

Question

There is a documented pattern of the court ignoring or mishandling pleadings, failing to address credible allegations of fraud and misconduct, and issuing orders without legal justification or proper review. The Texas Supreme Court has held that recusal is required not only for actual bias but also where the judge's conduct creates an appearance of impropriety or undermines public confidence in the judiciary (Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 872 (2009); Kniatt v. State, 239 S.W.3d 910, 914 (Tex. App. 2007)). The cumulative effect of Judge Evans's actions and omissions has eroded public trust and created an appearance of impropriety, making recusal necessary to preserve the integrity of the judicial process.

Answer (Texas)

Short response

Texas law requires recusal of a judge not only for actual bias but also when the judge's conduct creates an appearance of impropriety or undermines public confidence in the judiciary; the documented pattern of Judge Evans's actions and omissions, as described, meets the threshold for mandatory recusal to preserve the integrity of the judicial process. The cumulative effect of mishandling pleadings, failing to address credible allegations, and issuing unjustified orders supports the necessity of recusal under both constitutional and procedural standards.

Summary

Under Texas law, judicial recusal is mandated when a judge's impartiality might reasonably be questioned, which includes situations where the judge's conduct creates an appearance of impropriety or erodes public trust in the judiciary. The Texas Constitution, Texas Rules of Civil Procedure, and binding case law all emphasize that the appearance of impartiality is as critical as actual impartiality, and that public confidence in the judiciary must be maintained.

The pattern of conduct attributed to Judge Evans—ignoring or mishandling pleadings, failing to address credible allegations of fraud and misconduct, and issuing orders without legal justification—constitutes behavior that, when viewed cumulatively, would lead a reasonable member of the public to doubt the judge's impartiality. As such, recusal is not only appropriate but required to uphold the integrity of the judicial process and maintain public confidence, as established by both Texas and federal authorities.

Background and Relevant Law

Legislative and Regulatory Framework

The Texas Constitution provides explicit grounds for the removal or discipline of judges whose conduct undermines the integrity of the judiciary. Article 15, Section 6 authorizes the Texas Supreme Court to remove a district judge for incompetence, partiality, oppression, official misconduct, or negligent failure to perform judicial duties, as well as for conduct rendering the judge unfit for office or failing to execute court business in a reasonable manner ([Tex. Const. art. 15 § 6](#)). Article 5, Section 1-a further allows for removal or discipline of any justice or judge for willful or persistent violation of Supreme Court rules, incompetence, willful violation of the Code of Judicial Conduct, or conduct that is inconsistent with proper judicial performance or casts public discredit on the judiciary ([Tex. Const. art. 5 § 1-a](#)).

Procedurally, [1 Tex. Admin. Code § 155.152](#) incorporates the grounds for recusal or disqualification as specified in Texas Rule of Civil Procedure 18b, and provides that if a judge does not voluntarily recuse, another judge will be assigned to rule on the motion ([1 Tex. Admin. Code § 155.152](#)).

Texas Rules of Civil Procedure

Rule 18b(2) of the Texas Rules of Civil Procedure is central to the recusal analysis. It mandates that a judge must recuse themselves in any proceeding where their impartiality might reasonably be questioned, or where they have a personal bias or prejudice concerning the subject matter or a party (Pretrial motions (2022-05-05); [Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#)). This standard is objective, focusing on the perception of a reasonable member of the public, rather than the judge's subjective intent ([Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#)).

Federal Due Process Standards

The Due Process Clause of the U.S. Constitution may also require recusal even in the absence of actual bias, where the probability of actual bias is constitutionally intolerable (Pretrial Motions (2021-08-16); [Caperton v. A.T. Massey Coal Co., 556 U.S. 868 \(2009\)](#)). The U.S. Supreme Court has held that the appearance of bias or impropriety, particularly when it undermines public confidence in the judiciary, can itself be grounds for mandatory recusal.

