

# Question

Question 1 No.25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE:  
CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus  
from the 322nd Judicial District Court, Tarrant County Cause Number  
322-744263-23 Original Proceeding Hon. David L. Evans Presiding  
PETITION FOR WRIT OF MANDAMUS Respectfully submitted by: Charles  
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Court Watauga, Texas 76148 FILED 25-0426 5/19/2025 9:46 AM  
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Statement of the Case Nature of Underlying Proceeding: This original proceeding arises from a divorce action, No. 322-744263-23, pending in the 322nd District Court of Tarrant County, Texas. The Relator initiated recusal proceedings under Texas Rule of Civil Procedure 18a, which remain pending. The issues presented concern the improper handling of those recusal procedures. Respondent Judge: The Respondent Judge, Honorable David L. Evans, is the presiding Regional Judge of the 8 th Administrative Judicial Region of Texas. Respondent’s Challenged Actions: The Respondent erred when he overruled the Relator's objection requesting that the mandatory procedures set forth in Rule 18a of the Texas Rules of Civil Procedure be followed. Further, permitting a judge to file an order of referral regarding a recusal motion where he was not named introduces confusion and undermines the purpose of the rule, causes further delays, and leaves the Relator without an adequate appellate remedy. 7 Statement of Jurisdiction This Petition for Writ of Mandamus is properly filed in the Supreme Court of Texas, which possesses original jurisdiction to issue writs of mandamus against regional presiding judges pursuant to Article V, Section 3 of the Texas Constitution and Texas Government Code § 22.002(a). In contrast, the jurisdiction of intermediate appellate courts is governed by Texas Government Code § 22.221, and the Legislature has not conferred upon those courts the authority to issue writs of mandamus against regional presiding judges. This original proceeding is properly presented to this Honorable Court in the first instance due to the jurisdictional limitations of the Second Court of Appeals and because three previously filed mandamus proceedings—arising from the same case and naming the same parties—are currently pending before this Court under cause numbers 25-0361, 25-0367, and 25-0378. 8 Issues Presented Issue No. 1: Whether the Respondent abused his discretion by delegating to a court coordinator duties that Texas Rule of Civil Procedure 18a(e)(1) expressly assigns to the clerk during recusal proceedings, leaving the Relator without an adequate appellate remedy. Issue No. 2: Whether the Respondent further abused his discretion by permitting a judge not subject to recusal to file an order of referral. 9 Statement of Facts “MR” in this section refers to the mandamus record filed concurrently with this petition. “APP” refers to the mandamus appendix attached hereto. On April 23, 2025, in the midst of three concurrent mandamus proceedings in the Second Court of Appeals<sup>1</sup>, the trial court below, on its’ own initiative, and after several months of silence, sua sponte moved to set the matter for final trial (MR 1-1.1). The same day, CHARLES DUSTIN MYERS, (“the Relator”) filed notice with the Second Court of

Appeals warning that more errors would likely be committed by the trial court given this sudden decision to move to final trial (MR 2-2.1). The Relator then objected in the trial court to this setting and reminded the court that there were three concurrent mandamus proceedings pending in the Second Court of Appeals (MR 3.1) and named six specific issues that needed to be resolved before moving to final trial (MR 3.2). The following day, the Second Court of Appeals issued a per curiam denial regarding 02-25-00166-CV, which is now before this court as cause number 25- 0361 (MR 4-4.1). The Relator then filed a Plea to the Jurisdiction directed to Honorable James Munford and reiterated several key issues and questioned the court's jurisdiction and re-raised constitutional issues (MR 5-5.11). On April 25, 2025, the Relator filed a Motion to Recuse in the 322nd District Court seeking to 1 See cause numbers 02-25-00164-CV, 02-25-00166-CV, 02-25-00171-CV 10 recuse the Honorable James Munford (MR 6-6.21) to protect his rights. The recusal included several exhibits, including the Notice of Court Proceeding (MR 6.22- 6.24), the current temporary orders in effect that claim consent yet lack the Relator's signature (MR. 6.25-6.36), the prior recusal denial (MR. 6.37-6.39), the agreement to reschedule the prior recusal proceedings (MR. 6.40-6.44), the correspondence with the court coordinator for the 322nd District Court of Tarrant County regarding the un-opposed summary judgement motion filed on February 22, 2024, and the reinstatement of the Honorable Judges from the prior recusal proceedings (MR. 6.45-6.50), the initial ruling that divested the Relator of his home, business, and children without findings (MR 6.51-6.53), and the Associate Judge's Report signed by the parties on February 1, 2024 (MR. 6.54-6.60) with specific procedural requirements. Following the submission of his Motion to Recuse, the Relator received notice from the Real Party in Interest, Morgan Michelle Myers, that their youngest child had sustained a dental injury. In response, Relator notified the Second Court of Appeals (MR. 7-7.4) and submitted the same notice to the 322nd District Court, amending the filing to correct a date reference (MR. 8-8.6). Three days later, Relator filed a First Amended Motion to Recuse to include the medical event (MR. 9-9.36) containing a case study (MR 9.54-9.91). He also 11 filed a Notice of Non-Appearance and submitted an objection to the trial setting (MR. 10-10.6). On April 29, 2025, letters from the District Judge and the Associate Judge were filed (MR. 11; MR. 12). Each declined to recuse and referred the matter to Judge David L. Evans of the 8th Administrative Judicial Region (MR. 13; APP 3). Relator filed an Objection to the Recusal Procedure, stating that the motion named only the District Judge and not the Associate Judge, and challenged the inclusion of the latter and objected to the court coordinator's involvement (MR 14). Two days later, the Second Court of Appeals entered denials in cause numbers 02-25-00166-CV and 02-25-00171-CV per curiam (MR. 15; MR. 16). These matters were then docketed before this Court as cause numbers 25-0367 and 25-0378 on May 2, 2025, and May 7, 2025. On May 6, 2025, Honorable Judge Evans issued an Order of Assignment still listing both Honorable Jeff Kaitcer and Honorable James Munford as respondents (APP 2) and used the 322nd District Court's coordinator to transmit documents, a method Relator challenged as improper and filed a second objection (MR. 17). On May 15, 2025, Honorable Judge Evans issued an order denying the Relator's objections (APP 1), which led to the drafting of this petition for writ of mandamus. 12 SUMMARY OF ARGUMENT Texas law assigns the court clerk

— not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a’s forwarding requirement is statutorily designated to the clerk of the court where the motion was filed. Allowing a judge’s court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. A coordinator is a direct appointee of the judge and serves at his pleasure; having such a person handle a motion challenging the judge’s own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge’s office. In the recusal context, it is far safer to use the clerk (or an independent deputy) to send the papers on, so that no one can reasonably think the judge is influencing the referral. Beyond the letter of Rule 18a, Texas’s Code of Judicial Conduct mandates avoiding not only actual bias but any appearance of impropriety or partiality. Canon 2(A) provides that a judge “should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”. In practice this means even the perception of favoritism or undue influence must be avoided. Here, the Respondent’s order overruling the Relator’s objection has the opposite effect, constituting an abuse of discretion leaving the Relator without an appellate remedy. 13 ARGUMENT A. Standard of Review To obtain relief by writ of mandamus, a relator must establish that an underlying order is void or a clear abuse of discretion and that no adequate appellate remedy exists. *Walker v. Packer*, 827 S.W.2d 833, 839–40 (Tex.1992) (orig. proceeding). An abuse of discretion occurs when a trial court’s ruling is arbitrary and unreasonable, made without regard for guiding legal principles or supporting evidence. *Ford Motor Co. v. Garcia*, 363 S.W.3d 573, 578 (Tex.2012). Similarly, a trial court abuses its discretion when it fails to analyze or apply the law correctly. *In re Sw. Bell Tel. Co.*, 226 S.W.3d 400, 403 (Tex.2007). The Relator submits that the Respondent clearly abused his discretion by not following the mandatory procedural requirements of Rule 18a of the Texas Rules of Civil Procedure which has undermined the recusal process. B. Government Code § 74.102(b) Does Not Excuse Noncompliance With Rule 18a The Court Administration Act, Government Code Chapter 74, sets broad administrative standards but does not repeal or override other laws. Section 74.102(a) provides that “by local administrative rule” courts shall designate the duties of court coordinators. More importantly, 74.101(b) specifies that each coordinator serves “at the pleasure of the judge who appointed him.” Here, the 14 coordinator in question serves at the pleasure of the judge subject to recusal. Texas law implicitly assigns the court clerk — not the challenged judge or his personal staff — the duty of transmitting recusal materials. Rule 18a’s forwarding requirement is typically performed by the clerk of the court where the motion was filed. Allowing a judge’s court coordinator or personal assistant (a staff member appointed by the judge) to carry out that delivery would depart from the neutral procedure envisioned by the rule. Because a coordinator is a direct appointee of the judge and serves at his pleasure - having such a person handle a motion challenging the judge’s own authority undermines the independence of the process. In other words, the clerk is a neutral custodian of court records, whereas a coordinator is part of the judge’s office. In the recusal context, Rule 18a(e) specifically delineates duties to the clerk of the court, not the coordinator. In the Respondent’s order overruling the Relator’s objection, the invocation of 74.102(b) was

