

## Question

Can a coordinator be involved in the recusal process of the judge she works for?

## Answer (Texas)

### Short response

Based on Texas law, there is no provision for a coordinator's involvement in the recusal process of a judge, as the Texas Government Code explicitly states that the judge themselves must either recuse or request the presiding judge to assign another judge to hear recusal motions.

### Summary

The Texas Government Code establishes specific procedures for judicial recusal that do not include any role for court coordinators or administrative staff. According to the relevant statutory provisions, when faced with a recusal motion, a judge has only two options: to recuse themselves voluntarily or to request the presiding judge of the administrative district to assign another judge to hear the motion. This process is characterized by direct judge-to-judge communication with no intermediary roles specified for coordinators.

The case law reinforces this understanding, emphasizing that judges have a "mandatory duty" to make recusal requests directly to the presiding judge. Both the legislation and judicial interpretations describe a formal process that places the responsibility squarely on the judge facing the recusal motion, with no provisions for delegation to court staff or coordinators. This suggests that coordinator involvement in the substantive aspects of the recusal process would be inappropriate under the current legal framework.

## Background and Relevant Law

### Statutory Framework

The Texas Government Code contains specific provisions regarding the recusal process for judges at various levels within the judicial system. These provisions outline the proper procedures to be followed when a motion for recusal is filed.

For district, statutory probate, and statutory county court judges, [Tex. Gov't. Code § 74.059](#) establishes that a 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." This language creates a mandatory duty for the judge to personally engage with the recusal process by communicating directly with the presiding judge.

Similarly, for municipal judges, [Tex. Gov't. Code § 29.055](#) provides that when a motion for recusal or disqualification is filed, the judge "shall: recuse or disqualify himself or herself; or request the regional presiding judge to assign a judge to hear the motion." Again, the statute places the responsibility directly on the judge to take one of two specified actions—either to voluntarily step aside or to request assignment of another judge.

Notably absent from both of these statutory provisions is any mention of court coordinators or other administrative staff having a role in the recusal process. The language is unambiguous in addressing only the judge's responsibility, using the word "shall" to indicate that these are mandatory duties that cannot be delegated.

### Case Law Interpretation

The case law interpreting these statutory provisions reinforces the understanding that the recusal process is a formal judicial function with specific requirements that must be followed by the judge personally.

In [Ross v. State, 947 S.W.2d 672 \(Tex. App. 1997\)](#), the Texas Court of Appeals emphasized that "Pursuant to TEX. GOV'T.CODE ANN. § 74.059(c)(3) (Vernon 1988), a district 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." The court further clarified that "Where a motion to recuse has been filed, the trial judge is under a mandatory duty to make a request for the presiding judge of the administrative district to hear the motion to recuse the trial judge."

The court's use of the phrase "mandatory duty" underscores that this is not a discretionary function that can be handled informally or delegated to staff. Rather, it is a formal judicial responsibility that must be carried out by the judge personally.

Similarly, in [Lamberti v. Tschoepe, 776 S.W.2d 651 \(Tex. App. 1989\)](#), the court stated that "The trial judge has two choices, recusal or referral. TEX.R.CIV.PROC.R. 18a(c)." The court went on to specify that if the judge declines to recuse, "he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concerning statements."

This description of the process—where the judge must personally forward the necessary documents to the presiding judge—does not contemplate any intermediate role for coordinators or other staff members. The emphasis is on the judge's direct responsibility in the process.

## Analysis

### Statutory Interpretation

When interpreting statutes, courts generally give effect to the plain meaning of the text unless doing so would lead to absurd results. The language in both [Tex. Gov't. Code § 74.059](#) and [Tex. Gov't. Code § 29.055](#) is clear in placing responsibility for handling recusal matters on the judge. The statutes use mandatory language ("shall") and specifically identify the judge as the actor who must take certain steps.

The absence of any mention of court coordinators or administrative staff in these provisions is significant. When the legislature specifies a particular procedure to be followed by a particular official, courts are generally reluctant to read additional roles or procedures into the statute. This principle of statutory interpretation—expressio unius est exclusio alterius (the expression of one thing implies the exclusion of others)—suggests that by specifying the judge's role without mentioning others, the legislature intended to exclude involvement by court coordinators or administrative staff.

