

## Question

If the local rules of the 8th Administrative Judicial Region of Texas do not designate any activities or responsibilities to court coordinators regarding recusal proceedings, can a court coordinator be used in any capacity in recusal proceedings under Texas law?

## Answer (Texas)

### Introduction:

The central issue is whether, under Texas law, a court coordinator may be used in any capacity in recusal proceedings when the local rules of the 8th Administrative Judicial Region do not designate any activities or responsibilities to court coordinators regarding such proceedings. The user seeks to determine whether the absence of local rule authorization precludes any involvement by court coordinators in recusal matters, or whether there is any legal basis—statutory, rule-based, or judicial—for their participation. The most effective argument for the user's goal is that, in the absence of explicit local rule designation and in light of the Texas Rules of Civil Procedure and relevant case law, court coordinators have no authorized role in recusal proceedings, and their involvement would be ultra vires.

### Relevant Facts and Factual Assumptions:

In this case, the following facts and assumptions are relevant:

1. The 8th Administrative Judicial Region of Texas has local rules that do not assign any duties or responsibilities to court coordinators in connection with recusal proceedings.
2. A recusal motion has been filed in a case pending in a court within this region.
3. The question is whether, under Texas law, a court coordinator may be used in any capacity in the recusal process, given the silence of the local rules.
4. There is no evidence of a standing administrative order or other directive from the presiding judge of the region that would otherwise authorize court coordinator involvement in recusal matters.

If there are ambiguities—such as whether court coordinators have been informally involved in administrative tasks related to recusal, or whether the presiding judge has delegated any functions to them—these could affect the analysis. However, for the purposes of this note, the assumption is that no such delegation or informal practice exists.

### Legal Principles and Points of Law:

#### **Exclusive Authority of the Presiding Judge in Recusal Proceedings:**

The Texas Rules of Civil Procedure, specifically Rule 18a, and the Texas Government Code, vest exclusive authority for handling recusal motions in the presiding judge of the administrative judicial district. As held in [In re Moore](#), No. 13-19-00551-CV, 2019 WL 6904727, at \*2 (Tex. App.—Corpus Christi—Edinburg Dec. 19, 2019, orig. proceeding) (mem. op.), “Rule 18a expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district.” The rule “offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal.”

This principle is crucial because it establishes that the recusal process is tightly controlled by the rules and does not contemplate delegation to non-judicial officers.

#### **No Statutory or Rule-Based Role for Court Coordinators in Recusal:**

Both the Texas Government Code and the Texas Rules of Civil Procedure are silent as to any role for court coordinators in recusal proceedings. In [In re Alpert](#), 276 S.W.3d 592, 595 (Tex. App.—Houston [1st Dist.] 2008, orig. proceeding), the court stated: “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.” The court further noted that the rules and statutes “focus on the responsibilities of the presiding judge, not court coordinators.”

This silence is significant: under the principle of *expressio unius est exclusio alterius*, the express designation of the presiding judge's authority excludes others from exercising such authority.

#### **Mandatory Duties of the Judge and Presiding Judge:**

Under Texas Rule of Civil Procedure 18a and Texas Government Code § 74.059(c)(3), when a recusal motion is filed, the judge must either recuse themselves or refer the motion to the presiding judge, who then assigns another judge to hear the motion. [In re Norman](#), 191 S.W.3d 858, 860 (Tex. App.—Waco 2006, orig. proceeding), confirms: “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. 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.’”

The rules do not provide for any intermediary or administrative role for court coordinators in this process.

#### **Local Rules Cannot Contradict or Expand Statewide Rules:**

Local rules may supplement but cannot contradict or expand upon the Texas Rules of Civil Procedure or statutory mandates. In the absence of local rule designation, the default is the statewide rule, which, as shown above, does not contemplate a role for court coordinators in recusal proceedings.

#### **Ultra Vires Doctrine and Administrative Law Principles:**

Administrative personnel, such as court coordinators, may not exercise powers or perform functions not authorized by statute, rule, or valid delegation. Any action taken outside the scope of their authority is ultra vires and subject to challenge.

### Application and Analysis:

Given the facts and the legal principles outlined above, the following analysis applies:

The Texas Rules of Civil Procedure and the Texas Government Code are explicit in vesting authority over recusal proceedings in the presiding judge of the administrative judicial district. [In re Moore](#) is particularly instructive, holding that “Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal.” The court’s language is categorical: the rule “expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district.” [In re Moore](#), 2019 WL 6904727, at \*2.

Similarly, [In re Alpert](#) reinforces that both the Texas Government Code and the Texas Rules of Civil Procedure “focus on the responsibilities of the presiding judge, not court coordinators.” [276 S.W.3d at 595](#). The absence of any mention of court coordinators in the statutory or rule-based framework is not accidental; it reflects a deliberate legislative and rulemaking choice to centralize recusal authority in the judiciary, not in administrative staff.

[In re Norman](#) further underscores the mandatory nature of the judge’s and presiding judge’s duties in the recusal process, with no mention of or provision for court coordinator involvement. [191 S.W.3d at 860](#).

