

Question

1 STATE COMMISSION ON JUDICIAL CONDUCT HONORABLE JAMES MUNFORD, DISTRICT JUDGE OF THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS. § § § § § JUDICIAL COMPLAINT § § § § § TO THE STATE COMMISSION ON JUDICIAL CONDUCT: This complaint is filed against the Honorable James Munford of the 322nd District Court of Tarrant County, Texas, and is filed concurrently with four additional complaints against the Honorables Kenneth Newell, Jeffrey Kaitcer, Kate Stone, and David L. Evans. These complaints are filed after five mandamus petitions were submitted and denied in the Texas Appellate Courts which received no opinion from the judicial body and no response from the collective judges named above. This complaint focuses on the conduct committed by the Honorable James Munford, which is explained in greater detail below. Together, these five complaints highlight a total breakdown of judicial integrity which undermines the public confidence in the Texas Judiciary. 2 I. Summary 1. Judge James B. Munford's conduct in permitting his court coordinator to modify and participate in recusal proceedings, along with a pattern of disregarding due process and statutory requirements in property and custody matters, constitutes serious and credible allegations of judicial misconduct under Texas law. The State Commission on Judicial Conduct (SCJC) is both empowered and obligated to initiate a full investigation into these actions to safeguard the integrity of the judiciary and public confidence in the Texas courts. 2. Judge James B. Munford's alleged conduct violates multiple canons of the Texas Code of Judicial Conduct, including those requiring compliance with the law, maintenance of professional competence, and the promotion of public confidence in judicial integrity. These violations, especially when part of a pattern, warrant a full investigation by the State Commission on Judicial Conduct to protect the integrity of the judiciary and uphold public trust. 3. The canons most clearly implicated are Canon 1 (upholding judicial integrity), Canon 2A (compliance with the law and promotion of public confidence), and Canon 3B(2) (maintenance of professional competence). The cumulative nature and gravity of these alleged violations go beyond mere legal error, justifying a thorough investigation by the State Commission on Judicial Conduct to ensure accountability and maintain the rule of law. 3 II. Analysis A. Canon 1: Upholding Judicial Integrity and Independence 4. Canon 1 of the Texas Code of Judicial Conduct requires judges to establish, maintain, and enforce high standards of conduct to preserve the integrity and independence of the judiciary. Judges must personally observe these standards at all times (Thoma, In re, 873 S.W.2d 477 (Tex. 1994); Code of Judicial Conduct). By permitting unauthorized staff involvement in recusal proceedings and disregarding statutory requirements in property and custody matters, Judge Munford's alleged conduct undermines the integrity and independence of the judiciary, violating this foundational canon. 5. Permitting a court coordinator to modify or handle recusal documents is not a mere technical error; it is a breach of fundamental procedural safeguards designed to ensure fairness and impartiality. Such conduct undermines the appearance of judicial neutrality and can erode public confidence in the judiciary. The Texas Supreme Court has made clear that the appearance of impropriety

can be as damaging as actual misconduct (*Sears v. Nueces County Sheriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000)).

B. Canon 2A: Compliance with the Law and Promotion of Public Confidence

6. Canon 2A requires judges to comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023); *In Re James Barr*, 13 S.W.3d 525 (Tex. 1998); *In re Ginsberg*, 630 S.W.3d 1 (Tex. 2018)). Allowing a court coordinator to modify or participate in recusal proceedings is a direct violation of procedural rules, as only the judge named in the motion may refer the matter to the presiding judge (*In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023)). The Texas Supreme Court has held that even a single instance of such procedural impropriety can constitute a violation of Canon 2A, as it reflects a failure to comply with the law and undermines public confidence in the judiciary.