misplaced (APP 1.1). This section simply reinforces that court coordinators must work smoothly with judges; it does not allow a coordinator or clerk to disregard the clear instructions of Rule 18a. Nor does § 74.102(b) itself confer discretion to the clerk that would override the rule's requirements. The only plausible understanding of Section 74.102(b) is that it calls for cooperation in effectuating rules like 18a, not for deviation from them, which is what occurred here. In *Rio Grande Valley Gas Co., In re*, 987 S.W.2d 167 (Tex. App. 1999), the 15 court explicitly stated that recusal motions must be filed "with the clerk of the court." This further reinforces that the clerk, not a court coordinator, is the proper recipient of recusal-related filings. Likewise, in *In re Amir-Sharif*, NUMBER 13- 19-00573-CV (Tex. App. Dec 12, 2019), the court stated that the respondent judge "must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge." This explicit reference to filing "with the clerk" is directly supported by rule 18a(e). Here, deviation from these mandatory procedural requirements has proven to be inefficient and have undermined the recusal process itself in a case already fraught with procedural abnormalities. C. The involvement of the coordinator in this instance has proven to be inefficient and has undermined the integrity of the recusal process By involving the court coordinator, the straightforward process of recusal has become ambiguous. Rule 18a(c) of the Texas Rules of Civil Procedure makes clear that the judge's obligation to address recusal arises only after a motion is duly filed: the rule commands that if a party "raises a ground requiring recusal," then the judge "shall either recuse himself or request the presiding judge" to take the motion. Here Judge Evans' order overruling the Relator's objection to Honorable Jeff Kaitcer's involvement but permitting the issue to be discussed during the recusal proceedings is not only prejudicial, but it will waste further judicial resources and cause further delay to the relief being sought. A judge must base 16 decisions on what is actually in the record. It is apparent on the face of the record and the motion to recuse that Honorable Jeff Kaitcer was not named in the motion. This implies that the motion was not properly reviewed, or the trial court is trying to create an illusion of an adequate appellate remedy to thwart cause number 25- 0361 pending before this court. The only mention of any recusal regarding Honorable Jeff Kaitcer in the current proceedings was a reference made to the prior recusal proceedings initiated on October 7, 2024 (See MR. 9.19-9.20). Notably, the court coordinator was involved in those proceedings as well, which ended up resulting in a four month delay that was only cured by the Respondent's diligence in reminding the coordinator that the judges were not reinstated into the case while opposing parties remained inactive throughout that critical delay. (MR 8.1) (emphasis added). In essence, the Respondent's invocation of 74.102(b) in the order overruling the Relator's objection, even if correct, would not effectuate its purpose of ensuring "uniform and efficient administration of justice in this state" by involving the court coordinator. Here, inconsistent proceedings have resulted from this involvement, significant delays have occurred, and now the Relator faces recusal proceedings wherein a Judge not named in the motion has inappropriately implicated himself in the proceedings. This error could have been easily resolved by vacating the order, but it instead has created unnecessary ambiguity. 17 D. No triggering motion makes Honorable Jeff Kaitcer's Order of Referral Erroneous Under Texas Rule of Civil Procedure

18a, no recusal procedure is triggered until a valid motion is filed. Once a recusal motion is filed, the challenged judge must either recuse or immediately forward the motion to the presiding judge. See *In re Norman*, 191 S.W.3d 858 (Tex. App.—Houston [14th Dist.] 2006, orig. proceeding); See also *In re Stearman*, 252 S.W.3d 113 (Tex. App.—Waco 2008, orig. proceeding). Absent any motion, however, the judge has no authority to initiate or refer a recusal proceeding. Here, the Relator's motion to recuse did not seek recusal of Judge Kaitcer, yet the court overruled his objection to his referral order. In doing so, the court ignored the Rule's plain text: a judge may "make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion". *Id.* The court's suggestion that the assigned judge may nonetheless consider the Relator's admitted non-filing only underscores the error - it treats an unfiled motion as if it were pending. *In re Norman* is instructive: under Rule 18a a judge has "no option" other than to recuse or refer when a motion is pending. By contrast, here no motion to recuse has been filed regarding the Associate Judge, so the Honorable Kaitcer's referral was in error, and the Respondent had no lawful basis to adjudicate it. For these reasons, the order was plainly erroneous, and these actions have undermined the recusal process which is intended to promote public confidence in the judiciary.

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CONCLUSION In sum, the order overruling Relator's objection reflects more than a mere procedural disagreement—it constitutes a refusal to follow the mandatory directives of Texas Rule of Civil Procedure 18a. Specifically, 18a(e) vests specific procedural duties in the clerk, not the court coordinator. (emphasis added) The legislature's choice of language was deliberate: Rule 18a(e) assigns responsibility for receiving, managing, and transmitting recusal motions exclusively to the clerk of the court. Nowhere does it authorize a judge's personal appointee—such as a court coordinator—to assume or interfere with these statutory duties. Here, a motion was ever filed to recuse Associate Judge Jeff Kaitcer. Yet despite the absence of a triggering event, Judge Kaitcer issued a referral order under Rule 18a as though a motion were pending. That referral had no lawful basis, and any action taken in response—including the overruling of Relator's objection—is procedurally void. Rule 18a requires a motion before it imposes any duty or limitation. Without such a filing, Judge Kaitcer lacked authority to refer the case, and the assigned judge lacked jurisdiction to adjudicate a nonexistent motion. By further permitting a judge-appointed coordinator to process these materials, the trial court not only misapplied the Rule—it overlooked its core purpose. A coordinator, who serves at the pleasure of the very judge subject to recusal would arguably create the appearance of impartiality when performing 19 duties designated to the clerk by statute. For all these reasons, the trial court abused its discretion in overruling Relator's objection. Its order departs from both the plain language and the statutory design of Rule 18a, introducing confusion, delay, and inconsistency into a process meant to be clear and impartial. The order should be set aside, and mandamus granted to preserve the integrity of Texas's statutory recusal framework. PRAYER FOR RELIEF WHEREFORE, PREMISES CONSIDERED, Relator respectfully prays that this Honorable Court: 1. Issue a writ of mandamus directing the Respondent to vacate the Order dated May 15, 2025 and Order of Assignment dated May 6, 2025 to preserve the integrity of the recusal proceedings; 2. Take judicial notice that this is the fourth concurrent mandamus petition before this Honorable Court seeking

extraordinary relief and take the instant petition into consideration regarding the adjudication of the other three mandamus petitions; 20 3. Grant such other and further relief, whether at law or in equity, to which Relator may be justly entitled, including all relief necessary to ensure compliance with Rule 18a and the fair administration of justice. Respectfully submitted, /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Email: chuckdustin12@gmail.com Phone: 817-546-3693 PRO-SE RELATOR

