

# **Question**

Is it illegal for an attorney to fill out an associate judge's report and then just get the judge's rubber stamp on it? if so, what's the consequences of allowing this?

## **Answer (Texas)**

### **Short response**

Yes, it is improper and potentially illegal for an attorney to fill out an associate judge's report and merely obtain the judge's signature without the judge's independent review and findings, as Texas law requires the associate judge to personally prepare, sign, and submit their report. Allowing this practice undermines judicial integrity, may invalidate the resulting orders, and can expose both the attorney and judge to disciplinary action or sanctions.

### **Summary**

Texas statutes governing associate judges in family law and probate matters explicitly require that the associate judge, not an attorney or party, prepare, sign, and submit the report containing findings, conclusions, or recommendations. The statutory process is designed to ensure that judicial officers exercise independent judgment and that parties receive due process, including notice and the opportunity to request a de novo hearing before the referring court.

If an attorney fills out the report and the judge simply "rubber stamps" it, this violates statutory requirements and the judicial process, potentially rendering the order invalid and subject to challenge or appeal. Such conduct may also constitute an ethical violation, exposing the attorney to disciplinary proceedings and the judge to sanctions or mandatory reporting obligations under the Texas Code of Judicial Conduct.

## **Background and Relevant Law**

### **Legislative Framework**

The Texas Family Code and Texas Government Code set out the duties and procedures for associate judges in family law and probate matters. Under Texas Family Code § 201.011, the associate judge's report must be in writing, in the form directed by the referring court, and may include findings, conclusions, or recommendations, potentially in the form of a proposed order. Critically, the statute requires that the associate judge provide notice of the substance of the report to the parties after a hearing,

underscoring the judge's personal responsibility for the report's content and communication ([Tex. Fam. Code § 201.011](#)).

Similarly, Texas Government Code § 54A.212 requires the associate judge to prepare a report in the form directed by the referring court, which must be signed and dated by the associate judge. The statute makes clear that the preparation, signing, and submission of the report are duties of the associate judge, not of attorneys or parties (Tex. Gov't. Code § 54A.212).

The powers of associate judges, as set out in Texas Family Code § 201.007 and Texas Government Code § 54A.008, include making findings of fact, formulating conclusions of law, and recommending orders. These provisions reinforce that the associate judge is expected to independently evaluate the evidence and make judicial determinations, not to delegate these core judicial functions to attorneys ([Tex. Fam. Code § 201.007](#); Tex. Gov't. Code § 54A.008).

## **Case Law**

Texas appellate courts have consistently interpreted these statutes to require that associate judges personally prepare and submit their reports, which are not final until adopted by the referring court. In [K.E.B. v. Off. of Att'y Gen. of Tex., 698 S.W.3d 76 \(Tex. App. 2024\)](#), the court explained that the associate judge's report is a recommendation that must be sent to the referring court, and only becomes a final order upon the referring court's signature. The process is designed to ensure judicial oversight and the opportunity for parties to request a de novo hearing.

Similarly, [In re K.M.H., 14-22-00784-CV \(Tex. App. Mar 16, 2023\)](#) held that the associate judge's report is not final until adopted by the referring court, and the statutory process must be followed to ensure validity. [Stein v. Stein, 868 S.W.2d 902 \(Tex. App. 1994\)](#) further clarified that associate judges do not have the power to render judgment, but only to make findings and recommendations, which become effective only when adopted by the referring court.

Other cases, such as [In re T.D.S.T., 287 S.W.3d 268 \(Tex. App. 2009\)](#) and [Garza v. Family and Protective Serv., 212 S.W.3d 373 \(Tex. App. 2006\)](#), reinforce that the associate judge is responsible for preparing, signing, and submitting the report, and that this responsibility cannot be delegated to attorneys.