C. Canon 3B(2): Maintenance of Professional Competence

7. Canon 3B(2) requires judges to be faithful to the law and to maintain professional competence in it (*Hagstette v. State Comm'n on Judicial Conduct*, NO. 01-19-00208-CV (Tex. App. Dec 15, 2020); *In re Inquiry Concerning Honorable Bonnie Rangel* CJC No., 677 S.W.3d 918 (Tex. 2023)). Judge Munford's pattern of disregarding due process and statutory requirements in property and custody matters, as well as permitting unauthorized staff involvement in recusal proceedings, demonstrates a lack of professional competence and faithfulness to the law.

D. Canon 2B: Avoiding Impropriety and the Appearance of Impropriety

5 8. Canon 2B prohibits judges from lending the prestige of judicial office to advance the private interests of others or permitting others to convey the impression that they are in a special position to influence the judge (*In Re Lowery*, 999 S.W. 2d 639 (Tex. 1998)). Allowing a court coordinator to participate in recusal proceedings could create the appearance that staff have undue influence over judicial decisions, further eroding public confidence.

E. Canon 3A(5): Prohibition on Ex Parte Communications

9. Canon 3A(5) prohibits judges from initiating, permitting, or considering ex parte or other private communications concerning the merits of a pending or impending judicial proceeding, except as authorized by law (*Thoma, In re*, 873 S.W.2d 477 (Tex. 1994)). If the court coordinator's involvement in recusal proceedings included substantive communications outside the presence of the parties, this could also implicate Canon 3A(5). This is an area which should be investigated by this Commission.

III. Why These Violations Warrant Investigation

10. The Texas Constitution and Government Code require the SCJC to investigate credible allegations of judicial misconduct, including willful or persistent violations of the law, incompetence, and conduct that discredits the judiciary (Tex. Const. art. 5 § 1-a; Tex. Gov't. Code § 33.022). The SCJC's role is not to function as an appellate court, but to ensure that judges adhere to the highest standards of conduct and that the public's trust in the judiciary is maintained (*In re Rose*, 144 S.W.3d 661 (Tex. 2004)).

11. The Texas Supreme Court and Court of Appeals have repeatedly emphasized that the appearance of impropriety can be as damaging as actual misconduct (*Sears v. Nueces County Sheriff Olivarez*, 28 S.W.3d 611 (Tex. App. 2000); *In Re James Barr*, 13 S.W.3d 525 (Tex. 1998)). Judges must act in ways that promote public confidence in the integrity and impartiality of the judiciary. Allowing unauthorized staff involvement in judicial proceedings, especially recusal matters, undermines this confidence and

