

## **Question**

Can a court coordinator in Texas handle the transmission of referral orders in judicial recusal proceedings, or must this be performed by the judge or clerk under Texas law and Texas Rules of Civil Procedure 18a?

## **Answer (Texas)**

### **Short response**

Based on Texas law and the Texas Rules of Civil Procedure 18a, a court coordinator cannot handle the transmission of referral orders in judicial recusal proceedings; this duty must be performed by the judge or clerk as the relevant statutes and case law consistently specify that the judge must sign and file the order with the clerk.

### **Summary**

Texas law governing judicial recusal proceedings establishes a clear, mandatory procedure that must be followed when a motion to recuse is filed. Both statutory provisions and extensive case law explicitly state that upon receiving a motion for recusal, the respondent judge must either sign and file an order of recusal or sign and file an order referring the motion to the regional presiding judge. These responsibilities are specifically assigned to the judge, with the clerk playing a supporting role in the filing process.

The legal framework does not contemplate or authorize court coordinators to handle the transmission of referral orders in recusal proceedings. Multiple Texas appellate decisions have emphasized the mandatory nature of the recusal proceedings, noting that judges have a "mandatory duty" to either recuse themselves or refer the motion to the presiding judge. The consistent language across statutes, rules, and judicial interpretations leaves no discretionary gap that would permit delegation of these judicial functions to a court coordinator.

## **Background and Relevant Law**

### **Statutory Provisions**

The Texas Government Code contains specific provisions governing judicial recusal proceedings in different types of courts. For statutory probate courts, [Tex. Gov't Code § 25.0025](#) provides that when a presiding judge is the subject of a motion for recusal or disqualification, they "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." This language explicitly places the responsibility on the judge to sign and file the order with the clerk.

Similarly, for municipal courts, [Tex. Gov't Code § 29.055](#) states that a municipal judge who does not recuse or disqualify themselves "shall forward, in original form or certified copy, an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge." Again, the statutory language assigns this duty directly to the judge, not to a court coordinator or other court staff.

### **Texas Rules of Civil Procedure**

Rule 18a of the Texas Rules of Civil Procedure establishes procedures for recusal and disqualification of judges. While the full text of Rule 18a is not provided in the sources, numerous case law references clarify its requirements and consistently indicate that the responsibility for signing and transmitting referral orders lies with the judge, not a court coordinator.

### **Case Law Interpretation**

Texas courts have consistently interpreted the relevant statutes and Rule 18a as placing the responsibility for handling recusal motions directly on judges. The Texas Court of Appeals in [In re Burns](#) explained that "A respondent judge, within three business days after a motion to recuse is filed, must sign and file with the clerk (1) an order of recusal or disqualification; or (2) an order referring the motion to the regional presiding judge. Tex.R.Civ.P. 18a(f)."

Similarly, in [Caballero v. Vig, 600 S.W.3d 452 \(Tex. App. 2020\)](#), the court stated that "Rule 18a of the Texas Rules of Civil Procedure provides that if the respondent judge does not sign an order of recusal upon receiving a motion to recuse, he or she must 'sign and file with the clerk an order referring the motion to the regional presiding judge,' who in turn must rule on the motion or assign a judge to rule on it. Tex.R.Civ.P. 18a(f)(1)(B)."

The mandatory nature of these procedures is emphasized in [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#), where the court noted that "Tex.R. Civ. P. 18a (requiring that, on filing of motion to recuse, judge must take no further action in case and either (1) recuse himself, or (2) forward motion to presiding judge of administrative judicial district for hearing)." The court further explained that "Other courts of appeals have concluded that Rule 18a's recusal-or-referral requirement is mandatory and that mandamus relief is appropriate to compel compliance with the rule."

## **Analysis of Judge's Role in Recusal Proceedings**

### **Mandatory Duty of the Judge**

Multiple Texas courts have characterized the judge's responsibility in recusal proceedings as a "mandatory duty." The Texas Supreme Court, as referenced in [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#), held that "a judge has 'the mandatory duty' to recuse himself or refer the matter to the presiding judge to hear a properly filed motion to recuse, and (2) mandamus relief is proper to compel compliance."

This mandatory duty was also emphasized in [Hudson v. Texas Children's Hosp., 177 S.W.3d 232 \(Tex. 2005\)](#), where the Texas Supreme Court stated that "Once a motion to recuse is filed in statutory probate court, the trial judge has two options before taking any other action: (1) recuse himself or (2) request that the presiding judge of the statutory probate courts assign a judge to hear the motion to recuse." The court explicitly characterized this procedure as "mandatory."

