By: Madden   H.B. No. 3911

A BILL TO BE ENTITLED

1   AN ACT

2 relating to classification of certain grievances against an

3 attorney.

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

5   SECTION 1. Section 81.073, Government Code, is amended by

6 amending Subsection (a) and adding Subsection (c) to read as

7 follows:

8   (a) Except as provided by Subsection (c), the [The] chief

9 disciplinary counsel's office shall classify each grievance on

10 receipt as:

11   (1) a complaint, if the grievance alleges conduct

12 that, if true, constitutes professional misconduct or disability

13 cognizable under the Texas Disciplinary Rules of Professional

14 Conduct; or

15   (2) an inquiry, if:

16   (A) the grievance alleges conduct that, even if

17 true, does not constitute professional misconduct or disability

18 cognizable under the Texas Disciplinary Rules of Professional

19 Conduct; or

20   (B) the respondent attorney is deceased, has

21 relinquished the attorney's license to practice law in this state

22 to avoid disciplinary action, or is not licensed to practice law in

23 this state.

24   (c) A grievance may not be classified as a complaint or an

1 inquiry if the grievance was filed:

2   (1)   by a person convicted of a felony offense with whom

3 the attorney did not have an attorney-client relationship;

4   (2)   by a person who has been declared a vexatious

5 litigant as provided by Chapter 11, Civil Practice and Remedies

6 Code; or

7   (3)   against an attorney who was not acting in the

8 capacity of an attorney when performing the action that is the

9 subject of the grievance.

10   SECTION 2. The change in law made by this Act applies only

11 to a grievance received on or after the effective date of this Act.

12 A grievance received before the effective date of this Act is

13 governed by the law in effect immediately before the effective date

14 of this Act, and that law is continued in effect for that purpose.

15   SECTION 3. This Act takes effect September 1, 2009.