

## **Question**

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 322ND DISTRICT COURT, 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. EV ANS, PRESIDING JUDGE EIGHTH  
ADMINISTRATIVE JUDICIAL REGION OF TEXAS --- If the regional presiding judge never properly reinstated the trial judge and never officially relieved the visiting judge, if the trial judge sua sponte set the case for final trial after the motion to recuse was denied, is this a legal error?

## **Answer (Texas)**

### **Short response**

Yes, it is a legal error for the trial judge to set the case for final trial sua sponte after a motion to recuse was denied, if the regional presiding judge never properly reinstated the trial judge and never officially relieved the visiting judge. Under Texas law, only the assigned judge retains authority until the presiding judge issues a written order reinstating the original judge or relieving the assigned judge, and any action taken by a judge without proper authority is void.

# **Summary**

Texas statutes and case law establish a strict procedural framework for judicial recusal and the assignment of visiting judges. When a motion to recuse is filed and a visiting judge is assigned, the original trial judge loses all authority over the case until the regional presiding judge formally reinstates them and relieves the visiting judge through a written order entered into the record.

If the presiding judge fails to issue such an order, the visiting judge remains the only judge with authority over the case, and any action taken by the original trial judge—such as setting the case for final trial—is void and constitutes a legal error. This rule is designed to preserve the integrity of the recusal process and ensure that only duly authorized judges exercise judicial power in the matter.

## **Background and Relevant Law**

### **Legislative Framework**

The Texas Government Code and Texas Rules of Civil Procedure provide the primary statutory and procedural rules governing judicial recusal and the assignment of visiting judges.

**Texas Government Code § 24.002** requires that if a district judge determines they should recuse themselves, they must enter a recusal order, request the presiding judge of the administrative judicial region to assign another judge, and take no further action in the case except for good cause stated in the order. This provision is mandatory and applies to all district judges in Texas.

**Texas Government Code § 74.059** states that a judge assigned under this chapter has all the powers of the judge of the court to which they are assigned. This means that once a visiting judge is assigned, they possess the full authority of the original judge until officially relieved.

**Texas Government Code § 74.053** and **§ 25.00255** further clarify the assignment process and the scope of authority for assigned judges, emphasizing the need for clear, written orders and proper notice to all parties.

**Texas Rule of Civil Procedure 18a** is the central procedural rule for recusal. It provides that when a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge. Once recused, the judge must not take further action in the case unless there is good cause stated in writing or on the record. If the judge declines to recuse, they must forward the motion to the presiding judge and refrain from further action until the motion is resolved.

## Case Law

Texas appellate courts have consistently enforced these statutory and procedural requirements. The following principles are established by the case law:

- Once a judge recuses themselves or a motion to recuse is referred, the judge must not take further action in the case until the motion is resolved and the judge is properly reinstated by written order of the presiding judge ([Ex parte Thuesen, 546 S.W.3d 145, 147 \(Tex. Crim. App. 2017\)](#); [Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)](#)).
- The authority of a visiting judge is derived solely from the order of assignment, and the visiting judge retains authority until officially relieved by the presiding judge ([In re B.F.B., 241 S.W.3d 643 \(Tex. App. 2007\)](#)).
- Any action taken by a judge without proper authority—such as acting before being reinstated or after recusal—is void ([In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Mixon v. Moyer, 860 S.W.2d 209 \(Tex. App. 1993\)](#)).
- Orders regarding recusal, reinstatement, or modification of judicial authority must be made in writing, signed by the presiding judge, and entered of record ([Ex parte Thuesen, 546 S.W.3d 145, 156 \(Tex. Crim. App. 2017\)](#)).

## Analysis

### The Assignment and Authority of Judges

When a motion to recuse is filed, the original trial judge must either recuse themselves or refer the motion to the regional presiding judge. If the judge recuses, the presiding judge assigns a visiting judge to handle the recusal motion and any related matters. The visiting judge's authority is defined by the order of assignment and continues until the presiding judge issues a written order relieving the visiting judge and, if appropriate, reinstating the original judge ([In re B.F.B., 241 S.W.3d 643 \(Tex. App. 2007\)](#)).

**Texas Government Code § 74.059** confirms that an assigned judge has all the powers of the judge of the court to which they are assigned. Therefore, unless and until the presiding judge issues a written order relieving the visiting judge, the visiting judge remains the only judge with authority over the case.

**Texas Rule of Civil Procedure 18a** and the related case law make clear that the original judge, once recused or once a recusal motion is referred, cannot take further action in the case unless and until they are properly reinstated by the presiding judge. This rule is strictly enforced to prevent any appearance of impropriety or partiality and to maintain the integrity of the judicial process ([In re Amos, 397 S.W.3d 309 \(Tex. App. 2013\)](#); [Villareal v. State, 348 S.W.3d 365 \(Tex. App. 2011\)](#)).

## **Void Actions and Legal Error**

If the presiding judge never issues a written order reinstating the original trial judge or relieving the visiting judge, the original judge remains without authority to act in the case. Any action taken by the original judge in this period—including setting the case for final trial—is void ([In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#); [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Mixon v. Moyer, 860 S.W.2d 209 \(Tex. App. 1993\)](#)).

