

NO. 322-744263-23

IN THE 322nd DISTRICT COURT OF TARRANT COUNTY, TEXAS

IN THE INTEREST OF *M.E.M., C.R.M., two children*)
MORGAN MICHELLE MYERS

Petitioner,

CHARLES DUSTIN MYERS,

Notice of Intent to File Mandamus

Respondent.

2025-05-16

To the Honorable David L. Evans:

Respondent in the above styled cause, CHARLES DUSTIN MYERS, respectfully submits this notice of intent to file mandamus regarding the Order Overruling Respondent's Objection signed May 15, 2025, and in support thereof, shows the following:

I. APPLICABLE LAW

i. Court Coordinators and Recusal

Pursuant to Texas Government Code Sec. 74.101, the provision that a court coordinator serves at the pleasure of the appointing judge implies that a coordinator assigned by a district judge is distinct from the administrative

judge. The statute clearly differentiates between the local administrative judge and each district or statutory county court judge, granting them separate authority to establish court coordinator systems and appoint court coordinators who serve at the pleasure of their respective appointing judges.

The statute specifically states that "the local administrative judge and each district or statutory county court judge" may establish a court coordinator system and appoint a court coordinator for their court. This language places the local administrative judge and other judges on equal footing with respect to coordinator appointments, with each having independent authority to appoint coordinators for their own courts. Furthermore, subsection (b) establishes that "each court coordinator serves at the pleasure of the judge who appointed him," creating a direct reporting relationship between the coordinator and their specific appointing judge.

The distinction between a court coordinator assigned by a district judge and the administrative judge is further supported by the broader statutory context. Texas Government Code Sec. 75.401, while addressing court administrator systems rather than court coordinators specifically, reinforces the concept of separate judicial roles in court administration. This complementary provision shows that Texas law establishes different administrative functions within the court system, with court administrators cooperating with various judges,

including "regional, presiding, and local administrative judges." This cooperative relationship would be unnecessary if the court coordinator positions were not distinct from administrative judges. While Section 75.401 addresses court administrators rather than court coordinators directly, it provides valuable context for understanding the relationships between different judicial roles and court administrative staff in the Texas court system.

In this instance, the Respondent objected to the court coordinator handling the recusal proceedings who was appointed by the same District Judge subject to the recusal when the statute set forth in the Texas Rules of Civil Procedure specifically designates duties to the clerk of the court, not the coordinator.

II. ANALYSIS

In the order overruling the objection, it was stated that "[t]he court coordinators and clerks work together to assist the trial court judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks." Here, the court misapplied the rule. As stated above, 75.401(b) of the code expressly states that "[e]ach court coordinator serves at the pleasure of the judge who appointed him." Because the court coordinator in question was appointed by the Honorable Judge subject to recusal and based on the analysis of Texas

Government Code Sec. 74.101 and the supplementary context provided by Section 75.401, the provision that a court coordinator serves at the pleasure of the appointing judge strongly implies that a coordinator assigned by a district judge is distinct from the administrative judge. This conclusion is supported by multiple aspects of the statutory language:

1. The statute separately identifies "the local administrative judge and each district or statutory county court judge" as authorities who may establish court coordinator systems and appoint court coordinators.
2. Each judge may appoint a coordinator specifically "for his court," suggesting a one-to-one relationship between judges and the coordinators for their courts.
3. Each court coordinator "serves at the pleasure of the judge who appointed him," creating a direct accountability relationship between the coordinator and the specific appointing judge.
4. The complementary provisions regarding court administrators explicitly distinguish between administrative judges and the courts served by administrators, requiring cooperation between them.

If court coordinators were not distinct from administrative judges, it would create potential conflicts in prioritization and resource allocation. A coordinator

simultaneously answerable to both a district judge and an administrative judge might face competing demands, undermining the efficiency the system is designed to promote.

