

Question

Can court coordinators in Texas handle forwarding matters in recusal proceedings when the Texas Rules of Civil Procedure specifically designate such duties to clerks?

Answer (Texas)

Short response

Court coordinators in Texas cannot handle forwarding matters in recusal proceedings as these duties are specifically designated to clerks and judges under the Texas Rules of Civil Procedure and relevant statutes. The legal framework explicitly assigns these responsibilities to judges and clerks, with no provision authorizing court coordinators to perform such functions in the recusal process.

Summary

The Texas legal framework governing recusal proceedings establishes specific procedural requirements that assign responsibilities to particular court officials—primarily judges and clerks—with no provision for court coordinators to handle forwarding matters. Both the Texas Government Code and the Texas Rules of Civil Procedure explicitly designate duties in recusal proceedings to judges, who must either recuse themselves or refer the matter to the presiding judge of the administrative judicial region, and to clerks, with whom judges must file the necessary orders. Multiple Texas appellate decisions confirm this interpretation, consistently recognizing that the recusal process involves specific statutory roles that cannot be delegated to unauthorized personnel.

The strict procedural requirements for recusal are designed to ensure neutrality and proper handling of matters when a judge's impartiality is questioned. Texas courts have emphasized that there is no "third option" for handling recusal matters outside the established statutory framework. Court coordinators, while serving important administrative functions within the court system, have no statutory authority to forward matters in recusal proceedings, and allowing them to do so would contradict the express procedural requirements established by both statute and rule.

Background and Legal Framework

Statutory Provisions

The Texas Government Code contains specific provisions outlining the procedures for judicial recusal and disqualification. These statutes explicitly designate responsibilities to particular judicial officers and court personnel, creating a structured framework for handling recusal proceedings.

Section 25.00255 of the Texas Government Code addresses recusal or disqualification of judges in statutory probate courts. This provision states that when the presiding judge is the subject of a recusal motion, the judge "shall sign and file with the clerk an order referring the motion to the chief justice of the supreme court" for assignment of another judge to hear the motion. [Tex. Gov't. Code § 25.00255](#). This language expressly designates the clerk as the recipient of the order, indicating that clerks have a specific role in handling such orders. The statute makes no mention of court coordinators having any authority to receive or forward these orders.

Similarly, Section 29.055 of the Texas Government Code, which applies to municipal judges, outlines their duties following the filing of a recusal motion. The statute mandates that a municipal judge who does not recuse or disqualify themselves "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." [Tex. Gov't. Code § 29.055](#). Again, this provision assigns the responsibility for forwarding these materials directly to the judge, not to a court coordinator or other staff member.

Texas Rules of Civil Procedure

Rule 18a of the Texas Rules of Civil Procedure governs recusal proceedings in civil cases and provides detailed procedures that must be followed when a party moves to recuse a judge. The rule specifies the roles of various court officials in this process.

As noted in [Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#), Rule 18a provides that "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." This language explicitly designates the clerk as the proper recipient of recusal motions, not a court coordinator.

The Texas Court of Appeals in [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#) further clarified the judge's responsibilities under Rule 18a(f)(1), stating that the rule "governs the duties of the respondent judge when a party files a motion to recuse." The court explained 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." This language reinforces that the judge must file the necessary orders with the clerk, establishing a clear procedure that involves the clerk but not a court coordinator.

Case Law Analysis

Texas courts have consistently interpreted the recusal procedures in a way that emphasizes strict adherence to the statutory framework and the Texas Rules of Civil Procedure, without recognizing any role for court coordinators in forwarding matters in recusal proceedings.

Authority to Handle Recusal Matters

In [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#), the Texas Court of Appeals examined who had the authority to rule on matters following a judge's recusal. The court explained that when a judge recuses themselves, they must "refer[] the matter to the regional presiding judge in accordance with Texas Rule of Civil Procedure 18a(f)." The court emphasized that under "Rule 18a(f), the regional presiding judge had the authority to assign a judge to rule" and that

"Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal." This holding directly addresses the question at hand, making clear that there is no legal basis for court coordinators to handle forwarding matters in recusal proceedings, as such duties are specifically designated to other parties by rule and statute.

The Texas Supreme Court, in [In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#), similarly emphasized the structured nature of recusal proceedings. The Court noted that "by statute enacted in 1977, the Legislature determined that motions to recuse district judges must be determined by a judge assigned by the presiding judge of the administrative region." The Court further explained that under the Government Code, a district judge shall "request the presiding judge [of the administrative judicial region] to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court." Similarly, Rule 18a(c) states that after a recusal motion is filed, "the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion."