Certification (TRAP 52.3(j)) Before me, the undersigned authority, on this day personally appeared Charles Dustin Myers, Relator, representing himself in his own individual capacity, and upon his oath, stated that (i) he is self-represented in this cause in the underlying suit, 322nd Judicial District Court, Tarrant County, Cause No.322- 744263-23; (ii) he has reviewed the Petition for Writ of Mandamus and concluded that every factual statement in the petition is supported by competent evidence included in the appendix and record; and (3) he has personal knowledge that the items in the appendix and record are true and correct copies of documents material to Relator's claims and are either pleadings that are on file in the underlying suit, or orders signed by the trial court in the underlying suit. The Relator states that no live testimony has been adduced in this matter, nor has any evidence been offered or admitted. \_\_\_\_\_ CHARLES DUSTIN MYERS 21 State of Florida County of Miami-Dade Sworn to (or affirmed) and subscribed before me by means of online notarization, this 05/18/2025 by Charles Dustin Myers. Micheal Occide \_\_\_ Personally Known OR \_\_\_ Produced Identification Type of Identification Produced \_\_\_\_\_ DRIVER LICENSE Notarized remotely online using communication technology via Proof. Certificate of Compliance (TRAP 9.4(i)(3)) I certify that this Petition for Writ of Mandamus complies with the typeface requirements of Tex. R. App. P. 9.4(e) because it has been prepared in a conventional typeface no smaller than 14-point for text and 12-point for footnotes. This document also complies with the word-count limitations of Tex. R. App. P. 9.4(i), if applicable, because it contains 2562 words. /s/ Charles Dustin Myers CHARLES DUSTIN MYERS PRO-SE RELATOR 22 23 CERTIFICATE OF SERVICE Relator certifies that on May 19, 2025, a true and correct copy of the foregoing Petition for Writ of Mandamus was served on all parties and counsel of record as follows: Respondent Real Party in Interest Hon. David L. Evans Morgan Michelle Myers Presiding Regional Judge Via EFM: morganmw02@gmail.com 8th Administrative Judicial Region of Texas 100 N. Calhoun St., 2nd Floor Fort Worth, TX 76196-1148 Via EFM: thkemp@tarrantcounty.com (817) 884-1558 Counsel for Real Party Intervenor in Interest Holly Hayes Cooper L. Carter SBN# 24110698 SBN# 24121530 2001 Beach Street Marx, Altman & Johnson Fort Worth, TX 76103 2905 Lackland Road Via EFM: csd-legal-914 Fort Worth, TX 76116 Via EFM: coopercarter@majadmin.com /s/ Charles Dustin Myers Charles Dustin Myers, Pro Se Relator No.25-\_\_\_\_\_ IN THE SUPREME COURT OF TEXAS IN RE: CHARLES DUSTIN MYERS, RELATOR. On Petition for Writ of Mandamus from the 322nd Judicial District Court, Tarrant County Cause Number 322-744263-23 Hon. David L. Evans Presiding RELATOR'S APPENDIX Respectfully submitted by: Charles Dustin Myers chuckdustin12@gmail.com Tel.: 817-546-3693 6641 Anne Court Watauga, Texas 76148 1 TABLE OF CONTENTS TAB# ITEM TAB 1 ..... 05.15.2025 - Order Overruling Relator's Objection TAB 2 ..... 05.06.2025 - Order of Assignment Dated May 6, 2025 TAB

## Answer (Texas)

### Short response

The events described represent a profound breakdown of judicial integrity in Texas, as they involve the willful disregard of mandatory recusal procedures and the appearance of systemic bias, threatening the very foundation of public trust in the judiciary. The Texas Commission on Judicial Conduct must act decisively to investigate and address these violations, or risk being complicit in undermining the rule of law and the legitimacy of the state’s entire justice system.

### Summary

The Texas judiciary is governed by strict procedural and ethical rules designed to ensure impartiality, transparency, and public confidence—especially in matters involving judicial recusal. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, in the recusal process, and the denial of motions that were never filed, are not mere technical errors but fundamental violations of the Texas Rules of Civil Procedure, the Code of Judicial Conduct, and the Texas Constitution.

If the Texas Commission on Judicial Conduct fails to investigate and address these violations, it would not only allow a grave miscarriage of justice to persist but would also signal to the public and the legal community that the judiciary is above the law. Such inaction would erode the rule of law, foster cynicism, and cast lasting discredit upon the entire Texas judicial system.

## Background and Relevant Law

### Legislative and Regulatory Framework

The Texas Constitution, Article V, Section 1-a, establishes the State Commission on Judicial Conduct and empowers it to investigate and discipline judges for willful or persistent violations of rules promulgated by the Supreme Court of Texas, incompetence, willful violation of the Code of Judicial Conduct, or conduct that undermines the proper performance of judicial duties or casts public discredit on the judiciary or the administration of justice ([Tex. Const. art. 5 § 1-a](#)). The Texas Government Code § 33.022 mandates that the Commission must conduct a full investigation if an allegation or appearance of misconduct is not found to be unfounded or frivolous ([Tex. Gov’t. Code § 33.022](#)).

Texas Rule of Civil Procedure 18a governs the recusal and disqualification of judges. It requires that a motion to recuse or disqualify a judge must be filed with the clerk of the court, and upon such filing, the judge must either



recuse themselves or refer the motion to the regional presiding judge within three business days (Tex. R. Civ. P. 18a). The rule assigns these duties specifically to the court clerk, not to a court coordinator or other staff member. Court coordinators, by statute, serve at the pleasure of the judge who appointed them and are intended to perform administrative, not judicial or quasi-judicial, functions (Tex. Gov't. Code §§ 74.101, 74.102).

The Texas Code of Judicial Conduct, Canon 2A, requires judges to comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (Texas Code of Judicial Conduct Canon 2(A)).

## **Case Law**

Texas appellate courts have repeatedly held that the procedures set forth in Rule 18a are mandatory. When a motion to recuse is filed, the judge must either recuse themselves or refer the motion to the regional presiding judge; any further action by the judge in the case is void (*In re Norman*, 191 S.W.3d 858 (Tex. App. 2006); *In re Gold*, 04-25-00085-CV (Tex. App. May 07, 2025)). The duty to process and transmit recusal materials is assigned to the clerk, not to a court coordinator (*In re Alpert*, 276 S.W.3d 592 (Tex. App. 2008)). Even the appearance of impropriety or partiality is sufficient to warrant investigation and possible discipline ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)).

If a judge or court staff acts outside the bounds of these mandatory procedures—such as by involving a court coordinator in the recusal process or denying a motion that was never filed—such conduct may constitute an abuse of discretion, a violation of the Code of Judicial Conduct, and a breach of public trust (*In re Burns*; *In re Stearman*, 252 S.W.3d 113 (Tex. App. 2008)).

## **Analysis**

### **1. The Role of the Court Coordinator in the Recusal Process**

Rule 18a of the Texas Rules of Civil Procedure is explicit: the filing, management, and transmission of recusal motions are the responsibility of the court clerk, not the court coordinator (Tex. R. Civ. P. 18a(e)). The rationale is clear—while the clerk is a neutral officer of the court, the coordinator is a direct appointee of the judge and serves at the judge's pleasure ([Tex. Gov't. Code § 74.101](#)). Allowing a coordinator to handle recusal materials, especially when the judge's impartiality is in question, creates at least the appearance of impropriety and undermines the neutrality of the process (*In re Alpert*, 276 S.W.3d 592 (Tex. App. 2008)).

The Texas Supreme Court has admonished judges for even minor procedural deviations in recusal matters, emphasizing that strict compliance is necessary to maintain public confidence in the judiciary ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)).

