86R12667 PMO-D

By:  Miles S.B. No. 1199

A BILL TO BE ENTITLED

AN ACT

relating to settlement and disposition of complaints against attorneys filed with the state bar.

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

SECTION 1.  Section 81.075(e), Government Code, is amended to read as follows:

(e)  After conducting a hearing under Subsection (d), the panel of the district grievance committee may:

(1)  dismiss the complaint and refer it to the voluntary mediation and dispute resolution procedure established under Section 81.072(e);

(2)  find that the respondent attorney suffers from a disability and forward that finding to the Board of Disciplinary Appeals for referral to a district disability committee; [~~or~~]

(3)  find that professional misconduct occurred and impose sanctions; or

(4)  hold the complaint in abeyance pending the satisfaction of the terms of a settlement agreement between the complainant and the respondent attorney.

SECTION 2.  Subchapter E, Chapter 81, Government Code, is amended by adding Section 81.0754 to read as follows:

Sec. 81.0754.  ABEYANCE PENDING SETTLEMENT. (a) If a complainant and the responding attorney reach a settlement agreement for a complaint filed under this chapter that is conditioned on the responding attorney performing an act or paying an amount of money, the complaint must be held in abeyance until the responding attorney fully satisfies the conditions of the settlement.

(b)  A complainant may notify the chief disciplinary counsel when the responding attorney fails to fully comply in a timely manner with the conditions imposed by the settlement agreement described by Subsection (a). On receipt of the notice from the complainant, the chief disciplinary counsel shall notify the responding attorney and resume the disciplinary process. The complainant is not required to file a new or amended complaint for the process to resume.

(c)  If a complaint is held in abeyance under Subsection (a) and the responding attorney notifies the chief disciplinary counsel that the attorney fully complied in a timely manner with the conditions imposed by the settlement agreement, a panel of a district grievance committee may approve dismissal of the complaint.

SECTION 3.  Section 81.075, Government Code, as amended by this Act, and Section 81.0754, Government Code, as added by this Act, apply to a complaint filed on or after the effective date of this Act.

SECTION 4.  This Act takes effect September 1, 2019.