## **Ethical and Disciplinary Framework**

The Texas Supreme Court has recognized the ethical obligations of both judges and attorneys to maintain the integrity of the judicial process. In [Brewer v. Lennox Hearth Prods., LLC, 601 S.W.3d 704 \(Tex. 2020\)](#), the court noted that judges must report unethical conduct by attorneys to the Commission for Lawyer Discipline, and that attorneys are subject to discipline for ethical lapses. [Comm'n for Lawyer Discipline v. Cantu, 587 S.W.3d 779 \(Tex. 2019\)](#) further emphasized that judges are required to take

appropriate action if they become aware of attorney misconduct that raises substantial questions about honesty, trustworthiness, or fitness.

Texas courts also have inherent authority to sanction abuses of the judicial process, even if not specifically covered by statute or rule ([Nelson v. Nelson, NO. 01-13-00816-CV \(Tex. App. Mar 12, 2015\)](#)).

## Analysis

### Statutory Requirements and Judicial Duties

The legislative framework is clear: the associate judge must personally prepare, sign, and submit the report containing findings, conclusions, or recommendations. The statutes do not authorize attorneys or parties to prepare these reports on behalf of the judge. The requirement that the report be in writing, in the form directed by the referring court, and signed and dated by the associate judge, is designed to ensure that the judge has independently reviewed the evidence, made findings, and exercised judicial discretion ([Tex. Fam. Code § 201.011](#); Tex. Gov't. Code § 54A.212).

The powers granted to associate judges under Texas Family Code § 201.007 and Texas Government Code § 54A.008—making findings of fact, formulating conclusions of law, and recommending orders—are inherently judicial functions. These cannot be delegated to attorneys, as doing so would undermine the integrity of the judicial process and violate the statutory scheme ([Tex. Fam. Code § 201.007](#); Tex. Gov't. Code § 54A.008).

### Case Law Interpretation

Texas appellate courts have consistently interpreted these statutes to require that associate judges personally prepare and submit their reports. In [K.E.B. v. Off. of Att'y Gen. of Tex., 698 S.W.3d 76 \(Tex. App. 2024\)](#) and [In re K.M.H., 14-22-00784-CV \(Tex. App. Mar 16, 2023\)](#), the courts emphasized that the associate judge's report is a recommendation that must be sent to the referring court, and only becomes a final order upon the referring court's signature. The process is designed to ensure judicial oversight and the opportunity for parties to request a de novo hearing.

[Stein v. Stein, 868 S.W.2d 902 \(Tex. App. 1994\)](#) further clarified that associate judges do not have the power to render judgment, but only to make findings and recommendations, which become effective only when adopted by the referring court. This reinforces the requirement that the associate judge, not an attorney, must prepare the report.

Other cases, such as [In re T.D.S.T., 287 S.W.3d 268 \(Tex. App. 2009\)](#) and [Garza v. Family and Protective Serv., 212 S.W.3d 373 \(Tex. App. 2006\)](#), reinforce that the associate judge is responsible for preparing, signing, and submitting the report, and that this responsibility cannot be delegated to attorneys.

## **Consequences of Noncompliance**

If an attorney fills out the associate judge's report and the judge merely "rubber stamps" it, several legal and ethical consequences may follow:

1. **Invalidity of Orders:** Orders resulting from such a process may be invalid, as they do not comply with statutory requirements. Parties may challenge these orders on appeal or through collateral attack, arguing that the judge did not exercise independent judgment or follow the required procedures ([K.E.B. v. Off. of Att'y Gen. of Tex., 698 S.W.3d 76 \(Tex. App. 2024\)](#); [In re K.M.H., 14-22-00784-CV \(Tex. App. Mar 16, 2023\)](#)).
2. **Due Process Violations:** The statutory process is designed to protect parties' due process rights, including notice of the judge's findings and the opportunity to request a de novo hearing. If the report does not reflect the judge's independent findings, parties may be deprived of these rights, further undermining the validity of the order.
3. **Ethical Violations and Disciplinary Action:** Attorneys who engage in this conduct may be subject to disciplinary proceedings for violating the Texas Disciplinary Rules of Professional Conduct. Judges who permit or participate in this practice may be required to report the conduct and may themselves be subject to discipline under the Texas Code of Judicial Conduct ([Brewer v. Lennox Hearth Prods., LLC, 601 S.W.3d 704 \(Tex. 2020\)](#); [Comm'n for Lawyer Discipline v. Cantu, 587 S.W.3d 779 \(Tex. 2019\)](#)).
4. **Sanctions for Abuse of Process:** Texas courts have inherent authority to sanction abuses of the judicial process, including conduct that undermines the integrity of judicial proceedings ([Nelson v. Nelson, NO. 01-13-00816-CV \(Tex. App. Mar 12, 2015\)](#)).

