

## **BILL ANALYSIS**

H.B. 5010  
By: Schofield  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Inconsequential complaints against Texas attorneys are overwhelming the Texas State Bar every year, costing taxpayer money and state resources, and burdening Texas attorneys in a time-consuming and nerve-racking complaint process initiated by people with no personal legal interest in the underlying matter. In the grievance process, grievances that merit a full investigation and disposition are classified by the bar as "complaints," and those that on their face do not rise to the level of a complaint are classified as "inquiries" and do not receive the same level of investigation and disposition. H.B. 5010 would require a grievance to be submitted by a person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance in order for the grievance to be classified as a "complaint." A grievance filed by a person who lacks a cognizable interest in the matter would be classified as an "inquiry."

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 5010 amends the Government Code to include among the criteria by which the State Bar of Texas chief disciplinary counsel's office classifies grievances to establish that a complaint is submitted by a person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance and an inquiry is submitted by a person without such an interest or connection.

H.B. 5010, with respect to the statutory requirement that the bar's chief disciplinary counsel dismiss any grievance classified as an inquiry and then refer it to the bar's voluntary mediation and dispute resolution procedure, requires the counsel to also refer each inquiry classified under the bill's provisions to the voluntary mediation and dispute resolution procedure after such dismissal.

H.B. 5010 authorizes an attorney against whom a grievance is filed to appeal the classification of a grievance as an inquiry to the Board of Disciplinary Appeals.

H.B. 5010 applies only to a grievance filed on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.