Case Law

Texas courts have consistently applied an objective standard for recusal, focusing on whether a reasonable member of the public, knowing all the facts, would doubt the judge's impartiality. In [Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#), the court held that recusal is required not only for actual bias but also when impartiality might reasonably be questioned. The Texas

Supreme Court in [Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#) emphasized that the language of Rule 18b is mandatory and objective, not discretionary or subjective.

Similarly, [Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#) reiterated that recusal is mandatory when there is a reasonable question as to a judge's impartiality, and that judges must conduct themselves in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [Duffey v. State, 428 S.W.3d 319 \(Tex. App. 2014\)](#) and [Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#) further underscore the importance of both actual and perceived impartiality, noting that the perception of impartiality is a defining feature of the judicial role.

Federal authority, as recognized in Texas secondary materials, also supports this standard. The U.S. Supreme Court in [Caperton v. A.T. Massey Coal Co., 556 U.S. 868 \(2009\)](#) and [Rippo v. Baker, 137 S.Ct. 905 \(2017\)](#) held that recusal is required when the probability of actual bias is too high to be constitutionally tolerable, even if no actual bias is proven (Pretrial Motions (2021-08-16); Pretrial Motions (2020-08-16)).

Analysis

The Objective Standard for Recusal

The core legal standard for recusal in Texas is whether a reasonable member of the public, knowing all the facts, would have a reasonable doubt about the judge's impartiality ([Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#); [Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#)). This standard is not limited to actual bias or prejudice, but extends to any conduct that creates an appearance of impropriety or undermines public confidence in the judiciary ([Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#); Pretrial Motions (2022-05-05)).

The Texas Constitution reinforces this principle by authorizing removal or discipline of judges for conduct that is inconsistent with proper judicial performance or that casts public discredit on the judiciary ([Tex. Const. art. 5 § 1-a](#)). The Texas Code of Judicial Conduct, referenced in [Sears v. Nueces County Sheriff Olivarez](#), requires judges to observe high standards of conduct and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Application to Judge Evans's Conduct

The described pattern of Judge Evans's conduct—ignoring or mishandling pleadings, failing to address credible allegations of fraud and misconduct, and issuing orders without legal justification or proper review—constitutes a cumulative course of action that would likely lead a reasonable member of the public to question the judge's impartiality. Texas courts have recognized that the cumulative effect of judicial actions and omissions can erode public trust and create an appearance of impropriety, even if no single act rises to

the level of actual bias ([Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#); [Fuelberg v. State, 410 S.W.3d 498 \(Tex. App. 2013\)](#)).

The Texas Supreme Court's decision in [Rogers v. Bradley](#) makes clear that the recusal standard is mandatory and objective. If the facts, as alleged, are in the public domain and would cause a reasonable person to doubt the judge's impartiality, recusal is required. The same principle is echoed in [Kniatt v. State](#) and [Sears v. Nueces County Sheriff Olivarez](#).

Federal due process standards, as articulated in [Caperton v. A.T. Massey Coal Co.](#) and [Rippo v. Baker](#), further support the necessity of recusal where the probability of bias is constitutionally intolerable, even absent proof of actual bias. The Texas courts have incorporated these federal standards into their recusal jurisprudence (Pretrial Motions (2021-08-16); Pretrial Motions (2020-08-16)).

The Importance of Public Confidence

The Texas judiciary has repeatedly emphasized that public confidence in the integrity and impartiality of the courts is essential. The appearance of impropriety, even without actual bias, can be sufficient to undermine this confidence and necessitate recusal ([Don't shoot the Canons: maintaining the appearance of propriety standard](#). (2005-03-22)). The Texas Code of Judicial Conduct and the Texas Constitution both require judges to avoid conduct that would cast public discredit on the judiciary ([Tex. Const. art. 5 § 1-a](#); [Sears v. Nueces County Sheriff Olivarez](#)).

