

Question

This the issues when the district judge facing recusal uses his own court coordinator to transmit documents to the regional judge and is involved in the process, when the Texas rules of procedure clearly designate this task to the clerk. Also, explain the implications of this coordinator modifying the original recusal and splitting it into three files when transmitting it to the regional judge, which removed all hyperlinks and bookmarks and affected its readability.

Answer (Texas)

Short response

When a district judge facing recusal uses their own court coordinator to transmit recusal documents to the regional presiding judge—rather than the court clerk as required by Texas rules—this constitutes a procedural irregularity that undermines the integrity and transparency of the recusal process. If the coordinator also modifies the original recusal filing (such as splitting it into multiple files and removing hyperlinks or bookmarks), this further risks prejudicing the parties, impeding review, and may render the process noncompliant with mandatory procedural safeguards.

Summary

Texas law and local rules clearly assign the responsibility for transmitting recusal motions and related orders to the court clerk, not to the judge or the judge's staff, including court coordinators. Any involvement by the judge or their coordinator in transmitting or altering these documents is inconsistent with the procedural framework designed to ensure impartiality, transparency, and the integrity of the recusal process.

When a coordinator modifies the original recusal filing—such as by splitting it into multiple files and removing hyperlinks or bookmarks—this not only violates the prescribed procedure but also risks impairing the readability and completeness of the record before the regional presiding judge. Such actions can prejudice the parties, hinder effective review, and may provide grounds for challenging the validity of the recusal proceedings or any subsequent orders.

Background and Relevant Law

Legislative and Regulatory Framework

The Texas Rules of Civil Procedure, specifically Rule 18a, govern the recusal and disqualification of judges in Texas district and county courts. Rule 18a sets out a detailed process for handling recusal motions, including strict

requirements regarding who must transmit documents and what actions the respondent judge may take once a motion is filed.

Under Rule 18a, when a motion to recuse is filed, the court clerk—not the judge or the judge’s staff—is required to immediately deliver a copy of the motion to both the respondent judge and the presiding judge of the administrative judicial region. Similarly, when the respondent judge signs an order of recusal or referral, the clerk must immediately deliver a copy to the regional presiding judge. The rule also prohibits the respondent judge from filing a response to the motion and restricts the judge from taking any further action in the case while the motion is pending, except for good cause stated in writing or on the record. These requirements are designed to ensure that the recusal process is handled impartially and that the judge whose recusal is sought does not influence the process beyond the initial procedural steps, authority citation: [Rule 18a. Recusal and Disqualification of Judges, Tex. R. Civ. P. 18a](#).

Local rules, such as Rule 9 of the First Administrative Judicial Region, reinforce these requirements by explicitly stating that the clerk of the court must deliver the recusal motion and any signed order to the presiding judge. The respondent judge’s role is limited to timely signing either a recusal order or a referral order and filing it with the clerk. The rules do not authorize the judge or the judge’s coordinator to transmit filings to the presiding judge or to alter the motion’s format, authority citation: [Rule 9. Recusal and Disqualification, Tex. 1st. Admin. Jud. Reg. L. R. 9](#).

Case Law

Texas appellate courts have consistently emphasized the importance of strict compliance with the procedural requirements for recusal. In [In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#), the court held that only the regional presiding judge has the authority to assign a judge to hear a recusal motion and to reassign a case after recusal is granted. The court further clarified that local or intra-court practices that conflict with Rule 18a are void. While the case does not directly address the mechanics of document transmission, it underscores that the challenged judge and their staff should not exercise functions allocated to the regional presiding judge or otherwise act inconsistently with Rule 18a.

Similarly, in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#), the Texas Court of Criminal Appeals highlighted that once a judge recuses, they must request assignment from the regional presiding judge and take no further action in the case except for good cause stated in a written order. The court stressed the necessity of formal, written processes controlled by the regional presiding judge, not the recused judge or their staff. The involvement of the judge’s coordinator in transmitting or altering recusal documents, especially in ways that affect the content or structure of the filings, raises concerns about improper participation and potential prejudice to the parties.

