

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 19 2023

Latey Spaw
Secretary of the Senate

Bob Hall

FLOOR AMENDMENT NO. 1

BY: _____

Amend H.B. No. 5010 (senate committee printing) in SECTION 1 of the bill, amending Section 81.073, Government Code, as follows:

(1) Strike added Section 81.073(a)(1)(B), Government Code (page 1, lines 34 through 36), and substitute the following:

(B) is submitted by:

(i) a family member of a ward in a guardianship proceeding that is the subject of the grievance;

(ii) a family member of a decedent in a probate matter that is the subject of the grievance;

(iii) a trustee of a trust or an executor of an estate if the matter that is the subject of the grievance relates to the trust or estate;

(iv) the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter that is the subject of the grievance;

(v) a trustee in a bankruptcy that is the subject of the grievance; or

(vi) any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance; or

(2) Strike added Section 81.073(a)(2)(B), Government Code (page 1, lines 42 through 44), and substitute the following:

(B) the grievance is submitted by a person other than a person described by Subdivision (1)(B); or

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5010 by Schofield (Relating to the classification of a grievance filed with the State Bar of Texas.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 10, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5010 by Schofield (Relating to the classification of a grievance filed with the State Bar of Texas.),
As Engrossed

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 3, 2023

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB5010 by Schofield (Relating to the classification of a grievance filed with the State Bar of Texas.),
As Introduced

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LBB Staff: JMc, KDw, MW, DKN