## **Ethical and Judicial Reporting Obligations**

The Texas Supreme Court has made clear that judges have a duty to report attorney misconduct that raises substantial questions about honesty, trustworthiness, or fitness. If a judge becomes aware that an attorney has improperly filled out a report and sought the judge's signature without independent review, the judge must take appropriate action, which may include reporting the conduct to the Office of the General Counsel of the State Bar of Texas ([Comm'n for Lawyer Discipline v. Cantu, 587 S.W.3d 779 \(Tex. 2019\)](#)).

Attorneys who engage in this conduct may be found to have violated professional conduct rules, including those relating to candor toward the tribunal and the prohibition against conduct involving dishonesty, fraud, deceit, or misrepresentation. Disciplinary action may include suspension or disbarment, depending on the severity of the violation.

## **Judicial Integrity and Public Confidence**

Allowing attorneys to fill out associate judge's reports and obtain a "rubber stamp" signature from the judge undermines the integrity of the judicial process and erodes public confidence in the courts. The statutory scheme is designed to ensure that judicial officers exercise independent judgment and that parties receive fair and impartial consideration of their cases.

Bypassing these safeguards not only violates the law but also threatens the legitimacy of the judicial system.

## **Exceptions and Caveats**

There are no statutory or case law exceptions permitting attorneys to prepare associate judge's reports for the judge's signature. The statutes and case law are unequivocal in assigning this responsibility to the associate judge. While attorneys may prepare proposed orders for the court's consideration, the final report and findings must be the product of the judge's independent review and must be signed and submitted by the judge.

It is possible that minor clerical assistance or the use of standardized forms directed by the court may be permissible, provided that the judge independently reviews, approves, and signs the report. However, any practice that results in the judge abdicating their responsibility to make findings and recommendations is not permitted.

## **Conclusion**

In summary, Texas law requires that associate judges personally prepare, sign, and submit their reports containing findings, conclusions, or recommendations. It is improper and potentially illegal for an attorney to fill out the report and merely obtain the judge's signature without the judge's independent review and findings. Orders resulting from such a process may be invalid, subject to challenge or appeal, and may expose both the attorney and judge to disciplinary action or sanctions. The integrity of the judicial process demands that judges exercise independent judgment and that parties receive due process, as mandated by statute and reinforced by Texas appellate courts and ethical rules.

## **Legal Authorities**

[Brewer v. Lennox Hearth Prods., LLC, 601 S.W.3d 704 \(Tex. 2020\)](#)

### **Texas Supreme Court**

#### **Extract**

The trial court's referral of the matter to the Commission for Lawyer Discipline is one method available to courts to help ensure ethical lapses are disciplined, when warranted, according to the processes, procedures, and standards of review applicable to all attorneys. If a judge has knowledge of

unethical conduct, the judge can, and indeed must, refer the matter for disciplinary proceedings. See Tex. Code Jud. Conduct, Canon 3(d)(2) ; Tex. Disciplinary Rules of Prof'l Conduct R. 8.03(a); cf. Code of Conduct for U.S. Judges cmt. 3(B)(6); Comm'n for Lawyer Discipline v. Cantu, 587 S.W.3d 779, 784 (Tex. 2019) ('The obligation to report attorney misconduct [to the State Bar] applied doubly to Judge Isgur, who is not only a judge but a licensed Texas attorney.' )

## **Summary**

Ethical obligations of judges and attorneys in Texas to report unethical conduct. If an attorney engages in unethical behavior, such as improperly filling out a judge's report and obtaining a rubber stamp approval, it is the responsibility of the judge to report this conduct to the Commission for Lawyer Discipline. This ensures that ethical lapses are addressed through the appropriate disciplinary processes. The passage highlights the importance of maintaining ethical standards and the mechanisms in place to address violations.

