

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS
June 7, 2013**

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 June 7, 2013 at 9:00 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.

February 8, 2013 Hearings Panel (Swann);
February 8, 2013 Hearings Panel (Simpson);
March 8, 2013 Hearings Panel (Ereon Giltner);
March 8, 2013 Hearings Panel (Pozza);
March 22, 2013 Board Meeting;
March 22, 2013 Certified Agenda of Executive Session Proceeding; and
April 12, 2013 Hearings Panel (Zamora).

3. Report of Accountant.

- a. Investment Report. The Chief Accountant, Rod Shaheen, explained and the Board reviewed the Investment Reports dated May 28, 2013.
- b. Financial Reports. Rod Shaheen explained and the Board reviewed the Financial Reports, covering the period from September 1, 2012 through April 30, 2013; Summary Explanations of Variances Budget to Actual Revenues and Expenditures Fiscal Year-to-date; Balance Sheet; Budget Report Summary; Budget Detail; and Management Report.

4. Review and Approve Proposed Budget for Fiscal Year 2014.

Rod Shaheen and Julia Vaughan reviewed the highlights of the proposed budget for FY 2014 and detailed the revenue and expense projections included in the meeting book.

Ms. Vaughan distributed a Confidential Memo to board members, containing details as to projected revenues and expenses for FY 2014, several years of prior year-end profit and loss figures, and reserve account usage, as well as a recommendation for staff salary increases.

From the budget detail contained in the meeting book, it was noted that most of the Board's additional projected expenses in FY 2014 will be exam-related. Increased expenses include exam site rentals, additional proctors needed for NTA examinees, projected increase of mental health professional consultations, costs of materials purchased from National Conference of Bar Examiners for the Multistate Bar Exam and expenses attributable to the psychometric study to be performed by Dr. Klein. Material cost increases projected for FY 2014 that are not exam-related include employee benefits (mandated by ERS). The Legislature mandated an across the Board salary increase of 3% during the biennium, to be allocated 1% in FY 2014 and 2% in FY 2015. The Board approved increasing most staff salaries by the full 3% effective immediately. Several highly compensated Board staff will receive a 1% increase in FY 2014 and the remainder in FY 2015, per the Legislative mandate.

Ms. Vaughan and Mr. Shaheen reviewed the Board's financials for the past several years and concluded that the Board has conserved on expenses, without depending on reserve funds for normal operations in FY 2012 and anticipates the same for FY 2013.

After discussion by the Board, upon motion made and seconded, the Board unanimously approved the proposed Fiscal Year 2014 budget in the form attached to the minutes.¹

5. Report of Executive Director.

- a. Calendar Update. Julia Vaughan reviewed the 2013 calendar and noted that John Simpson has volunteered to serve at the November Swearing in Ceremony in place of Sandra Zamora. A brief informal reception will be planned in the Board's conference room for Law School representatives, BLE senior staff and John Simpson after the Swearing in Ceremony on November 18, 2013.
- b. Legislative Update: Ms. Vaughan reported on Senate Bill 363, relating to prohibited exemptions from state bar examination requirements for attorneys who hold law licenses issued by certain other states. She explained that this Bill died in committee.
- c. Texas Medical Privacy Act. Ms. Vaughan reported that BLE staff recently participated in mandatory training regarding the Texas Medical Privacy Act, (House Bill 300), which went into effect September 1, 2012. She explained H.B. 300 requires covered entities, including BLE, to meet new requirements regarding the privacy and security of protected health information. The Accommodation Review Committee, by consensus, agreed to review appeal material in BLE's offices to comply with HB 300 requirements for transmission of protected health information.
- d. General Agency Operations. Beginning Monday, June 10, 2013, access to the Tom C. Clark building will be available to employees by electronic badge access only. Visitors will be required to enter through the East doors of the Supreme Court building and pass through security before proceeding to the Board office.

Ms. Vaughan discussed a recent meeting with Texas Tech Law School Dean Darby Dickerson and John Simpson in Lubbock and an upcoming meeting with Dean Royal Ferguson of the new University of North Texas law school in Dallas, scheduled to open in Fall of 2014. Ms. Vaughan reported that the Supreme Court is expected to meet in conference next week and it is anticipated that Sandra Zamora and Lee Parsley will be officially reappointed. Appointment of a new board member for the vacancy created by Dan Pozza's retirement should also occur in the near future.