In [Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#), the court emphasized the mandatory, ministerial nature of a judge’s duties upon

the filing of a recusal motion. The judge must either recuse or request assignment by the presiding judge and must refrain from any further proceedings. Any involvement by the judge or their agents that goes beyond ministerial referral could be characterized as improper further proceedings. The decision also underscores the importance of maintaining a proper record and hearing; degrading the filing (such as by splitting it or removing hyperlinks/bookmarks) risks impairing the record and the ability to review, which could be raised as due-process concerns.

Analysis

1. The Role of the Clerk Versus the Judge or Coordinator

The Texas Rules of Civil Procedure and local rules are explicit in assigning the responsibility for transmitting recusal motions and related orders to the court clerk. The rationale for this requirement is to ensure that the process is handled by a neutral court officer, rather than by the judge whose impartiality is being challenged or by that judge's staff. This separation is critical to maintaining the integrity and transparency of the recusal process.

When a district judge uses their own court coordinator to transmit documents to the regional presiding judge, this bypasses the clerk and violates the procedural framework established by Rule 18a and local rules. Such conduct is not a mere technicality; it undermines the safeguards designed to prevent the judge or their staff from influencing the recusal process. The coordinator, as an agent of the judge, is not a neutral party and should not be involved in the transmission of recusal documents, authority citations: [Rule 18a. Recusal and Disqualification of Judges, Tex. R. Civ. P. 18a](#); [Rule 9. Recusal and Disqualification, Tex. 1st. Admin. Jud. Reg. L. R. 9](#).

Case law supports this strict separation of roles. In [In re Alpert](#), the court made clear that only the regional presiding judge has the authority to assign a judge to hear a recusal motion and that any local practices conflicting with Rule 18a are void. The implication is that the judge and their staff must not take actions that encroach upon the functions reserved for the clerk or the regional presiding judge.

2. Prohibition on Further Action by the Respondent Judge

Rule 18a and the relevant case law also prohibit the respondent judge from taking any further action in the case while a recusal motion is pending, except for good cause stated in writing or on the record. This prohibition extends to the judge's staff, including the court coordinator, who act as agents of the judge. Any involvement by the judge or their coordinator in transmitting or altering recusal documents could be construed as taking further action in the case, in violation of the rule, authority citation: [Rule 18a. Recusal and Disqualification of Judges, Tex. R. Civ. P. 18a](#); [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#).

In [Ex parte Thuesen](#), the court underscored that once a judge recuses, they must request assignment from the regional presiding judge and take no

further action in the case except for good cause. The involvement of the judge's coordinator in transmitting or altering recusal documents, especially in ways that affect the content or structure of the filings, raises concerns about improper participation and potential prejudice to the parties.

3. Implications of Modifying the Original Recusal Filing

The modification of the original recusal filing by the coordinator—such as splitting it into multiple files and removing hyperlinks or bookmarks—raises additional concerns. First, this conduct violates the requirement that the clerk transmit the document as filed, without alteration. The rules do not authorize the judge or their staff to modify the format or content of the recusal motion or related filings.

Second, altering the filing in ways that affect its readability or completeness can prejudice the parties and hinder the regional presiding judge's ability to review the motion effectively. The removal of hyperlinks and bookmarks, and the splitting of the document into multiple files, can make it more difficult to navigate the filing, potentially obscuring important information or arguments. This can impair the integrity of the record and may provide grounds for challenging the validity of the recusal proceedings or any subsequent orders, authority citation: [Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\).](#)

The importance of maintaining a proper record and ensuring the effective review of recusal motions is underscored by the case law. In [Rio Grande Valley Gas Co., In re](#), the court emphasized that any order other than an order of recusal or referral entered by a court after a proper motion to recuse is void. The decision also highlights the importance of a proper record and hearing; degrading the filing risks impairing the record and the ability to review, which could be raised as due-process concerns.

4. Potential Consequences and Remedies

Procedural irregularities in the recusal process—such as the improper transmission or alteration of recusal filings—can have serious consequences. Parties may challenge the validity of the recusal proceedings or any subsequent orders on the grounds that the process did not comply with mandatory procedural requirements. Courts have held that actions taken by a judge after a proper motion to recuse is filed, other than an order of recusal or referral, are void, authority citation: [Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\).](#)

If the improper involvement of the judge or their coordinator in the transmission or alteration of recusal documents is discovered, parties may seek relief through mandamus or appeal, arguing that the process was tainted by procedural irregularity and that their right to a fair and impartial recusal process was violated. The courts may set aside any orders entered in violation of the procedural requirements and may require the recusal process to be conducted anew in compliance with the rules.