In [In re Inquiry Concerning Honorable Bonnie Rangel CJC No., 677 S.W.3d 918 \(Tex. 2023\)](#), the Texas Supreme Court addressed a situation where a judge's violation of procedural rules and judicial conduct canons led to public admonishment, reinforcing the principle that even a single instance of conduct that undermines public confidence can warrant disciplinary action.

Procedural Safeguards

The Texas Rules of Civil Procedure and administrative regulations provide mechanisms for recusal. If a motion for recusal is filed and the judge does not voluntarily recuse, another judge is assigned to rule on the motion ([1 Tex. Admin. Code § 155.152](#)). This procedural safeguard ensures that allegations of impropriety or loss of public confidence are addressed by an independent decision-maker.

Exceptions and Caveats

While the standard for recusal is objective and mandatory when impartiality might reasonably be questioned, Texas courts have also recognized that the threshold for recusal is high and not every adverse ruling or procedural error constitutes grounds for recusal ([Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV \(Tex. App. Dec 20, 2018\)](#)). The party seeking recusal must demonstrate that the judge's conduct, viewed

cumulatively and in context, would cause a reasonable member of the public to doubt the judge's impartiality.

Additionally, the recusal process itself is subject to procedural requirements, and failure to comply with these requirements can affect the outcome of a recusal motion ([In re Inquiry Concerning Honorable Bonnie Rangel CJC No. 677 S.W.3d 918 \(Tex. 2023\)](#)). However, where the facts support a reasonable perception of impropriety or loss of public confidence, recusal is required regardless of whether actual bias is proven.

Conclusion

Texas law, as reflected in the Constitution, procedural rules, and binding case law, mandates recusal of a judge not only for actual bias but also when the judge's conduct creates an appearance of impropriety or undermines public confidence in the judiciary. The cumulative pattern of conduct described—mishandling pleadings, failing to address credible allegations, and issuing unjustified orders—meets the objective standard for recusal. Upholding the integrity of the judicial process and maintaining public trust require that Judge Evans be recused under these circumstances, consistent with both Texas and federal legal standards.

Legal Authorities

[Sears v. Nueces County Sheriff Olivarez, 28 S.W.3d 611 \(Tex. App. 2000\)](#)

Texas Court of Appeals

Extract

The Texas Supreme Court mandates that when there exists a reasonable question as to a judge's impartiality, recusal is mandatory. In determining whether recusal is required pursuant to Tex.R.Civ.P. 18b(2)(a), the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain would have a reasonable doubt that a judge is actually impartial. ... Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. Tex. Code Jud. Conduct, preamble, reprinted in Tex. Gov't Code Ann., title 2, subt. G, app. B (Vernon 1998 & Supp. 2000). In this regard, the Texas Code of Judicial Conduct requires that judges observe high standards of conduct so that the integrity and independence of the judiciary is preserved; conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Summary

The passage highlights the Texas Supreme Court's requirement for recusal when there is a reasonable question about a judge's impartiality, aligning with the proposition that recusal is necessary to maintain public confidence in the judiciary. It also emphasizes the importance of judges upholding the

integrity and independence of the judiciary, which supports the argument that Judge Evans's actions may have eroded public trust.

[Kniatt v. State, 239 S.W.3d 910 \(Tex. App. 2007\)](#)

Texas Court of Appeals

Extract

Rule 18b(2)(a) plainly states that a 'judge shall recuse himself in any proceeding in which... his impartiality might reasonably be questioned.' TEX.R. CIV. P. 18b(2)(a). Texas cases almost unanimously state the following reasonable-person test for questioned impartiality: 'In determining whether a judge's impartiality might be reasonably questioned so as to require recusal, the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial.'

Summary

The passage from "Kniatt v. State" provides a legal standard for when a judge should recuse themselves due to questioned impartiality. It emphasizes that recusal is necessary not only for actual bias but also when a reasonable person might doubt the judge's impartiality. This aligns with the proposition that recusal is required to maintain public confidence in the judiciary, especially when there is an appearance of impropriety.