### [Stein v. Stein, 868 S.W.2d 902 \(Tex. App. 1994\)](#)

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

#### **Extract**

Next, we address appellee's argument that the associate judge had the power to render judgment, and did render judgment orally from the bench at the time the settlement agreement was read into the record in open court. The parties have not cited, nor have we been able to locate any case law in Texas that addresses the issue of whether an associate judge has the power to render judgment. However, Section 54.007 of the Government Code sets out the powers and duties of family law associate judges. Such powers include making findings of fact, formulating conclusions of law, and recommending the judgment to be made in a case. TEX.GOV'T CODE ANN. § 54.007 (Vernon 1988) (emphasis added). The listed powers do not include rendering judgment. In fact, the referring court is free to adopt or reject the recommendation of the master, TEX.GOV'T CODE ANN. § 54.011 (Vernon 1988), and the findings and recommendations of the master become the decree or order of the referring court only on the referring court's signing an order or decree conforming to the master's report. TEX.GOV'T CODE ANN. § 54.103 (Vernon 1988) (emphasis added).

## **Summary**

An associate judge in Texas does not have the power to render judgment. Their role is limited to making findings of fact, formulating conclusions of law, and recommending judgments. The referring court has the authority to adopt or reject these recommendations, and the findings only become official when the referring court signs an order or decree conforming to the associate judge's report. This implies that an attorney filling out an associate

judge's report and obtaining a rubber stamp from the judge would bypass the necessary judicial review and approval process, which could be considered improper or illegal.

[Nelson v. Nelson, NO. 01-13-00816-CV \(Tex. App. Mar 12, 2015\)](#)

### **Texas Court of Appeals**

#### **Extract**

Texas courts have the inherent power to sanction for an abuse of the judicial process that may not be covered by any specific rule or statute.

#### **Summary**

Texas courts possess inherent authority to impose sanctions for abuses of the judicial process. This authority is not limited to specific rules or statutes, implying that actions undermining the integrity of the judicial process, such as an attorney improperly filling out a judge's report, could be subject to sanctions. The passage does not specify the exact consequences but indicates that the courts have the power to address such issues.

[In re K.M.H., 14-22-00784-CV \(Tex. App. Mar 16, 2023\)](#)

### **Texas Court of Appeals**

#### **Extract**

An associate judge's report can be final in some situations, as we soon discuss, but our statutory law contemplates a scheme in which the report is not final until adopted by the referring court. For example, our law provides that the report may contain 'recommendations' and be 'in the form of a proposed order.' See Tex. Fam. Code § 201.011(a). Once completed, the report must be sent to the referring court. See Tex. Fam. Code § 201.011(e). A party may then request the referring court for a de novo hearing, where issues can be reconsidered and witnesses may be presented. See Tex. Fam. Code § 201.015(a), (c). If a party does not request a de novo hearing, the referring court may adopt, modify, or reject the associate judge's report; hear further evidence; or recommit the matter to the associate judge for further proceedings. See Tex. Fam. Code § 201.014(a). In those situations where a de novo hearing has not been requested, the associate judge's report generally becomes the final order of the referring court only upon the referring court's signature. See Tex. Fam. Code § 201.013(b).

#### **Summary**

An associate judge's report is not final until it is adopted by the referring court. The report is initially a recommendation and must be sent to the

referring court, which can adopt, modify, or reject it. The referring court's signature is necessary for the report to become a final order. This indicates that an attorney filling out an associate judge's report and obtaining a rubber stamp from the judge without the proper adoption process by the referring court would not comply with the statutory requirements. The consequences of bypassing this process could include the report not being considered a final order, and potentially being subject to further legal challenges or appeals.