Similarly, in [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#), the court noted that "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." The court also referenced Tex. Gov't Code Ann. § 74.059(c)(3), which states that a 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.'"

### Judge's Personal Responsibility for Referral Orders

The case law consistently emphasizes that the judge personally must handle the referral of recusal motions. In [Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#), the court quoted Rule 18a(d): "If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements."

This language is echoed in [Bruno v. State, 916 S.W.2d 4 \(Tex. App. 1995\)](#), which similarly quotes Rule 18a(d) as stating that "If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district ... an order of referral, the motion, and all opposing and concurring statements."

The specificity of these requirements and the consistent use of the pronoun "he" referring to the judge indicates that this duty is personal to the judge and cannot be delegated to other court personnel such as a court coordinator.

### Limited Options for the Judge

Texas courts have repeatedly emphasized that judges have limited options when faced with a recusal motion. In [Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#), the court stated plainly: "Once a motion to recuse has been filed, the trial judge has only two options, recusal or referral. TEX.R.CIV.P. 18a(c)."

This limitation was similarly expressed in [In re PG & E Reata Energy, et al, 4 S.W.3d 897 \(Tex. App. 1999\)](#), which stated that Rule 18a "requires the judge against whom a proper recusal motion is filed to either grant the motion or request the Presiding Judge to assign another judge to hear the motion."

The narrow scope of permissible actions following a recusal motion further indicates that the procedure is strictly defined and does not allow for delegation of responsibilities to court coordinators or other staff not specifically mentioned in the relevant provisions.

### Analysis of Clerk's Role in Recusal Proceedings

While the judge is primarily responsible for handling recusal motions, the clerk also plays a defined role in the process. Multiple sources indicate that the judge must "sign and file with the clerk" the relevant orders.

For example, [In re Burns](#) states that a respondent judge "must sign and file with the clerk (1) an order of recusal or disqualification; or (2) an order referring the motion to the regional presiding judge." Similarly, [Tex. Gov't Code § 25.00255](#) requires that a presiding judge who is the subject of a recusal motion "shall sign and file with the clerk an order referring the motion to the chief justice of the supreme court."

These provisions indicate that the clerk's role is to receive and process the filed orders, not to transmit the referral orders themselves. The transmission of the referral order to the regional presiding judge appears to be the responsibility of the judge, as indicated by [Tex. Gov't Code § 29.055](#), which states that the municipal judge "shall forward... an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge."

### Absence of Court Coordinator's Role in the Legal Framework

Significantly, none of the provided statutory provisions or case law mentions any role for court coordinators in the recusal process. The absence of any reference to court coordinators in this context suggests that they are not legally authorized to handle the transmission of referral orders in judicial recusal proceedings.

This omission is particularly notable given the specificity with which the statutes and rules describe the roles of judges and clerks in the process. If court coordinators were intended to have a role in transmitting referral orders, one would expect this to be explicitly stated in the relevant provisions.

Moreover, in [In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#), the court explicitly stated that "Rule 18a offers no third option whereby a judge other than the regional presiding judge can handle matters following recusal." This strongly suggests that the handling of recusal matters is strictly limited to the judge and the regional presiding judge, with no provisions for delegation to court coordinators.

### The Authority to Assign Judges Following Recusal

The case law also clarifies that the authority to assign judges following a recusal lies exclusively with the presiding judge of the administrative judicial district. In [In re Alpert, 276 S.W.3d 592 \(Tex. App. 2008\)](#), the court stated that "Rule 18a(f) expressly confers the authority to reassign a case following a recusal to the regional presiding judge of the administrative judicial district..." The court further noted that "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."

Similarly, in [Ex parte Thuesen, 546 S.W.3d 145 \(Tex. Crim. App. 2017\)](#), the court observed that "Rule 18a additionally provides that, when a recusal is granted, the presiding judge of the administrative judicial region 'must transfer the case to another court or assign another judge to the case.'"

These cases further reinforce the conclusion that the handling of referral orders and the assignment of cases following recusal are judicial functions that cannot be delegated to court coordinators.

## Judicial Actions Following Recusal Motions

The legal framework also places strict limitations on the actions a judge can take after a recusal motion is filed. According to [Jamilah v. Bass, 862 S.W.2d 201 \(Tex. App. 1993\)](#), "Except for good cause stated in the order in which such action is taken, the judge shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken."