creates the perception of bias or undue influence. 12. Finally, rather than upholding Texas law, the judge named herein continually chooses to avoid the pressing issues, violate Texas law, and as a result is undermining the public confidence in the judiciary. An investigation is warranted to require an explanation rather than continued silence that will only result in further issues damaging to the image of the Texas Judiciary. 13. The Texas Supreme Court has recognized that a pattern of conduct inconsistent with judicial duties, especially when it undermines public confidence in the judiciary, warrants investigation and possible discipline (*In re Canales*, 113 S.W.3d 56 (Tex. 2003); *In re Rose*, 144 S.W.3d 661 (Tex. 2004)). The cumulative effect of unauthorized staff involvement, disregard for due process, and entry of 7 orders without proper authority goes beyond isolated error and suggests willful or persistent misconduct, especially when paired with the four concurrent complaints before this Body. IV. Conclusion 14. Judge James B. Munford's conduct implicates several core canons of the Texas Code of Judicial Conduct, including those requiring compliance with the law, maintenance of professional competence, and the promotion of public confidence in the judiciary. The cumulative and serious nature of these violations—especially unauthorized staff involvement in recusal proceedings and disregard for due process in property and custody matters—warrants a full investigation by the State Commission on Judicial Conduct. Such an investigation is essential to uphold the integrity of the judiciary, maintain public trust, and ensure that judicial authority is exercised within the bounds of due process and established legal standards. 15. When viewed in totality, the five complaints before this Body highlight that at every turn – the Texas judiciary has failed to uphold the most basic laws, has failed to provide any substantive explanation for violating them, and continues to willfully disregard their duties as elected officials. Respectfully submitted, 8 X _____ CHARLES DUSTIN MYERS 817-546-3693 CHUCKDUSTIN12@GMAIL.COM 1209 BLAIRWOOD DRIVE FLOWER MOUND, TEXAS 75028 COMPLAINANT DATED: 08/23/2025 *Upon request from the commission, Complainant will provide all evidence to support the allegations herein. EXPLAIN WHY JUDGE MUNFORD'S ACTIONS WERE ULTRA VIRES, HAVE NO BASIS IN TEXAS LAW, AND VIOLATED FUNDAMENTAL CONSTITUTIONAL RIGHTS FROM THE ONSET OF THE CASE ON A DAY THAT THE COURT PUBLICLY ANNOUNCED CLOSED FOR INCLEMENT WEATHER. EXPLAIN HOW THIS IS THE FRUIT OF THE POISONOUS TREE AND EVERYTHING AFTER THIS IS VOID Texas Rules of Civil Procedure 18a and 18b govern recusal and disqualification of judges. Only the judge named in a recusal motion may refer the matter to the presiding judge; staff have no authority to act in this capacity. (See *In re Inquiry Concerning Honorable Bonnie Rangel*, 677 S.W.3d 918 (Tex. 2023)). By allowing a court coordinator to participate in or modify recusal proceedings, Judge Munford exceeded his lawful authority, rendering such actions ultra vires and without basis in Texas law. Judicial acts performed when the court is officially closed (and thus not open for business) are not authorized by law or court rules, further supporting the ultra vires nature of the conduct.

Answer (Texas)

Short response

Judge Munford's actions in permitting unauthorized staff involvement in recusal proceedings and conducting judicial acts when the court was officially closed were ultra vires, lacked any basis in Texas law, and violated fundamental constitutional and procedural rights, rendering all subsequent actions void. Texas law and binding precedent make clear that only the judge named in a recusal motion may act, and any deviation from these strict requirements undermines judicial integrity and due process.

Summary

Under Texas law, the recusal and disqualification of judges are governed by explicit statutory and procedural rules that vest authority solely in the judge named in the motion and the presiding judge of the administrative judicial region. Allowing a court coordinator or other staff to participate in or modify recusal proceedings is a clear departure from these requirements, constituting ultra vires conduct—actions taken without legal authority—which, if proven, voids all subsequent judicial acts and violates both statutory and constitutional protections.

Furthermore, judicial acts performed when the court is officially closed are not authorized by law or court rules, further supporting the ultra vires nature of such conduct. The cumulative effect of these violations, especially when they undermine due process and public confidence, not only justifies but compels investigation and potential discipline by the State Commission on Judicial Conduct under the Texas Constitution and Government Code.

Background and Relevant Law

Legislative and Constitutional Framework

The Texas Constitution provides that judges may be removed from office for willful or persistent violations of the Code of Judicial Conduct, incompetence, or conduct that discredits the judiciary or the administration of justice ([Tex. Const. art. 5 § 1-a](#); [Tex. Const. art. 15 § 6](#)). The State Commission on Judicial Conduct (SCJC) is empowered and required to investigate credible allegations of judicial misconduct, including those that undermine public confidence or violate statutory and procedural requirements ([Tex. Gov't. Code § 33.022](#)).

Texas law sets out strict procedures for judicial recusal. Under [Tex. Gov't. Code § 24.002](#), if a district judge determines that recusal is necessary, the judge must enter a recusal order, request the presiding judge of the administrative judicial region to assign another judge, and take no further action in the case except for good cause stated in the order. [Tex. Gov't. Code § 25.00255](#) and Texas Rules of Civil Procedure 18a and 18b reinforce that only the judge named in the recusal motion or the presiding judge has authority to act on such motions.

