

HB 5010 – Standing Requirement in Texas

HB 5010 created a standing requirement to classify a grievance filed with the State Bar of Texas as a complaint and became law on June 18, 2023. The bill took effect September 1, 2023, and applies to a grievance filed on or after that date.

Before HB 5010 became law, the sole requirement to classify a grievance as a complaint was alleging conduct in the grievance that, if true, constituted professional misconduct. HB 5010 added a standing requirement, stating that a grievance must be submitted by one of the following individuals to be classified as a complaint:

- A family member of a ward in a guardianship proceeding that is the subject of the grievance.
- A family member of a decedent in a probate matter that is the subject of the grievance.
- 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.
- The judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter that is the subject of the grievance.
- A trustee in a bankruptcy that is the subject of the grievance.
- Any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance. [[Rule 1.06\(G\)](#)]

HB 5010 clarified that a grievance submitted by an individual other than one described above must be classified as an inquiry, and therefore dismissed. [[Rule 1.06\(T\)](#), [Rule 2.10\(A\)](#)] The bill requires that certain dismissed inquiries be referred to the State Bar's voluntary mediation and dispute resolution procedure (The Client-Attorney Assistance Program).

HB 5010 authorized an attorney against whom a grievance is filed to appeal the classification of a grievance to the Board of Disciplinary Appeals, an independent 12-attorney tribunal appointed by the Supreme Court of Texas. [[Rule 2.10\(B\)](#)]