

1-1 By: Schofield (Senate Sponsor - Hall) H.B. No. 5010  
1-2 (In the Senate - Received from the House May 3, 2023;  
1-3 May 5, 2023, read first time and referred to Committee on State  
1-4 Affairs; May 15, 2023, reported favorably by the following vote:  
1-5 Yeas 6, Nays 1, one present not voting; May 15, 2023, sent to  
1-6 printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Hughes	X			
1-10	Paxton	X			
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	LaMantia				X
1-14	Menéndez		X		
1-15	Middleton	X			
1-16	Parker	X			
1-17	Perry			X	
1-18	Schwertner			X	
1-19	Zaffirini			X	

1-20 A BILL TO BE ENTITLED  
1-21 AN ACT

1-22 relating to the classification of a grievance filed with the State  
1-23 Bar of Texas.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 81.073, Government Code, is amended to  
1-26 read as follows:

1-27 Sec. 81.073. CLASSIFICATION OF GRIEVANCES. (a) The chief  
1-28 disciplinary counsel's office shall classify each grievance on  
1-29 receipt as:

1-30 (1) a complaint, if the grievance:

1-31 (A) alleges conduct that, if true, constitutes  
1-32 professional misconduct or disability cognizable under the Texas  
1-33 Disciplinary Rules of Professional Conduct; and

1-34 (B) is submitted by a person who has a cognizable  
1-35 individual interest in or connection to the legal matter or facts  
1-36 alleged in the grievance; or

1-37 (2) an inquiry, if:

1-38 (A) the grievance alleges conduct that, even if  
1-39 true, does not constitute professional misconduct or disability  
1-40 cognizable under the Texas Disciplinary Rules of Professional  
1-41 Conduct;

1-42 (B) the grievance is submitted by a person who  
1-43 does not have a cognizable individual interest in or connection to  
1-44 the legal matter or facts alleged in the grievance; or

1-45 (C) ~~[(B)]~~ the respondent attorney is deceased,  
1-46 has relinquished the attorney's license to practice law in this  
1-47 state to avoid disciplinary action, or is not licensed to practice  
1-48 law in this state.

1-49 (b) A complainant or an attorney against whom a grievance is  
1-50 filed may appeal the classification of a grievance ~~[as an inquiry]~~  
1-51 to the Board of Disciplinary Appeals, or the complainant may amend  
1-52 and resubmit the grievance. ~~[An attorney against whom a grievance~~  
1-53 ~~is filed may not appeal the classification of the grievance.]~~

1-54 SECTION 2. Section 81.074, Government Code, is amended to  
1-55 read as follows:

1-56 Sec. 81.074. DISPOSITION OF INQUIRIES. The chief  
1-57 disciplinary counsel shall:

1-58 (1) dismiss a grievance classified as an inquiry; and

1-59 (2) refer each inquiry classified under Section  
1-60 81.073(a)(2)(A) or (B) and dismissed under this section to the  
1-61 voluntary mediation and dispute resolution procedure established

2-1 under Section [81.072](#)(e).

2-2       SECTION 3. The changes in law made by this Act apply only to  
2-3 a grievance filed on or after the effective date of this Act. A  
2-4 grievance filed before the effective date of this Act is governed by  
2-5 the law in effect on the date the grievance was filed, and the  
2-6 former law is continued in effect for that purpose.

2-7       SECTION 4. This Act takes effect September 1, 2023.

2-8                                   \* \* \* \* \*