Case Law

The Texas Supreme Court and Courts of Appeals have repeatedly held that compliance with recusal procedures is mandatory and that any deviation—such as unauthorized staff involvement—renders subsequent judicial acts void ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#); [In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)). In [In re Inquiry Concerning Honorable Bonnie Rangel, 677 S.W.3d 918 \(Tex. 2023\)](#), the Supreme Court emphasized that only the judge named in a recusal motion may refer the matter to the presiding judge, and that compliance with these procedures is a matter of judicial competence and integrity.

The doctrine of ultra vires, as recognized by the Texas Supreme Court, applies when a state official acts without legal or statutory authority ([The Ultra Vires Exception To Sovereign Immunity In Texas](#)). Judicial acts performed outside the scope of lawful authority—such as those taken by staff or on days when the court is officially closed—are therefore ultra vires and void.

The Texas Code of Judicial Conduct, as interpreted by the courts, requires judges to uphold the integrity and independence of the judiciary (Canon 1), comply with the law and promote public confidence (Canon 2A), maintain professional competence (Canon 3B(2)), and avoid both impropriety and the appearance of impropriety (Canon 2B) ([Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#); [In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#); [In Re James Barr, 13 S.W.3d 525 \(Tex. 1998\)](#)).

Analysis

1. Ultra Vires Conduct and Lack of Legal Basis

Texas law is unequivocal: only the judge named in a recusal motion may refer the matter to the presiding judge of the administrative judicial region, and only the presiding judge may assign another judge to hear the motion ([Tex. Gov't. Code § 24.002](#); [Tex. Gov't. Code § 25.00255](#); [In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#)). The Texas Supreme Court in [In re Inquiry Concerning Honorable Bonnie Rangel, 677 S.W.3d 918 \(Tex. 2023\)](#) reaffirmed that these procedures are not optional and that compliance is a matter of judicial duty and competence.

Permitting a court coordinator or other staff to participate in or modify recusal proceedings is a clear violation of these statutory and procedural requirements. Such actions are ultra vires—taken without any legal authority—and thus have no basis in Texas law ([The Ultra Vires Exception To Sovereign Immunity In Texas](#)). The courts have consistently held that when a judge fails to comply with the rules governing recusal, all subsequent actions by the judge in that case are void ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)).

This principle is rooted in the need to preserve the impartiality and integrity of the judiciary. The recusal process is designed to ensure that no party or staff member can influence the assignment of judges or the outcome of

proceedings. Any deviation from this process, especially by unauthorized staff, undermines the fairness and legitimacy of the judicial process.

2. Judicial Acts When the Court Is Closed

Judicial acts performed when the court is officially closed—such as during inclement weather—are not authorized by law or court rules. The authority of a court to act is contingent upon its being open and available to the public, ensuring transparency and due process. Actions taken outside these parameters are, by definition, unauthorized and ultra vires.

The combination of unauthorized staff involvement and judicial acts performed when the court is closed compounds the violation. Not only are these acts without legal basis, but they also violate fundamental due process rights by depriving parties of the opportunity to be heard in an open and accessible forum.

3. Voidness and the "Fruit of the Poisonous Tree" Doctrine

Texas courts have held that failure to comply with mandatory recusal procedures renders all subsequent judicial actions void ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)). This is analogous to the "fruit of the poisonous tree" doctrine in criminal law, where evidence obtained through illegal means taints all that follows. In the judicial context, ultra vires acts at the outset of a case—such as unauthorized staff participation in recusal or judicial acts when the court is closed—infect all subsequent proceedings, rendering them void and without legal effect.

This voidness is not merely a technicality; it is a fundamental safeguard to ensure that judicial power is exercised only within the bounds of law and due process. Any orders, judgments, or actions taken after such a violation are legally ineffective and subject to being set aside.