[K.E.B. v. Off. of Att'y Gen. of Tex. 698 S.W.3d 76](#)

**Texas Court of Appeals**

**Extract**

An associate judge's recommendation can become a final order in some situations, but statutory law contemplates a scheme in which the report or recommendations are not final until adopted by the referring court. For example, the law provides that the report may contain 'recommendations' and be 'in the form of a proposed order.' See Tex. Fam. Code Ann. § 201.011(a). Once completed, the report must be sent to the referring court. See Tex. Fam. Code Ann. § 201.011(e). A party may then request a de novo hearing from the referring court, where issues can be reconsidered and witnesses may be presented. See Tex. Fam. Code Ann. § 201.015(a), (c). If a party does not request a de novo hearing, the referring court may adopt, modify, or reject the associate judge's report; hear further evidence; or recommit the matter to the associate judge for further proceedings. See Tex. Fam. Code Ann. § 201.014(a). In those situations when a de novo hearing has not been requested, the associate judge's report generally becomes the final order of the referring court only upon the referring court's signature. See Tex. Fam. Code Ann. § 201.013(b).

**Summary**

Statutory process for an associate judge's report to become a final order. It emphasizes that the report is not final until the referring court adopts it, which involves the court's signature. This suggests that an attorney filling out a report and merely obtaining a judge's rubber stamp without the court's proper review and adoption process would not comply with the statutory requirements. The consequences of bypassing this process could include the report not being considered a valid final order, and potentially, legal challenges or appeals could arise due to the improper procedure.

[Garza v. Family and Protective Serv., 212 S.W.3d 373 \(Tex. App. 2006\)](#)

**Texas Court of Appeals**

## **Extract**

Chapter 201 of the family code authorizes district courts to appoint associate judges to consider suits affecting the parent-child relationship. Id. § 201.001. Upon referral of a case, an associate judge may conduct a hearing on the issues, including the taking of evidence and examination of witnesses. Id. § 201.007. The associate judge may then make findings of fact and conclusions of law, and may 'recommend an order to be rendered in a case.' Id. § 201.007(a)(8)-(10). After a hearing, an associate judge 'shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.' Id. § 201.011(e). The report must be in writing in a form directed by the referring court; however, '[t]he form may be a notation on the referring court's docket sheet.' Id. § 201.011(a).

## **Summary**

The Texas Family Code outlines specific procedures for associate judges in family law cases. The associate judge is responsible for conducting hearings, making findings of fact, and recommending orders. The associate judge must sign and date their report, which is then sent to the referring court. This implies that the associate judge is expected to personally prepare and authenticate their report. The passage does not explicitly address the legality of an attorney preparing the report for the judge, but it emphasizes the associate judge's role in preparing and signing the report. This suggests that it would be inappropriate and potentially illegal for an attorney to fill out the report and merely obtain a rubber stamp from the judge, as it would undermine the judge's duty to independently evaluate and report on the case.

[In re T.D.S.T., 287 S.W.3d 268 \(Tex. App. 2009\)](#)

## **Texas Court of Appeals**

### **Extract**

Concerning the role of the associate judge in the underlying proceedings, the version of the Family Code in place at the time allowed a district judge to appoint a full-time or part-time associate judge to hear matters in a suit affecting the parent-child relationship. Tex. Fam.Code Ann. § 201.001. An associate judge could conduct a hearing and *inter alia* make findings of fact and conclusions of law, and 'recommend an order to be rendered in a case.' Tex. Fam.Code Ann. § 201.007(a)(1), (8), (9), & (10). Following a hearing, the associate judge was required to send a report of the proceeding, including any proposed order and other papers related to the case, to the referring court. Tex. Fam.Code Ann. § 201.011(e). The report could contain the associate judge's findings, conclusions, or recommendations including a proposed order. Tex. Fam.Code Ann. § 201.011(a).

## **Summary**

Responsibilities and procedures for associate judges in Texas, specifically their role in conducting hearings, making findings, and recommending orders. It emphasizes that the associate judge is responsible for sending a report of the proceedings, including any proposed orders, to the referring court. This suggests that the associate judge, not an attorney, is responsible for preparing the report and proposed orders. The passage does not directly address the legality of an attorney preparing the report, but it implies that such actions would not align with the prescribed responsibilities of the associate judge.