The principle of *expressio unius est exclusio alterius* applies: where the law expressly designates the presiding judge as the responsible official, it excludes others—including court coordinators—from exercising such authority. The *ultra vires* doctrine further supports this conclusion: court coordinators, as administrative staff, may not act outside the scope of their authorized duties, and there is no statutory or rule-based authority for their involvement in recusal proceedings.

Local rules may supplement but not contradict or expand upon statewide rules. In the absence of local rule designation, the default is the statewide rule, which, as established, does not contemplate a role for court coordinators in recusal proceedings.

#### Key Submissions:

1. The Texas Rules of Civil Procedure and the Texas Government Code vest exclusive authority over recusal proceedings in the presiding judge of the administrative judicial district, with no provision for court coordinator involvement ([In re Moore](#), [In re Alpert](#), [In re Norman](#)).
2. The absence of any statutory or rule-based authorization for court coordinators to participate in recusal proceedings means that their involvement would be *ultra vires*.
3. Local rules cannot expand the scope of court coordinator authority beyond what is provided in statewide rules and statutes; in the absence of local rule designation, court coordinators have no role in recusal proceedings.
4. Any attempt to involve court coordinators in recusal proceedings, absent express authorization, is subject to legal challenge and may be invalid.

#### Alternative Arguments and Nuanced Points:

A potential counterargument is that court coordinators, as administrative staff, may perform purely ministerial or clerical functions (such as docketing or transmitting documents) in support of the presiding judge’s exercise of authority, provided they do not exercise discretion or make substantive decisions. However, the case law is clear that the core functions of recusal—receiving, referring, and assigning recusal motions—are reserved to the presiding judge. Any administrative assistance must be strictly limited to non-discretionary, ministerial acts and must not encroach upon the judicial functions reserved by law.

Another possible argument is that, in practice, some courts may use coordinators to facilitate communication or scheduling in recusal matters. However, such practices are not authorized by the rules or statutes and are therefore vulnerable to challenge.

#### Areas of Risk:

##### **Ambiguity in the Scope of Ministerial Acts:**

There may be ambiguity as to whether purely ministerial or clerical acts by court coordinators (e.g., file-stamping, transmitting documents) are permissible. To mitigate this risk, any involvement by court coordinators should be strictly limited to non-discretionary, administrative tasks, and should not involve any exercise of judgment or discretion in the recusal process. This is supported by the general administrative law principle that administrative staff may perform ministerial acts but not exercise judicial authority.

##### **Unwritten or Informal Practices:**

If there are unwritten or informal practices in the region that involve court coordinators in recusal matters, these could be cited as *de facto* authority. However, such practices are not legally binding and are subject to challenge as *ultra vires*. The user should be prepared to distinguish between informal administrative assistance and the exercise of authority reserved to the presiding judge.

##### **Potential for Local Rule Amendment:**

If local rules are amended in the future to assign specific, permissible administrative tasks to court coordinators in recusal proceedings, the analysis may change. The user should monitor for any such developments.

#### Conclusion:

Based on the facts and legal principles discussed, the strongest argument is that, in the absence of explicit local rule designation and in light of the Texas Rules of Civil Procedure and relevant case law, court coordinators have no authorized role in recusal proceedings. The exclusive authority for handling recusal motions is vested in the presiding judge of the administrative judicial district, and any involvement by court coordinators beyond purely ministerial, non-discretionary acts would be *ultra vires* and subject to legal challenge. The user has a solid basis for objecting to or challenging any attempt to involve court coordinators in recusal proceedings within the 8th Administrative Judicial Region of Texas, as demonstrated by the application of the law to the facts and supported by the authorities cited.

## Legal Authorities

## 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).*

### Summary

Mandatory duties of a judge when a recusal motion is filed, emphasizing that the judge must either recuse themselves or refer the motion to the presiding judge. It does not mention any role for court coordinators in this process, suggesting that the legal framework does not provide for their involvement in recusal proceedings.

## Texas Court of Appeals

### Extract

*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. Judge Underwood complied with this procedure by assigning Judge Burkhalter to hear the recusal motion. 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-or, in some cases, the Chief Justice of the Texas Supreme Court-to undertake that particular task. TEX.R. CIV. P. 18a(f).*

### Summary

The authority to assign a judge to hear a motion for recusal is vested in the presiding judge of the administrative judicial district, according to both the Texas Government Code and the Texas Rules of Civil Procedure. The passage does not mention any role for court coordinators in this process, indicating that their involvement is not contemplated by these legal provisions. The rules and statutes focus on the responsibilities of the presiding judge, not court coordinators.

## Texas Court of Appeals

### Extract

*Under Rule 18a(f), the regional presiding judge had the authority to assign a judge to rule. See id. R. 18a(g). Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal. See generally id. R. 18a. Stated otherwise, Rule 18a 'expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district.'*

### Summary

Rule 18a of the Texas Rules of Civil Procedure specifically assigns the authority to reassign cases following a recusal to the regional presiding judge. The rule does not provide any provision for a court coordinator or any other individual to handle matters following a recusal. This indicates that the role of court coordinators in recusal proceedings is not recognized or authorized under Rule 18a.