The Texas Court of Criminal Appeals in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#) held that a judge who has recused themselves cannot take further action in the case unless there is a subsequent written order, signed by the presiding judge, reinstating them. Any such order must be entered into the record. The same principle applies to the scenario where a visiting judge has been assigned: the original judge cannot resume authority until the presiding judge formally reinstates them.

Similarly, the Texas Court of Appeals in [Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)](#) reiterated that once a judge recuses themselves, they lose all judicial authority in the case, and any subsequent action is void unless the judge is properly reinstated.

The rule is further reinforced by [In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#), which states that after a motion to recuse is filed, the judge must either recuse or refer the motion, and cannot take further action until the motion is resolved. Any orders made in violation of this rule are void.

## **The Role of the Presiding Judge**

The presiding judge of the administrative judicial region has exclusive authority to assign judges to hear recusal motions and to reassign or reinstate judges following recusal proceedings ([In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#); [In re PG & E Reata Energy, et al., 4 S.W.3d 897 \(Tex. App. 1999\)](#)). Local rules or informal practices cannot override this authority.

Any order reinstating the original judge or relieving the visiting judge must be in writing, signed by the presiding judge, and entered into the record ([Ex parte Thuesen, 546 S.W.3d 145, 156 \(Tex. Crim. App. 2017\)](#)). Without such an order, the original judge remains without authority, and the visiting judge continues to hold judicial power over the case.

## **Application to the Present Scenario**

In the scenario described, the regional presiding judge assigned a visiting judge to hear the recusal motions. If the presiding judge never issued a written order reinstating the original trial judge or relieving the visiting judge, the visiting judge remained the only judge with authority over the case. The original trial judge, therefore, had no authority to set the case for final trial sua sponte after the motion to recuse was denied.

Any such action by the original trial judge is void and constitutes a legal error under Texas law. This is not a mere technicality; it is a fundamental

requirement designed to ensure the impartiality and integrity of the judicial process.

## **Authority of the Visiting Judge**

The scope of the visiting judge's authority is defined by the order of assignment. If the order assigns the visiting judge to hear all pending and subsequent motions to recuse or disqualify, the visiting judge retains authority over those matters until officially relieved. The original judge cannot resume authority until the presiding judge issues a written order to that effect ([In re B.E.B., 241 S.W.3d 643 \(Tex. App. 2007\)](#)).

## **Voidness of Orders**

Texas courts have repeatedly held that any orders or actions taken by a judge without proper authority—such as acting after recusal or before reinstatement—are void and must be set aside ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [Mixon v. Moye, 860 S.W.2d 209 \(Tex. App. 1993\)](#); [Brosseau v. Ranzau, 911 S.W.2d 890 \(Tex. App. 1995\)](#)). Although [Brosseau v. Ranzau, 28 S.W.3d 235 \(Tex. App. 2000\)](#) was later overruled by [Brosseau v. Ranzau, 58 S.W.3d 305 \(Tex. App. 2001\)](#), the principle that actions taken without proper authority are void remains well established in subsequent and controlling case law.

## **Exceptions and Caveats**

There are limited exceptions to the rule that a judge cannot act after recusal or before reinstatement. The only exception is if there is good cause stated in writing or on the record for the judge to take further action while a recusal motion is pending ([In re Gold, 04-25-00085-CV \(Tex. App. May 07, 2025\)](#)). However, this exception does not apply to the situation where the judge has not been properly reinstated after a recusal motion is denied.

Additionally, if the recusal motion is a tertiary motion (the third or subsequent motion for recusal by the same party), Texas Civil Practice and Remedies Code § 30.016 allows the judge to continue presiding and moving the case forward as if the motion had not been filed. However, this exception is narrow and applies only to tertiary motions, which is not indicated in the present scenario.

## **Conclusion**

In summary, Texas law is clear that once a visiting judge is assigned to a case following a recusal motion, the original trial judge cannot resume authority or take any action in the case—including setting it for final trial—unless and until the regional presiding judge issues a written order reinstating the original judge and relieving the visiting judge. Any action taken by the original judge without such authority is void and constitutes a legal error. This strict procedural requirement is designed to protect the integrity of the judicial process and ensure that only duly authorized judges

exercise judicial power in the matter. The failure to follow these procedures can result in the setting aside of any orders or actions taken without proper authority.

## Legal Authorities

[Torch Energy Marketing, Inc., In re, 989 S.W.2d 20 \(Tex. App. 1998\)](#)

### Texas Court of Appeals

#### Extract

Rule 18a establishes the procedure to be followed in filing a motion to recuse. Once a motion to recuse is filed, the rule provides that 'the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion.' TEX.R. CIV. P. 18a (c). This language establishes the procedure to be followed when a motion to recuse is filed, it does not operate as the authority under which the presiding judge will make the assignment. Such authority is granted by Chapter 74 of the Government Code.

#### Summary

Rule 18a of the Texas Rules of Civil Procedure outlines the procedure for filing a motion to recuse a judge. Once such a motion is filed, the judge in question must either recuse themselves or request the presiding judge to assign another judge to hear the motion. The authority for assigning a judge comes from Chapter 74 of the Texas Government Code. If the presiding judge does not properly reinstate the trial judge or relieve the visiting judge, it could potentially be a procedural error, as the proper procedure for handling motions to recuse involves specific steps and authority as outlined in the rules and code.