[Comm'n for Lawyer Discipline v. Cantu, 587 S.W.3d 779 \(Tex. 2019\)](#)

## **Texas Supreme Court**

### **Extract**

The Texas rules of judicial conduct are consistent with these federal standards. Texas Code of Judicial Conduct Canon 3(D)(2) states: A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer had committed a violation of the Texas Disciplinary Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Office of the General Counsel of the State Bar of Texas or take other appropriate action.

## **Summary**

The Texas Code of Judicial Conduct requires judges to take appropriate action if they receive information indicating a lawyer has violated professional conduct rules. This includes reporting the conduct to the appropriate authorities if it raises substantial questions about the lawyer's honesty, trustworthiness, or fitness. This implies that if an attorney improperly fills out a judge's report and it is deemed a violation of professional conduct, the judge is obligated to report it.

[Tex. Fam. Code § 201.007 Tex. Fam. Code § 201.007 Powers of Associate Judge](#)

### **Extract**

Except as limited by an order of referral, an associate judge may: ... make findings of fact on evidence; formulate conclusions of law; recommend an order to be rendered in a case; ... render and sign a final order if the parties waive the right to a de novo hearing before the referring court under

Section FAMILY CODE 201.015 in writing before the start of a hearing conducted by the associate judge.

## **Summary**

An associate judge in Texas has the authority to make findings of fact, formulate conclusions of law, and recommend or render orders in cases. This implies that the associate judge is expected to independently evaluate the evidence and make judicial determinations. The passage does not explicitly address the legality of an attorney filling out a judge's report for a rubber stamp, but it suggests that the judge should be actively involved in the decision-making process. Therefore, if an attorney were to fill out a report and merely obtain a rubber stamp from the judge without the judge's independent evaluation, it could potentially undermine the judicial process and the judge's responsibilities.

### [Tex. Fam. Code § 201.011 Tex. Fam. Code § 201.011 Report](#)

## **Extract**

The associate judge's report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order. The associate judge's report must be in writing in the form directed by the referring court. After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order.

## **Summary**

The associate judge's report must be in writing and in the form directed by the referring court. The report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order. The associate judge is responsible for providing notice of the report to the parties involved. This implies that the associate judge is the one who must prepare the report, and it should reflect their findings and conclusions. Therefore, it would be inappropriate and potentially illegal for an attorney to fill out the report and merely obtain a rubber stamp from the judge, as this would not comply with the requirement that the report reflects the associate judge's findings and conclusions.

### [Tex. Gov't. Code § 54A.212 Tex. Gov't. Code § 54A.212 Report](#)

## **Extract**

The associate judge's report may contain the associate judge's findings, conclusions, or recommendations and may be in the form of a proposed order. The associate judge shall prepare a report in the form directed by the referring court, including in the form of: a notation on the referring court's

docket sheet or in the court's jacket; or a proposed order. After a hearing, the associate judge shall provide the parties participating in the hearing notice of the substance of the associate judge's report, including any proposed order. After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

## **Summary**

The associate judge is responsible for preparing their report, which may include findings, conclusions, or recommendations. The report must be prepared in the form directed by the referring court and must be signed and dated by the associate judge. This indicates that the preparation of the report is a duty of the associate judge, not an attorney. Therefore, if an attorney were to fill out the report and simply obtain a rubber stamp from the judge, it would not comply with the statutory requirements outlined in this section.

### [Tex. Gov't. Code § 54A.008 Tex. Gov't. Code § 54A.008 Powers](#)

## **Extract**

Except as limited by an order of referral, an associate judge to whom a case is referred may: ... make findings of fact on evidence; formulate conclusions of law; ... recommend the rulings, orders, or judgment to be made in a case; ... take action as necessary and proper for the efficient performance of the duties required by the order of referral.

## **Summary**

Associate judges in Texas have the authority to make findings of fact, formulate conclusions of law, and recommend rulings, orders, or judgments. This implies that the associate judge is expected to perform these duties themselves, rather than delegating them to an attorney. The passage does not explicitly address the legality of an attorney filling out a report for an associate judge, but it suggests that the associate judge should be the one making the findings and recommendations. Therefore, if an attorney were to fill out the report and the judge merely rubber-stamped it, it could be seen as a failure of the judge to perform their duties as required by the order of referral.

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