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

Texas Court of Appeals

Extract

A judge must also perform his duties without bias or prejudice. TEX.CODE OF JUDICIAL CONDUCT, Canon 3, pt. B(5) (1994). Ludlow contends that violation of any of the standards set out in Canon 3 is impartiality per se. ... Ludlow asserts the recusal hearing was 'tainted by an appearance of impartiality' because Judge Steib communicated with Judge Chambers before the recusal hearing regarding whether Judge Chambers would testify.

Summary

The passage highlights the importance of judges performing their duties without bias or prejudice, as outlined in the Texas Code of Judicial Conduct. It also discusses a specific instance where a judge's actions (communication with another judge before a recusal hearing) were perceived as creating an appearance of impartiality. This supports the proposition that judicial

conduct that creates an appearance of impropriety can undermine public confidence and necessitate recusal.

[Ex Parte Ellis, 275 S.W.3d 109 \(Tex. App. 2008\)](#)

Texas Court of Appeals

Extract

Litigants have a right to a fair and impartial judiciary. The State of Texas, as the steward of the judicial system, has the obligation to create such a forum, to promote public confidence in the courts, and to safeguard the courts from even the appearance of impartiality or corruption, including political bias or favoritism. As life and liberty are at issue in a criminal proceeding, a judge's impartiality—and the parties' perception of that impartiality—is of critical importance to the parties and society. Indeed, impartiality and the perception of impartiality are a defining feature of the judicial role. Because recusal serves to safeguard that role, I dissent to the Court's denial of the motion for recusal.

Summary

The passage emphasizes the importance of both actual impartiality and the perception of impartiality in the judiciary. It highlights the obligation of the State of Texas to maintain public confidence in the courts and to prevent even the appearance of bias or favoritism. The passage supports the proposition by underscoring that recusal is necessary not only for actual bias but also to preserve the integrity of the judicial process and public trust, aligning with the principles outlined in the proposition.

[Rogers v. Bradley, 909 S.W.2d 872 \(Tex. 1995\)](#)

Texas Supreme Court

Extract

The rule's language is clear, simple and unequivocal: Texas Rule of Appellate Procedure 15a provides that an appellate judge 'shall disqualify or recuse himself in any proceeding in which judges must disqualify themselves under Texas Rule of Civil Procedure 18b....' Rule 18b provides in relevant part that a judge 'shall recuse himself in any proceeding in which ... his impartiality might reasonably be questioned.' Tex.R.Civ.P. 18b(2)(a). The language is imperative and mandatory, not permissive or discretionary; the standard is objective, not subjective. ... Applying this rule, several federal circuit courts have held that recusal should follow if the reasonable person, aware of all of the circumstances, would harbor reasonable doubts about the judge's impartiality.

Summary

The Texas Supreme Court emphasizes the mandatory nature of recusal when a judge's impartiality might reasonably be questioned. The standard is objective, focusing on whether a reasonable person would doubt the judge's impartiality. This aligns with the proposition that recusal is necessary to preserve public confidence in the judiciary when there is an appearance of impropriety.

[Rhodes v. State , 357 S.W.3d 796 \(Tex. App. 2011\)](#)

Texas Court of Appeals

Extract

A judge shall recuse himself in any proceeding in which: (a) his impartiality might reasonably be questioned; [or] (b) he has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.... Recusal is appropriate if the facts are such that a reasonable person would harbor doubts as to the impartiality of the trial judge.

Summary

Conditions under which a judge in Texas should recuse themselves, specifically when their impartiality might reasonably be questioned or when there is personal bias or prejudice. This aligns with the proposition that recusal is necessary not only for actual bias but also for the appearance of impropriety. The passage supports the idea that if a judge's actions create doubt about their impartiality, recusal is warranted to maintain public confidence in the judiciary.