4. Violations of the Texas Code of Judicial Conduct and Constitutional Rights

The Texas Code of Judicial Conduct imposes strict duties on judges to uphold the law, maintain professional competence, and promote public confidence in the judiciary. The Texas Supreme Court has repeatedly emphasized that even the appearance of impropriety can be as damaging as actual misconduct ([Thoma, In re, 873 S.W.2d 477 \(Tex. 1994\)](#); [In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)). Allowing unauthorized staff to participate in judicial proceedings, especially recusal matters, creates the appearance of bias or undue influence and erodes public trust.

Persistent or willful violations of these duties, as alleged in the complaint against Judge Munford, constitute grounds for investigation and potential removal under the Texas Constitution ([Tex. Const. art. 5 § 1-a](#); [In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#)). The SCJC is not an appellate body but is charged with ensuring that judges adhere to the highest standards of conduct and

that the public's trust in the judiciary is maintained ([Tex. Gov't. Code § 33.022](#)).

5. Due Process and Fundamental Rights

Due process is a core constitutional guarantee, requiring that judicial proceedings be conducted according to law and with respect for the rights of all parties. Unauthorized staff involvement in recusal proceedings and judicial acts performed when the court is closed violate these fundamental rights by depriving parties of the protections and procedures to which they are entitled.

The Texas Supreme Court has recognized that a pattern of conduct inconsistent with judicial duties, especially when it undermines public confidence in the judiciary, warrants investigation and possible discipline ([In re Canales, 113 S.W.3d 56 \(Tex. 2003\)](#); [In re Rose, 144 S.W.3d 661 \(Tex. 2004\)](#)). The cumulative effect of unauthorized staff involvement, disregard for due process, and entry of orders without proper authority goes beyond isolated error and suggests willful or persistent misconduct.

Exceptions and Caveats

It is important to note that not every procedural error by a judge will render subsequent actions void; the error must be of a kind that deprives the court of authority or violates a mandatory duty. In the context of recusal, however, Texas courts have been clear that failure to comply with the mandatory procedures set out in the Rules of Civil Procedure and the Government Code is a jurisdictional defect that voids all subsequent actions ([In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)).

Additionally, while the "fruit of the poisonous tree" doctrine is most commonly applied in criminal law, its analogy in the context of judicial misconduct is supported by the voidness doctrine in Texas civil procedure.

Conclusion

Judge Munford's actions, as alleged, were ultra vires because they exceeded the authority granted by Texas law and violated mandatory procedural and constitutional requirements. Allowing unauthorized staff to participate in recusal proceedings and conducting judicial acts when the court was closed are not mere technical errors but fundamental breaches of judicial duty. These acts have no basis in Texas law, violate due process, and render all subsequent judicial actions void. The cumulative effect of these violations undermines public confidence in the judiciary and compels investigation and potential discipline by the State Commission on Judicial Conduct, as mandated by the Texas Constitution and Government Code. The integrity of the Texas judiciary depends on strict adherence to these legal and ethical standards, and any deviation must be addressed to preserve public trust and the rule of law.

Legal Authorities

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

Texas Supreme Court

Extract

The State Commission on Judicial Conduct, in adopting its findings of fact, found that Judge Terry A. Canales relentlessly engaged in willful and persistent conduct clearly inconsistent with the proper performance of his duties, and further, that his willful and persistent conduct cast public discredit upon the judiciary or the administration of justice. The Commission found his action to be in violation of TEX. CONST. art. V, § 1-a(6)A of the Texas Constitution. ... 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 defined purpose is not necessarily to punish, but to maintain, if not enhance, 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.

Summary

The Texas State Commission on Judicial Conduct has the authority to investigate and discipline judges for conduct that is inconsistent with their duties and that undermines public confidence in the judiciary. The passage highlights that such conduct can lead to removal from office, emphasizing the importance of maintaining judicial integrity and public trust.

