

**MINUTES OF THE MEETING OF THE  
BOARD OF LAW EXAMINERS  
JANUARY 10, 2014**

1. Call to Order/Determination of Quorum/Excused Absences. The meeting of the Board of Law Examiners was convened in open session by Lee Parsley, Chair, on Friday, January 10, 2013, at 9:03 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: Lee Parsley, Sandra Zamora, John Simpson, Michael Sokolow, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner, Laura R. Swann and John Cayce, Jr.

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:  
October 11, 2013 Hearings Panel (Parsley);  
October 11, 2013 Hearings Panel (Odom);  
November 7, 2013 Hearings Panel (Simpson);  
November 8, 2013 Board Meeting; and  
November 8, 2013 Certified Agenda of Executive Session Proceedings.

3. Review Audit Report. Lee Parsley introduced Anna Swenson, CPA, who recently performed the audit. Ms. Swenson 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 2013 in all respects. There were no audit adjustments. Ms. Swenson explained the Examination of Compliance with Public Funds Investment Act (PFIA) and Examination of Internal Controls, which covered cash disbursements and transfer of certain accounting responsibilities upon retirement of the agency's purchaser. Ms. Swenson indicated that BLE is in full compliance with PFIA and her only recommendation concerning internal controls is to cross-train staff with accounting responsibilities to the extent feasible. Ms. Vaughan discussed this recommendation and indicated that this would be feasible except for some of the key functions of our Chief Accountant, who is a Certified Public Accountant (CPA). Ms. Vaughan discussed the possibility that, should our Chief Accountant be unable to work for an extended period of time, procedures are in place to grant her temporary access to Board account passwords to allow for retaining a temporary CPA to perform some of the Chief Accountant's duties that require accounting expertise.

Chairman Parsley thanked Ms. Swenson and she departed the Board meeting at 9:17 a.m.

4. Investment Report. Rod Shaheen summarized, and the Board reviewed, the Investment Report dated November 30, 2013.
5. Financial Reports. Rod Shaheen explained, and the Board reviewed, the Financial Reports for the period September 1, 2013 through November 30, 2013.
6. Presentation by Texas Lawyers Assistance Program Director, Bree Buchanan. Ms. Buchanan presented a brief overview of the work of the Texas Lawyers Assistance Program (TLAP) as it relates to the work of BLE. Ms. Buchanan explained that TLAP works with law students from the time they enter law school, in addition to providing law students with referrals to professionals and support groups when necessary. TLAP also works with probationary licensees and administers a trust fund for law students and attorneys who may require mental health or chemical dependency treatment but lack the funds to pay for it.

Chairman Parsley thanked Ms. Buchanan and she departed the Board meeting at 9:40 a.m.

7. Communications from the Public. Chairman Parsley acknowledged the presence of a member of the public, attorney Bob Bennett from Houston, Texas, and inquired if Mr. Bennett wanted to state briefly why he was present. Board members reviewed a letter from Mr. Bennett to Julia Vaughan dated January 2, 2014, together with Ms. Vaughan's response dated January 9, 2014. A letter from Ms. Vaughan to Mr. Bennett on a similar topic dated January 29, 2013, was also reviewed by Board members. Mr. Bennett briefly addressed the Board regarding the subject of his letters. Mr. Bennett expressed his concern about Board staff's handling of applicant requests for attorney referrals, as well as his concern that BLE staff members had offered advice to unnamed applicants after a preliminary determination letter had been issued. Specifically, Mr. Bennett reported that an unnamed client of his was provided advice by Board staff to the effect that he would not need an attorney to successfully resolve his case. Lee Parsley explained that the Board addressed Mr. Bennett's original complaint a year ago and his new complaint had been recently investigated with no finding that BLE staff had engaged in the unauthorized practice of law or violated BLE policies and procedures. Ms. Vaughan will perform further investigation with Board staff to ensure proper training as to BLE's Character and Fitness Policies and Procedures Guide and to determine whether the Guide itself, developed in consultation with the Board, may require revision or clarification in light of the concerns raised by Mr. Bennett.
8. Report of Executive Director.
  - a) Calendar Update. Ms. Vaughan reported that the Spring NCBE Meeting will be held in Seattle, Washington in May, 2014. Board members Lee Parsley, Michael Sokolow, and Laura R. Swann will attend as designated representatives. Board members Al Odom and Augie Rivera also indicated that they plan to attend, as well as several staff members. 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 and for lodging can be fulfilled.

John Cayce agreed to represent the Board at the May 12, 2014 Swearing in Ceremony if his schedule will allow for it. Mr. Parsley advised that he would be available if Mr. Cayce is unable to attend.

