

Recusal and Disqualification Research Guide

Overview

This research guide includes information and resources on recusal and disqualification of judge or counsel. Recusal is the “removal of oneself as judge or policymaker in a particular matter, especially because of a conflict of interest.” Disqualification is “something that incapacitates, disables, or makes one ineligible; especially a bias or conflict of interest that prevents a judge or juror from impartially hearing a case, or that prevents a lawyer from representing a party.” (*Black’s Law Dictionary*, 11th ed.) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas of Rules of Civil Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 18a Recusal and Disqualification of Judges
- Rule 18b Grounds for Recusal and Disqualification of Judges

Texas Administrative Code

- Ch. 155 Subchapter D – Rule §155.152 Disqualification or Recusal of Judges
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=7&ch=155&rl=152](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=7&ch=155&rl=152)

Texas Government Code

- Ch. 21 General Provisions §21.005 Disqualification

<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.21.htm#21.005>

- Ch. 24 District Courts §24.002 Assignment of Judge or Transfer of Case on Recusal
<https://statutes.capitol.texas.gov/docs/GV/htm/GV.24.htm>
- §25.00255 Recusal or Disqualification of Judge
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.25.htm#25.00255>
- §25A.012 Removal; Disqualification and Recusal (Business Court)
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.25A.htm#25A.012>
- Ch. 29 Subchapter A-1. Recusal or Disqualification of Municipal Judges §29.051 et seq
<https://www.tmcce.com/programs/judges/recusal-and-disqualification/>

Code of Criminal Procedure

- Ch. 30 Disqualification of the Judge
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.30.htm>

Secondary Resources in Print

Texas Practice Series - Handbook of Texas Lawyer and Judicial Ethics REF KFT 1280 .T4

- Ch. 40 Removal of Judges from Texas Cases

O'Connor's Texas Civil Appeals REF KFT 1755 .O3

- Ch. 3-I Motions on Appeal – Motion to Disqualify or Recuse

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 7, Ch. 110A Disqualification of Judge or Counsel
- Vol. 9, Ch. 133 Contempt §133.04[7] Disqualification of Judge for Bias

- Vol. 10, Ch. 150 Appellate Proceedings in Court of Appeals §150.02[7][h] Motion to Disqualify or Recuse Appellate Court Justice

West's Texas Forms REF KFT 1268 .W47

- Vol. 4A, Ch. 28 Recusal and Disqualification of Judges
- Vol. 9, Ch. 15 Judges and Attorneys
- Motions Bus Lit § 28.1, 28.2, 28.5, Civ Tr §15:1, 15:1.50
- Orders Bus Lit §28.3, 28.7

Texas Family Law Practice Manual REF KFT 1294 .T4S7

- Vol. 1, Ch. 8 Ancillary Motions and Proceedings
 - Form 8-7 Motion to Disqualify Attorney
 - Form 8-8 Order on Motion to Disqualify Attorney
 - Form 8-10 Motion to Recuse Judge
 - Form 8-11 Motion to Disqualify Judge
 - Form 8-12 Response to Motion to [Recuse/Disqualify] Judge
 - Form 8-13 Order on Motion to [Recuse/Disqualify] Judge [after Hearing]

To recuse or not to recuse? A guide for prosecutors (in both fighting a defendant's motion and in filling our own motion) on this possibly touchy topic (2010) (TDCAA) <https://www.tdcaa.com/journal/to-recuse-or-not-to-recuse/>

Texas Code of Judicial Conduct
<https://www.txcourts.gov/media/1457109/texas-code-of-judicial-conduct.pdf>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

CLE Materials

Advanced Criminal Law Course KFT 1761 .S7

- 2021 Ch. 13 Article 11.07 Writs of Habeas Corpus – Section V.A.5. Recusal of the Habeas Judge
- 2019 Ch. 8 Recusal and Disqualification: Should I Stay or Should I Go?
- 2018 Ch. 40 Substantive Pretrial Motions – Section X. Motions to Recuse or Disqualify Trial Judge

Online Resources

Recusal and Disqualification (TMCEC)
https://www.tmcec.com/programs/judges/recusal_and_disqualification/