

By: Schofield

H.B. No. 5010

A BILL TO BE ENTITLED

AN ACT

relating to the classification of a grievance filed with the State Bar of Texas.

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

SECTION 1. Section 81.073, Government Code, is amended to read as follows:

Sec. 81.073. CLASSIFICATION OF GRIEVANCES. (a) The chief disciplinary counsel's office shall classify each grievance on receipt as:

(1) a complaint, if the grievance:

(A) alleges conduct that, if true, constitutes professional misconduct or disability cognizable under the Texas Disciplinary Rules of Professional Conduct; and

(B) is submitted by a person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance; or

(2) an inquiry, if:

(A) the grievance alleges conduct that, even if true, does not constitute professional misconduct or disability cognizable under the Texas Disciplinary Rules of Professional Conduct;

(B) the grievance is submitted by a person who does not have a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance; or

1 (C) ~~[(B)]~~ the respondent attorney is deceased,
2 has relinquished the attorney's license to practice law in this
3 state to avoid disciplinary action, or is not licensed to practice
4 law in this state.

5 (b) A complainant or an attorney against whom a grievance is
6 filed may appeal the classification of a grievance ~~[as an inquiry]~~
7 to the Board of Disciplinary Appeals, or the complainant may amend
8 and resubmit the grievance. ~~[An attorney against whom a grievance~~
9 ~~is filed may not appeal the classification of the grievance.]~~

10 SECTION 2. Section 81.074, Government Code, is amended to
11 read as follows:

12 Sec. 81.074. DISPOSITION OF INQUIRIES. The chief
13 disciplinary counsel shall:

- 14 (1) dismiss a grievance classified as an inquiry; and
15 (2) refer each inquiry classified under Section
16 81.073(a)(2)(A) or (B) and dismissed under this section to the
17 voluntary mediation and dispute resolution procedure established
18 under Section 81.072(e).

19 SECTION 3. The changes in law made by this Act apply only to
20 a grievance filed on or after the effective date of this Act. A
21 grievance filed before the effective date of this Act is governed by
22 the law in effect on the date the grievance was filed, and the
23 former law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2023.