Furthermore, the Texas Rules of Civil Procedure governing recusal are unambiguous, and designate no responsibilities regarding recusal proceedings to be handled by the coordinator. *See Id.* 18a(e) (specifically designating duties to the *clerk* of the court) By permitting the involvement of the coordinator in the recusal proceedings when that coordinator was appointed by the district judge subject to recusal would be prejudicial.

Finally, regarding the reference to Judge Kaitcer in these proceedings, the order is also prejudicial – because no such motion was ever filed implicating Honorable Jeff Kaitcer in the current proceedings. To overrule this objection but permit the assigned judge to consider that issue on a motion not before the court would cause further delay, waste judicial resources, and effectuate the exact opposite purpose of the statute invoked and used to overrule the objection. (74.102(b)) By permitting the coordinator to ‘work together’ with the clerks would exceed the statutory authority set forth in the Texas Rules of Civil Procedure.

III. CONCLUSION

In conclusion, the legal framework governing recusal motions in Texas courts requires the use of clerks, not coordinators, for handling these matters. Administrative judges must comply with these requirements and cannot substitute coordinators for clerks in the recusal process. To obtain relief through a writ of mandamus, the relator must establish that (1) the act he seeks to compel is ministerial, rather than discretionary, in nature and (2) no other adequate remedy at law is available. *Engle v. Coker*, 820 S.W.2d 247 (Tex. App.—Beaumont 1991, no pet.). An act is ministerial if it constitutes a duty clearly fixed and required by law, without the exercise of discretion or judgment. Here, the act of following the Texas Rules of Civil Procedure regarding the recusal process is ministerial, and mandamus is the appropriate remedy to challenge the May 15, 2025, order overruling the Respondent’s objection for the reasons stated. The use of a coordinator instead of the statutory required clerk is a failure to perform a ministerial duty. As explained in *In re Norman*, 191 S.W.3d 858 (Tex. App. 2006), mandamus relief may be available when a judge fails to follow mandatory procedural requirements related to recusal motions.

Respectfully submitted,

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS
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CERTIFICATE OF SERVICE

Pursuant to Rule 21a of the Texas Rules of Civil Procedure, this Notice of Intent to File Mandamus has been served on all parties of record on 05/16/2025.

/s/ Charles Dustin Myers
CHARLES DUSTIN MYERS

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CAUSE NO. 322-744263-23

IN THE MATTER OF
THE MARRIAGE OF

MORGAN MICHELLE MYERS
AND
CHARLES DUSTIN MYERS

AND IN THE INTEREST OF
M [REDACTED] M [REDACTED] AND
C [REDACTED] M [REDACTED], CHILDREN

IN THE DISTRICT COURT

322ND JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**ORDER DENYING OBJECTION TO ORDER OF ASSIGNMENT DATED MAY 6, 2025
AND THE OBJECTION DATED APRIL 29, 2025**

Came on to be considered the Objection to Order of Assignment Dated May 6, 2025, and the Objection dated April 29, 2025 that were filed Charles Dustin Myers in the above-entitled cause.

Mr. Myers complains of the court coordinator's involvement in the recusal process. A Court Coordinator's duties include assisting the administrative judges. See Tex. Gov't Code Ann. § 74.102(b) which provides as follows:

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.

The court coordinators and clerks work together to assist the trial judges and the administrative judges. Only the judges, not the litigants, have the authority to direct the activities of the court coordinators and clerks. Mr. Myers' objections regarding the involvement are overruled.

Mr. Myers also objects to the referral by Judge Kaitcer of a motion to recuse (Kaitcer recusal motion) to the undersigned. This objection is overruled. However, the judge who hears

the Kaitcer recusal motion may take into consideration Mr. Myers' claim that he did not file a motion to recuse Judge Kaitcer.

The Court, having considered the objections is of the opinion that the objections should be DENIED.

IT IS THEREFORE ORDERED that the Objection to Order of Assignment Dated May 6, 2025 and the Objection filed on April 29, 2025 are **DENIED**.

SIGNED this 15th day of May, 2025.



DAVID L. EVANS, PRESIDING JUDGE
EIGHTH ADMINISTRATIVE JUDICIAL REGION