

By: Miles

S.B. No. 1199

A BILL TO BE ENTITLED

1 AN ACT
2 relating to settlement and disposition of complaints against
3 attorneys filed with the state bar.

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

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

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

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

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

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

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

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

22 Sec. 81.0754. ABEYANCE PENDING SETTLEMENT. (a) If a
23 complainant and the responding attorney reach a settlement
24 agreement for a complaint filed under this chapter that is

1 conditioned on the responding attorney performing an act or paying
2 an amount of money, the complaint must be held in abeyance until the
3 responding attorney fully satisfies the conditions of the
4 settlement.

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

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

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

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