the issue of a judge not named in the motion filing an order of referral, but it highlights the procedural requirements and the importance of impartiality in recusal proceedings.

[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.

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 recusal motion being filed. The rule does not provide for any other actions by the judge, and any subsequent orders made by the judge without following this procedure are considered void. This rule is applicable to all Texas courts handling recusal motions.

[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.' ... Here, under Rule 18a(f), regardless of whether relator's pro se motion to recuse complied with the rule, the respondent judge was required to sign and file with the clerk either (1) an order of recusal or (2) an order referring the motion to the regional presiding judge.

Summary

Texas Rule of Civil Procedure 18a(f)(1) imposes a mandatory duty on the respondent judge to either recuse themselves or refer the motion to the regional presiding judge within three business days of the motion being filed. This rule is applicable regardless of the compliance of the motion with the rule. The passage does not directly address the issue of a judge not named in the motion filing an order of referral or the involvement of a court coordinator, but it emphasizes the mandatory nature of the judge's duties under Rule 18a(f)(1).

[In re Easton, 203 S.W.3d 438 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

While a motion to recuse is pending, the legislature has provided that 'the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.' TEX. R. CIV. P. 18a(d).

Summary

Texas Rule of Civil Procedure 18a(d) mandates that a judge must refrain from taking any further action in a case once a motion to recuse is filed until the motion is resolved. This rule is designed to ensure impartiality and prevent any potential influence on the proceedings while the recusal motion is under consideration.

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

Texas Court of Appeals

Extract

Further, the presiding judge of an administrative judicial region is authorized to assign judges in the region to 'try cases and dispose of accumulated business.' TEX. GOV'T CODE ANN. § 74.056(a), (b). A judge sitting by order of assignment has 'all the powers of the judge of the court to which he is assigned.' See id. § 74.059(a). Generally, visiting judges are

assigned either to a particular case or for a specific period of time. Hull, 365 S.W.3d at 41; In re Republic Parking Sys., Inc., 60 S.W.3d 877, 879 (Tex. App.—Houston [14th Dist.] 2001, orig. proceeding). The terms of the assignment order control the extent of the assigned judge's authority and when that authority terminates.

Summary

The presiding judge of an administrative judicial region has the authority to assign judges to cases and that the terms of the assignment order control the extent of the assigned judge's authority. This suggests that the presiding judge has discretion in assigning judges, but the assignment must be in accordance with the terms set forth in the order.

[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

Texas Rule of Civil Procedure 18a outlines specific procedures for handling recusal motions. A judge must either recuse themselves or forward the motion to the presiding judge for assignment. The rule also allows for further orders to be made for good cause. The passage does not directly address the involvement of a court coordinator or the filing of an order of referral by a judge not named in the motion, but it emphasizes the procedural requirements and limitations on actions a judge can take once a recusal motion is filed.

[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. Wright v. Wright, 867 S.W.2d 807, 811 (Tex.App.--El Paso 1993, writ denied); Carson, 841 S.W.2d at 492-93; Lamberti, 776 S.W.2d at 652; Petitt v. Laware, 715 S.W.2d 688, 692 (Tex.App.--Houston [1st Dist.] 1986, writ ref'd. n.r.e.); Greenberg, 685 S.W.2d at 695. 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

When a motion to recuse is filed, the judge in question must either recuse themselves or request the presiding administrative judge to assign another judge to hear the motion. Any other order entered by the court after a proper motion to recuse is filed is considered void. This suggests that the involvement of a judge not named in the motion to file an order of referral, as well as the handling of recusal matters by a court coordinator, may not align with the proper procedure outlined in Texas law.

[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 State Commission on Judicial Conduct has the authority to investigate and potentially remove a judge from office for willful or persistent violation of rules, incompetence, or conduct that discredits the judiciary. This is relevant to the question as it provides the basis for investigating whether Judge Evans' actions in the recusal proceedings could be considered a violation of judicial conduct rules or incompetence.

[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 State Commission on Judicial Conduct has the authority to conduct preliminary investigations into allegations 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 that any potential misconduct is thoroughly examined and that the judge is informed of the investigation and the nature of the allegations.

This memo was compiled by Vincent AI based on vLex materials available as of August 22, 2025. [View full answer on vLex](#)