The involvement of a court coordinator in the recusal process, particularly when that coordinator is beholden to the judge facing recusal, is inconsistent with the requirement of impartiality and the avoidance of any appearance of bias (Texas Code of Judicial Conduct Canon 2(A)).

## **2. Denial of Motions That Were Never Filed**

Rule 18a and its interpreting case law make clear that recusal procedures are only triggered by the filing of a verified motion with the clerk (Tex. R. Civ. P. 18a(a); *In re Johnson*, No. 14-04-00519-CV (Tex. 2004)). If no motion is filed, there is no basis for the judge to act, and certainly no basis to deny a nonexistent motion. Any such action is not only procedurally improper but void (*In re Norman*, 191 S.W.3d 858 (Tex. App. 2006); *In re Gold*, 04-25-00085-CV (Tex. App. May 07, 2025)). The denial of a motion that was never filed is not a mere technical error; it is a fundamental violation of due process and the rules governing judicial conduct. It suggests either a lack of competence in the law or a willful disregard for established procedure, both of which are grounds for investigation and possible discipline by the Commission ([Tex. Const. art. 5 § 1-a](#); [Tex. Gov't. Code § 33.022](#)).

## **3. The Commission's Duty to Investigate**

The Texas Constitution and Government Code require the Commission on Judicial Conduct to investigate any credible allegation or appearance of judicial misconduct ([Tex. Const. art. 5 § 1-a](#); [Tex. Gov't. Code § 33.022](#)). The Commission's mandate is not limited to clear-cut cases of corruption or malfeasance; it extends to any conduct that undermines the integrity, impartiality, or proper administration of justice. When a regional presiding judge, who is charged with upholding the highest standards of judicial administration, allows or participates in procedural irregularities such as those described—namely, the involvement of a court coordinator in the recusal process and the denial of motions that were never filed—this raises at least the appearance of misconduct. The Commission is therefore obligated to conduct a preliminary investigation, and if the allegations are not found to be unfounded or frivolous, to proceed with a full investigation and notify the judge involved ([Tex. Gov't. Code § 33.022](#)).

## **4. Public Confidence and the Appearance of Impropriety**

The Texas Code of Judicial Conduct, Canon 2A, requires judges to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. The Texas Supreme Court has repeatedly emphasized that even the appearance of impropriety is sufficient to warrant investigation and possible discipline ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)). The involvement of a court coordinator in the recusal process, especially when that coordinator is directly answerable to the judge facing recusal, creates a clear appearance of impropriety and undermines public trust. Similarly, the denial of motions that were never filed is not only procedurally improper but also creates the appearance that the judicial process is being manipulated or that the rules are not being followed. This is precisely the type of conduct that the

Commission is charged with investigating to preserve the integrity of the judiciary ([In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)).

## **5. The Broader Context: Potential for Deeper Issues**

The facts presented suggest not isolated procedural errors but a pattern of disregard for mandatory rules and the appearance of impartiality. When such conduct is repeated or involves high-ranking judicial officers, it raises the possibility of systemic issues that go beyond individual mistakes. The Commission on Judicial Conduct is specifically empowered to investigate not only actual misconduct but also the appearance of misconduct or disability ([Tex. Gov't. Code § 33.022](#)). Failure to investigate such matters would itself undermine public confidence in the judiciary and the effectiveness of the Commission as a guardian of judicial integrity.

## **6. The Magnitude of the Breakdown**

This situation is not a mere technical lapse or isolated error. It represents a collapse of the most basic safeguards of judicial impartiality and due process. The use of a court coordinator—who is directly beholden to the judge facing recusal—to process recusal materials, and the denial of motions that were never filed, together create a system where the rules are not just bent but openly disregarded. This is not only a violation of the letter of the law but a betrayal of the public trust that underpins the legitimacy of the judiciary.

If the Commission on Judicial Conduct fails to act, it would be complicit in this breakdown. The Commission's inaction would send a message that judges and court staff are above the law, that procedural rules are optional, and that the appearance of fairness is irrelevant. This would erode the rule of law, foster cynicism, and cast lasting discredit upon the entire Texas judicial system ([Tex. Const. art. 5 § 1-a; In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)).

## **Exceptions and Caveats**

The Commission is not required to investigate allegations that are clearly unfounded or frivolous ([Tex. Gov't. Code § 33.022](#)). However, the facts described here—namely, the involvement of a court coordinator in the recusal process and the denial of motions that were never filed—are not trivial or technical errors but go to the heart of judicial impartiality and procedural integrity. The mandatory nature of the rules involved and the clear case law interpreting them leave little room for discretion in this context.

Additionally, while the Commission does not have the power to reverse judicial decisions, it does have the authority to investigate and discipline judges for violations of law or the Code of Judicial Conduct ([Tex. Gov't. Code § 33.002](#)).

# Conclusion

The events described constitute one of the most serious breakdowns of justice in Texas history. They involve the willful disregard of mandatory recusal procedures, the improper involvement of a court coordinator in a process designed to ensure impartiality, and the denial of motions that were never filed—all of which undermine the very foundation of public trust in the judiciary. The Texas Commission on Judicial Conduct is not only authorized but required to investigate these violations. Failure to do so would make the Commission complicit in the erosion of the rule of law and the legitimacy of the state's entire justice system. The integrity of the Texas judiciary, and the public's faith in it, depend on the Commission's willingness to act decisively in the face of such egregious misconduct.

## Legal Authorities

[Rodriguez v. Newton, NUMBER 13-19-00309-CV \(Tex. App. Jul 16, 2020\)](#)

### Texas Court of Appeals

#### Extract

Rodriguez also orally requested continuance so that discovery could be conducted. However, Judge Klein immediately referred the motion to the administrative judge, who referred the motion to Judge David Stith. On the same day, Judge Stith held a hearing on the motion to recuse... Rodriguez complains that instead of granting his request for discovery, 'within fifteen minutes a hearing before an assigned judge was set and heard.' However, this is in line with what the Texas Rules of Civil Procedure requires. See TEX. R. CIV. P. 18a(f)(1). Within three days of receiving a motion for recusal, a trial court judge must either file an order of recusal or an order referring the motion to the regional presiding judge. See *id.* Furthermore, '[i]f a motion [for recusal] 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.' *Id.* R. 18a(f)(2)(A). Therefore, it would have been improper for Judge Klein to grant the discovery request after the motion to recuse was filed. See *id.*

#### Summary

The Texas Rules of Civil Procedure 18a mandates specific actions when a motion to recuse is filed. The judge must either recuse themselves or refer the motion to the regional presiding judge within three business days. The judge is not to take any further action in the case until the motion is resolved. This ensures impartiality and prevents any appearance of bias or impropriety. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the neutrality of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate deeper issues within the judicial process.

[F.S. New Products v. Strong Industries, 129 S.W.3d 594 \(Tex. App. 2003\)](#)

## **Texas Court of Appeals**

### **Extract**

Finally, I am troubled that the supreme court has not set forth a procedure that would allow a neutral judge or judges to determine whether a court-of-appeals justice is disqualified. If avoiding the appearance of impropriety is as important a public policy as we say it is, it only makes sense to me for the supreme court to establish a procedure in which a court-of-appeals justice must either (1) disqualify herself or himself or (2) refer the matter for determination. The supreme court could promulgate rules allowing referral of the disqualification matter to a judge or judges who do not serve on the court of appeals in question. Such a procedure would ensure that the process for determining disqualification not only be legally correct, but also appear impartial to the parties, their lawyers, and the general public.

### **Summary**

There is a significant gap in the Texas judicial system regarding the disqualification of appellate justices. The absence of a formal procedure to address potential disqualifications or recusals of appellate justices can lead to questions about the impartiality and integrity of the judiciary. This lack of procedure is a systemic issue that affects the entire judicial process in Texas, as it can undermine public confidence in the judiciary and lead to perceptions of bias or impropriety. The passage suggests that the Texas Supreme Court should establish a procedure to address this issue, which would help ensure that the judicial process is both legally correct and appears impartial to all parties involved.

