

By: Dutton

H.B. No. 762

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the recusal of certain persons from a grievance
3 proceeding conducted by a panel of a district grievance committee
4 of the State Bar of Texas.

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

6 SECTION 1. Section 81.072, Government Code, is amended by
7 adding Subsections (p) and (q) to read as follows:

8 (p) Notwithstanding any other law, a member of a panel of a
9 district grievance committee of the state bar who at any time has
10 had a direct interest in conduct at issue in a grievance matter to
11 which the panel was assigned, or who at any time before the hearing
12 on a grievance matter to which the panel was assigned has had
13 interactions with the complainant or the respondent that would lead
14 a reasonable person to believe the member has a conflict of interest
15 with respect to the matter, shall recuse himself or herself from
16 participating in the matter, including from:

17 (1) participating in a hearing on the matter,
18 including a closed hearing on a complaint placed on a dismissal
19 docket; and

20 (2) voting on the disposition of the matter.

21 (q) If a member of a panel of a district grievance committee
22 of the state bar recuses himself or herself as required by
23 Subsection (p), another member of the district grievance committee
24 may be substituted for that member, subject to Subsection (n).

1 SECTION 2. Sections 81.072(p) and (q), Government Code, as
2 added by this Act, apply only to a grievance on which a hearing is
3 conducted on or after the effective date of this Act, regardless of
4 the date on which the grievance was filed. A grievance on which a
5 hearing is conducted before the effective date of this Act is
6 governed by the law in effect on the date the hearing was conducted,
7 and the former law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2007.