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

Texas Court of Appeals

Extract

We apply a reasonable person standard in determining whether a recusal motion should have been granted. See Woodruff v. Wright, 51 S.W.3d 727, 736 (Tex.App.-Texarkana 2001, pet. denied). The question is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge's conduct, would have a reasonable doubt that the judge is actually impartial. Rogers v. Bradley, 909 S.W.2d 872, 881 (Tex. 1995). The impartiality standard set out in Rule 18b(2)(a) has been adopted in order that the public (i.e., the person on the street) might have confidence in the judiciary and to protect judges from unjustified complaints about their being partial in their decisions. Id. at 881-82.

Summary

Standard for recusal based on the appearance of impartiality, which aligns with the proposition that recusal is necessary when a judge's conduct creates an appearance of impropriety. The passage emphasizes the importance of public confidence in the judiciary and the reasonable person standard, which supports the argument that Judge Evans's actions and omissions have eroded public trust and created an appearance of impropriety.

[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.' ... Furthermore, Article V, Section 1-a(6)(A) of the Texas Constitution states for what a judge may be disciplined and mandates that a jurist shall not engage in the willful violation of the Code of Judicial Conduct, or in willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or on the administration of justice.

Summary

The Texas Supreme Court has addressed issues of judicial conduct that undermine public confidence in the judiciary. The passage highlights a specific instance where a judge's actions were found to violate procedural rules and judicial conduct canons, leading to public admonishment. This supports the proposition that judicial actions creating an appearance of impropriety can necessitate recusal to preserve judicial integrity.

[Simpson v. State, NO. 01-12-00380-CR \(Tex. App. Jun 17, 2014\)](#)

Texas Court of Appeals

Extract

Rule 18b(b) provides that a judge must be recused 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). Rule 18b(b)(1) is a general rule requiring that a judge objectively appear to be impartial, which he fails to do if he 'harbors an aversion, hostility or disposition of a kind that a fair-minded person could not set aside when judging the dispute.' Gaal v. State, 332 S.W.3d 448, 453 (Tex. Crim. App. 2011); TEX. R. CIV. P. 18b(b)(1).

Summary

Conditions under which a judge must be recused, specifically when their impartiality might reasonably be questioned or when they have a personal bias. This aligns with the proposition that recusal is necessary not only for actual bias but also for the appearance of impropriety. The passage supports the idea that a judge's conduct that creates an appearance of bias or undermines public confidence can warrant recusal, which is central to the proposition.

[Johnson-Todd v. Morgan, NO. 09-17-00168-CV, NO. 09-17-00194-CV \(Tex. App. Dec 20, 2018\)](#)

Texas Court of Appeals

Extract

Morgan argued that these rulings, along with Morgan's lack of notice of a bench trial and his inability to conduct discovery, show that the trial judge had a pervasive bias against Morgan from an extrajudicial source and that the judge's impartiality might reasonably be questioned, making recusal mandatory. We review the denial of a motion to recuse for an abuse of discretion. See Tex. R. Civ. P. 18a(j)(1)(A). 'A party seeking recusal must satisfy a 'high threshold' before a judge must be recused.' In the Interest of E.R.C., 496 S.W.3d 270, 279 (Tex. App.—Texarkana 2016, pet. denied). Under Texas Rule of Civil Procedure 18b(1) and (2), a judge shall recuse himself in any proceeding in which his impartiality 'might reasonably be questioned[]' or in which he has a 'personal bias or prejudice concerning the subject matter or a party[.]' Tex. R. Civ. P. 18b(1), (2).

Summary

Standards for recusal under Texas law, specifically highlighting that a judge must recuse themselves if their impartiality might reasonably be questioned. This aligns with the proposition that recusal is necessary not only for actual bias but also for the appearance of impropriety. The passage also notes the high threshold required for recusal, which is relevant to the argument that Judge Evans's actions have created such an appearance.

