

**House Bill 5010**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (IE)

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:

(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 [FA1(1)]

(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 other than a person described by Subdivision (1)(B); or [FA1(2)]

CONFERENCE

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HOUSE VERSION

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

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

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

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

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

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

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

SENATE VERSION (IE)

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

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE