

By: Schofield

H.B. No. 5101

A BILL TO BE ENTITLED

AN ACT

relating to procedures for a complaint filed with the State Bar of Texas against an attorney.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.075, Government Code, is amended by amending Subsection (b) and adding Subsections (f) and (g) to read as follows:

(b) After the chief disciplinary counsel reviews and investigates a complaint:

(1) if the counsel finds there is no just cause, the counsel shall place the complaint on a dismissal docket; or

(2) if the counsel finds just cause and a stay is not ordered under Subsection (f):

(A) the respondent attorney may request a trial in a district court on the complaint in accordance with the procedures adopted by the supreme court; or

(B) the counsel shall place the complaint on a hearing docket if the respondent attorney does not request a trial in a district court.

(f) After the chief disciplinary counsel reviews and investigates a complaint and finds just cause, the supreme court, on its own motion or the motion of the respondent attorney, may order a stay and reconsider the counsel's finding. After reviewing the complaint and investigation, the supreme court may place the

1 complaint on a dismissal docket or affirm the finding of just cause.

2 (g) Unless a stay is ordered under Subsection (f), the
3 filing of a motion for stay and reconsideration under Subsection
4 (f) has no effect on a filing deadline or other time prescribed for
5 a trial or hearing under Subsection (b)(2). If the supreme court
6 does not grant or deny a motion for stay and reconsideration filed
7 under Subsection (f) on or before the 45th day after the date the
8 motion is filed, the motion is considered denied.

9 SECTION 2. The changes in law made by this Act apply only to
10 a grievance filed with the State Bar of Texas on or after the
11 effective date of this Act. A grievance filed before the effective
12 date of this Act is governed by the law in effect on the date the
13 grievance was filed, and the former law is continued in effect for
14 that purpose.

15 SECTION 3. This Act takes effect September 1, 2023.