

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS**

November 7, 2014

1. Call to Order/Determination of Quorum. The meeting of the Board of Law Examiners was convened in open session by Sandra Zamora, Chair, on Friday, November 7, 2014, 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: Sandra Zamora, John Simpson, Michael Sokolow, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner, Laura R. Swann, John Cayce, Jr. and Barbara Ellis.

Sandra Zamora introduced new Board Member Barbara Ellis, who was welcomed by Board members and staff.

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:

May 9, 2014 Hearings Panel (Odom);
June 5, 2014 Hearings Panel (Parsley);
June 6, 2014 Accommodations Review Committee;
June 6, 2014 Board Meeting;
July 11, 2014 Hearings Panel (Sokolow);
July 11, 2014 Hearings Panel (Zamora);
September 12, 2014 Hearings Panel (Cayce);
September 12, 2014 Hearings Panel (Zamora); and
October 10, 2014 Finance Committee Meeting.

3. Report of Accountant.

- a. Investment Report. The Chief Accountant, Rod Shaheen, explained and the Board reviewed the Investment Report dated August 31, 2014.
- b. Financial Reports. Rod Shaheen explained and the Board reviewed the Board's Annual Financial Report for the period September 1, 2013 through August 31, 2014, together with the variance report, and additional profit and loss comparison details. Upon motion made and seconded, the Annual Financial Report was unanimously approved by the Board.

4. Finance Committee Report. Teresa Ereon Giltner referred to the Finance Committee Minutes in the meeting book and advised that the Committee met with Anna Swenson, Auditor, who plans to start the audit in mid-November. The Committee also recommended to the full Board that Wells Fargo be retained in its current capacity as investment advisor. However, Ms. Ereon Giltner suggested that Texas domiciled banks be contacted to determine whether they would offer competitive rates.

5. Investment Policy. Julia Vaughan explained the Policy for the Investment of Board Funds, as required by the Public Funds Investment Act (PFIA). After discussion by the Board, and upon motion made and seconded, the Board unanimously approved the Investment Policy in the form attached¹, and approved the Finance Committee's recommendation to continue using Wells Fargo Treasury Security Services as the Board's authorized broker for PFIA investment transactions.

6. Report of Executive Director.

- a. Calendar Update. Julia Vaughan reviewed the calendar for the remainder of 2014 and the proposed 2015 calendar. John Cayce, Jr. will represent the Board at the November 17, 2014 swearing in ceremony and Barbara Ellis will represent the Board at the May 11, 2014 ceremony. Ms. Vaughan announced that the next National Conference of Bar Examiners conference will be held in Chicago, Illinois April 30 – May 2, 2015. Several Board members indicated their intention of attending the conference: John Simpson, Barbara Ellis, Augustin Rivera, Al Odom, Laura R. Swann and Sandra Zamora. Registration information will be available in early December for the conference.
- b. Construction Update. Ms. Vaughan gave an update on the office construction and reported that Phase one is nearing completion. The Board discussed use of the current Board room, upon

¹ Policy for the Investment of Board Funds.

completion of the remodeling project, in addition to using one of the Court rooms on the first floor for hearings until the proposed conference room is complete on the first floor of the Tom C. Clark building.