Exceptions and Caveats

While the rules and case law are clear in assigning the responsibility for transmitting recusal documents to the clerk and prohibiting further action by the respondent judge, there may be rare circumstances in which the involvement of the judge's staff is justified by good cause stated in writing or on the record. However, such exceptions are narrowly construed and must be clearly documented. The mere convenience or administrative efficiency of using the judge's coordinator does not constitute good cause.

Additionally, while the rules do not expressly address the issue of document formatting (such as hyperlinks and bookmarks), the requirement that the clerk transmit the document as filed implies that any alteration of the filing's format or content is impermissible. The courts have not addressed every possible scenario involving electronic filings or document formatting, but the principles of transparency, impartiality, and the integrity of the record apply with equal force to electronic documents.

Conclusion

Texas law and local rules strictly require that the court clerk—not the judge or the judge's staff—transmit recusal motions and related orders to the regional presiding judge. Any involvement by the judge or their coordinator in transmitting or altering these documents violates the procedural safeguards designed to ensure impartiality and transparency in the recusal process. Modifying the original recusal filing, such as by splitting it into multiple files and removing hyperlinks or bookmarks, further risks prejudicing the parties, impeding review, and undermining the integrity of the record. Such procedural irregularities may provide grounds for challenging the validity of the recusal proceedings or any subsequent orders, and courts are likely to require strict compliance with the rules to protect the rights of the parties and the integrity of the judicial process.

Legal Authorities

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

Texas Court of Criminal Appeals

Extract

Judge Bryan's court coordinator then notified the parties on the same day that the judge was going forward with the recusal. ... The next day, Judge Bryan signed a written order stating: On March 17, 2014, I withdraw my order of voluntary recusal. ... 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. ... However, Rule 18a, entitled 'Recusal and Disqualification of Judges,' provides that a ruling of the regional presiding judge must be made in writing: 'The ruling must be by written order.' Rule 18a(g)(2). ... Viewed in context, the written order requirement applies to all rulings by a regional presiding judge related to the recusal or disqualification of a judge.

Summary

The case underscores that once a judge recuses, he must request assignment from the regional presiding judge and "take no further action" absent good cause stated in a written order. It also clarifies that rulings by the regional presiding judge in the recusal context must be by written order. While the passages do not expressly address who must transmit filings (clerk vs. coordinator) or document-format alterations, they highlight procedural integrity, the prohibition on the recused judge's continued involvement, and the necessity of formal, written processes controlled by the regional presiding judge rather than the recused judge or his staff. The coordinator's involvement at the behest of the recused judge—especially actions that affect the content, structure, or readability of recusal submissions—implicates these principles by suggesting improper participation and potential prejudice to the parties.

[Rio Grande Valley Gas Co., In re, 987 S.W.2d 167 \(Tex. App. 1999\)](#)

Texas Court of Appeals

Extract

When a motion to recuse has been filed, a judge must either recuse him- or herself or request the presiding administrative judge to assign another judge to hear the motion. ... Any order other than an order of recusal or referral, entered by a court after a proper motion to recuse is entered is void." ... "Sections (d) and (f) of Texas Rule of Civil Procedure 18a and 74.059(c)(3) of the government code clearly contemplate a hearing will be held on a motion to recuse." ... "Rule 18a(c) requires a judge to either recuse himself or request the presiding judge to assign a judge to hear a recusal motion 'prior to any further proceedings in the case.'

Summary

The case emphasizes the mandatory, ministerial nature of a judge's duties upon the filing of a Rule 18a motion: the judge must either recuse or request assignment by the presiding judge and must refrain from any further proceedings. While the passages do not expressly discuss who must transmit papers to the regional presiding judge or the role of a court coordinator versus the clerk, they stress that the challenged judge must not take actions

beyond recusal or referral. Any involvement by the judge (or agents under the judge's direction) that goes beyond ministerial referral could be characterized as improper "further proceedings." The decision also underscores the importance of a proper record and hearing; degrading the filing (splitting, removing hyperlinks/bookmarks) risks impairing the record and the ability to review, which could be raised as prejudice or due-process concerns.