Similarly, [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#) states that upon filing of a motion to recuse, the "judge must take no further action in case" except to either recuse himself or forward the motion to the presiding judge.

These limitations further suggest that the handling of recusal matters is strictly controlled and does not allow for delegation to court coordinators or other court personnel.

## Consequences of Non-Compliance with Recusal Procedures

Texas courts have emphasized the serious consequences of failing to follow the proper procedures in recusal motions. In [In re Thompson, 330 S.W.3d 411 \(Tex. App. 2010\)](#), the court noted that "mandamus relief is appropriate to compel compliance with the rule."

Similarly, in [In re Norman, 191 S.W.3d 858 \(Tex. App. 2006\)](#), the court granted mandamus relief to compel a judge to comply with the mandatory duty to either recuse himself or refer the recusal motion to the presiding judge.

These cases highlight the importance of strictly following the prescribed procedures for handling recusal motions and suggest that delegation of these responsibilities to court coordinators could potentially violate the requirements of the Texas Rules of Civil Procedure and relevant statutes.

## Exceptions and Caveats

While the legal framework consistently assigns responsibility for handling recusal motions to judges and clerks, there might be administrative practices in some Texas courts where court coordinators assist in the process. However, even if such practices exist, the provided legal authorities do not suggest that court coordinators have the legal authority to independently handle the transmission of referral orders in judicial recusal proceedings.

It is also worth noting that the specific language of Rule 18a of the Texas Rules of Civil Procedure might have been amended since some of the older cases cited. However, the consistent interpretation across multiple cases and the absence of any contradicting recent authority suggest that the basic requirement for judges to personally handle recusal motions remains unchanged.

## Conclusion

Based on the provided legal authorities, a court coordinator in Texas cannot handle the transmission of referral orders in judicial recusal proceedings. The Texas Government Code, the Texas Rules of Civil Procedure, and extensive case law consistently specify that this responsibility lies with the judge, who must either sign and file an order of recusal or sign and file an order referring the motion to the regional presiding judge.

The legal framework establishes a clear procedure: upon receiving a motion to recuse, the judge must either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. This duty is characterized as "mandatory" by multiple courts, including the Texas Supreme Court. The judge must sign and file the relevant orders with the clerk, but the responsibility for forwarding the referral order to the presiding judge appears to rest with the judge, not the clerk or a court coordinator.

None of the provided legal authorities mentions any role for court coordinators in this process. Given the specificity with which the statutes and rules describe the roles of judges and clerks, and the courts' emphasis on the mandatory nature of these procedures, it appears that court coordinators are not legally authorized to handle the transmission of referral orders in judicial recusal proceedings.

Therefore, under Texas law and Texas Rules of Civil Procedure 18a, the transmission of referral orders in judicial recusal proceedings must be performed by the judge or clerk, not by a court coordinator.

## Legal Authorities

[Caballero v. Vig, 600 S.W.3d 452 \(Tex. App. 2020\)](#)

### Texas Court of Appeals

#### Extract

*Rule 18a of the Texas Rules of Civil Procedure provides that if the respondent judge does not sign an order of recusal upon receiving a motion to recuse, he or she must 'sign and file with the clerk an order referring the motion to the regional presiding judge,' who in turn must rule on the motion or assign a judge to rule on it. Tex.R.Civ.P. 18a(f)(1)(B).*

#### Summary

The passage from the case "Caballero v. Vig" provides a direct reference to Rule 18a of the Texas Rules of Civil Procedure, which outlines the procedure for handling motions to recuse a judge. According to Rule 18a, if a judge does not recuse themselves, they must sign and file an order with the clerk to refer the motion to the regional presiding judge. This indicates that the responsibility for handling the transmission of referral orders in judicial recusal proceedings lies with the judge and the clerk, not a court coordinator.

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

**Texas Court of Criminal Appeals**

**Extract**

*Further, Rule 18a additionally provides that, when a recusal is granted, the presiding judge of the administrative judicial region 'must transfer the case to another court or assign another judge to the case.' Rule 18a(g)(7). The granting of a recusal is final and is not an appealable order. See Rule 18a(j).*

**Summary**

The passage from "Ex parte Thuesen" highlights that under Rule 18a of the Texas Rules of Civil Procedure, the presiding judge of the administrative judicial region is responsible for transferring the case or assigning another judge when a recusal is granted. This suggests that the responsibility for handling referral orders in judicial recusal proceedings lies with the presiding judge, not a court coordinator. The passage does not mention any role for a court coordinator in this process, indicating that the transmission of referral orders is not within their purview.