- c. Update on Implementation of Amendments concerning foreign educated applicants. Ms. Vaughan reviewed the recent amendments to the *Rules Governing Admission to the Bar of Texas* which became effective on October 1, 2014 and the implementation steps taken by staff, which included modifications to forms, staff training and website updates. Ms. Vaughan thanked Nahdiah Hoang for her hard work on the implementation steps.
 - d. Agency Operations. Julia Vaughan reported that the recent grade release worked well for the Efast participants, with approximately 72% using this option to review their grade release letter online.
7. Report of Director of Character and Fitness.
- a. Probationary License report. Lori Adelman summarized the reports in the Meeting Book on conversions from probationary licensure to regular licensure and modifications to probationary licenses.
 - b. Year End Hearing Statistics. Ms. Adelman reviewed the 2014 Fiscal Year Summary of Character & Fitness (C&F) Hearings contained in the meeting book.
8. Report of Director of Eligibility & Examination.
- a. Question editing timeline. Nahdiah Hoang discussed the timeline for question editing and review as contained in the meeting book.
 - b. Results of Survey of June 2014 Formal Review Participants. Nahdiah Hoang discussed the results of the recent survey of June 2014 Formal Review Participants as contained in the meeting book.
9. Report of Staff Attorney. Bruce Wyatt summarized the Litigation Update Memo contained in the meeting book.
10. Digital Watches to be prohibited from Exam room. The Board discussed the Staff's proposal to prohibit digital watches from the bar exam in light of camera and data features now included in a number of "smart" watches and the difficulty in distinguishing those with "smart" features from others. The Board unanimously agreed that digital watches be banned effective with the next bar exam and that staff take appropriate steps to communicate this policy to examinees in advance of the exam.
11. Election of Chair, Vice Chair and Member at Large of the Accommodation Review Committee. Sandra Zamora opened the floor for nominations. Upon motion by Teresa Ereon Giltner, Sandra Zamora was unanimously elected as Chair. Upon motion by Teresa Ereon Giltner, Al Odom was unanimously elected Vice Chair. Upon motion by Sandra Zamora, Augustin Rivera was unanimously elected to serve as member at large of the Accommodations Review Committee.

Teresa Ereon Giltner requested the Board consider at a future meeting a pay increase for graders since it has been over 5 years since graders received an increase. Julia Vaughan indicated that staff would research this. Nahdiah Hoang agreed to send a list serve inquiry to other jurisdictions to find out what their graders are currently receiving for compensation.

Michael Sokolow asked Board staff to research and consider developing a Certificate of Interested Parties for Board members to review prior to hearings to disclose potential conflicts or recusal issues prior to the day of the hearing. Mr. Sokolow will send Bruce Wyatt some examples of a Certificate that is in use in the Federal Courts. This project can be reviewed at a future Board meeting.

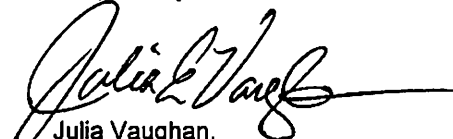
12. Question Review. At approximately 9:50 a.m., Sandra Zamora, Chair, called a brief recess before closing the meeting to the public at 10:00 a.m., pursuant to the provisions of Sec. 82.003(b) Tex. Gov. Code Ann., whereupon the Board proceeded to meet in executive session in Group 1 (Al Odom, Augustin Rivera, Laura Swann and Sandra Zamora) and Group 2 (Michael Sokolow, Teresa Ereon Giltner, John Cayce, John Simpson and Barbara Ellis) for the purpose of reviewing and editing the questions to be used on future bar examinations. All Board members were present in one of the groups.

At approximately 11:40 a.m., Sandra Zamora, Chair, declared the executive session concluded and reconvened the meeting in open session with all Board Members present and constituting a quorum. A lunch break occurred from 11:45 a.m. until 12:15 p.m.

13. Executive Session for Personnel Matters. At approximately 12:15 p.m., Sandra Zamora, Chair, declared the meeting closed to the public, pursuant to §551.074, Texas Govt. Code, to conduct in Executive Session a review of applications received for the Executive Director opening and interview selected candidates. Four interviews were conducted in Executive Session with all Board members present. Following the interviews, the Board reconvened in Open Session at 2:50 p.m. with all members present and unanimously agreed that Susan Henricks would be offered the position.

13. Adjournment. There being no further business, the meeting of the Board of Law Examiners was adjourned at 2:53 p.m.

Respectfully submitted,



Julia Vaughan,
Executive Director

APPROVED:



Sandra Zamora, Chair