

## **BILL ANALYSIS**

H.B. 5101  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas State Bar is flooded with unsubstantiated complaints every year, burdening the State Bar and Texas attorneys who have to endure a time-consuming and nerve-wracking process. Grievances filed with the State Bar against Texas attorneys are classified either as "complaints" that are to be investigated and ruled on or "inquiries" which do not on their face rise to the level of a complaint, and which are instead referred for voluntary mediation and a dispute resolution procedure. If a grievance is classified as a complaint, it proceeds on through the disciplinary process for further review and an investigation of the allegations is made to determine if there is just cause to proceed to a full trial or hearing. H.B. 5101 inserts a pause and initial level of review at the point of determination that there is just cause to proceed to a full trial. It provides for the Texas Supreme Court, upon its own motion or that of the respondent attorney, to issue a stay and review the complaint and results of the investigation, after which it can affirm the finding, and the case will proceed to trial, or place the complaint on the dismissal docket. If it does nothing after the motion for stay is filed, upon the 45th day, the motion is considered denied.

### **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. 5101 amends the Government Code to authorize the Texas Supreme Court, after the chief disciplinary counsel of the State Bar of Texas reviews and investigates a complaint against an attorney and finds just cause, on its own motion or the motion of the respondent attorney to order a stay and reconsider the counsel's finding. The bill authorizes the supreme court to place the complaint on a dismissal docket or affirm the finding of just cause after reviewing the complaint and investigation. Unless a stay is so ordered, the filing of a motion for stay and reconsideration has no effect on a filing deadline or other time prescribed for a trial or hearing if the chief disciplinary counsel finds just cause. The motion of the respondent is considered denied if the supreme court does not grant or deny a motion for stay and reconsideration on or before the 45th day after the date the motion is filed.

H.B. 5101 applies only to a grievance filed with the State Bar of Texas on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.