

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS
JANUARY 13, 2012**

1. Call to Order/Determination of Quorum/Excused Absences. The meeting of the Board of Law Examiners was convened in open session by John Simpson, Chair, on Friday, January 13, 2012, at 9:04 a.m. in the Board's offices, located in the Tom C. Clark Building, 205 W. 14th Street, Suite 500, Austin, Texas.

Members present and constituting a quorum were: John Simpson, Michael Sokolow, Dan Pozza, Lee Parsley, Sandra Zamora, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner and Laura R. Swann.

2. Approval of Minutes and Certified Agendas. Upon motion made and seconded, the Board voted to approve the minutes and/or certified agendas of the following meetings:
November 17, 2011 Hearings and Waivers Panel (Parsley);
November 18, 2011 Board Meeting;
November 18, 2011 Certified Agenda of Executive Session Proceedings; and
December 9, 2011 Hearings Panel (Parsley).

3. Review Audit Reports and Approval of Investment Policy. John Simpson introduced Darrell Rupert of Rupert & Associates, who introduced his colleague Cecilia Webb, who performed many of the audit tasks on behalf of the firm. Mr. Rupert presented the Independent Auditor's Report, which indicated that BLE received an unqualified "clean" opinion with the highest level of attestation available. The auditor found that BLE's Annual Financial Report fairly represents its financial activity for fiscal year 2011 in all respects. There were no audit adjustments of any kind. Ms. Webb explained the Examination of Compliance with the Public Funds Investment Act (PFIA) and Examination of Internal Controls. BLE was found to be in compliance with PFIA and its internal controls were found to be sufficient. An insignificant timing difference was noted concerning monthly reconciliation of the funds balance, as stated on the Board's proprietary software known as SOLAR, and the accounting software package of QuickBooks. No steps were recommended by the auditor to address this "insignificant" finding. Although reconciliations of revenue are currently occurring on a daily basis, Mr. Shaheen indicated that he plans to work with BLE's computer programmer, Darrell Eichman to attempt to develop a monthly fee change recapitulation.

Mr. Rupert and Ms. Webb left the Board meeting at 9:17 a.m.

4. Investment Report. Rod Shaheen, Accountant, summarized, and the Board reviewed, the Investment Report dated November 30, 2011.

Mr. Parsley requested information concerning a Treasury Bill that had matured during the past fiscal year and Mr. Shaheen stated that he could include page 1 of the bank statement to reflect that the matured Treasury Bill was included in the funds balance.

Charles Herring, Jr. arrived at the Board meeting at 9:21 a.m.

5. Financial Reports. Rod Shaheen explained, and the Board reviewed, the Financial Reports for the period September 1, 2011 through November 30, 2011.
6. Board to consider effective date of amendment to Rule XVIII. John Simpson and Julia Vaughan reviewed the recent exam fee increase approved by the Court. After discussion by the Board, and upon motion made and seconded, the Board unanimously approved implementing the \$20 fee increase beginning with the February 2013 exam cycle.
7. Grievance Oversight Committee Recommendation. Mr. Simpson introduced Charles Herring, Jr., appearing on behalf of the Grievance Oversight Committee (GOC), to review a report from the GOC concerning its recommendation to include the Texas Disciplinary Rules of Professional Conduct (Texas Disciplinary Rules) on the Texas Bar Exam (TBE).

Judge Amy Meachum arrived at the Board meeting at 9:35 a.m. to join in the discussion about the GOC recommendation.

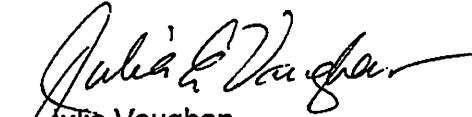
Mr. Herring and Judge Meachum discussed with the Board courses they have taught to newly licensed attorneys in Texas. They cited a concern that an alarming number of new Texas attorneys lack an appreciation of the key differences between the Texas Disciplinary Rules and the American Bar Association Model Rules of Professional Conduct (ABA Model Rules). Mr. Herring explained that the GOC is recommending that the TBE include the Texas Disciplinary Rules wherever appropriate at some future time in a manner to be determined by the Board and the Supreme Court. After discussion by Board members, a motion was made, seconded and unanimously approved that the Board recommend to the Supreme Court that the Texas Disciplinary Rules be incorporated into the TBE as a crossover topic, with emphasis upon the key differences between the Texas Disciplinary Rules and the ABA Model Rules. Ms. Vaughan agreed to seek the Court's advice as to how much lead time would be advisable, in the event the Court approves of the recommendation, in order to give law schools, applicants and bar review courses sufficient notice.

8. Report of Executive Director.
 - a) NCBE Meeting. Ms. Vaughan reported that the Spring NCBE Meeting will be held in Savannah, Georgia on April 19 - 22, 2012. Board members John Simpson, Teresa Ereon Giltner and Laura R. Swann have indicated they will attend as designated representatives. Ms. Vaughan asked Board members to let Becky Henly know as soon as possible if they will be attending so travel arrangements can be made and all requests to register can be fulfilled.


9. Report of Director of Character and Fitness - Conversion of Licenses. Lori Adelman, Director of Character and Fitness, summarized the report on the conversion of Probationary Licensees to Regular Licensees, as contained in the meeting book.
10. Report of Director of Examination and Eligibility - Board Coverage of Exam Sites, February 2012. Josh Henslee, Director of Eligibility & Examination, summarized the February 2012 bar exam enrollment and explained the predicted attendance based on attrition rates for past February exams for the last several years. Board members indicated their site administration preferences as follows: Dan Pozza and Sandra Zamora will split coverage at San Antonio; Michael Sokolow and Al Odom will split coverage in Pasadena; Teresa Ereon Giltner and Augustin Rivera, Jr. will cover Arlington; John Simpson will cover Lubbock; Lee Parsley will cover Austin; and Laura R. Swann will cover Waco.
11. Report of Staff Attorney. Bruce Wyatt was absent from the meeting and Julia Vaughan summarized his Litigation Update Memo contained in the Meeting Book.
12. Update on ADA Model Form. Kristin Bassinger gave an update on the progress toward completion and adoption of a uniform application for disability accommodations which has been created through the joint efforts of administrators from several jurisdictions. The application is expected to be easier for applicants and their experts to complete and to better address changes in the law than forms currently in use in Texas and elsewhere.
13. Communications from the Public. The Chair called for communications from the public. No members of the public were present.
14. Question Review. At approximately 10:30 a.m. John Simpson declared the meeting closed to the public, pursuant to the provisions of Sec. 82.003(b), Tex. Gov. Code Ann., whereupon the Board proceeded to meet in executive session for the purpose of reviewing and editing the questions to be used on future Texas Bar Examinations. All members were present.
15. Adjournment/Formal Reviews. There being no further business, the executive session of the Board of Law Examiners was concluded at 1:55 p.m., the meeting was reconvened in open session, and adjournment was called. The Chair reminded the Board members about their responsibilities beginning at the conclusion of this meeting in conducting Formal Reviews of failing July 2011 applicants' written answers. *(Such reviews are not conducted in a "meeting" of the Board and thus are not open meetings, since each review consists of an individual session in which only one Board member and one or more failing examinees are present.)* See attached list of July 2011 examinees by examination number participating in Formal Reviews of their examination performance in separate sessions with individual Board Members.¹

¹Formal Review list of July, 2011 examinees.

Respectfully submitted,


Julia Vaughan,
Executive Director

APPROVED:


John Simpson, Chair