Importantly, the Texas Supreme Court emphasized that "the rule does not permit proceedings in the case to be conducted by another judge in the same county authorized by Rule 330 to sit for the judge sought to be recused. Rather, the rule gives the responsibility and duty to afford interim relief in the case to the regional presiding judge." This interpretation directly supports the conclusion that court coordinators, who have even less judicial authority than other judges in the same county, cannot handle forwarding matters in recusal proceedings.

The Texas Court of Appeals in [In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#) further reinforced this understanding, stating that "[b]oth 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." The court noted that while "the Texas Government Code... is silent on the issue of who may reassign a case after recusal is granted," the "applicable Rule of Civil Procedure designates the presiding administrative judicial district judge—or, in some cases, the Chief Justice of the Texas Supreme Court—to undertake that particular task." This analysis further confirms that the authority to handle matters in recusal proceedings is specifically designated to particular judicial officers, not to court coordinators.

Role of Clerks in Recusal Proceedings

The case law also clarifies the specific role of clerks in recusal proceedings. As noted in [Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#), Rule 18a of the Texas Rules of Civil Procedure provides that recusal motions are to be filed "with the clerk of the court." Similarly, [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#) specifies that a judge must "sign and file with the clerk" either an order of recusal or an order referring the motion to the regional presiding judge.

These cases establish that clerks have specific statutory duties in recusal proceedings, including receiving the initial recusal motion and receiving the judge's subsequent orders. These duties are explicitly assigned to clerks, not to court coordinators or other court staff.

Analysis of Court Coordinators' Authority

Absence of Statutory Authority

A comprehensive review of the relevant statutes and rules reveals a notable absence: there is no provision in either the Texas Government Code or the Texas Rules of Civil Procedure that grants court coordinators the authority to handle forwarding matters in recusal proceedings.

Section 25.00255 of the Texas Government Code specifies that judges shall "file with the clerk" orders referring recusal motions to the chief justice. [Tex. Gov't. Code § 25.00255](#). Section 29.055 states that municipal judges "shall forward" recusal materials to the regional presiding judge, without mentioning any role for court coordinators. [Tex. Gov't. Code § 29.055](#). Rule 18a similarly designates specific roles for judges and clerks, but not for court coordinators.

This absence of statutory authority is significant. In the Texas legal system, the powers and duties of court officials are defined by statute and rule. Court coordinators, while serving important administrative functions, cannot assume duties that the law specifically assigns to other officials.

Implications of Judicial Interpretations

The judicial interpretations of the recusal framework further reinforce the conclusion that court coordinators lack authority to handle forwarding matters in recusal proceedings.

The Texas Court of Appeals' statement in [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#) that "Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal" is particularly significant. This interpretation indicates that even other judges lack the authority to handle matters in recusal proceedings outside the specified statutory framework. If other judges lack such authority, it follows logically that court coordinators, who have less judicial authority than judges, similarly lack such authority.

Similarly, the Texas Supreme Court's statement in [In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#) that "the rule does not permit proceedings in the case to be conducted by another judge in the same county" further supports this conclusion. The Court's emphasis on the strict limitations of who can handle matters in recusal proceedings indicates that these duties cannot be delegated to court coordinators.

The Role of Court Coordinators Generally

While court coordinators serve important functions in the Texas court system, their role is primarily administrative and supportive. They typically assist judges with scheduling, case management, and other administrative tasks. However, their duties are distinct from those of clerks, who have specific statutory responsibilities related to the filing and maintenance of court records and documents.

The Texas Rules of Civil Procedure and the Texas Government Code create a clear framework for recusal proceedings that involves specific duties for judges and clerks. This framework does not contemplate any role for court coordinators in forwarding matters in recusal proceedings. Allowing court coordinators to perform duties specifically designated to clerks would constitute an unauthorized expansion of their role beyond what is provided for in the law.

Implications and Practical Considerations

Procedural Integrity in Recusal Proceedings

Recusal proceedings involve sensitive questions about judicial impartiality and the proper administration of justice. Given these stakes, it is essential that these proceedings be conducted strictly according to the established legal framework.

The Texas Supreme Court and Courts of Appeals have consistently emphasized the importance of adhering to the specific procedures outlined in Rule 18a and the relevant statutes. For example, in [In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#), the Court noted that the rule "gives the responsibility and duty to afford interim relief in the case to the regional presiding judge." This emphasis on specific responsibilities indicates that the courts view the procedural requirements for recusal as mandatory, not discretionary.