Ms. Vaughan reviewed the Board calendar and advised that Mr. Odom and Ms. Swann have agreed to switch dates in June and October to serve for each other on hearing panels.


- b) Construction Project Update. Ms. Vaughan updated the Board concerning proposed office construction and the projected start date in March following hearings. Ms. Vaughan indicated there is a likelihood the April Hearings and Board Meeting will need to be conducted offsite.
  - c) Emergency Guidelines. Julia Vaughan asked that Board members review the Guidelines for Handling Emergencies prior to the upcoming bar exam. Ms. Vaughan also discussed annual table top exercises held in September, 2013 in which Board staff members have discussed a variety of possible emergency scenarios that could arise during a bar exam. After discussion by the Board, it was determined that it would be most helpful if the Announcing Instructions and Guidelines for Handling Emergencies would be emailed to Board members prior to the bar exam, as well as inviting Board Members to attend the proctor training session on Monday afternoon to reinforce the Board members' duties at the exam sites.
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
- a) Board Coverage of Exam Sites-February 2014. Josh Henslee, Director of Eligibility & Examination, summarized the February 2014 bar exam enrollment and Board members indicated their site administration preferences as follows: Augustin Rivera and Sandra Zamora will split coverage in San Antonio; Al Odom will cover all three days in Pasadena; Teresa Ereon Giltner, Sandra Zamora and John Cayce will share coverage in Irving; John Simpson will cover Lubbock; Laura Swann will cover Waco and Lee Parsley will cover Austin.
  - b) Psychometric Study Update. Josh Henslee advised the Board that Dr. Klein's report is almost completed. The report will be available for review at the next Board meeting.
  - c) Elimination of Raw MBE Score - NCBE. Josh Henslee explained that NCBE will no longer report raw MBE scores effective with the February 2014 bar administration.
  - d) Status of Efast Pilot Project. Josh Henslee, Darrell Eichman and Julia Vaughan advised that a pilot project is under development for the upcoming February Bar Exam to allow a limited number of examinees to receive grade release documents via secure

email transmission. Assuming everything works as intended in the pilot program, this can be scaled up in the future.

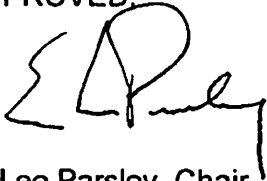
11. Presentation by Casey Kennedy. Casey Kennedy, Information Technology Director with the Office of Court Administration (OCA) made a presentation to the Board concerning use by BLE of the OCA's secure document repository for distribution of meeting books, waiver requests and other Board communications. Board members discussed the portal with Mr. Kennedy and Darrell Eichman and agreed to proceed with using this resource to be provided by OCA.
12. Consider recommendation to use secure electronic collaboration tools. Board members discussed using a secure collaboration tool, such as Google Docs, or to use encrypted emails to transmit draft bar exam questions between Board members and editors. After discussion by the Board, it was determined that Darrell Eichman will prepare a list of Pros and Cons for a collaboration tool vs. encrypted email for further discussion at the April Board meeting.
13. Report of Staff Attorney. Bruce Wyatt summarized the Litigation Update Memo contained in the Meeting book and reported that there is nothing new to report at this time.
14. Informal/Formal Reviews. John Simpson volunteered to study the current informal and formal review process, together with practical ideas and the basic requirements of the rule and statute, to attempt to share with members some best practices and ideas for innovation at a future meeting.
15. NCBE Drafting and Grading Workshop. Lee Parsley asked Board Members who have not attended an NCBE Drafting and Grading Workshop in Madison to commit to attend when the next meeting is scheduled in fall of 2014.  
  
At approximately 10:47 a.m., Lee Parsley called for a break and asked Board Members to reconvene at 11:00 a.m. for question review.
16. Question Review. At 11:00 a.m. Lee Parsley 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.
17. Adjournment/Formal Reviews. There being no further business, the executive session of the Board of Law Examiners was concluded at 2:15 p.m., the meeting was reconvened in open session, and adjournment was called at 2:15 p.m. The Chair reminded the Board members about their responsibilities beginning at the conclusion of this meeting in conducting Formal Reviews of failing July 2013 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 2013 examinees by examination number participating in Formal Reviews of their examination performance in separate sessions with individual Board Members.<sup>1</sup>

Respectfully submitted,

  
Julia Vaughan,  
Executive Director

APPROVED:



E. Lee Parsley, Chair

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<sup>1</sup>Formal Review list of July, 2013 examinees.