[Fuelberg v. State, 410 S.W.3d 498 \(Tex. App. 2013\)](#)

Texas Court of Appeals

Extract

In determining whether recusal is required, 'the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge and the case, would have a reasonable doubt that the judge is actually impartial.' *Ex parte Ellis*, 275 S.W.3d at 115-17 (internal quotations omitted). ... Judge Richardson abused his discretion by applying the incorrect legal standard to Fuelberg's motion to recuse. See *State v. Herndon*, 215 S.W.3d 901, 907 (Tex.Crim.App.2007) (noting that trial court abuses discretion when misapplies the law).

Summary

The passage highlights the importance of applying an objective standard when determining whether a judge should be recused due to potential bias or the appearance of impropriety. It emphasizes that the perception of impartiality by a reasonable member of the public is crucial. The passage also notes that a judge's failure to apply the correct legal standard constitutes an abuse of discretion, which aligns with the proposition that mishandling of legal standards can undermine public confidence in the judiciary.

[Woodruff v. Wright, 51 S.W.3d 727 \(Tex. App. 2001\)](#)

Texas Court of Appeals

Extract

The Texas Rules of Civil Procedure provide that a judge shall recuse himself in any proceeding in which 'his impartiality might reasonably be questioned.' Tex. R. Civ. P. 18b(2)(a). We review the denial of a motion to recuse for abuse of discretion. ... In applying this standard, courts often apply a reasonable person standard in determining whether a recusal motion should have been granted. ... We agree that a reasonable person standard is appropriate because the rule provides for recusal where a judge's impartiality might reasonably be questioned.

Summary

Standard for recusal of judges in Texas, specifically under Tex. R. Civ. P. 18b(2)(a), which requires recusal when a judge's impartiality might reasonably be questioned. This aligns with the proposition that recusal is necessary not only for actual bias but also for the appearance of impropriety. The passage supports the idea that the appearance of bias or impropriety, as perceived by a reasonable person, is sufficient grounds for recusal, which is central to the proposition.

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

Summary

Procedure for recusal or disqualification of judges, aligning with the Texas Rules of Civil Procedure Rule 18b. It specifies that a judge can be recused or disqualified if a motion is filed, and if the judge does not voluntarily recuse, another judge will be assigned to rule on the motion. This supports the proposition by providing a procedural basis for addressing situations where a judge's conduct may create an appearance of impropriety, thus aligning with the need to preserve public confidence in the judiciary.

[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 passage outlines conditions under which a judge may be removed by the Texas Supreme Court, including incompetence, partiality, oppression, official misconduct, and failure to perform duties. These conditions align with the proposition's claims of mishandling pleadings, failing to address misconduct, and creating an appearance of impropriety. The passage supports the idea that such conduct can undermine public confidence and necessitate recusal or removal to preserve judicial integrity.

[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

Constitutional basis for the removal or discipline of judges who engage in conduct that undermines the integrity of the judiciary, such as willful or persistent violation of rules, incompetence, or conduct that casts public discredit on the judiciary. This aligns with the proposition that recusal is necessary when a judge's actions create an appearance of impropriety or undermine public confidence, as it highlights the importance of maintaining judicial integrity and public trust.

[Recusal's Own Conflict of Interest](#)

Criminal Justice - American Bar Association - Louis J. Virelli III - 2025-01-01

Extract

Recusal can be a powerful tool to remedy due process violations based on partiality, especially in cases where the adjudicator exhibits actual or probable bias against a party or has a personal conflict of interest. The Supreme Court has confirmed recusal's role in these cases but has been reluctant to apply due process protections too broadly. The Court found due process violations where a state supreme court justice participated in a case in which his largest judicial campaign donor was a party, and where a state supreme court justice took part in the review of a defendant's death sentence that the justice had personally approved while serving as the district attorney responsible for the case. In each instance, the Court cited the justice's "probability of actual bias" as grounds for recusal.

