

SUBJECT: Amending the classification of grievances filed with the Texas State Bar

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Leach, Murr, Schofield, Slawson, Vasut
3 nays — Julie Johnson, Flores, Moody
1 absent — Davis

WITNESSES: For — Larry McDougal; Murtaza Sutarwalla, Muslim Bar Association of Houston
Against — Trey Apffel, State Bar of Texas (*Registered, but did not testify*: Seana “Shawna” Willing, State Bar of Texas; Randall Chapman; Randy Chapman)
On — (*Registered, but did not testify*: Grant Dorfman, Office of Texas Attorney General)

BACKGROUND: Some have suggested that revising classifications for grievances against Texas attorneys could improve the way the Texas State Bar uses its time and resources to address complaints and inquiries.

DIGEST: HB 5010 would the expand the criteria by which the State Bar of Texas' chief disciplinary counsel's office classified grievances. A grievance would be classified as a complaint if it was submitted by a person who had a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.

A grievance would be classified as an inquiry if it was submitted by a person who did not have a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance. The chief disciplinary counsel would be required to refer each of these inquiries to the voluntary mediation and dispute resolution procedure.

The bill also would allow an attorney against whom a grievance was filed to appeal the classification of a grievance as an inquiry to the Board of Disciplinary appeals.

The bill would take effect September 1, 2023, and would apply only to a grievance filed on or after that date.