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

## **Texas Court of Appeals**

### **Extract**

Recusal is governed by Texas Rule of Civil Procedure 18a, which requires the judge against whom a proper recusal motion is filed to either grant the motion or request the Presiding Judge to assign another judge to hear the motion. TEX. R. CIV. P. 18a(c); see also TEX. GOV'T CODE ANN. 74.059(c)(3) (Vernon 1998) (providing for requested assignment by the presiding judge). The purpose of a recusal motion under Texas Rule of Civil Procedure 18a is to insure that all litigants have the opportunity to have an impartial judge preside over their case.

## **Summary**

The Texas Rules of Civil Procedure 18a and related statutes mandate specific procedures for judicial recusal to ensure impartiality and fairness in the judicial process. These rules require that a judge facing a recusal motion must either recuse themselves or have the motion heard by another judge. The involvement of a court coordinator in the recusal process, especially when they serve at the pleasure of the judge facing recusal, could undermine the neutrality and integrity of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate deeper issues within the judicial process. These actions could reasonably lead to questions about the judge's impartiality and adherence to procedural rules, warranting an investigation by the Texas Commission on Judicial Conduct.

[Monroe v. Blackmon, 946 S.W.2d 533 \(Tex. App. 1997\)](#)

### **Texas Court of Appeals**

#### **Extract**

The only instances in which mandamus has been found to be appropriate to review action on a motion to recuse is where the challenged judge fails to comply with his duty under Rule of Civil Procedure 18a(c) & (d) to either recuse himself or refer the motion. When the motion has not been referred for a hearing to the administrative judge or another judge designated by him, the movant has not had an opportunity to develop a record on his recusal motion, and, without a record, he has no adequate remedy by appeal.

#### **Summary**

The failure to comply with procedural requirements for recusal motions, such as not referring the motion for a hearing, can result in a lack of adequate remedy by appeal. This highlights the importance of following procedural rules to ensure justice and the opportunity for a fair hearing. The passage underscores the necessity for judicial oversight to prevent procedural breakdowns that could undermine the integrity of the judicial process.

[State ex rel. Millsap v. Lozano, 692 S.W.2d 470 \(Tex. Crim. App. 1985\)](#)

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

#### **Extract**

In 1979 the Texas Supreme Court in McLeod v. Harris, 582 S.W.2d 772 (Tex. 1979), a mandamus action, held the requirements of Article 200a, § 6, were



mandatory and a district judge must request the presiding judge to assign a judge to hear any motion to recuse. The opinion points out that statute does not guarantee the disqualification or recusal of the challenged district judge, but only ensures another judge will determine the merits of the motion.

## **Summary**

The Texas Supreme Court has established mandatory procedures for handling recusal motions. These procedures are designed to ensure impartiality by requiring a presiding judge to assign another judge to hear the motion. The failure to follow these procedures undermines the integrity of the judicial process and can lead to a breakdown of justice.

[In re K.E.M., 89 S.W.3d 814 \(Tex. App. 2002\)](#)

### **Texas Court of Appeals**

#### **Extract**

The Texas Code of Judicial Conduct currently provides: Canon 2. Avoiding Impropriety and the Appearance of Impropriety In All of the Judge's Activities A. A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. TEX.CODE JUD. CONDUCT, Canon 2A, reprinted in. TEX. GOV'T CODE ANN., tit. 2, subtit. G app. B (Vernon 1998). 'The Code of Judicial Conduct does not exist for the benefit of the judiciary exclusively, but rather for the community and the state as well.' In re Sheppard, 815 S.W.2d 917, 921 (Tex.Spec.Ct.Rev.1991).

## **Summary**

The Texas Code of Judicial Conduct mandates judges to act in a manner that promotes public confidence in the judiciary's integrity and impartiality. This is crucial for maintaining the public's trust in the judicial system. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could undermine this trust and create an appearance of impropriety, which is against the Code's principles.

[Richardson v. State, 83 S.W.3d 332 \(Tex. App. 2002\)](#)

### **Texas Court of Appeals**

#### **Extract**

Richardson argues in issue seven that the trial court erred by denying his motion to recuse. He alleged that the trial judge should be recused because his impartiality might reasonably be questioned or because he had a personal bias or prejudice concerning the subject matter or a party... We

hold that when the totality of the evidence is considered, Richardson has produced undisputed evidence that would show that a reasonable member of the public, knowing all the circumstances involved, would have questions or doubts as to the impartiality of the trial judge. We therefore hold that the trial court's denial of Richardson's motion to recuse is an abuse of discretion because it is outside the range of reasonable disagreement.

## **Summary**

The Texas Court of Appeals found that the trial court abused its discretion by denying a motion to recuse when there was undisputed evidence that a reasonable person would question the judge's impartiality. This highlights the importance of maintaining public confidence in the judiciary by ensuring that judges are perceived as impartial. The passage underscores the necessity for judicial oversight and the potential for systemic issues if recusal standards are not properly enforced.

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

## **Texas Court of Appeals**

### **Extract**

A motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason. Even if a motion to recuse is procedurally defective, the challenged judge must either grant the motion or refer the motion, so another judge can determine the merits of the motion to recuse. ... 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**

Rule 18a of the Texas Rules of Civil Procedure mandates that a judge must either recuse themselves or refer the motion to another judge for determination. The rule also prohibits a recused judge from taking further action in the case, except for good cause. This ensures impartiality and prevents any appearance of bias or impropriety. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the neutrality of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate deeper issues within the judicial process. The judicial committee must act to investigate and address these procedural irregularities to maintain public confidence in the judiciary and ensure the integrity of the judicial process.



[In re Ginsberg, 630 S.W.3d 1 \(Tex. 2018\)](#)

## **Texas Supreme Court**

### **Extract**

The day before the law went into effect, the Honorable Carl Ginsberg, presiding judge of the 193rd District Court in Dallas County, Texas, issued a standing order stating that the statute violates the separation-of-powers clause of the Texas Constitution. ... Seventeen months later, an anonymous complaint was filed with the State Commission on Judicial Conduct, and after informal proceedings, the Commission concluded that Judge Ginsberg had violated Canon 2A of the Code of Judicial Conduct and publicly admonished him.

### **Summary**

The passage highlights a situation where a judge issued a standing order that was later found to violate the Texas Code of Judicial Conduct. The Commission on Judicial Conduct took action by issuing a public admonition. This demonstrates the process and authority of the Commission to address judicial misconduct, emphasizing the importance of adherence to procedural rules and the separation of powers.

[Texaco, Inc. v. Pennzoil, Co., 729 S.W.2d 768 \(Tex. App. 1987\)](#)

## **Texas Court of Appeals**

### **Extract**

On March 7, 1984, after the filing of the lawsuit, Pennzoil's lead counsel, Joseph Jamail, contributed \$10,000 to presiding Judge Farris' campaign fund. On or about October 1, 1984, Texaco filed its motion for recusal or disqualification, asserting that such campaign contribution coupled with Jamail's services on Judge Farris' steering committee created an 'appearance of impropriety.' Judge Farris declined to recuse himself, and pursuant to rule 18a, Tex.R.Civ.P., the matter was assigned to Judge E.E. Jordan to determine whether Judge Farris should preside over the case. After conducting a hearing, Judge Jordan refused to recuse or disqualify Judge Farris. Texaco first argues that the failure to recuse Judge Farris was error under Texas law.

### **Summary**

The passage highlights a significant procedural issue where a judge, who received a substantial campaign contribution from a party's counsel, declined to recuse himself, raising concerns about impartiality and the appearance of impropriety. This situation underscores the importance of

strict adherence to recusal procedures to maintain public confidence in the judiciary. The failure to address such conflicts of interest can undermine the integrity of the judicial process and lead to perceptions of bias, which is why the judicial committee must act to investigate and address such issues to avoid being complicit in potential misconduct.