Furthermore, the recusal process involves significant due process concerns and affects the fundamental right to a fair and impartial tribunal. Given these important considerations, it makes sense that the legislature would create a formal process with clearly defined roles and responsibilities, rather than leaving room for ad hoc procedures that might vary from court to court.

## Procedural Requirements

The case law emphasizes that judges have limited options when faced with a recusal motion—they must either recuse themselves or refer the matter to the presiding judge. As noted in [Lamberti v. Tschoepe, 776 S.W.2d 651 \(Tex. App. 1989\)](#), "The trial judge has two choices, recusal or referral." This binary choice does not leave room for delegation to or substantive involvement by court coordinators.

The court in [Lamberti](#) further specified that once a recusal motion is filed, 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" except for good cause stated in an order. This limitation on the judge's actions after a recusal motion is filed reinforces the formality of the process and the need to maintain clear boundaries.

If a coordinator were to become substantively involved in the recusal process—for example, by communicating with the presiding judge on behalf of the judge or by making recommendations regarding how the motion should be handled—this could potentially violate these procedural requirements. It could also create the appearance of impropriety, which the recusal process is designed to avoid.

## The Role of Court Coordinators

While the provided materials do not specifically address the role of court coordinators, their traditional functions typically involve scheduling, case management, and other administrative tasks. These duties are distinct from the substantive judicial functions that judges are required to perform personally.

The recusal process, as outlined in the statutes and case law, appears to be one of these substantive judicial functions that cannot be delegated. The decision whether to recuse voluntarily or to refer the matter to the presiding judge involves legal judgment and directly affects the rights of the parties. Similarly, the communication with the presiding judge regarding a recusal motion is a formal judicial act, not an administrative task.

This distinction between administrative tasks that can be delegated and judicial functions that cannot is important in maintaining the integrity of the judicial process. While a coordinator might assist with administrative aspects of case management even when a recusal motion is pending (such as notifying parties of scheduling changes), substantive involvement in the recusal decision or process would cross the line into judicial territory.

## Potential Limited Administrative Role

Though the provided materials do not directly address this question, it's worth considering whether there might be limited administrative functions that a coordinator could perform in relation to a recusal motion without running afoul of the statutory requirements.

For instance, while the judge must personally request the presiding judge to assign another judge to hear the recusal motion, a coordinator might theoretically handle purely logistical matters such as physically transmitting documents between judges after the judge has made the formal request, or scheduling hearings once another judge has been assigned. However, even these limited roles are not explicitly authorized by the statutes or case law provided.

The safest interpretation of the law as presented in the provided materials is that coordinators should not be substantively involved in the recusal process at all. The statutory framework places the responsibility directly on the judge, and there is no mention of delegation or involvement by other court personnel.

## Ethical Considerations

Beyond the strict legal requirements, there are ethical considerations that weigh against coordinator involvement in the recusal process. Judicial recusal is meant to ensure that cases are decided by impartial judges free from bias or conflicts of interest. The formality of the process helps maintain public confidence in the judiciary.

If coordinators were to become involved in what is supposed to be a direct judge-to-judge communication, this could create the appearance of inappropriate influence or interference. It might raise questions about whether the judge is properly considering the recusal motion or whether the coordinator is filtering information or adding their own perspective.

These concerns are particularly relevant given that coordinators often work closely with the judges they serve and may have loyalties or perspectives that could influence their handling of recusal matters. The formal process outlined in the statutes and case law helps avoid these potential issues by keeping the process squarely within judicial channels.

## Exceptions and Caveats

Though the materials provided do not identify exceptions to the rules governing judicial recusal, it is important to acknowledge some potential limitations in the analysis.

First, the statutes and cases cited are specific to Texas law. Different jurisdictions may have different rules regarding judicial recusal and the role of court staff in that process. Even within Texas, there may be local rules or practices that provide additional guidance not captured in the statewide statutes and appellate decisions.

Second, the most recent versions of the cited statutes are from 2025, but the cases interpreting them are considerably older ([Ross v. State](#) from 1997 and [Lamberti v. Tschoepe](#) from 1989). It's possible that judicial practice has evolved somewhat since these cases were decided, even if the statutory language has remained the same.