[In re B.F.B., 241 S.W.3d 643 \(Tex. App. 2007\)](#)

### Texas Court of Appeals

#### Extract

The Murphys argue, in the dispositive point of error, that the visiting judge lacked authority to hear the case and that the resulting final order is void. The Murphys' argument reasons that a visiting judge's authority originates solely from the order of assignment and that the order of assignment in this case assigned the visiting judge to hear only the motion to recuse... The substance of the order of assignment indisputably limits the visiting judge's authority to the motion to recuse. The visiting judge lacked authority to hear the case on its merits... When a visiting judge's actions exceed the scope of the assignment, the Texas Supreme Court has held the judgment void.

## **Summary**

The authority of a visiting judge in Texas is derived solely from the order of assignment. If the order of assignment limits the visiting judge's authority to a specific matter, such as a motion to recuse, the judge cannot preside over other matters, such as the merits of the case, without exceeding their authority. If a visiting judge acts beyond the scope of their assignment, any resulting judgment is considered void. This principle is applicable to the question at hand, as it addresses the issue of whether a trial judge can set a case for trial after a motion to recuse is denied without proper reinstatement or relief of the visiting judge.

[In re Amos, 397 S.W.3d 309 \(Tex. App. 2013\)](#)

## **Texas Court of Appeals**

### **Extract**

If a judge recuses himself or herself, the judge thereby voluntarily steps out of the case for all purposes and another judge is immediately assigned to hear and dispose of the case. If a judge refers the motion to recuse to the presiding administrative judge, the rules require the challenged judge to step aside and another judge to be assigned to resolve the motion. Once the challenged judge refers the motion for another judge to decide, the challenged judge must take no further action in the case until the motion is decided, except for good cause stated in writing or on the record. Tex. R. Civ. P. 18a(f)(2)(A) (concerning motions to recuse filed before evidence has been offered at trial).

## **Summary**

Once a motion to recuse is filed, the challenged judge must step aside and take no further action in the case until the motion is decided. This rule is designed to preserve the impartiality of the judiciary and ensure that the recusal process is handled by an independent judge. If the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge set the case for trial *sua sponte*, it could be considered a legal error because it violates the procedure outlined in Rule 18a.

[O.C.S. Inc. v. Pi Energy Corporation, 24 S.W.3d 548 \(Tex. App. 2000\)](#)

## **Texas Court of Appeals**

### **Extract**

Subsections (c) and (d) of rule 18a provide: (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the

presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## **Summary**

Rule 18a of the Texas Rules of Civil Procedure outlines the procedure for handling motions to recuse judges. Specifically, if a judge declines to recuse themselves, they must forward the motion to the presiding judge of the administrative judicial district and make no further orders or take any further action in the case until a hearing on the motion is conducted. This implies that if a trial judge sets a case for final trial *sua sponte* after a motion to recuse is denied, without proper reinstatement or relief of the visiting judge, it could be considered a legal error as it contravenes the procedural requirements outlined in Rule 18a.

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

## **Texas Court of Appeals**

### **Extract**

Once rule 18a was properly invoked, only Judge Hester, the regional presiding judge (or in certain circumstances, the Chief Justice of the Texas Supreme Court), had authority to appoint a judge to hear the recusal motion and sit over the case when the motion was granted. The Hidalgo County Local Rules must be harmonized with the mandatory procedures of rule 18a and 74.059(c)(3). Accordingly, the local rules do not and cannot empower Judge Gonzalez to overrule the regional presiding judge's order appointing Judge Westergren to hear the cases through trial.

## **Summary**

Once a Rule 18a motion to recuse is properly invoked, only the regional presiding judge has the authority to appoint a judge to hear the recusal motion and preside over the case. The passage emphasizes that local rules cannot override the authority of the regional presiding judge in this context. This suggests that if the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, any actions taken by the trial judge, such as setting the case for trial, could be considered a legal error.

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

**Texas Court of Appeals**

**Extract**

Rule 18a of the Texas Rules of Civil Procedure provides in relevant part: ...  
(c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

**Summary**

Rule 18a outlines the procedures a judge must follow when a motion to recuse is filed. Specifically, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. Importantly, the judge should not take further action in the case until the motion is resolved, unless there is good cause stated. This suggests that if a trial judge sets a case for trial sua sponte after a motion to recuse is denied, without proper reinstatement or relief of the visiting judge, it could be considered a legal error.

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

**Texas Court of Appeals**

**Extract**

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

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

## **Summary**

Rule 18a of the Texas Rules of Civil Procedure mandates that once a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The judge is prohibited from taking further action in the case until the motion is resolved, except for good cause. If the regional presiding judge did not properly reinstate the trial judge and did not officially relieve the visiting judge, and the trial judge set the case for trial sua sponte after the motion to recuse was denied, it could be considered a legal error. This is because the trial judge would be taking action in the case without proper authority, as the visiting judge was not officially relieved.