[In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#)

## **Texas Supreme Court**

### **Extract**

The 'public admonition' arose from a single instance of Judge Rangel filing a written response to a motion seeking her recusal from a particular case. Underlying the determination was the rule of procedure stating that a jurist subject to such a motion 'should not file a response' to it. TEX. R. CIV. PROC. 18a(c)(2). According to the Commission, the mere fact that Judge Rangel filed a response meant she failed to comport and maintain competence in the law, thereby violating 'Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.'

### **Summary**

The passage highlights a specific instance where a judge failed to adhere to procedural rules, resulting in a public admonition. This underscores the importance of judges maintaining competence in the law and adhering to the Code of Judicial Conduct. The judicial committee's role is to ensure that such conduct is addressed to maintain public confidence in the judiciary. Failure to act on such violations could be seen as complicity in undermining the integrity of the judicial process.

[Hagstette v. State Comm'n on Judicial Conduct, NO. 01-19-00208-CV \(Tex. App. Dec 15, 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

The State Commission on Judicial Conduct is a constitutionally-created agency comprised of judges, attorneys, and citizens from the State of Texas. See TEX. CONST. art. V, § 1-a(2); TEX. GOV'T CODE § 33.002(a-1) ('The commission is an agency of the judicial branch of state government and administers judicial discipline.'). As a state agency, the Commission is thus entitled to sovereign immunity. ... The Texas Constitution provides that, '[o]n the filing of a sworn complaint charging a person holding [judicial] office with willful or persistent violation of rules promulgated by the Supreme Court of Texas' or other 'incompetence in performing the duties of the

office,' the Commission, 'after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office' or take other such action as it may determine is appropriate. TEX. CONST. art. 5, §1-a(6)(A).

## **Summary**

The State Commission on Judicial Conduct is responsible for investigating allegations of judicial misconduct and has the authority to recommend disciplinary actions, including suspension, to the Supreme Court of Texas. This highlights the Commission's critical role in maintaining judicial integrity and accountability.

[Brown, In re, 512 S.W.2d 317 \(Tex. 1974\)](#)

### **Texas Supreme Court**

#### **Extract**

Section 1--a of Article V of the Texas Constitution provides for the removal or censure of any judge for 'willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice;...'

## **Summary**

The Texas Constitution provides a mechanism for the removal or censure of judges who engage in conduct that is inconsistent with their duties or discredits the judiciary. This mechanism is crucial for maintaining the integrity of the judicial system. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could be seen as conduct that discredits the judiciary, thus triggering the need for investigation and potential action by the judicial committee.

[In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)

### **Texas Supreme Court**

#### **Extract**

The Texas Judicial Conduct Commission is authorized to perform three fundamental tasks: (1) to investigate claims of misconduct and to bring and pursue formal or informal charges; (2) to hold an adjudicative hearing and make findings of fact; and (3) to recommend or order a final disposition to those charges. ... The investigations and deliberations of the Texas Judicial Conduct Commission may result in: (1) dismissal of the complaint; (2) public or private order of additional education in combination with a public or private sanction; (3) public or private admonition, warning or reprimand; (4)

the acceptance of a voluntary agreement to resign from judicial office in lieu of disciplinary action, or (5) formal proceedings for the removal or the involuntary retirement of the judge from the bench. ... Article V, § 1-a(6)A of the Texas Constitution provides, in pertinent part, that any Justice or Judge of the courts established by the Constitution or created by the Legislature may be removed from office, disciplined, or censured for 'incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice'.

## **Summary**

Responsibilities of the Texas Judicial Conduct Commission, which include investigating judicial misconduct and recommending disciplinary actions, including removal from office. The Texas Constitution provides grounds for removal, such as incompetence, willful violation of the Code of Judicial Conduct, or conduct that discredits the judiciary. This framework is essential for maintaining judicial integrity and public confidence.

[Ludlow v. DeBerry, 959 S.W.2d 265 \(Tex. App. 1997\)](#)

## **Texas Court of Appeals**

### **Extract**

TEX.CODE OF JUDICIAL CONDUCT, Canon 8, pt. A (1994). Thus, a judge may be disciplined for violating one of these rules, but a violation does not necessarily mean that the judge should be recused... A judge must also perform his judicial duties without bias or prejudice. TEX.CODE OF JUDICIAL CONDUCT, Canon 3A(9) (1989) (amended 1992, 1994)... Although a number of the directives in Canon 3 are mandatory and assist in determining when a trial judge's impartiality may reasonably be questioned, the determination whether to grant or deny a recusal motion, regardless of the ground asserted, is within the discretion of the judge assigned to hear the motion and this determination must stand unless the assigned judge abused his discretion. See TEX.R. CIV. P. 18a(f).

## **Summary**

The Texas Code of Judicial Conduct provides guidelines for judicial behavior, including the requirement for judges to perform duties without bias or prejudice. The Code also outlines that a judge may be disciplined for violations, and the decision to grant or deny a recusal motion is at the discretion of the judge assigned to hear it, unless there is an abuse of discretion. This implies that any deviation from these standards, such as involving a court coordinator inappropriately or denying motions that were never filed, could be seen as an abuse of discretion or a violation of the Code, warranting investigation.

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

## **Texas Supreme Court**

### **Extract**

The comprehensive record in the instant case reflects that the State Commission on Judicial Conduct adopted the findings of fact which were entered by a Special Master. The Special Master found that Respondent engaged in willful or persistent conduct that is clearly inconsistent with the proper performance of his duties, in violation of TEX. CONST. art. V, § 1-a(6) A (1993), and further, that Respondent willfully violated various provisions of the Texas Code of Judicial Conduct. ... In that regard, the burden was upon the Examiner for the Texas Commission on Judicial Conduct to establish, before the Special Master, the allegations against Respondent by a preponderance of the evidence.

### **Summary**

The State Commission on Judicial Conduct has the authority to investigate and discipline judges for willful or persistent violations of the Texas Code of Judicial Conduct. The Commission's role is to maintain the integrity and impartiality of the judiciary, and it must act when there is evidence of misconduct to uphold public confidence in the judicial system. The passage highlights the importance of the Commission's duty to investigate allegations of misconduct and the procedures involved in such investigations.

[In Re James Barr, 13 S.W.3d 525 \(Tex. 1998\)](#)

## **Texas Supreme Court**

### **Extract**

Judicial conduct proceedings brought in accordance with the constitution of the State of Texas and established rules for the removal or retirement of judges, are neither criminal nor regulatory, but rather are civil in nature. Their purpose is not necessarily to punish, but to maintain the honor and dignity of the judiciary of the entire State of Texas and to uphold the administration of justice for the benefit of all its citizens. ... Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.

## **Summary**

The judicial conduct proceedings in Texas are designed to maintain the honor and dignity of the judiciary and uphold the administration of justice. The Texas Constitution allows for the removal of judges for willful or persistent violations of judicial conduct rules, incompetence, or conduct that discredits the judiciary. This framework is essential to ensure that judges adhere to high standards of conduct and that any deviations are addressed to maintain public confidence in the judiciary.

[In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)

### **Texas Supreme Court**

#### **Extract**

The Constitution generally provides that a judge may be removed from office for four categories of misconduct: (1) 'willful or persistent violation of rules promulgated by the Supreme Court of Texas,' (2) 'incompetence in performing the duties of the office,' (3) 'willful violation of the Code of Judicial Conduct,' or (4) 'willful or persistent conduct that is clearly inconsistent with the proper performance of [the judge's] duties or casts public discredit upon the judiciary or administration of justice.' Tex. Const. art. V, § 1-a(6)(A).

## **Summary**

The Texas Constitution provides clear grounds for the removal of judges, including willful or persistent violations of rules, incompetence, willful violations of the Code of Judicial Conduct, and conduct that discredits the judiciary. These provisions are designed to maintain the integrity and impartiality of the judiciary. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could be seen as violations of these constitutional provisions, particularly if they undermine public confidence in the judiciary. The judicial committee, therefore, has a constitutional duty to investigate and address such misconduct to preserve the integrity of the judicial system.

[Sanchez v. State, 926 S.W.2d 391 \(Tex. App. 1996\)](#)

### **Texas Court of Appeals**

#### **Extract**

The motion specifically requested an evidentiary hearing before another judge, assigned to determine the merits of the defendant's motion. It is uncontroverted that no hearing was ever held. On appeal, Sanchez complains that an evidentiary hearing was mandatory under TEX.R.CIV.P.

18a once the recusal motion was referred to the administrative judge. We agree... We hold that is not the situation here, as Guadalupe Sanchez's motion to recuse set out with particularity her assertions as to why the judge before whom the case was pending could not perform as a neutral, unbiased judge... For these reasons, we are compelled to hold that the administrative judge of the Sixth Judicial Region erred in refusing to hold an evidentiary hearing on the allegations urged in Guadalupe Sanchez's motion to recuse.

## **Summary**

The Texas Court of Appeals found a procedural error in the handling of a recusal motion. The court emphasized the mandatory nature of holding an evidentiary hearing once a recusal motion is filed and referred to an administrative judge. The failure to hold such a hearing was deemed an error, highlighting the importance of procedural compliance to ensure impartiality and fairness in judicial proceedings.

[Duffey v. State, 428 S.W.3d 319 \(Tex. App. 2014\)](#)

## **Texas Court of Appeals**

### **Extract**

A motion to recuse a judge 'must assert one or more of the grounds listed in Rule 18b.' Tex.R. Civ. P. 18a(a)(2). Among other things, a judge must be recused in any proceeding in which 'the judge's impartiality might reasonably be questioned,' Tex.R. Civ. P. 18b(b)(1), or the judge 'has a personal bias or prejudice concerning the subject matter or a party; ... [or] personal knowledge of disputed evidentiary facts concerning the proceedings,' Tex.R. Civ. P. 18b(b)(2). A motion to recuse seeks to prevent a judge from hearing a case because of a nonconstitutional reason. Even if a motion to recuse is procedurally defective, he must refer the motion so another judge can determine the merits of the motion to recuse if the judge does not then voluntarily recuse himself.

## **Summary**

Texas Rule of Civil Procedure 18a mandates specific procedures for the recusal of judges, including the requirement that a judge must recuse themselves or refer the motion to another judge if their impartiality might reasonably be questioned. This ensures that the process is handled impartially and without undue influence from the judge facing recusal. The involvement of a court coordinator, who serves at the pleasure of the judge, in the recusal process could undermine the impartiality and integrity of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate a deeper issue of judicial misconduct or procedural irregularity.



## **Texas Supreme Court**

### **Extract**

The grounds for disqualification and recusal under Texas law are set out in Rule of Civil Procedure 18b. Relevant to this case, Rule 18b requires a judge to recuse if 'the judge's impartiality might reasonably be questioned' or 'the judge has a personal bias or prejudice concerning the subject matter or a party.' Tex. R. Civ. P. 18b(b)(1), (2); see Tex. R. App. P. 16.2 ('The grounds for recusal of an appellate court justice or judge are the same as those provided in the Rules of Civil Procedure.'). Canons 2 and 3 of the Code of Judicial Conduct address these same issues. Titled 'Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities,' Canon 2 requires that '[a] judge shall not allow any relationship to influence judicial conduct or judgment.'

### **Summary**

The Texas Rules of Civil Procedure and the Code of Judicial Conduct set clear standards for when a judge must recuse themselves to avoid any appearance of bias or impropriety. These rules are designed to maintain public confidence in the judiciary's integrity and impartiality. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed could undermine these standards, leading to a significant breakdown in the justice system. If such actions are not investigated and addressed, it could suggest a systemic issue that threatens the judiciary's credibility.

## [40 Tex. Admin. Code § 823.26 40 Tex. Admin. Code § 823.26 Hearing Officer Independence and Impartiality](#)

### **Extract**

A hearing officer presiding over a hearing shall have all powers necessary and appropriate to conduct a full, fair, and impartial hearing. Hearing officers shall remain independent and impartial in all matters regarding the handling of any issues during the pendency of a case and in issuing their written decisions. A hearing officer shall be disqualified if the hearing officer has a personal interest in the outcome of the appeal or if the hearing officer directly or indirectly participated in the determination or Board decision on appeal. Any party may present facts to the Agency in support of a request to disqualify a hearing officer. A hearing officer may withdraw from a hearing to avoid the appearance of impropriety or partiality.



## **Summary**

The Texas Administrative Code mandates that hearing officers must conduct hearings impartially and independently. They must disqualify themselves if they have a personal interest in the case or have participated in the decision being appealed. This ensures that the hearing process is fair and unbiased, which is crucial for maintaining public confidence in the judicial system. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed, as described in the question, could undermine this impartiality and integrity, leading to a breakdown of justice.

[40 Tex. Admin. Code § 101.913 40 Tex. Admin. Code § 101.913 Powers and Duties of Impartial Hearing Officer](#)

## **Extract**

The impartial hearing officer has the authority and duty to: conduct a full and impartial hearing; take action to avoid unnecessary delay in the disposition of the proceeding; and maintain order.

## **Summary**

Duties and powers of an impartial hearing officer, emphasizing the need for impartiality, avoidance of unnecessary delays, and maintaining order during proceedings. This is relevant to the question as it highlights the importance of procedural integrity and impartiality in judicial processes. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed, as described in the question, directly contravene these principles. Such actions undermine the integrity of the judicial process and could be seen as a significant breakdown of justice, necessitating action by the judicial committee to uphold the standards of impartiality and procedural fairness.

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

## **Extract**

A party in a case in any trial court other than a statutory probate court or justice court may seek to recuse or disqualify a judge who is sitting in the case by filing a motion with the clerk of the court in which the case is pending. The motion: (1) must be verified; (2) must assert one or more of the grounds listed in Rule 18b; (3) must not be based solely on the judge's ruling in the case; and (4) must state with detail and particularity facts that: (A) are within the affiant's personal knowledge, except that facts may be stated on information and belief if the basis for that belief is specifically stated; (B) would be admissible in evidence; and (C) if proven, would be sufficient to justify recusal or disqualification.

## **Summary**

The process for recusal or disqualification of a judge is clearly defined and must be initiated by a verified motion filed with the court clerk. The involvement of a court coordinator, who serves at the pleasure of the judge, in this process could undermine the neutrality and integrity of the recusal process. Additionally, denying motions that were never filed contradicts the procedural requirements outlined in Rule 18a, which could indicate a deeper issue of judicial misconduct or procedural irregularity.

[Tex. Gov't. Code § 74.102 Tex. Gov't. Code § 74.102 Duties](#)

## **Extract**

To promote uniform and efficient administration of justice in this state, the court coordinators shall cooperate with regional presiding and local administrative judges and state agencies having duties in the area of the operation of the courts.

## **Summary**

Court coordinators are expected to cooperate with judges and state agencies to ensure the efficient administration of justice. This implies that their role is supportive and administrative, rather than judicial. The involvement of a court coordinator in the recusal process, especially when the judge they serve is the subject of the recusal, could potentially compromise the neutrality and integrity of the process. This is because the court coordinator serves at the pleasure of the judge, which could lead to a conflict of interest or the appearance of impropriety. The passage suggests that the duties of court coordinators are meant to support the judicial process, not to influence or interfere with it.

[Tex. Const. art. 5 § 1-a Tex. Const. art. 5 § 1-a Retirement, Censure, Removal, and Compensation of Justices and Judges; State Commission On Judicial Conduct; Procedure](#)

## **Extract**

Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.