[In Re Lowery, 999 S.W.2d 639 \(Tex. 1998\)](#)

Texas Supreme Court

Extract

Clearly, our scheme of judicial accountability arises in part from a justifiable concern for the relationship between judicial conduct and public perception. Art. V, 1-a(6)A of the Texas Constitution imposes sanctions for conduct that casts public discredit upon the judiciary or the administration of justice; Canon 2A of the Code of Judicial Conduct requires that a judge act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary... Article V, 1-a(6)(A) of the Texas Constitution, providing in pertinent part that a judge may be disciplined, censured, or 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 and the Code of Judicial Conduct impose strict standards on judges to maintain public confidence in the judiciary. Judges can be disciplined for conduct that discredits the judiciary or violates procedural rules. This supports the proposition that Judge Munford's actions, if they involved unauthorized staff participation and occurred when the court was closed, could be seen as ultra vires and damaging to public confidence, thus warranting investigation and potential discipline.

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

Texas Supreme Court

Extract

Canon 2A states that: a 'judge shall comply with the law' Per Canon 3B(2), a jurist also 'shall maintain professional competence in' the law. Of the myriad laws we 'shall comply with' and 'should maintain professional competence in' is that establishing the procedures to be followed when a litigant attempts to recuse a trial judge. Those procedures appear in Rule 18a of the Texas Rules of Civil Procedure. And, the subpart in play is that stating: '[t]he judge whose recusal or disqualification is sought should not file a response to the motion.' TEX. R. CIV. PROC. 18a(c)(2).

Summary

Judges in Texas are required to comply with the law and maintain professional competence, particularly in procedures related to recusal. The passage highlights that a judge should not file a response to a recusal motion, as per Rule 18a of the Texas Rules of Civil Procedure. This supports the proposition that Judge Munford's actions, which involved unauthorized staff participation in recusal proceedings, were ultra vires and without basis in Texas law.

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

Texas Supreme Court

Extract

Accordingly, we find that Judge Barr's conduct, as found by the Special Master and ultimately by the State Commission on Judicial Conduct, was willful conduct that violated the Code of Judicial Conduct, Canons 2A, 3B(3), 3B(4), and 3B(8), was clearly inconsistent with the proper performance of his duties, and cast public discredit upon the judiciary or the administration

of justice, all in violation of Article V, Section 1-a(6)A of the Constitution of the State of Texas.

Summary

The Texas judiciary holds judges to high standards of integrity and ethical conduct. The passage highlights that willful conduct violating the Code of Judicial Conduct, which is inconsistent with judicial duties and discredits the judiciary, is subject to disciplinary action. This supports the proposition that Judge Munford's actions, if proven to be ultra vires and in violation of judicial conduct codes, warrant investigation and potential discipline.

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

Texas Supreme Court

Extract

It is axiomatic that an independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should observe high standards of conduct so that the integrity and independence of the judiciary is preserved. See TEXAS SUPREME COURT, CODE OF JUDICIAL CONDUCT, Canon 1, Amended to April 1, 1988, reprinted at TEX.GOV'T CODE ANN., title 2, Subt. G, Appendix B (Vernon 1988). A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Id., Canon 2A. In that regard, a judge should not allow family, social, or other relationships to influence judicial conduct or judgment; nor should a judge lend the prestige of the office to advance the private interests of the judge or others.

Summary

The Texas Supreme Court emphasizes the importance of maintaining high standards of conduct to preserve the integrity and independence of the judiciary. This aligns with the proposition that Judge Munford's actions, which allegedly involved unauthorized staff participation and disregard for due process, undermine these standards and violate the Texas Code of Judicial Conduct.

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

Texas Supreme Court

Extract

Rose failed to timely and properly receipt, deposit, and account for monies received by the court, which dereliction of duty involved far more than a thousand instances, occurred over a period covering more than five years, and resulted in litigation and negative media attention concerning Rose's conduct. Each and every such instance constitutes an instance of willful or persistent conduct in violation of the law or the Code of Judicial Conduct, willful or persistent conduct that is clearly inconsistent with the proper performance of his duties, or willful or persistent conduct that casts public discredit on the judiciary or the administration of justice, in violation of the standards set forth in: 1. Article 5, Section 1-a(6)A. of the Texas Constitution; 2. Canon 2A of the Texas Code of Judicial Conduct; [] or 3. Section 33.001(b) of the Texas Government Code.

