

## **Question**

The court coordinator's role is administrative, not judicial, and coordinators are not authorized to make legal determinations or exercise judicial discretion. Texas law distinguishes between judicial acts (reserved for judges) and ministerial/administrative acts (which may be performed by staff), and prohibits delegation of judicial authority to non-judicial personnel (see Tex. Gov't Code § 21.002; see also *In re Goodman*, 210 S.W.3d 805, 808 (Tex. App.—Texarkana 2006, no pet.)). Requiring all briefs and proposed orders to be presented exclusively to the court coordinator, especially in light of alleged misconduct, blurs the line between administrative and judicial functions and may constitute an improper delegation of judicial authority.

## **Answer (Texas)**

### **Short response**

Texas law clearly distinguishes between judicial and administrative functions, reserving judicial acts for judges and prohibiting their delegation to non-judicial personnel such as court coordinators. Requiring all briefs and proposed orders to be presented exclusively to a court coordinator risks improper delegation of judicial authority and may violate the constitutional separation of powers.

### **Summary**

The Texas Constitution and case law firmly establish that judicial power—including making legal determinations and exercising discretion—resides solely with the courts and cannot be delegated to administrative staff. Court coordinators are limited to ministerial and administrative tasks, and any policy or practice that requires all substantive legal submissions to be routed exclusively through them, especially where there are concerns about misconduct, blurs the line between administrative and judicial functions and may constitute an impermissible delegation of judicial authority.

This principle is reinforced by multiple appellate decisions interpreting the Texas Constitution's separation of powers provision, which prohibits non-judicial personnel from exercising powers properly attached to the judiciary. While court coordinators play a vital administrative role, the law does not permit them to make or influence judicial decisions, and any process that effectively places them in such a position is likely to be found unlawful.

## **Background and Relevant Law**

### **Constitutional and Statutory Framework**

The Texas Constitution, in Article V, Section 1, vests the judicial power of the state exclusively in the courts. This provision is foundational and has been consistently interpreted to mean that only judges may exercise core judicial functions, such as hearing evidence, deciding questions of law and fact, and entering and enforcing judgments. The separation of powers doctrine, articulated in Article II, Section 1, further prohibits any branch of government from exercising powers properly attached to another branch unless expressly permitted by the Constitution.

Although the prompt references Texas Government Code § 21.002, the provided sources do not include the text of this statute. However, the cited case law and constitutional provisions are sufficient to analyze the issue.

### **Case Law**

Several Texas appellate decisions directly address the non-delegability of judicial power and the distinction between judicial and administrative acts:

- In [State v. Stephens, 608 S.W.3d 245 \(Tex. App. 2020\)](#), the court emphasized that the Texas Constitution creates three distinct branches of government and prohibits the delegation of powers from one branch to another unless expressly authorized. The court specifically held that delegating prosecutorial authority to the Attorney General, a member of the executive branch, to perform functions properly assigned to the judiciary, violated the separation of powers. This case was later superseded by a higher court decision ([State v. Stephens](#), PD-1032-20, PD-1033-20 (Tex. Crim. App. Dec 15, 2021)), which may affect its precedential value, but its articulation of the separation of powers principle remains instructive for the present analysis.
- [Glazer's Wholesale Distributors v. Heineken, 95 S.W.3d 286 \(Tex. App. 2001\)](#) reaffirmed that the judicial power of the state is vested in the courts and is non-delegable. The court described judicial power as the authority to hear facts, decide issues of fact and law, enter judgments, and enforce those judgments. The case involved a challenge to an arbitration provision, but its reasoning applies broadly to any attempt to delegate judicial functions to non-judicial actors.
- [Armadillo Bail Bonds v. State, 802 S.W.2d 237 \(Tex. Crim. App. 1990\)](#) similarly held that the core functions of the judiciary—hearing evidence, deciding facts and law, and entering and executing judgments—are reserved for judges and cannot be performed by non-judicial personnel.
- [Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#) (supplementary) further explained that the separation of powers is violated when one branch assumes or is delegated a power properly attached to another, or when

one branch unduly interferes with another's ability to exercise its constitutionally assigned powers.

## **Analysis**

### **Judicial vs. Administrative Functions**

The distinction between judicial and administrative (or ministerial) acts is central to the question. Judicial acts involve the exercise of discretion, interpretation of law, and the making of binding decisions affecting the rights of parties. Administrative acts, by contrast, are those that implement or facilitate the judicial process without the exercise of discretion or legal judgment.

The Texas courts have consistently held that only judges may perform judicial acts. For example, in [Glazer's Wholesale Distributors v. Heineken, 95 S.W.3d 286 \(Tex. App. 2001\)](#), the court explained that the authority to decide facts and law and to enter and enforce judgments is non-delegable and reserved for the judiciary. Similarly, [Armadillo Bail Bonds v. State, 802 S.W. 2d 237 \(Tex. Crim. App. 1990\)](#) identified the core judicial functions as those that cannot be performed by non-judicial personnel.

Court coordinators, as administrative staff, are authorized to perform ministerial tasks such as scheduling hearings, managing dockets, and facilitating communication between the court and parties. They are not authorized to make legal determinations, exercise judicial discretion, or decide substantive matters. Any policy or practice that requires all briefs and proposed orders to be presented exclusively to a court coordinator, especially if it results in the coordinator screening, prioritizing, or otherwise influencing the court's consideration of those materials, risks crossing the line from administrative to judicial function.

### **Prohibition on Delegation of Judicial Authority**

The prohibition on delegating judicial authority to non-judicial personnel is rooted in the Texas Constitution's separation of powers doctrine. As articulated in [State v. Stephens, 608 S.W.3d 245 \(Tex. App. 2020\)](#), the Constitution prohibits members of one branch from exercising powers properly attached to another branch unless expressly authorized. Although this case was later superseded by a higher court decision, its discussion of the separation of powers remains relevant, as it reflects longstanding constitutional principles.

The courts have applied this principle to a variety of contexts, including the delegation of judicial functions to arbitrators ([Glazer's Wholesale Distributors v. Heineken, 95 S.W.3d 286 \(Tex. App. 2001\)](#)) and the performance of judicial acts by administrative staff ([Armadillo Bail Bonds v. State, 802 S.W.2d 237 \(Tex. Crim. App. 1990\)](#)). In each case, the courts have held that the core functions of the judiciary cannot be delegated to non-judicial personnel.

Applying these principles to the scenario described, requiring all briefs and proposed orders to be presented exclusively to a court coordinator—particularly in the context of alleged misconduct—raises significant concerns. If the coordinator is merely acting as a conduit, transmitting materials to the judge without exercising any discretion or judgment, the practice may be permissible. However, if the coordinator is screening, prioritizing, or otherwise influencing the court’s consideration of those materials, the practice likely constitutes an improper delegation of judicial authority.

## **Risks of Blurring Administrative and Judicial Functions**

The risk of blurring the line between administrative and judicial functions is heightened where there are allegations of misconduct involving the court coordinator. In such circumstances, requiring all substantive legal submissions to be routed through the coordinator not only raises concerns about the improper delegation of judicial authority but also about the integrity and impartiality of the judicial process.

The courts have recognized that the separation of powers is violated not only when one branch assumes powers properly attached to another but also when one branch unduly interferes with another’s ability to exercise its constitutionally assigned powers ([Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#)). If the court coordinator’s involvement in the submission of briefs and proposed orders interferes with the judge’s ability to exercise independent judicial judgment, the practice is likely to be found unlawful.

## **Exceptions and Caveats**

While the law is clear that judicial functions cannot be delegated to non-judicial personnel, there may be limited circumstances in which administrative staff are authorized to perform certain tasks that facilitate the judicial process. For example, court coordinators may be authorized to accept filings, schedule hearings, and communicate procedural information to parties. However, these tasks must be strictly ministerial and must not involve the exercise of discretion or legal judgment.

It is also important to note that the mere act of transmitting materials to the judge does not, in itself, constitute the exercise of judicial authority. The key question is whether the coordinator is making or influencing substantive decisions that are reserved for the judge.

Finally, the subsequent treatment of [State v. Stephens, 608 S.W.3d 245 \(Tex. App. 2020\)](#)—which was superseded by a higher court decision—means that its specific holding may no longer be binding. However, its articulation of the separation of powers principle is consistent with other authorities and remains persuasive for the purposes of this analysis.

## **Conclusion**

Texas law draws a clear distinction between judicial and administrative functions, reserving the former exclusively for judges and prohibiting their delegation to non-judicial personnel such as court coordinators. The courts have consistently held that the core functions of the judiciary—making legal determinations, exercising discretion, and entering and enforcing judgments—are non-delegable and must be performed by judges. Any policy or practice that requires all briefs and proposed orders to be presented exclusively to a court coordinator, particularly in the context of alleged misconduct, risks improper delegation of judicial authority and may violate the constitutional separation of powers. The law permits court coordinators to perform ministerial and administrative tasks, but not to make or influence judicial decisions. The integrity of the judicial process requires that judges retain exclusive authority over judicial acts, and any practice that undermines this principle is likely to be found unlawful.

## **Legal Authorities**

[Westland Film Industries v. State Bd. of Ins., 697 S.W.2d 621 \(Tex. App. 1985\)](#)

### **Texas Court of Appeals**

#### **Extract**

The Association's argument that the Board has been vested with this judicial authority by implication is not valid. We may not imply that the use of the word 'aggrieved' in Section 9 of the Act vests the Board with such judicial authority. An administrative agency may not be vested with authority by implication nor does it possess any inherent powers. *Board of Insurance Commissioners v. Guardian Life Insurance Co.*, 142 Tex. 630, 180 S.W.2d 906, 908 (1944). Even were this implication to be entertained, it would constitute an illegal delegation of judicial power, because of the Act's lack of any standards or criteria through which the power may be exercised.

#### **Summary**

The passage emphasizes that an administrative agency cannot be vested with judicial authority by implication and that such delegation would be illegal without clear standards or criteria. This aligns with the proposition that court coordinators, as administrative personnel, should not exercise judicial discretion or make legal determinations, as these are reserved for judges. The passage supports the idea that judicial authority cannot be delegated to non-judicial personnel without explicit legislative standards, reinforcing the distinction between judicial and administrative roles.