[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).*

**Summary**

The passage from "In re Norman" clarifies that under Texas Rule of Civil Procedure 18a, the responsibility to either recuse or refer a recusal motion lies with the judge. Additionally, the Texas Government Code mandates that the judge must request the presiding judge to assign another judge to hear the motion. This indicates that the duty to handle referral orders in recusal proceedings is explicitly assigned to the judge, not a court coordinator or any other court personnel.

[In re PG & E Reata Energy, et al., 4 S.W.3d 897 \(Tex. App. 1999\)](#)

**Texas Court of Appeals**

**Extract**

*Recusal is governed by Texas Rule of Civil Procedure 18a, which requires the judge against whom a proper recusal motion is filed to either grant the motion or request the Presiding Judge to assign another judge to hear the motion. TEX. R. CIV. P. 18a(c); see also TEX. GOV'T CODE ANN. 74.059(c)(3) (Vernon 1998) (providing for requested assignment by the presiding judge).*

**Summary**

The passage specifically addresses the procedure for handling recusal motions under Texas Rule of Civil Procedure 18a. It states that the judge against whom a recusal motion is filed must either grant the motion or request the Presiding Judge to assign another judge. This indicates that the process involves judicial action and the involvement of the Presiding Judge, rather than administrative staff like a court coordinator. The passage does not mention any role for a court coordinator in this process, suggesting that the transmission of referral orders in recusal proceedings is not within their purview.

[In re Thompson., 330 S.W.3d 411 \(Tex. App. 2010\)](#)

**Texas Court of Appeals**

**Extract**

*Tex.R. Civ. P. 18a (requiring that, on filing of motion to recuse, judge must take no further action in case and either (1) recuse himself, or (2) forward motion to presiding judge of administrative judicial district for hearing). ... Other courts of appeals have concluded that Rule 18a's recusal-or-referral requirement is mandatory and that mandamus relief is appropriate to compel compliance with the rule. ... Likewise, construing a substantially similar statutory predecessor to Rule 18a, the Texas Supreme Court has held that (1) a judge has "the mandatory duty" to recuse himself or refer the matter to the presiding judge to hear a properly filed motion to recuse, and (2) mandamus relief is proper to compel compliance.*

**Summary**

The passage from "In re Thompson" clarifies that under Texas Rule of Civil Procedure 18a, the judge has a mandatory duty to either recuse themselves or refer the motion to the presiding judge of the administrative judicial district. This indicates that the responsibility for handling the transmission of referral orders in judicial recusal proceedings lies with the judge, not a court coordinator or clerk.

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

**Texas Court of Appeals**

**Extract**

*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.' TEX.R.CIV.P. 18a(c) (Emphasis supplied). The filing of a recusal motion provides no rational basis for another court within the county to unilaterally order the lawsuit transferred.*

**Summary**

The passage from the case discusses the requirements under Rule 18a of the Texas Rules of Civil Procedure, which mandates that a judge must either recuse themselves or request the presiding judge to assign another judge to hear a recusal motion before any further proceedings. This indicates that the handling of recusal motions is a judicial function, not one that can be delegated to a court coordinator. The passage does not mention court coordinators, suggesting that their role is not contemplated in this context.

[In re Amir-Sharif, NUMBER 13-19-00573-CV \(Tex. App. Dec 12, 2019\)](#)

**Texas Court of Appeals**

**Extract**

*Texas Rule of Civil Procedure 18a(f)(1) governs the duties of the respondent judge when a party files a motion to recuse. See TEX. R. CIV. P. 18a(f)(1). This rule states that: '[r]egardless 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.'*

**Summary**

Texas Rule of Civil Procedure 18a(f)(1) explicitly outlines the duties of the respondent judge in the context of a motion to recuse. The rule mandates that the judge must either sign and file an order of recusal or an order referring the motion to the regional presiding judge. This indicates that the responsibility lies with the judge, not a court coordinator, to handle the transmission of referral orders in judicial recusal proceedings.

[Jamilah v. Bass, 862 S.W.2d 201 \(Tex. App. 1993\)](#)

**Texas Court of Appeals**

**Extract**

*Prior to any further proceedings in the case, the judge shall either recuse himself or request the presiding judge of the administrative judicial district to assign a judge to hear such motion. If a judge decides to recuse himself, he shall enter an order of recusal and request the presiding judge of the administrative judicial district to assign another judge to sit, and shall make no further orders and shall take no further action in the case except for good cause stated in the order in which such action is taken. If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district ... an order of referral, the motion, and all opposing and concurring statements.*

**Summary**

The Texas Rules of Civil Procedure 18a explicitly state that it is the judge's responsibility to either recuse themselves or forward the necessary documents to the presiding judge of the administrative judicial district. The rule does not mention a court coordinator's role in this process, indicating that the responsibility lies with the judge.