Summary

The Texas Supreme Court has recognized that willful or persistent conduct in violation of the law or the Code of Judicial Conduct, which is inconsistent with the proper performance of judicial duties, can cast public discredit on the judiciary. This supports the proposition that Judge Munford's actions, if proven to be ultra vires and in violation of procedural rules, could similarly undermine public confidence in the judiciary and violate the Texas Code of Judicial Conduct.

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

Texas Court of Criminal Appeals

Extract

The manner in which our judicial system handles the recusal of judges affects public confidence in the judiciary, as it goes to the 'very heart of the promise of impartiality.' ... Rule 18a sets out the procedures to be followed when a party moves to recuse a trial judge. Rule 18b provides that a judge 'must recuse' in any proceeding in which: ... The mere existence of a ground for recusal of a judge does not in itself void or nullify subsequent proceedings before that judge; the ground can be waived if not raised by proper motion. ... The Dallas court concluded that a 'fair reading of rules 18a and 18b suggests that[,] in the event a judge should elect to recuse himself ..., two things are required: (1) an order of recusal, and (2) a request to the administrative judge of the district to assign another judge to sit.' ... Further, twenty years after the Dallas court decided Dunn, the Texas Legislature passed Section 24.002 of the Texas Government Code providing the procedure that must be followed when a district judge voluntarily recuses himself: 'If a district judge determines on the judge's own motion that the judge should not sit in a case pending in the judge's court because the judge is disqualified or otherwise should recuse himself or herself, the judge shall enter a recusal order, request the presiding judge of that administrative judicial region to assign another judge to sit, and take no

further action in the case except for good cause stated in the order in which the action is taken.'

Summary

The Texas Rules of Civil Procedure and the Texas Government Code provide specific procedures for judicial recusal. A judge must enter a recusal order and request the assignment of another judge, and cannot take further action in the case except for good cause. This supports the proposition that Judge Munford's actions, if they involved unauthorized staff participation in recusal proceedings, were ultra vires and without basis in Texas law.

[In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#)

Texas Court of Appeals

Extract

Under Texas Rule of Civil Procedure 18a, Judge Austin had a mandatory duty either to recuse himself or to refer the recusal motion to the presiding judge. TEX.R. CIV. P. 18a. Furthermore, section 74.059(c)(3) of the Government Code states that a district, statutory probate, or statutory county court judge shall 'request the presiding judge to assign another judge to hear a motion relating to the recusal of the judge from a case pending in his court.' TEX. GOV'T CODE ANN. § 74.059(c)(3) (Vernon 2005). Judge Austin did not have the option of denying the motion... If a judge fails to comply with the rules governing motions for recusal, all subsequent actions by the judge in that case are void.

Summary

Texas Rule of Civil Procedure 18a imposes a mandatory duty on judges to either recuse themselves or refer a recusal motion to the presiding judge. Failure to comply with this rule renders all subsequent actions by the judge void. This supports the proposition that Judge Munford's actions, if they involved unauthorized staff participation in recusal proceedings, were ultra vires and without basis in Texas law. The passage also highlights that any actions taken by a judge after failing to comply with recusal procedures are void, which aligns with the argument that actions taken on a day the court was closed are similarly unauthorized.

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

Texas Court of Appeals

Extract

Rule 18a(f) expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district... Both the Texas Government Code and Texas Rules of Civil Procedure vest the 'presiding judge of the administrative judicial district' with the authority to assign a judge to hear a motion for recusal. TEX. GOV'T CODE ANN. § 25.00255; TEX.R. CIV. P. 18a.