Ms. Vaughan reported that the agency currently has posted one opening for a position as analyst. Former analyst Genny Brown is working through the summer on a part-time basis. All other positions are filled with current employees.

Steve Shrum, a member of the public, arrived at the Board meeting at approximately 9:20 a.m.

6. John Simpson explained Senate Bill 363, introduced by Senator Uresti, was filed to change our current Admission without Examination (AWOX) Rule by introducing reciprocity as a requirement for AWOX eligibility. Although SB 363 never came up for committee hearing, the Supreme Court's General Counsel requested that the Board provide the Court with information concerning whether a rule change requiring reciprocity would be appropriate. After discussion by the Board, the consensus was to inform the Court that the AWOX process should continue in its present form in light of the policy reasons expressed in the materials contained in the meeting book. Julia Vaughan will prepare a memo accordingly and send this information to the Supreme Court for consideration.

¹ See attached Budget Order for FY 2014.

7. Report of Director of Character and Fitness. - License Conversions.

Lori Adelman summarized the Report in the meeting book on conversions from probationary licensure to regular licensure.

8. Report of Director of Eligibility and Examinations. - Assignments for July 2013 Texas Bar Exam.

The Board members agreed to site assignments for July 2013 as follows:

Lee Parsley	Austin
Dan Pozza Augie Rivera	San Antonio – divide responsibilities
Michael Sokolow	Houston
Sandra Zamora Teresa Ereon Giltner	Arlington – divide responsibilities
John Simpson	Lubbock
Laura Swann	Waco

Mr. Henslee explained that the Houston site for July 2013 is at Reliant Center.

9. Report of Staff Attorney. Bruce Wyatt summarized his Litigation Update Memo contained in the Meeting Book.

10. Communications from the Public. The Chair called for communications from the public. Steve Shrum, a member of the public, was present, but he did not address the Board.

11. Recognition of Service. John Simpson recognized the service of retiring board member Dan Pozza and thanked him for his many contributions to the agency.

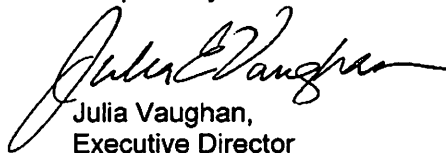
Mr. Simpson reminded members that election of officers would occur at the November meeting. He stated that a new Chair would need to be elected. Mr. Simpson indicated that he planned to continue as a Board member, but that it was time for him to step down as Chair. He encouraged members interested in leadership positions to contact him or Ms. Vaughan.

At approximately 9:47 a.m., John Simpson called for a brief recess.

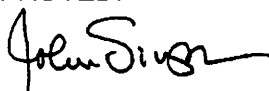
12. Question Review. At 10:15 a.m., John Simpson declared the meeting closed to the public, pursuant to the provisions of Sec. 82.003(b) Tex. Gov. Code Ann., whereupon the Board proceeded to meet in Executive Session for the purpose of reviewing and editing the questions to be used on future Texas Bar Examinations. All members were present. Rick Gilpin, one of the Board's outside editors, was also present for a portion of the executive session. Mr. Simpson requested members to supply authorities in support of draft questions and answers to facilitate a more comprehensive substantive review by the editor. Mr. Gilpin left the meeting at approximately 10:50 a.m.

13. Adjournment/Formal Reviews. There being no further business, the Executive Session of the Board of Law Examiners was concluded at 12:45 p.m., the meeting was reconvened in open session, and adjournment was called at approximately 12:45 p.m. All Board Members were present. Mr. Simpson announced that Formal Reviews of failing February 2013 applicants' written answers would now begin and continue until approximately 5:30 p.m. (*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 February 2013 examinees by examination number who participated in formal reviews of their examination performance in separate sessions with individual Board Members.²

Respectfully submitted,


Julia Vaughan,
Executive Director

APPROVED:


John Simpson, Chair

² See attached Formal Review List.