

IN THE 322<sup>ND</sup> DISTRICT COURT OF TARRANT COUNTY, TEXAS

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ITMOMO,	§
<i>Morgan Michelle Myers</i>	§
Petitioner,	§
v.	§
<i>Charles Dustin Myers,</i>	§ Objection to Order of Referral
Respondent	§
<i>&amp; in the interest of</i>	§
<i>M.E.M. &amp; C.R.M.,</i>	§
<i>Two minor children.</i>	§

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**TO THE HONORABLE JUDGE OF THIS COURT:**

Respondent, Charles Dustin Myers, respectfully OBJECTS to the order of referral signed on August 29, 2025, and in support thereof, shows the court the following:

**I. Summary**

1. It is procedurally improper for a court coordinator to forward an order of referral for recusal based solely on a notice of intent to file a recusal, as Texas law requires a formal, verified motion to trigger the recusal process, and the coordinator has no statutory authority to act in this capacity. The continued involvement of the coordinator in recusal matters undermines the integrity of the

process and deviates from the mandatory procedures established by Texas statutes and case law.

2. Under Texas law, the recusal process is strictly governed by statute and rule, requiring a formal, verified motion to be filed before any judicial or administrative action is taken. A mere notice of intent to file a recusal does not initiate the recusal process, and the court coordinator has no legal authority to forward orders of referral or otherwise participate in the assignment of judges for recusal motions.

3. The responsibility for handling recusal motions lies exclusively with the judge and, upon referral, the presiding judge of the administrative judicial district. The involvement of a court coordinator in forwarding orders of referral—especially in the absence of a formal motion—contravenes both the letter and spirit of the law, as confirmed by controlling statutes and appellate decisions. This improper involvement risks undermining the impartiality and public confidence in the judiciary that the recusal process is designed to protect.

## **II. Background and Relevant Law**

4. The Texas Government Code and Texas Rules of Civil Procedure set out a detailed and mandatory process for judicial recusal. Under Tex. Gov't. Code § 25.00255, the presiding judge of the administrative judicial region is vested with

the authority to hear or assign a judge to hear a referred motion for recusal or disqualification. The statute does not mention or authorize any role for a court coordinator in this process, underscoring that the responsibility is judicial, not administrative.

5. Similarly, Tex. Civ. Prac. & Rem. Code § 30.016 addresses the procedure for tertiary recusal motions, requiring the judge to continue presiding over the case but to comply with all applicable rules for recusal and disqualification. Again, there is no provision for a court coordinator to act in this context.

6. The Texas Administrative Code § 155.152, further clarifies that a motion to recuse must be verified, state particular grounds, and be based on personal knowledge. Only upon the filing of such a motion do the procedural requirements for recusal arise.

### **III. Analysis**

#### **A. The Legal Effect of a Notice of Intent to File Recusal**

7. A notice of intent to file a recusal is not a recusal motion. The Texas Rules of Civil Procedure, specifically Rule 18a, and the Texas Administrative Code require that a motion to recuse be verified, state with particularity the grounds for recusal, and be based on personal knowledge. Only upon the filing of such a motion do the procedural requirements for recusal arise . See Tex. Admin. Code §

155.152; *In re Marriage of Samford*, 173 S.W.3d 887 (Tex. 2005); *In re Johnson*, No. 14-04-00519-CV (Tex. 2004)). A notice of intent does not satisfy these requirements and does not trigger the judge's duty to recuse or refer.

## **B. The Role of the Court Coordinator**

8. The statutory and procedural framework for recusal is explicit in assigning responsibility to the judge and, upon referral, the presiding judge of the administrative judicial district (Tex. Gov't. Code § 25.00255; *In re Alpert*, 276 S.W.3d 592 (Tex. App. 2008)). The court coordinator is not mentioned in any statute or rule as having authority to forward orders of referral or otherwise participate in the recusal process. The coordinator's involvement, especially in the absence of a formal motion, is therefore unauthorized and improper.

9. This is not a mere technicality. The recusal process is designed to ensure impartiality and public confidence in the judiciary. Allowing a court coordinator—who is not a judicial officer and may be perceived as aligned with the sitting judge—to participate in the process risks undermining the appearance and reality of impartiality.

10. The continued involvement of the court coordinator in forwarding orders of referral, particularly in the absence of a formal recusal motion, is not only unauthorized but also risks creating the appearance of impropriety or bias. This is

precisely what the recusal process is designed to avoid (*Sears v. Nueces County Sheriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000); *Sun Exploration and Production Co. v. Jackson*, 783 S.W.2d 202 (Tex. 1989)). The Texas Supreme Court has repeatedly emphasized that the less a judge (or by extension, court staff) is involved in recusal proceedings, the better, to maintain the integrity of the process (*Union Pacific Resources Co., In re*, 969 S.W.2d 427 (Tex. 1998)).

11. There are no exceptions found within Texas authorities that would permit a court coordinator to act in the recusal process in the absence of a formal, verified motion. The only administrative role contemplated is that of the court clerk, who is responsible for delivering documents to the relevant judges once a motion or order is filed. Any deviation from this process is not supported by statute, rule, or case law.

#### **IV. Conclusion**

12. In summary, Texas law is clear that the recusal process is triggered only by the filing of a formal, verified motion, and that the responsibility for handling such motions lies exclusively with the judge and, upon referral, the presiding judge of the administrative judicial district. The court coordinator has no statutory or procedural authority to forward orders of referral or otherwise participate in the recusal process, especially in the absence of a formal motion. The continued

involvement of the coordinator in these matters is improper and undermines the integrity and impartiality of the judicial process. The court should ensure strict compliance with the established procedures to maintain public confidence in the judiciary, and vacate the Order of Referral until and unless a statutorily proper recusal is filed.

13. The Notice of Intent to file a recusal is not the same as a recusal, and the Respondent therefore OBJECTS to the order of referral signed on August 29, 2025.

Respectfully submitted,

*/s/ Charles Dustin Myers*  
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PRO-SE RESPONDENT

#### **CERTIFICATE OF SERVICE**

Pursuant to Tex. R. Civ. P. 21a, a true and accurate copy of this objection was served upon all parties of record on 08/29/2025.

*/s/ Charles Dustin Myers*  
PRO-SE RESPONDENT

## **Automated Certificate of eService**

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