[In re Wilhite, 298 S.W.3d 754 \(Tex. App. 2009\)](#)

## **Texas Court of Appeals**

### **Extract**

In Texas, a judge may be removed from a case because he is constitutionally disqualified, subject to a statutory strike, or recused. ... The pertinent standard for recusal is that a 'judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned.' See TEX.R. CIV. P. 18b(2). ... Mandamus relief is proper when a trial court erroneously denies a motion to disqualify. ... Unlike statutory recusal, disqualification cannot be waived, and may be raised at any time.

## **Summary**

Grounds and procedures for judicial disqualification and recusal in Texas. It emphasizes that a judge must recuse themselves if their impartiality might reasonably be questioned. It also notes that disqualification cannot be waived and can be raised at any time. This is relevant to the question because it addresses the procedural requirements and potential errors related to judicial recusal and disqualification.

[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... If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.

## **Summary**

Under Texas Rule of Civil Procedure 18a and section 74.059(c)(3) of the Government Code, a judge has a mandatory duty to either recuse themselves or refer the recusal motion to the presiding judge. If a judge fails to comply with these rules, all subsequent actions by the judge in that case are void. This indicates that if the regional presiding judge did not properly reinstate the trial judge and did not officially relieve the visiting judge, and the trial judge set the case for final trial after the motion to recuse was denied, it could be considered a legal error, as the actions taken by the judge may be void.

## [Brosseau v. Ranzau, 911 S.W.2d 890 \(Tex. App. 1995\)](#)

### **Texas Court of Appeals**

## **Extract**

We agree with appellant that the trial judge erred by violating Rule 18a of the Texas Rules of Civil Procedure in failing to either recuse himself or refer the motion to recuse to the presiding judge of the administrative judicial district... If a trial court fails to comply with the rules provided for in Rule 18a of the Texas Rules of Civil Procedure, all actions taken by the judge subsequent to such violation are void.

## **Summary**

Rule 18a of the Texas Rules of Civil Procedure mandates that a judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district when faced with a motion to recuse. If the judge fails to comply with these requirements, any actions taken by the judge after such a violation are considered void. This indicates that if a trial judge sets a case for final trial after a motion to recuse is denied without proper reinstatement or relief of the visiting judge, it could be a legal error, as actions taken after a violation of Rule 18a are void.

[Jamilah v. Bass, 862 S.W.2d 201 \(Tex. App. 1993\)](#)

**Texas Court of Appeals**

**Extract**

TEX.R.CIV.P. 18a provides: (a) At least ten days before the date set for trial or other hearing ... any party may file with the clerk of the court a motion stating grounds why the judge before whom the case is pending should not sit in the case.... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If a judge decides to recuse himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district ... an order of referral, the motion, and all opposing and concurring statements.

**Summary**

Rule 18a outlines the procedure for recusal of judges in Texas. It specifies that if a motion for recusal is filed, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. The judge is not to take further action in the case unless there is good cause stated. If the presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge set the case for trial sua sponte after a motion to recuse was denied, it could be a legal error if the proper procedures outlined in Rule 18a were not followed.

[Gaines v. Gaines, 677 S.W.2d 727 \(Tex. App. 1984\)](#)

**Texas Court of Appeals**

**Extract**

In McLeod v. Harris, 582 S.W.2d 772 (Tex. 1979), it was held that under the express terms of Article 200a, § 6, the trial judge had a mandatory duty to request the presiding judge to assign another district judge to hear the motion to recuse. The Court pointed out, however, that the motion to recuse does not in itself disqualify the judge.

**Summary**

Under Texas law, specifically Article 200a, § 6, a trial judge has a mandatory duty to request the presiding judge to assign another district judge to hear a motion to recuse. However, the mere filing of a motion to recuse does not automatically disqualify the judge from presiding over the case. This implies

that if the presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge set the case for trial *sua sponte* after the motion to recuse was denied, it could potentially be a procedural error if the proper protocol for handling recusal motions was not followed.

[In re Lincoln, 114 S.W.3d 724 \(Tex. App. 2003\)](#)

**Texas Court of Appeals**

**Extract**

At the outset, we note that the denial of a motion to recuse is appealable upon final judgment. Tex.R. Civ. P. 18a(f). A writ of mandamus is not available to address the denial of a motion to recuse. *In re Union Pac. Res. Co.*, 969 S.W.2d 427, 428-29 (Tex.1998) ('the appellate court can cure any harm by reversing the trial court's judgment and remanding for a new trial before a different judge').

**Summary**

The denial of a motion to recuse is appealable upon final judgment, and any harm can be cured by the appellate court by reversing the trial court's judgment and remanding for a new trial before a different judge. This suggests that if there was an error in the process of reinstating the trial judge or relieving the visiting judge, it could potentially be addressed on appeal.