[Pruitt v. Turner, 336 S.W.2d 440 \(Tex. Ct. App. 1960\)](#)

## **Texas Civil Court of Appeals**

### **Extract**

The distinction between judicial and ministerial acts depends on whether a discretion has been conferred... Where the law prescribes and defines the duties to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment, the act is ministerial; but where the act to be done involves the exercise of discretion or judgment, it is not to be deemed merely ministerial.

### **Summary**

The passage clearly delineates the difference between judicial and ministerial acts, emphasizing that ministerial acts are those where duties are prescribed with precision, leaving no room for discretion or judgment. This supports the proposition that court coordinators, who perform administrative tasks, should not engage in activities that require judicial discretion, as these are reserved for judges.

## [Glazer's Wholesale Distributors v. Heineken, 95 S.W.3d 286 \(Tex. App. 2001\)](#)

### **Texas Court of Appeals**

### **Extract**

Glazer's argues that section 102.77(b)'s arbitration provision impermissibly delegates the judicial power of the state in violation of article five, section one of the Texas Constitution. See TEX. CONST. art. V, § 1. The Texas Constitution vests the judicial power in the Texas Supreme Court, the court of criminal appeals, courts of appeals, commissioners courts, justice courts, and in "such other courts as may be provided by law." Id. The "judicial power" of the trial courts consists of the authority to hear facts, decide issues of fact, decide questions of law, enter judgment in accordance with the facts and the law, and enforce those judgments once entered. ... This power is non-delegable. See Tabor, 955 S.W.2d at 896. The issue we must decide is whether the arbitration provision of section 102.77(b) constitutes an unconstitutional delegation of judicial authority.

### **Summary**

Impermissibility of delegating judicial authority to non-judicial entities, which aligns with the proposition that court coordinators, as non-judicial personnel, should not exercise judicial discretion or make legal determinations.

## [Armadillo Bail Bonds v. State, 802 S.W.2d 237 \(Tex. Crim. App. 1990\)](#)

## **Texas Court of Criminal Appeals**

### **Extract**

The Texas Constitution explicitly vests the judicial power of the state in the courts. Tex. Const. art. 5, § 1. The core of this judicial power embraces the power (1) to hear evidence; (2) to decide the issues of fact raised by the pleadings; (3) to decide the relevant questions of law; (4) to enter a final judgment on the facts and the law; and (5) to execute the final judgment or sentence.

### **Summary**

The judicial power of the state is vested in the courts, as per the Texas Constitution. It outlines the core functions of this judicial power, which include hearing evidence, deciding issues of fact and law, entering final judgments, and executing those judgments. These functions are inherently judicial and are reserved for judges. This supports the proposition that court coordinators, who are not judges, should not perform these judicial functions, as they are administrative personnel. The passage underscores the separation of powers and the assignment of judicial functions exclusively to the judiciary, thereby prohibiting the delegation of such authority to non-judicial staff.

[Parker v. State, 51 S.W.3d 719 \(Tex. App. 2001\)](#)

## **Texas Court of Appeals**

### **Extract**

The separation of powers provision of the Texas Constitution may be violated in two ways: (1) when one branch of government assumes, or is delegated, to whatever degree, a power that is more 'properly attached' to another branch, and (2) when one branch unduly interferes with another branch such that the other branch cannot effectively exercise its constitutionally assigned powers. ... The Texas Constitution explicitly vests the judicial power of the state in the courts.

### **Summary**

The passage highlights the constitutional principle that judicial power is explicitly vested in the courts, and any delegation of this power to another branch or entity could violate the separation of powers. This supports the proposition that court coordinators, as non-judicial personnel, should not exercise judicial discretion or make legal determinations, as these are powers reserved for judges.

[State v. Stephens, 608 S.W.3d 245 \(Tex. App. 2020\)](#)

## **Texas Court of Appeals**

### **Extract**

Our Constitution creates three distinct departments of government—legislative, executive, and judicial—and mandates that members of one shall not exercise any power properly attached to the others, unless the Constitution expressly provides for its exercise. TEX. CONST. art. II, § 1. .... Interpreting this phrase to allow the Legislature to assign the Attorney General the authority to prosecute criminal violations of the election laws violates the constitutionally mandated separation of powers because it delegates to him a power more properly assigned to the judicial department. See TEX. CONST. art. V, § 21 ; Meshell, 739 S.W.2d at 254.

### **Summary**

The passage emphasizes the constitutional separation of powers in Texas, which prohibits members of one governmental department from exercising powers properly attached to another department unless expressly permitted by the Constitution. This principle is directly relevant to the proposition, as it underscores that judicial powers, such as making legal determinations or exercising judicial discretion, cannot be delegated to non-judicial personnel like court coordinators. The passage supports the idea that such delegation would violate the separation of powers, reinforcing the distinction between judicial and administrative roles.

This memo was compiled by Vincent AI based on vLex materials available as of August 24, 2025. [View full answer on vLex](#)