

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION
Revision 1

April 16, 2023

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5101 by Schofield (Relating to procedures for a complaint filed with the State Bar of Texas against an attorney.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB5101, As Introduced : a negative impact of (\$341,924) through the biennium ending August 31, 2025.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2024	(\$171,252)
2025	(\$170,672)
2026	(\$173,401)
2027	(\$179,431)
2028	(\$176,822)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2023</i>
2024	(\$171,252)	1.0
2025	(\$170,672)	1.0
2026	(\$173,401)	1.0
2027	(\$179,431)	1.0
2028	(\$176,822)	1.0

Fiscal Analysis

The bill would amend the Government Code to authorize the Supreme Court, after the State Bar's chief disciplinary counsel reviews and investigates a complaint and finds just cause and on the court's own motion or the motion of the respondent attorney, to order a stay and reconsider the counsel's finding and to place the complaint on a dismissal docket or affirm the finding. The bill would provide that, unless a stay is ordered, the filing for a motion for stay and reconsideration has no effect on a filing deadline or other time prescribed for a related trial or hearing. The bill would also set out when a motion is considered denied by time.

Methodology

Based on information provided by the Office of Court Administration (OCA) and the Supreme Court of Texas (SCOT), this analysis assumes SCOT would need an additional staff attorney to cover up to 800 additional disciplinary appeals each fiscal year resulting from provisions of the bill. The General Revenue cost shown in the table above is based on current staffing data from the SCOT including salary and related benefit costs for one Attorney IV position and initial one-time start-up costs in fiscal year 2024.

Total costs for salary, other personnel, and agency payroll contribution costs (1.5 percent) include \$112,805 in fiscal year 2024, \$120,906 in fiscal year 2025, \$123,546 in fiscal year 2026, \$126,186 in fiscal year 2027, and \$126,186 in fiscal year 2028. Operating costs total \$25,815 in fiscal year 2024, \$15,502 in fiscal year 2025, \$15,591 in fiscal year 2026, \$15,681 in fiscal year 2027, and \$15,772 in fiscal year 2028. Benefits (30.33 percent) total \$32,632 in fiscal year 2024 and \$34,264 in each subsequent fiscal year.

Technology

Costs for the purchase of technology equipment, which would be replaced in the fourth year, would be at OCA, which provides technology services to the judicial branch.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, MW, DKN, CMA