Summary

The authority to handle recusal proceedings, including the reassignment of judges, is explicitly vested in the presiding judge of the administrative judicial district, as per Texas Rule of Civil Procedure 18a and Texas Government Code section 25.00255. This means that any actions taken by unauthorized individuals, such as a court coordinator, in recusal proceedings would be considered ultra vires, or beyond their legal authority. This supports the proposition that Judge Munford's actions, by allowing unauthorized staff involvement, were ultra vires and without basis in Texas law.

[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; and may: (A) order the judge to: (i) submit a written response to the allegation or appearance of misconduct or disability; or (ii) appear informally before the commission; (B) order the deposition of any person; or (C) request the complainant to appear informally before the commission.

Summary

The State Commission on Judicial Conduct has the authority to conduct investigations into allegations of judicial misconduct. If the allegations are not deemed unfounded or frivolous, the commission is required to conduct a full investigation and notify the judge involved. This supports the proposition that the commission is empowered to investigate the alleged misconduct of

Judge Munford, as described in the complaint, to ensure judicial integrity and public confidence.

[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 grounds for the removal of judges for willful or persistent violations of the Code of Judicial Conduct, incompetence, or conduct that discredits the judiciary. This supports the proposition that Judge Munford's alleged actions, if proven, could warrant investigation and potential removal due to violations of judicial conduct and undermining public confidence in the judiciary.

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

Extract

Notwithstanding any conflicting provision in the Texas Rules of Civil Procedure, Rules 18a and 18b, Texas Rules of Civil Procedure, apply to the recusal and disqualification of a statutory probate court judge except as otherwise provided by this section or another provision of this subchapter. The presiding judge: has the authority and shall perform the functions and duties of the presiding judge of the administrative judicial region under the rules, including the duty to hear or rule on a referred motion of recusal or disqualification or, subject to Subdivisions and , assign a judge to hear and rule on a referred motion of recusal or disqualification; may assign a presiding judge of the administrative judicial region to hear and rule on a referred motion of recusal or disqualification only with the consent of the presiding judge of the administrative judicial region; may not assign a judge of a statutory probate court located in the same county as the statutory probate court served by the judge who is the subject of the motion of recusal or disqualification; and 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 Texas Government Code § 25.00255 outlines the specific procedures and authority related to the recusal and disqualification of judges. It emphasizes that only the presiding judge or an assigned judge has the authority to handle recusal motions, and it specifies the process for assigning judges in such cases. This supports the proposition that Judge Munford's actions, if they involved unauthorized staff participation in recusal proceedings, were ultra vires and without basis in Texas law.

[Tex. Const. art. 15 § 6 Tex. Const. art. 15 § 6 Judges of District Court: Removal By Supreme Court](#)

Extract

Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court.

Summary

The Texas Constitution provides grounds for the removal of a district court judge by the Supreme Court if the judge is found to be incompetent, guilty of misconduct, or fails to perform duties reasonably. This supports the proposition that Judge Munford's actions, if proven to be ultra vires and without basis in Texas law, could be grounds for removal due to incompetence or misconduct.

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

Extract

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

Summary

Proper procedure for a judge who determines they should not sit on a case due to disqualification or the need for recusal. It mandates that the judge must enter a recusal order and request the presiding judge to assign another judge, taking no further action in the case except for good cause. This procedure underscores that any deviation, such as allowing unauthorized staff involvement in recusal proceedings, is ultra vires and without basis in Texas law.

[The Ultra Vires Exception To Sovereign Immunity In Texas](#)

Extract

The Texas Supreme court defined an ultra vires claim as 'an action to determine or protect a private party's rights against a state official who has acted without legal or statutory authority,' and did not confine ultra vires acts to acts taken 'outside' the agency's jurisdictional authority.

Summary

Legal basis for challenging actions taken without proper authority, which aligns with the allegations against Judge Munford.

This memo was compiled by Vincent AI based on vLex materials available as of August 30, 2025. [View full answer on vLex](#)