1                                AN ACT

2 relating to the classification of a grievance filed with the State

3 Bar of Texas.

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

5       SECTION 1.   Section 81.073, Government Code, is amended to

6 read as follows:

7       Sec. 81.073.   CLASSIFICATION OF GRIEVANCES.   (a)   The chief

8 disciplinary counsel's office shall classify each grievance on

9 receipt as:

10             (1)   a complaint, if the grievance:

11                   (A)   alleges conduct that, if true, constitutes

12 professional misconduct or disability cognizable under the Texas

13 Disciplinary Rules of Professional Conduct; and

14                   (B)   is submitted by:

15                         (i)   a family member of a ward in a

16 guardianship proceeding that is the subject of the grievance;

17                         (ii)   a family member of a decedent in a

18 probate matter that is the subject of the grievance;

19                         (iii)   a trustee of a trust or an executor of

20 an estate if the matter that is the subject of the grievance relates

21 to the trust or estate;

22                         (iv)   the judge, prosecuting attorney,

23 defense attorney, court staff member, or juror in the legal matter

24 that is the subject of the grievance;

1 (v)  a trustee in a bankruptcy that is the

2 subject of the grievance; or

3 (vi)  any other person who has a cognizable

4 individual interest in or connection to the legal matter or facts

5 alleged in the grievance; or

6 (2)  an inquiry, if:

7 (A)  the grievance alleges conduct that, even if

8 true, does not constitute professional misconduct or disability

9 cognizable under the Texas Disciplinary Rules of Professional

10 Conduct;

11 (B)  the grievance is submitted by a person other

12 than a person described by Subdivision (1)(B); or

13 (C)  [(B)] the respondent attorney is deceased,

14 has relinquished the attorney's license to practice law in this

15 state to avoid disciplinary action, or is not licensed to practice

16 law in this state.

17 (b)  A complainant or an attorney against whom a grievance is

18 filed may appeal the classification of a grievance [as an inquiry]

19 to the Board of Disciplinary Appeals, or the complainant may amend

20 and resubmit the grievance.  [An attorney against whom a grievance

21 is filed may not appeal the classification of the grievance.]

22 SECTION 2.  Section 81.074, Government Code, is amended to

23 read as follows:

24 Sec. 81.074.  DISPOSITION  OF  INQUIRIES.   The  chief

25 disciplinary counsel shall:

26 (1)  dismiss a grievance classified as an inquiry; and

27 (2)  refer  each  inquiry  classified  under  Section

1  81.073(a)(2)(A) or (B) and dismissed under this section to the

2  voluntary mediation and dispute resolution procedure established

3  under Section 81.072(e).

4        SECTION 3.  The changes in law made by this Act apply only to

5  a grievance filed on or after the effective date of this Act.  A

6  grievance filed before the effective date of this Act is governed by

7  the law in effect on the date the grievance was filed, and the

8  former law is continued in effect for that purpose.

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

_____          _____
    President of the Senate                    Speaker of the House

I certify that H.B. No. 5010 was passed by the House on May 2, 2023, by the following vote:  Yeas 93, Nays 49, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 5010 on May 24, 2023, by the following vote:  Yeas 101, Nays 44, 1 present, not voting.

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                            Chief Clerk of the House

I certify that H.B. No. 5010 was passed by the Senate, with amendments, on May 19, 2023, by the following vote:  Yeas 22, Nays 8, 1 present, not voting.

_____

                            Secretary of the Senate

APPROVED: _____
                Date

_____
           Governor