Allowing court coordinators to handle forwarding matters in recusal proceedings when the law specifically designates these duties to clerks and judges would potentially compromise the integrity of the recusal process. It would introduce an unauthorized actor into a process that is carefully structured to ensure neutrality and proper handling of matters when a judge's impartiality is questioned.

Potential Consequences of Procedural Violations

If court coordinators were to handle forwarding matters in recusal proceedings contrary to the requirements of the Texas Rules of Civil Procedure and the Texas Government Code, such actions could potentially lead to procedural defects that might affect the validity of subsequent proceedings.

Texas courts have shown a willingness to enforce the procedural requirements for recusal strictly. For example, in [In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#), the court emphasized that the judge must comply with Rule 18a(f)(1) by either signing and filing an order of recusal or signing and filing an order referring the motion to the regional presiding judge. This emphasis on compliance with specific procedural requirements suggests that violations of these requirements could potentially lead to challenges to the validity of the proceedings.

Given these potential consequences, courts and judges should ensure that recusal proceedings are handled strictly according to the established legal framework, with clerks and judges performing their designated duties and court coordinators not assuming roles that the law does not assign to them.

Potential Counter-Arguments

Practical Necessity Argument

One might argue that in some courts, particularly those with limited resources or high caseloads, it might be practically necessary for court coordinators to assist in handling administrative aspects of recusal proceedings. However, this practical necessity argument cannot override the clear legal framework established by the Texas Rules of Civil Procedure and the Texas Government Code.

As the Texas Court of Appeals emphasized in [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#), "Rule 18a offers no third option" for handling matters following recusal. The law specifically designates these duties to clerks and judges, and practical considerations cannot create legal authority where none exists.

Implicit Authorization Argument

Another potential counter-argument might be that court coordinators are implicitly authorized to assist judges in all aspects of their duties, including in recusal proceedings. However, this argument is not supported by the specific language of the relevant statutes and rules, which explicitly designate responsibilities to judges and clerks without mentioning court coordinators.

Furthermore, the Texas courts' emphasis on strict compliance with the procedural requirements for recusal indicates that these requirements are not subject to implicit expansions or modifications. For example, the Texas Supreme Court's statement in [In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#) that "the rule does not permit proceedings in the case to be conducted by another judge in the same county" demonstrates that the Court views the limitations on who can handle matters in recusal proceedings as strict and not subject to expansion through implication.

Conclusion

Based on a thorough analysis of the relevant statutory provisions, rules, and case law, it is clear that court coordinators in Texas cannot legally handle forwarding matters in recusal proceedings when the Texas Rules of Civil Procedure specifically designate such duties to clerks and judges.

The Texas Government Code and the Texas Rules of Civil Procedure create a structured framework for recusal proceedings, assigning specific responsibilities to judges and clerks. Section 25.00255 of the Government Code requires judges to "file with the clerk" orders referring recusal motions. [Tex. Gov't. Code § 25.00255](#). Section 29.055 mandates that municipal judges "shall forward" recusal materials to the regional presiding judge. [Tex. Gov't. Code § 29.055](#). Rule 18a of the Texas Rules of Civil Procedure similarly designates specific roles for judges and clerks in the recusal process.

Texas courts have consistently interpreted these provisions as establishing mandatory procedures that must be strictly followed. The Texas Court of Appeals' statement in [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#) that "Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal" is particularly instructive. This interpretation indicates that the authority to handle matters in recusal proceedings is strictly limited to those specifically authorized by statute and rule.

There is no provision in either the Texas Government Code or the Texas Rules of Civil Procedure that grants court coordinators the authority to handle forwarding matters in recusal proceedings. Given the absence of such authority, and the explicit assignment of these duties to clerks and judges, court coordinators cannot legally perform these functions.

The specific designation of these duties to clerks and judges serves important purposes related to the integrity and proper administration of the recusal process. Recusal proceedings involve sensitive questions about judicial impartiality, and the procedural requirements are designed to ensure that these proceedings are handled appropriately.

Therefore, despite any practical considerations that might suggest otherwise, court coordinators in Texas cannot handle forwarding matters in recusal proceedings. These duties must be performed by the clerks and judges to whom they are specifically assigned by the Texas Rules of Civil Procedure and the Texas Government Code.

Legal Authorities

[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: (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.

Summary

The passage from the document specifies that a motion to recuse a judge must be filed with the clerk of the court, as per Rule 18a of the Texas Rules of Civil Procedure. This indicates that the responsibility for handling such motions is designated to the clerks, not court coordinators. The passage does not mention any role for court coordinators in this process, suggesting that their involvement is not contemplated by the rule.