[Carson v. Gomez, 841 S.W.2d 491 \(Tex. App. 1992\)](#)

**Texas Court of Appeals**

**Extract**

*Appellant asserts the trial judge was without jurisdiction to dismiss. Once a motion to recuse has been filed, the trial judge has only two options, recusal or referral. TEX.R.CIV.P. 18a(c). Rule 18a(d) provides: If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district, in either original form or certified copy, an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the*

*order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion. TEX.R.CIV.P. 18a(d).*

### **Summary**

The passage from "Carson v. Gomez" specifically references Texas Rules of Civil Procedure 18a, which outlines the procedures a judge must follow when a motion to recuse is filed. According to Rule 18a(d), if a judge declines to recuse themselves, they are required to forward the order of referral, the motion, and all related statements to the presiding judge of the administrative judicial district. This indicates that the responsibility lies with the judge, not a court coordinator, to handle the transmission of referral orders in judicial recusal proceedings.

[Dunn v. County of Dallas, 794 S.W.2d 560 \(Tex. App. 1990\)](#)

### **Texas Court of Appeals**

#### **Extract**

*A fair reading of rules 18a and 18b suggests that in the event a judge should elect to recuse under either section, 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. Except for good cause stated in the order in which any further action is taken, the judge can make no further orders.*

### **Summary**

The Texas Rules of Civil Procedure 18a and 18b require specific actions by the judge in the event of a recusal. The judge must issue an order of recusal and request the administrative judge to assign another judge. The passage does not mention the role of a court coordinator in this process, suggesting that the responsibility lies with the judge.

[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 reassign a case following a recusal is expressly given to the presiding judge of the administrative judicial district, according to Rule 18a(f) and the Texas Government Code. This indicates that the task of handling referral orders in judicial recusal proceedings is not within the purview of a court coordinator but rather the presiding judge.

[Cantu v. Moore, 13-23-00087-CV \(Tex. App. Dec 12, 2024\)](#)

### **Texas Court of Appeals**

#### **Extract**

*A judge that recuses sua sponte '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' recusal order. Tex. Gov't Code Ann. § 24.002. ... 'Rule 18a additionally provides that, when a recusal is granted, the presiding judge of the administrative judicial region 'must transfer the case to another court or assign another judge to the case.'*

### **Summary**

The passage from "Cantu v. Moore" provides insight into the procedure following a judge's recusal. It specifies that the judge who recuses must request the presiding judge of the administrative judicial region to assign another judge. Rule 18a further clarifies that the presiding judge must transfer the case or assign another judge. The passage does not mention a court coordinator's role in this process, indicating that the responsibility lies with the judge and the presiding judge of the administrative judicial region.

[In re Moore, NUMBER 13-19-00551-CV \(Tex. App. Dec 19, 2019\)](#)

### **Texas Court of Appeals**

#### **Extract**

As stated previously, relator's plea in intervention and motion to transfer were originally submitted to Judge Ramirez; however, Judge Ramirez recused himself and referred the matter to the regional presiding judge in accordance with Texas Rule of Civil Procedure 18a(f). See TEX. R. CIV. P. 18a(f). 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.

### **Summary**

The passage from "In re Moore" clarifies that under Texas Rule of Civil Procedure 18a, after a judge recuses themselves, the authority to handle the reassignment of the case lies with the regional presiding judge. The rule does not provide an option for a court coordinator or any other party to handle the transmission of referral orders in such proceedings. This indicates that the process must be performed by the judge or clerk, as the rule is mandatory and does not allow for delegation to a court coordinator.

### [In re Burns](#)

#### **Texas Court of Appeals**

##### **Extract**

*A respondent judge, within three business days after a motion to recuse is filed, must sign and file with the clerk (1) an order of recusal or disqualification; or (2) an order referring the motion to the regional presiding judge. Tex.R.Civ.P. 18a(f).*

### **Summary**

The passage from "In re Burns" specifies that it is the responsibility of the respondent judge to sign and file either an order of recusal or an order referring the motion to the regional presiding judge. This indicates that the task of handling the transmission of referral orders in judicial recusal proceedings is not assigned to a court coordinator but rather to the judge, as per Texas Rules of Civil Procedure 18a(f).