[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." ... "Unlike the Texas Government Code, which is silent on the issue of who may reassign a case after recusal is granted, the applicable Rule of Civil Procedure designates the presiding administrative judicial district judge...to undertake that particular task. TEX.R. CIV. P. 18a(f)." ... "We hold that Texas Rule of Civil Procedure 18a vests the appropriate regional presiding administrative judge...with the duty to reassign probate cases once a motion to recuse has been granted." ... "The Texas Legislature amended section 25.00255 in 2007 to vest the presiding judge of the administrative judicial district with the sole power to assign a judge to hear a motion for recusal.

Summary

The passages clarify that (1) only the regional presiding judge may assign a judge to hear a recusal motion and reassign a case after recusal is granted; (2) local or intra-court practices conflicting with Rule 18a(f) are void. While the passages do not expressly address transmission mechanics (clerk vs. coordinator) or document alteration, they underscore that the challenged judge and their staff should not exercise functions allocated to the regional presiding judge or procedures inconsistent with Rule 18a. Any involvement by the recused judge's personnel in substantive handling that affects the presentation or integrity of the recusal filing risks procedural irregularity and potential voidness if it encroaches on Rule 18a(f) functions.

[Rule 9. Recusal and Disqualification](#)

Extract

9.2 When a party files a motion to recuse a judge under Texas Rule of Civil Procedure 18a, the clerk of the court must immediately deliver a copy of the motion to the respondent judge and the Presiding Judge. 9.3 Pursuant to Rule 18a(f)(1), a respondent judge has a duty to act on the motion within 3 business days by signing and filing with the clerk, an order of recusal or an order referring the motion to the Presiding Judge. The clerk of the court shall deliver a copy of the signed order to the Presiding Judge. 9.4 The respondent judge must refer the motion, even if the motion does not comply with Rule 18a. If the motion is filed before evidence is offered at trial, the judge may not take any further action in the case until the motion is resolved, except for good cause stated in writing or on the record.

Summary

The passages specify that the court clerk—not the judge or the judge’s staff—must deliver the recusal motion and any signed order to the Presiding Judge. They also confine the respondent judge’s role to timely signing either a recusal order or a referral order and filing it with the clerk. The rules do not authorize a judge or the judge’s coordinator to transmit filings to the Presiding Judge or to alter the motion’s format. The materials do not address document formatting or hyperlink/bookmark integrity, but the clerk-delivery requirement implies that bypassing the clerk and altering the filing could be noncompliant with mandated procedures.

[Rule 18a. Recusal and Disqualification of Judges](#)

Extract

By the Respondent Judge. The judge whose recusal or disqualification is sought should not file a response to the motion. ... Duty of the Clerk. Delivery of a Motion or Response. When a motion or response is filed, the clerk of the court must immediately deliver a copy to the respondent judge and to the presiding judge of the administrative judicial region in which the court is located ('the regional presiding judge'). Delivery of Order of Recusal or Referral. When a respondent judge signs and files an order of recusal or referral, the clerk of the court must immediately deliver a copy to the regional presiding judge. Duties of the Respondent Judge; Failure to Comply. Responding to the Motion. Regardless of whether the motion complies with this rule, the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge. Restrictions on Further Action. (A) Motion Filed Before Evidence Offered at Trial. If a motion 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, except for good cause stated in writing or on the record.

Summary

The rule assigns transmission duties to the clerk, not the judge or the judge's staff, and directs that the respondent judge should not file a response and must refrain from further action while the motion is pending (with limited exceptions). It does not expressly authorize a court coordinator to handle transmissions or alter filings. It also does not address modification of filings' format (hyperlinks/bookmarks), but the allocation of duties implies the clerk should transmit the filed document as filed.

This memo was compiled by Vincent AI based on vLex materials available as of December 13, 2025. [View full answer on vLex](#)