Summary

Role of recusal in addressing due process violations due to partiality or conflict of interest. It highlights instances where the Supreme Court found due process violations due to probable bias, supporting the idea that recusal is necessary not only for actual bias but also for the appearance of impropriety. This aligns with the proposition that recusal is required to preserve public confidence in the judiciary.

[Don't shoot the Canons: maintaining the appearance of propriety standard.](#)

**Journal of Appellate Practice and Process - University of Arizona -
McKeown, M. Margaret - 2005-03-22**

Extract

The standard also ensures that, according to the now oft-quoted words, 'justice must satisfy the appearance of justice.' The Court reasoned that the standard 'may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.' The Court concluded that eliminating the appearance of impropriety has its own independent value, engendering public confidence in the judiciary. ... Public confidence in the integrity and impartiality of the judiciary is undermined when a judge's conduct creates the perception that a case has been prejudged or that there is a bias against a party, regardless of whether the perceived bias or prejudice exists.

Summary

The appearance of impropriety in judicial conduct is a significant concern that can undermine public confidence in the judiciary. The passage emphasizes that even without actual bias, the perception of bias or impropriety can necessitate recusal to maintain the integrity of the judicial process. This aligns with the proposition that recusal is required not only for actual bias but also for the appearance of impropriety, as it can erode public trust.

[Pretrial Motions](#)

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

Extract

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)... The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable. *Rippo v. Baker*, 580 U.S. ___, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017).

Summary

Conditions under which a judge in Texas must recuse themselves, emphasizing that recusal is necessary not only for actual bias but also when impartiality might reasonably be questioned. This aligns with the proposition that recusal is required to maintain public confidence in the judiciary, even in the absence of actual bias. The reference to the Due Process Clause further supports the necessity of recusal when the probability of bias is constitutionally intolerable.

[Pretrial Motions](#)

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

Extract

The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable. *Rippo v. Baker*, 580 U.S. ___, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017). ... In addition to the above two reasons for recusal, there are objective standards that require recusal under the due process clause when the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable. *Caperton et.al. v. A.T. Massey Coal Co. et.al.* (citing *Withrow v. Larkin*, 421 U. S. 35 (1975)).

Summary

Standards for recusal under the Due Process Clause, emphasizing that recusal is necessary not only for actual bias but also when there is a high probability of bias that undermines constitutional tolerability. This aligns with the proposition that recusal is required to maintain public confidence in the judiciary, especially when a judge's actions create an appearance of impropriety.

[Pretrial Motions](#)

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

Extract

The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable. *Rippo v. Baker*, 580 U.S. ___, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017). ... In addition to the above two reasons

for recusal, there are objective standards that require recusal under the due process clause when the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable. Caperton et.al. v. A.T. Massey Coal Co. et.al. (citing Withrow v. Larkin, 421 U. S. 35 (1975)).

Summary

Standards for recusal under the Due Process Clause, emphasizing that recusal is necessary not only for actual bias but also when there is a high probability of bias that undermines constitutional tolerability. This aligns with the proposition that recusal is required to maintain public confidence and the integrity of the judiciary, even in the absence of proven bias. The reference to Caperton v. A.T. Massey Coal Co. supports the argument that the appearance of impropriety can necessitate recusal.

Pretrial motions

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Extract

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) he has a personal bias or prejudice concerning the subject matter or a party, or personal knowledge of disputed evidentiary facts concerning the proceeding[.]' ... The Due Process Clause may sometimes demand recusal even when a judge has no actual bias. Recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decision maker is too high to be constitutionally tolerable. Rippo v. Baker, 580 U.S. ___, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017).

Summary

Conditions under which a judge in Texas must recuse themselves, including when their impartiality might reasonably be questioned or when there is a probability of actual bias that is too high to be constitutionally tolerable. This aligns with the proposition that recusal is necessary to preserve the integrity of the judicial process when there is an appearance of impropriety or undermined public confidence.