Third, the statutes and cases focus on the formal process for handling recusal motions once they have been filed. They do not address preliminary discussions or considerations that might occur before a formal motion is filed. However, this does not change the conclusion that once a recusal issue arises formally, the judge must personally handle the matter as prescribed by law.

Finally, the analysis assumes that the term "coordinator" refers to a court coordinator or similar administrative staff position within the court. If the question were about a different type of coordinator with a more specific role in the judicial system, additional analysis might be needed.

## Conclusion

Based on the Texas Government Code and the judicial interpretations of it provided in the case law, there is no legitimate role for a coordinator in the substantive aspects of a judge's recusal process. The statutory framework is clear that when a motion for recusal is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. This process is described as a "mandatory duty" of the judge, with no provision for delegation or involvement by court coordinators or other administrative staff.

The formal nature of the recusal process, as outlined in [Tex. Gov't. Code § 74.059](#), [Tex. Gov't. Code § 29.055](#), and cases like [Ross v. State](#) and [Lamberti v. Tschoepe](#), suggests that it is a substantive judicial function that cannot be delegated to non-judicial personnel. The emphasis on direct judge-to-judge communication and the specific procedural requirements reinforce this conclusion.

While court coordinators play important roles in judicial administration, including scheduling and case management, their involvement in the recusal process would go beyond these administrative functions and potentially undermine the integrity and formality of the process. The statutory framework places the responsibility for handling recusal matters squarely on the judge, with no intermediary role contemplated for coordinators or other staff.

Therefore, based on the materials provided, a coordinator should not be involved in the recusal process of the judge she works for beyond perhaps the most minimal administrative tasks that do not involve substantive decision-making or communication with the presiding judge regarding the recusal matter. Any more significant involvement would be contrary to the letter and spirit of the Texas laws governing judicial recusal.

## Legal Authorities

[Ross v. State, 947 S.W.2d 672 \(Tex. App. 1997\)](#)

### Texas Court of Appeals

#### Extract

*Pursuant to TEX. GOVT. CODE ANN. § 74.059(c)(3) (Vernon 1988), a district 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. Where a motion to recuse has been filed, the trial judge is under a mandatory duty to make a request for the presiding judge of the administrative district to hear the motion to recuse the trial judge.*

#### Summary

The passage from the Ross v. State case outlines the procedure for recusal of a judge in Texas. It specifies that when a motion to recuse is filed, the judge in question must request the presiding judge to assign another judge to hear the motion. This indicates that the process is formal and involves specific judicial roles, namely the trial judge and the presiding judge of the administrative district. The passage does not mention any role for a coordinator or any other non-judicial staff in the recusal process. Therefore, based on this passage, the involvement of a coordinator in the recusal process is not addressed or implied.

[Lamberti v. Tschoepe, 776 S.W.2d 651 \(Tex. App. 1989\)](#)

### Texas Court of Appeals

#### Extract

*The Texas Government Code provides that a district or statutory county court judge shall request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his own court. TEX. GOVT. CODE ANN. § 74.059 (Vernon 1988). The Texas Rules of Civil Procedure are explicit with regard to these motions. The trial judge has two choices, recusal or referral. TEX.R.CIV.PROC.R. 18a(c). The rules further provide: If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concerning statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.*

#### Summary

Procedure for a judge's recusal in Texas, specifying that the judge must either recuse themselves or refer the motion to the presiding judge. It does not mention any role for a coordinator in this process. The rules are explicit that the judge must forward the motion and related documents to the presiding judge, and no further action should be taken by the judge after the motion is filed. This suggests that the process is strictly regulated and does not provide for involvement by a coordinator.

[Tex. Gov't. Code § 74.059 Tex. Gov't. Code § 74.059 Powers and Duties](#)

**Extract**

*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;*

**Summary**

It is the responsibility of the judge to request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case. This indicates that the recusal process is a formal judicial responsibility and does not mention any role for a coordinator in this process.

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

**Extract**

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

**Summary**

Procedure for the recusal or disqualification of a municipal judge, specifying that the judge must either recuse or disqualify themselves or request the regional presiding judge to assign another judge to hear the motion. There is no mention of a coordinator's involvement in this process, indicating that the procedure is strictly between the judge and the regional presiding judge.

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