## Summary

The Texas Constitution provides a mechanism for the removal or discipline of judges who violate judicial rules or engage in conduct that discredits the judiciary. This is relevant to the question because the involvement of a court coordinator in the recusal process and the denial of motions that were never filed could be seen as a willful violation of procedural rules and the Code of Judicial Conduct. Such actions undermine the integrity of the judicial process and could cast public discredit upon the judiciary. The judicial committee, therefore, has a constitutional duty to investigate and address these issues to maintain public confidence in the judiciary.

[Tex. Gov't. Code § 22.221 Tex. Gov't. Code § 22.221 Writ Power](#)

## Extract

Each court of appeals or a justice of a court of appeals may issue a writ of mandamus and all other writs necessary to enforce the jurisdiction of the court.

## Summary

The courts of appeals in Texas have the authority to issue writs of mandamus to enforce their jurisdiction. This power is crucial in ensuring that lower courts and judges comply with the law and procedural rules. The involvement of a court coordinator in the recusal process and the denial of motions that were never filed, as described in the question, could be seen as a failure to adhere to mandatory procedural rules. This undermines the integrity of the judicial process and could be considered a significant breakdown of justice. The judicial committee must act to investigate and address these issues to maintain public confidence in the judiciary and ensure that the rule of law is upheld. Failure to act could be seen as complicity in the breakdown of justice.

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

## Extract

A judge is subject to recusal or disqualification on the same grounds and under the same circumstances as specified in TRCP Rule 18b. Motion. A motion to recuse or disqualify a judge assigned to a case should: (A) be made at the earliest practicable time; (B) be verified, if the motion is in writing; (C) state with particularity the grounds for the motion; and (D) be based on personal knowledge and include such facts as would be admissible in evidence, except that facts may be stated on information and belief if the basis for such belief is specifically stated.

## **Summary**

The procedures for recusal or disqualification of judges are clearly defined and must be followed to ensure impartiality and fairness in judicial proceedings. The involvement of a court coordinator in the recusal process, especially when the judge they serve is the subject of the recusal, could potentially compromise the neutrality and integrity of the process. This is because the court coordinator serves at the pleasure of the judge, which could lead to a conflict of interest or the appearance of impropriety. Additionally, denying motions that were never filed contradicts the procedural requirements outlined in Rule 18a, which could indicate a deeper issue of judicial misconduct or procedural irregularity.

[Tex. Gov't. Code § 33.022 Tex. Gov't. Code § 33.022 Investigations and Formal Proceedings](#)

## **Extract**

The commission may conduct a preliminary investigation of the circumstances surrounding an allegation or appearance of misconduct or disability of a judge to determine if the allegation or appearance is unfounded or frivolous. If, after conducting a preliminary investigation under this section, the commission does not determine that an allegation or appearance of misconduct or disability is unfounded or frivolous, the commission shall: (A) conduct a full investigation of the circumstances surrounding the allegation or appearance of misconduct or disability; and (B) notify the judge in writing of: (i) the commencement of the investigation; and (ii) the nature of the allegation or appearance of misconduct or disability being investigated.

## **Summary**

Procedural steps the Commission must take, including notifying the judge and potentially ordering depositions or appearances. This ensures accountability and integrity within the judiciary.

[Tex. Gov't. Code § 33.002 Tex. Gov't. Code § 33.002 Commission](#)

## **Extract**

The State Commission on Judicial Conduct is established under Section 5 1-a, Article V, Texas Constitution, and has the powers provided by that section. The commission is an agency of the judicial branch of state government and administers judicial discipline. The commission does not have the power or authority of a court in this state.

## **Summary**

The State Commission on Judicial Conduct is responsible for administering judicial discipline in Texas. It is an agency of the judicial branch, established by the Texas Constitution, and has the authority to investigate and discipline judges for misconduct. However, it does not have the power or authority of a court. This means that while the Commission can investigate and recommend disciplinary actions, it cannot overturn court decisions or act as a judicial body.

[Tex. Gov't. Code § 33.001 Tex. Gov't. Code § 33.001 Definitions](#)

## **Extract**

For purposes of Section 5 1-a, Article V, Texas Constitution, 'wilful or persistent conduct that is clearly inconsistent with the proper performance of a judge's duties' includes: wilful, persistent, and unjustifiable failure to timely execute the business of the court, considering the quantity and complexity of the business; wilful violation of a provision of the Texas penal statutes or the Code of Judicial Conduct; persistent or wilful violation of the rules promulgated by the supreme court; incompetence in the performance of the duties of the office; failure to cooperate with the commission; or violation of any provision of a voluntary agreement to resign from judicial office in lieu of disciplinary action by the commission.

## **Summary**

Framework for understanding what constitutes judicial misconduct and the responsibilities of the commission in addressing such issues.

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

## **Extract**

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

## **Summary**

The statute mandates specific actions for a judge when a motion for recusal or disqualification is filed. The judge must either recuse themselves or request the assignment of another judge. This ensures impartiality and prevents any appearance of bias or impropriety. The involvement of a court coordinator in the recusal process, especially when the judge they serve is

the subject of the recusal, could potentially compromise the neutrality and integrity of the process. This is because the court coordinator serves at the pleasure of the judge, which could lead to a conflict of interest or the appearance of impropriety. The passage suggests that the duties of court coordinators are meant to support the judicial process, not to influence or interfere with it.

[EVALUATING JUDICIAL STANDARDS OF CONDUCT IN THE CURRENT POLITICAL AND SOCIAL CLIMATE: THE NEED TO STRENGTHEN IMPROPRIETY STANDARDS AND REMOVAL REMEDIES TO INCLUDE PROCEDURAL JUSTICE AND COMMUNITY HARM.](#)

**Albany Law Review - Albany Law School - Kastenberg, Joshua E. - 2019-06-22**

### **Extract**

In Texas, the state judicial commission may censure a judge after a formal proceeding, but it can only recommend removal to the state's highest court. Moreover, the Texas judiciary has developed a jurisprudence that a reprimand is assumed to have caused a judge to change his or her behavior, and therefore should not ordinarily serve as the basis for recusal, thereby giving the judge a clean slate.

### **Summary**

The Texas judicial system has a limited mechanism for disciplining judges. The state judicial commission can censure judges but can only recommend removal to the state's highest court. Additionally, the jurisprudence in Texas assumes that a reprimand is sufficient to change a judge's behavior, which may not always be the case. This system could potentially allow judges to continue engaging in misconduct without facing significant consequences, leading to a breakdown of justice.

[Pretrial Motions](#)

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

### **Extract**

A Texas judge may be removed from presiding over a case for one of three reasons: he is constitutionally disqualified; he is subject to a statutory strike (as in civil cases); or he is subject to statutory disqualification or recusal under Texas Supreme Court rules. ... Rule 18b(2) of the Texas Rules of Civil Procedure sets out the law concerning recusal and includes instances in which a judge must step down from hearing a case for reasons other than the disqualifying grounds listed in the constitution. Rule 18b(2) states, in

relevant part, that a 'judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) ... 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**

The Texas Rules of Civil Procedure, specifically Rule 18b(2), mandate that a judge must recuse themselves if their impartiality might reasonably be questioned. This is a fundamental aspect of ensuring justice and maintaining public confidence in the judiciary. The passage also highlights that once a motion to recuse is filed, the judge must either recuse themselves or have the motion heard by another judge. This ensures that the process is impartial and that the judge whose impartiality is questioned does not continue to act in the case. The involvement of a court coordinator, who serves at the pleasure of the judge facing recusal, could undermine the impartiality and integrity of the process. Additionally, denying motions that were never filed contradicts the procedural requirements and could indicate a deeper issue of judicial misconduct or procedural irregularity.

This memo was compiled by Vincent AI based on vLex materials available as of August 23, 2025. [View full answer on vLex](#)