[Mann v. Denton Cnty., NO. 02-13-00217-CV \(Tex. App. Oct 09, 2014\)](#)

**Texas Court of Appeals**

**Extract**

After a judge is voluntarily or involuntarily recused from a case, the judge generally must not make further orders nor take further action. See *In re Amos*, 397 S.W.3d 309, 314 (Tex. App.—Dallas 2013, orig. proceeding) ('Any involvement by the recused judge after recusal can only disserve the public policy of preserving public confidence in the impartiality of the judiciary.');

*Mixon v. Moye*, 860 S.W.2d 209, 210 (Tex. App.—Texarkana 1993, orig. proceeding). In fact, under some circumstances, a judge loses authority to act, at least temporarily, upon a party's motion for recusal. Under rule of civil procedure 18a, when a party files a motion to recuse a judge before evidence has been offered at trial, the 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.' Tex. R. Civ. P. 18a(f)(2)(A). When a motion to recuse is granted, an administrative judge 'must transfer the case to another court or assign another judge to the case.' Tex. R. Civ. P. 18a(g)(7). Typically,

any order signed by a recused judge (or a judge against whom a recusal motion is pending) is wholly void and must be set aside.

## **Summary**

The passage explains that once a judge is recused, they must not take further action in the case. If a motion to recuse is pending, the judge must refrain from taking action until the motion is decided, unless there is good cause stated in writing or on the record. If a motion to recuse is granted, the case must be transferred to another court or judge. Any orders made by a recused judge or a judge with a pending recusal motion are typically void. This indicates that if the trial judge set the case for final trial after a motion to recuse was denied, without proper reinstatement or relief of the visiting judge, it could be considered a legal error.

[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). ... Tex. R. Civ. P. 18a does not prohibit a party from filing more than one recusal motion against a trial judge. However, it is not clear that a party may seek a recusal and obtain a hearing and then later again attempt to obtain the same relief through another hearing covering the same matters.

## **Summary**

Procedure for handling motions to recuse judges in Texas, emphasizing that a judge must either recuse themselves or have another judge assigned to hear the motion. It also highlights that a judge should recuse themselves if their impartiality might reasonably be questioned. The passage further clarifies that while multiple recusal motions can be filed, it is not clear if a party can repeatedly seek the same relief through multiple hearings on the same matters. This information is relevant to understanding whether the trial judge's actions in setting the case for trial after a recusal motion was denied could be considered a legal error, especially if the visiting judge was not officially relieved.

[Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)](#)

## **Texas Court of Appeals**

## **Extract**

A judge that recuses sua sponte 'shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the' recusal order. Tex. Gov't Code Ann. § 24.002... '[O]nce a district judge signs an order recusing himself or herself under the statute, the recused judge no longer has any judicial authority to take any action or sign any orders in the case.'

## **Summary**

The passage from *Cantu v. Moore* explains that once a judge recuses themselves, they must request the presiding judge to assign another judge and cannot take further action in the case. This indicates that if a trial judge sets a case for trial after a recusal motion is denied without proper reinstatement, it could be a legal error, as the judge would lack authority to act without being officially reinstated.

### [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**

Procedural requirements for a judge when a motion to recuse is filed. Specifically, the judge must either recuse themselves or refer the motion to the regional presiding judge within three business days. If a judge fails to comply with this mandatory duty, mandamus relief is available. The passage also notes that an order denying a motion to recuse can only be reviewed for abuse of discretion on appeal from the final judgment.

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

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

## **Extract**

Texas Rule of Civil Procedure 18a(f)(1) provides: 'Regardless of whether the motion [to recuse] complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge.' Tex.R.Civ.P. 18a(f)(1). Under the rule's clear terms, when a party files a motion to recuse, the judge must either grant the motion or refer it to the regional presiding judge. See id. Once Gold filed the motion to recuse, respondent could not take further action other than signing an order of recusal or an order referring the motion to the regional presiding judge. See Tex. R. Civ. P. 18a(f)(1); In re Marshall, 515 S.W.3d 420, 422 (Tex. App.-Houston [14th Dist.] 2017, orig. proceeding). The failure to take one of these two actions renders subsequent orders void. In re Marshall, 515 S.W.3d at 422; In re Norman, 191 S.W.3d 858, 861 (Tex. App.-Houston [14th Dist.] 2006, orig. proceeding) ('If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.'). Additionally, '[i]f 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.' Tex.R.Civ.P. 18a(f)(2)(A). '[T]he 'good cause' required by [r]ule 18a must relate to the necessity for taking further action in a case in which a recusal motion is pending, not to any 'good cause' that might support the merits of the underlying motion.' In re Whatley, No. 14-05-01222-CV, 2006 WL 2257399, at \*1 (Tex. App.-Houston [14th Dist.] Aug. 8, 2006, orig. proceeding) (mem. op. on reh'g).

## **Summary**

Texas Rule of Civil Procedure 18a(f)(1) mandates that when a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge. If the judge fails to do so, any subsequent actions they take are void. Additionally, if a motion is filed before evidence is offered at trial, the judge must not take further action until the motion is decided, unless there is good cause stated in writing or on the record. This rule is generally applicable to cases in Texas involving motions to recuse.

[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 expressly conferred to the regional presiding judge of the administrative judicial district. This means that any reassignment or reinstatement of a judge must be done by the presiding judge. If the presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge set the case for trial *sua sponte*, it could be considered a legal error because the proper procedural authority was not followed.