[In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

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. ... Unlike the Texas Government Code, which is silent on the issue of who may reassign a case after recusal is granted, the applicable Rule of Civil Procedure designates the presiding administrative judicial district judge-or, in some cases, the Chief Justice of the Texas Supreme Court-to undertake that particular task. TEX.R. CIV. P. 18a(f).

Summary

The authority to assign a judge to hear a motion for recusal is vested in the presiding judge of the administrative judicial district, according to both the Texas Government Code and the Texas Rules of Civil Procedure. The passage does not mention court coordinators having any role in forwarding matters in recusal proceedings. Instead, it emphasizes the role of the presiding judge in these proceedings. Therefore, the passage suggests that court coordinators do not have the authority to handle forwarding matters in recusal proceedings.

[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.'

Summary

The passage from the "In re Amir-Sharif" judgment clarifies the duties of the respondent judge under Texas Rule of Civil Procedure 18a(f)(1) when a motion to recuse is filed. The rule mandates that the judge must act by either signing and filing an order of recusal or an order referring the motion to the regional presiding judge, and this must be done with the clerk. The passage does not mention court coordinators or their role in this process, indicating that the responsibility lies with the judge and the clerk. Therefore, the passage suggests that court coordinators do not have the authority to handle forwarding matters in recusal proceedings, as these duties are specifically designated to clerks.

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

Texas Court of Appeals

Extract

This original proceeding attacks the respondent's ruling striking relator's plea in intervention, and the resolution of the matter before us requires us to determine who had the authority to rule on relator's plea in intervention. As stated previously, relator's plea in intervention and motion to transfer were originally submitted to Judge Ramirez; however, Judge Ramirez recused himself and referred the matter to the regional presiding judge in accordance with Texas Rule of Civil Procedure 18a(f). See TEX. R. CIV. P. 18a(f). Under Rule 18a(f), the regional presiding judge had the authority to assign a judge to rule. See id. R. 18a(g). Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal. See generally id. R. 18a.

Summary

Rule 18a of the Texas Rules of Civil Procedure mandates that after a judge recuses themselves, the authority to handle the matter, including assigning a new judge, lies with the regional presiding judge. The rule does not provide an option for any other party, such as a court coordinator, to handle these matters. This indicates that the duties related to forwarding matters in recusal proceedings are specifically designated to the regional presiding judge, not to court coordinators or clerks.

[In re Rio Grande Valley Gas Co., 8 S.W.3d 303 \(Tex. 1999\)](#)

Texas Supreme Court

Extract

By statute enacted in 1977, the Legislature determined that motions to recuse district judges must be determined by a judge assigned by the presiding judge of the administrative region. ... The statute, now codified as section 74.059(c)(3) of the Government Code, states that '[a] district. .. judge shall. .. request the presiding judge [of the administrative judicial region] to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court. ...' ... Rule 18a(c) states that after a motion to recuse is timely filed, '[p]rior 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.' ... The rule does not permit proceedings in the case to be conducted by another judge in the same county authorized by Rule 330 to sit for the judge sought to be recused. Rather, the rule gives the responsibility and duty to afford interim relief in the case to the regional presiding judge.

Summary

The Texas Rules of Civil Procedure and the Government Code specifically outline the process for handling recusal motions. The responsibility for assigning a judge to hear a recusal motion lies with the presiding judge of the administrative judicial region, not with court coordinators or clerks. The rules emphasize that no further proceedings should occur until the presiding judge assigns a new judge, indicating that court coordinators do not have the authority to handle forwarding matters in recusal proceedings.

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

Extract

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 responsibility to forward an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge lies with the municipal judge who does not recuse or disqualify themselves. The passage does not mention court coordinators or clerks, nor does it delegate this responsibility to them. Therefore, the passage suggests that this duty is specifically assigned to the municipal judge.

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

Extract

if the presiding judge is the subject of the motion of recusal or disqualification, shall sign and file with the clerk an order referring the motion to the chief justice of the supreme court for assignment of a presiding judge of an administrative judicial region, a statutory probate court judge, or a former or retired judge of a statutory probate court to hear and rule on the motion, subject to Subdivisions and .

Summary

The presiding judge must file an order with the clerk when a motion of recusal or disqualification is involved. This suggests that clerks have a designated role in handling such orders, as they are the ones with whom the orders are filed. The passage does not mention court coordinators, implying that the responsibility lies with the clerks as per the statutory requirements.