### [Bruno v. State, 916 S.W.2d 4 \(Tex. App. 1995\)](#)

#### **Texas Court of Appeals**

##### **Extract**

*Rule 18a addresses the requirements of a motion for recusal or disqualification of trial court judges. See TEX.R.CIV.P. 18a. The rule provides: ... (d) If the judge declines to recuse himself, he shall forward to the presiding judge of the administrative judicial district ... an order of referral, the motion, and all opposing and concurring statements. Except for good cause stated in the order in which further action is taken, the judge shall make no further orders and shall take no further action in the case after filing of the motion and prior to a hearing on the motion.*

### **Summary**

The passage from Rule 18a(d) explicitly states that if a judge declines to recuse themselves, they are responsible for forwarding the order of referral, the motion, and all related statements to the presiding judge of the administrative judicial district. This indicates that the responsibility lies with the judge, not a court coordinator, to handle the transmission of referral orders in judicial recusal proceedings.

### [Hudson v. Texas Children's Hosp., 177 S.W.3d 232 \(Tex. 2005\)](#)

#### **Texas Supreme Court**

##### **Extract**

*Once a motion to recuse is filed in statutory probate court, the trial judge has two options before taking any other action: (1) recuse himself or (2) request that the presiding judge of the statutory probate courts assign a judge to hear the motion to recuse. Tex. Gov't Code Ann. § 25.00255(f) (Vernon 2004); TEX.R. CIV. P. 18a(c). The Texas Supreme Court has held that the recuse or refer procedure is mandatory.*

### **Summary**

When a motion to recuse is filed, the trial judge has specific mandatory actions to take: either recuse themselves or refer the motion to the presiding judge. This suggests that the responsibility for handling the referral orders in judicial recusal proceedings lies with the judge, as they must either recuse themselves or initiate the referral process. The passage does not mention a court coordinator's role in this process, implying that the coordinator is not authorized to handle the transmission of referral orders.

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

##### **Extract**

*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**

If a presiding judge is the subject of a recusal or disqualification motion, they are required to sign and file an order with the clerk. This suggests that the responsibility for handling the transmission of referral orders in such proceedings lies with the judge and the clerk, not a court coordinator. The passage does not mention any role for a court coordinator in this process.

### [Tex. Gov't. Code § 29.055 Tex. Gov't. Code § 29.055 Procedure Following Filing of Motion: Recusal Or Disqualification Without Motion](#)

## **Extract**

*A municipal judge who does not recuse or disqualify himself or herself: shall forward, in original form or certified copy, an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge; and may not take other action in the case during the time after the filing of the motion for recusal or disqualification and before a hearing on the motion, except for good cause stated in the order in which the action is taken.*

## **Summary**

The responsibility to forward an order of referral, the motion, and all opposing and concurring statements to the regional presiding judge lies with the municipal judge who does not recuse or disqualify themselves. The passage does not mention a court coordinator or clerk being involved in this process, indicating that it is the judge's responsibility.

### [Pretrial motions](#)

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## **Extract**

*When a recusal motion is filed, the trial judge against whom the motion is directed may properly make an initial decision of whether the motion is sufficient to invoke Rule 18a. See Arnold (no error in not referring motion to recuse not timely filed); McDuffie v. State, 854 S.W.2d 195 (Tex.App.—Beaumont 1993, pet. ref'd). Once a sufficient motion to recuse has been filed, before proceeding further in the... A judge does not have authority to take any further action after signing a voluntary recusal order. Ex parte Thuesen, 546 S.W.3d 145, 147 (Tex. Crim. App. 2017). Interim or ancillary orders made by a regional presiding judge regarding the recusal of a trial judge—or the reinstatement or modification of judicial authority following a recusal—must be made in writing, signed by the presiding judge, and entered of record in the case. Ex parte Thuesen, 546 S.W.3d at 156.*

## **Summary**

Once a recusal motion is filed, the trial judge must determine its sufficiency under Rule 18a. If a judge voluntarily recuses, they cannot take further action, and any interim or ancillary orders must be made in writing and signed by the presiding judge. This suggests that the handling of referral orders in recusal proceedings involves judicial actions and formal documentation, implying that such tasks are typically within the purview of judges or clerks, not court coordinators.

This memo was compiled by Vincent AI based on vLex materials available as of May 17, 2025. [View full answer on vLex](#)