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

### **Texas Court of Appeals**

#### **Extract**

The Rules of Civil Procedure provide that while a recusal motion is pending 'the judge shall make no further orders and shall take no further action in the case.' TEX. R. CIV. P. 18a(d) (emphasis added).

## **Summary**

According to Texas Rules of Civil Procedure 18a(d), a judge is prohibited from making further orders or taking further action in a case while a recusal motion is pending. This rule is designed to ensure impartiality and prevent any potential bias or conflict of interest from affecting the proceedings. The passage suggests that any action taken by a judge while a recusal motion is pending could be considered a legal error.

[Brosseau v. Ranzau, 28 S.W.3d 235 \(Tex. App. 2000\)](#)

### **Texas Court of Appeals**

#### **Extract**

This Court has previously held that a trial judge, when presented with a recusal motion, regardless of the 'procedural sufficiency' of that motion, has only the option to act in one of two specified ways: to recuse himself, or refer the case to the presiding judge. ... By pursuing an option unavailable through any rule or statute, the court abused its discretion as a matter of law.

## **Summary**

When a recusal motion is presented, the trial judge has only two options: to recuse themselves or refer the case to the presiding judge. Any action outside of these options, such as setting the case for trial without proper

reinstatement or relief of the visiting judge, would be considered an abuse of discretion as a matter of law.

[Villareal v. State , 348 S.W.3d 365 \(Tex. App. 2011\)](#)

**Texas Court of Appeals**

**Extract**

Under Texas Rule of Civil Procedure 18a, a judge presented with a timely motion to recuse has two, and only two, options: (1) recuse himself or (2) refer the motion to the presiding judge for his region. ... In civil cases, any action taken by the trial court after a motion to recuse has been filed is void.

**Summary**

Texas Rule of Civil Procedure 18a mandates that a judge must either recuse themselves or refer the motion to the presiding judge when a motion to recuse is filed. If a trial court takes any action after a motion to recuse has been filed, such actions are considered void in civil cases. This suggests that if the trial judge set the case for a final trial after a motion to recuse was denied without proper reinstatement or relief of the visiting judge, it could be considered a legal error.

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

**Texas Court of Criminal Appeals**

**Extract**

The State argues that Texas law provides that, after a judge voluntarily recuses himself, he can take no further action. Thus, in the absence of any subsequent written order signed by Judge Underwood, Judge Bryan did not have judicial authority to sign and execute the order reinstating himself on applicant's case, and his subsequent rulings are void.

**Summary**

Once a judge recuses themselves, they cannot take further action in the case unless there is a subsequent written order reinstating them. If a judge acts without such an order, their actions are void. This principle is applicable to the question at hand, as it involves the issue of whether a trial judge can set a case for trial after a motion to recuse was denied without proper reinstatement.

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

## **Texas Court of Appeals**

### **Extract**

Rule 18a requires that, if a judge recuses himself or herself, the judge 'shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken.' TEX.R. CIV. P. 18a(c). Once a judge is recused or disqualified from a case, the prudent approach is for the recused judge and the assigned judge to have no further communications with each other concerning any aspect of that case. Any such communication has, at the very least, the appearance of violating the basic policy reasons for the recusal in the first place.

### **Summary**

Once a judge is recused, they are not to take further action in the case unless there is good cause stated. This suggests that if a trial judge, who was not properly reinstated, took action such as setting a case for trial, it could be considered a legal error. The passage emphasizes the importance of maintaining the appearance of justice and avoiding any actions that could undermine the reasons for recusal.

## [Mixon v. Moye, 860 S.W.2d 209 \(Tex. App. 1993\)](#)

### **Texas Court of Appeals**

### **Extract**

Because Judge Moye had recused himself before the order complained of was rendered and no fact constituting good cause is stated in the order, it is void and must be set aside.

### **Summary**

The passage from Mixon v. Moye indicates that if a judge has recused themselves from a case, any orders or actions they take without being properly reinstated are considered void. This suggests that if a trial judge sets a case for trial after a motion to recuse is denied, without being officially reinstated, it could be considered a legal error.

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

## **Extract**

A judge who hears a motion for recusal or disqualification may also hear any amended or supplemented motion for recusal or disqualification filed in the case.

## **Summary**

A judge assigned to hear a motion for recusal or disqualification has the authority to hear any amended or supplemented motions related to recusal or disqualification. This suggests that the visiting judge, once assigned, retains authority over the recusal matters unless officially relieved. If the regional presiding judge did not officially relieve the visiting judge, the trial judge setting the case for trial could be seen as a procedural error, as the visiting judge's authority over recusal matters would still be in effect.

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

## **Extract**

A judge assigned under the provisions of this chapter has all the powers of the judge of the court to which he is assigned.

## **Summary**

An assigned judge has all the powers of the judge of the court to which they are assigned. This implies that until the visiting judge is officially relieved, they retain the authority to act in the capacity of the trial judge. If the regional presiding judge did not officially relieve the visiting judge, the trial judge setting the case for a final trial *sua sponte* could be considered a legal error, as the visiting judge still holds the authority.

## [Tex. Gov't. Code § 24.002 Tex. Gov't. Code § 24.002 Assignment of Judge Or Transfer of Case On Recusal](#)

## **Extract**

If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no further action in the case except for good cause stated in the order in which the action is taken.

## **Summary**

Procedure a district judge must follow if they determine they should recuse themselves from a case. Specifically, the judge must enter a recusal order, request the presiding judge to assign another judge, and take no further action in the case except for good cause stated in the order. This implies that if a judge is recused, they should not take further actions such as setting a case for trial unless there is a stated good cause.

[Tex. Civ. Prac. and Rem. Code § 30.016 Tex. Civ. Prac. and Rem. Code § 30.016 \[Effective Until 9/1/2025\] Recusal Or Disqualification of Certain Judges](#)

## **Extract**

A judge who declines recusal after a tertiary recusal motion is filed shall comply with applicable rules of procedure for recusal and disqualification except that the judge shall continue to: preside over the case; sign orders in the case; and move the case to final disposition as though a tertiary recusal motion had not been filed.

## **Summary**

When a tertiary recusal motion is filed and declined, the judge is required to continue presiding over the case, signing orders, and moving the case to final disposition as if the motion had not been filed. This implies that the judge has the authority to set the case for final trial even if the motion to recuse was denied, as long as it is a tertiary recusal motion.

[Tex. Gov't. Code § 74.053 Tex. Gov't. Code § 74.053 Objection to Judge Assigned to a Trial Court](#)

## **Extract**

When a judge is assigned to a trial court under this chapter: the order of assignment must state whether the judge is an active, former, retired, or senior judge; and the presiding judge shall, if it is reasonable and practicable and if time permits, give notice of the assignment to each attorney representing a party to the case that is to be heard in whole or part by the assigned judge.

## **Summary**

When a judge is assigned to a trial court, the order of assignment must clearly state the status of the judge (active, former, retired, or senior). Additionally, the presiding judge is responsible for notifying each attorney representing a party in the case about the assignment. This ensures

transparency and proper communication regarding the assignment of judges. If the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, it could potentially be a procedural error, especially if the parties were not properly notified of the changes in judicial assignment.

### [1 Tex. Admin. Code § 155.152 1 Tex. Admin. Code § 155.152 Disqualification Or Recusal of Judges](#)

#### **Extract**

If the presiding judge who is the subject of the motion does not disqualify or recuse him- or herself from the case, the Chief Judge or a designee of the Chief Judge shall assign another judge to consider and rule on the motion.

#### **Summary**

If a motion to recuse or disqualify a judge is filed and the presiding judge does not disqualify or recuse themselves, another judge must be assigned to consider and rule on the motion. This indicates that there is a procedural requirement for handling motions to recuse or disqualify judges, and if this procedure is not followed, it could potentially be a legal error.

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

#### **Extract**

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

#### **Summary**

The procedure for recusal or disqualification of a municipal judge requires the judge to either recuse themselves or request the regional presiding judge to assign another judge to hear the motion. Importantly, the judge may not take further action in the case after the filing of the motion and before a hearing on the motion, unless there is good cause stated in an order. This suggests that if a trial judge sets a case for final trial sua sponte after a

motion to recuse is denied, without proper reinstatement or relief of the visiting judge, it could be a legal error if it violates the outlined procedure.

### [Pretrial motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1-2 - James Publishing - Mark G. Daniel, Robert K. Gill - 2022-05-05**

### **Extract**

Tex. R. Civ. Pro. 18a... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken... (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

### **Summary**

According to Tex. R. Civ. Pro. 18a, once a motion to recuse is filed, the judge against whom the motion is directed must either recuse themselves or request the presiding judge of the administrative judicial district to assign another judge to hear the motion. If the judge does not recuse themselves, they must forward the motion to the presiding judge and refrain from making further orders or taking further action in the case until the motion is heard. This implies that if the regional presiding judge did not properly reinstate the trial judge and did not officially relieve the visiting judge, and the trial judge set the case for final trial after the motion to recuse was denied, it could be considered a legal error. The trial judge should not have taken further action in the case without proper reinstatement and relief of the visiting judge.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2016 - James Publishing - Mark G. Daniel, Robert K. Gill - 2016-08-17**

## **Extract**

If a recusal motion is timely filed and facially sufficient, a hearing must be held. Sanchez. Where it is found that a party was erroneously denied the right to a hearing on their motion to recuse, the remedy is to abate the case back to the trial court so that such hearing can be held. Sanchez.

## **Summary**

If a motion to recuse is timely filed and facially sufficient, a hearing must be held. If a party is erroneously denied the right to a hearing on their motion to recuse, the case should be abated back to the trial court for such a hearing. This implies that any actions taken by a trial judge after a motion to recuse is denied without proper procedure could be considered a legal error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2021 - James Publishing - Mark G. Daniel, Robert K. Gill - 2021-08-16**

## **Extract**

A judge does not have authority to take any further action after signing a voluntary recusal order. *Ex parte Thuesen*, 546 S.W.3d 145, 147 (Tex. Crim. App. 2017).

## **Summary**

Clear rule regarding the authority of a judge post-recusal, which is applicable to the situation described in the question.

### [Pretrial motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1-2 (2024) - James Publishing - Mark G. Daniel, Robert K. Gill**

## **Extract**

When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a... Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3)... Any order by the presiding judge regarding the recusal of a trial judge—or the reinstatement or modification of judicial authority following a recusal—must be made in writing, signed by the presiding judge, and entered of record in the case.

## **Summary**

Procedure that must be followed when a recusal motion is filed. It specifies that any order regarding the recusal or reinstatement of a judge must be in writing, signed, and entered into the record. This implies that if the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge proceeded with the case, it could be considered a procedural error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2017 - James Publishing - Mark G. Daniel, Robert K. Gill - 2017-08-17**

## **Extract**

Tex. R. Civ. Pro. 18a. Recusal or Disqualification of Judges... (c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken.

## **Summary**

When a motion to recuse is filed, the judge against whom the motion is directed must either recuse themselves or request the presiding judge to assign another judge to hear the motion. If the judge recuses themselves, they must enter an order of recusal and request the assignment of another judge, and they are not to take further action in the case except for good cause. This implies that if a judge is not properly reinstated or relieved, any action they take, such as setting a case for trial, could be considered a legal error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2015 - James Publishing - Mark G. Daniel, Robert K. Gill - 2015-08-17**

## **Extract**

Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3). ... If a recusal motion is timely filed and facially sufficient, a hearing must be held. ... If the judge declines

to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.

## **Summary**

Once a motion to recuse is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. The judge should not take further action in the case until the motion is resolved. If the trial judge set the case for final trial without the presiding judge properly reinstating them or relieving the visiting judge, it could be considered a legal error because the trial judge should not have taken further action until the recusal motion was resolved.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2014 - James Publishing - Mark G. Daniel, Robert K. Gill - 2014-08-17**

## **Extract**

(c) Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If the judge recuses himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken.

## **Summary**

Once a motion to recuse is filed, the judge in question must either recuse themselves or request the presiding judge to assign another judge to hear the motion. If the judge recuses themselves, they must not take any further action in the case except for good cause. This implies that if a judge is not properly reinstated after a recusal motion is denied, and a visiting judge is not officially relieved, the original judge setting the case for trial could be a procedural error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2019 - James Publishing - Mark G. Daniel, Robert K. Gill - 2019-08-16**

## **Extract**

A judge does not have authority to take any further action after signing a voluntary recusal order. *Ex parte Thuesen*, 546 S.W.3d 145, 147 (Tex. Crim. App. 2017). Interim or ancillary orders made by a regional presiding judge regarding the recusal of a trial judge—or the reinstatement or modification of judicial authority following a recusal—must be made in writing, signed by the presiding judge, and entered of record in the case. *Ex parte Thuesen*, 546 S.W. 3d at 156.

## **Summary**

Once a judge has recused themselves, they do not have the authority to take further action in the case. Additionally, any orders regarding the recusal or reinstatement of a judge must be made in writing, signed by the presiding judge, and entered into the record. This implies that if the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, any actions taken by the trial judge, such as setting the case for trial, could be considered a legal error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2018 - James Publishing - Mark G. Daniel, Robert K. Gill - 2018-08-17**

## **Extract**

Once a sufficient motion to recuse has been filed, before proceeding further in the case, the judge must either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear the motion under Tex. Gov't Code §74.059(c)(3).

## **Summary**

Once a motion to recuse is filed, the judge must either recuse themselves or request the presiding judge to assign another judge to hear the motion. This suggests that if a motion to recuse was denied, the presiding judge should have taken steps to either reinstate the original judge or officially relieve the visiting judge. If these steps were not taken, and the trial judge proceeded to set the case for trial, it could be considered a procedural error.

### [Pretrial Motions](#)

**Texas Criminal Lawyer's Handbook. Volume 1 - 2020 - James Publishing - Mark G. Daniel, Robert K. Gill - 2020-08-16**

## **Extract**

A judge does not have authority to take any further action after signing a voluntary recusal order. *Ex parte Thuesen*, 546 S.W.3d 145, 147 (Tex. Crim. App. 2017).

## **Summary**

Clear rule regarding the authority of a judge post-recusal.

### [Trial motions](#)

**Texas Criminal Forms - Volume 1-2 - James Publishing - Robert K. Gill, Mark Daniel - 2022-04-02**

## **Extract**

If the motion is denied, it may be reviewed for abuse of discretion on appeal from the final judgment. If the motion is granted, the order shall not be reviewable, and the presiding judge shall assign another judge to sit in the case.

## **Summary**

If a motion to recuse is denied, it can be reviewed for abuse of discretion on appeal from the final judgment. This implies that the denial of a recusal motion does not automatically reinstate the original trial judge or relieve the visiting judge. The presiding judge must take specific actions to assign judges appropriately. If the regional presiding judge did not properly reinstate the trial judge or relieve the visiting judge, and the trial judge set the case for trial *sua sponte*, it could be considered a procedural error. The passage suggests that the proper procedure involves the presiding judge assigning another judge if the motion is granted, but it does not explicitly address the scenario where the motion is denied and no further action is taken by the presiding judge.

This memo was compiled by Vincent AI based on vLex materials available as of September 02, 2025. [View full answer on vLex](#)