

**MINUTES OF THE MEETING OF THE  
BOARD OF LAW EXAMINERS  
April 10, 2015**

1. Call to Order/Determination of Quorum/Excused Absences. The meeting of the Board of Law Examiners was convened in open session by Sandra Zamora, Chair, on Friday, April 10, 2015, 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.

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:  
January 8, 2015 Hearings Panel (Odom);  
January 9, 2015 Board Meeting; and  
February 6, 2015 Hearings Panel (Odom).

3. Report of Accountant

a. Investment Report. Rod Shaheen, Accountant, summarized, and the Board reviewed the Investment Report as of February 28, 2015.

b. Financial Reports. Rod Shaheen explained, and the Board reviewed, the Financial Reports for the period September 1, 2014 through February 28, 2015.

4. Review Independent Audit Proposals. Finance Committee Chairman Teresa Ereon Giltner reported that three proposals had been received to conduct the financial audit for the fiscal year ending August 31, 2015. Rod Shaheen explained that the three proposals were for comparable work, but that the fees differed considerably. Montemayor Hill Britton & Bender PC proposed a fee in the amount of \$19,500, Weaver and Tidwell proposed a fee of \$16,000 and Patricia White, P.C. proposed a fee of \$10,000.

The Finance Committee unanimously recommended that the Board accept Weaver and Tidwell's bid. Upon motion made and seconded, by unanimous vote, the Board agreed to accept the bid of Weaver and Tidwell to perform an independent audit for the Fiscal Year ending August 31, 2015, in accordance with the terms of the proposal contained in the meeting book.

5. Report of Executive Director.

a. Calendar update. Susan Henricks reported that Beverly Tarpley, former BLE Board Member and current NCBE Board member, has invited Texas attendees at the April NCBE conference to dinner on Friday evening. Ms. Henricks asked that anyone interested in attending RSVP at their earliest convenience. Ms. Henricks also confirmed attendance at the upcoming Chicago NCBE meeting.

Board Calendar updates included Sandra Zamora agreeing to represent the Board at the November Swearing in Ceremony and Barbara Ellis serving on the July panels for Laura Swann.

Ms. Henricks announced that an informal gathering with Senior Board Staff and the Law School Deans is being planned immediately following the May 11th Swearing in Ceremony. Invitations to Law School Deans have been sent and the discussion is expected to cover improvements being made to the licensing process.

b. Update on Sunset Review 2017. Ms. Henricks asked all Board members to continue submitting their monthly timesheets to Becky Henly, including travel time, exam coverage and question review in anticipation of the agency Sunset review in 2017.

c. General Agency Operations. The Board website is being updated with Board member photos and bios, with a photographer available to take photos after the meeting.

Carpet and tile for the Board's office will be installed within the next few weeks.

Susan Henricks reported on Legislative Bills - HB 2045, HB 2446 and SB 1874, which could affect the Board of Law Examiners. However, at this time Ms. Henricks does not believe any further action will occur.

Ms. Henricks advised Board members that graders may keep their iPads as long as needed during the grading process.

e. Policy on failure to follow instructions/cheating. Ms. Henricks reported on the February 2015 Bar Exam and issues that arose, including examinees not following instructions, announcing instructions that were unclear and inconsistency by many of the proctors. She reported that examinees who failed to follow instructions would receive a letter of admonishment. Some of the issues discussed include updating the announcing instructions, cell phone compliance and the need to hire more experienced proctors for future exams. Some Board members requested an opportunity to review the procedures for addressing suspected cheating. All incidents of suspected cheating will be investigated and, if confirmed by investigation, a preliminary determination of lack of adequate character will be issued.

f. Texas Online Customer Agreement. Susan Henricks summarized the Texas Online Customer Agreement and proposed dates to begin online credit card payment of fees. On June 1, 2015 the BLE will begin accepting Non Resident Attorney Fees online with credit card payments. A proposed start time for Declarations to be accepted online is currently estimated for September. Ms. Henricks reported staff time will be saved as additional online applications are added, with a goal to be online completely within one to two years. A motion was made and seconded to approve the proposed Customer Agreement. After discussion, the Board voted unanimously to authorize the Executive Director to sign the Customer Agreement.

6. Report of Director of Character and Fitness.

a. Probationary Licenses. Lori Adelman, Director of Character and Fitness, summarized the report on the conversion of Probationary Licensees to Regular Licensees, contained in the meeting book.

b. Staff Proposal to revise Application regarding chemical dependency and mental health questions. Ms. Adelman reported on the staff proposal to revise application and investigation procedures for applicants with certain mental health diagnoses. Ms. Adelman reviewed the current mental health language and the need to better reflect information needed to accurately process applications and background investigations. Board members provided comments and suggestions. Further consideration of proposed revised questions was postponed to the next meeting.

7. Report of Director of Eligibility & Examination.

a. Grader Compensation. Nahdiah Hoang, Director of Eligibility and Examination reported on current grader compensation, and noted that the last pay increase was approved in 2006. Board members agreed that graders should be paid adequately, with the goal to keep good graders available. Ms. Hoang proposed structuring additional compensation in a way that would encourage graders to grade at a steady pace, in order to finish before the deadline, and to comply with best practices. Ms. Hoang suggested that a bonus for additional exams completed each week, up to a maximum of \$50 a week, might be incentive for graders to maintain a preferred pace.

After discussion by the Board, it was determined no pay increase would be given to graders. Ms. Zamora suggested that Board members keep track of their graders and their time use when grading. If Board members encounter a problem, they may contact Ms. Hoang for assistance. Ms. Hoang will prepare a Memo to send to graders reminding them that timeliness standards and proper pace are expected to be met by the graders, and that graders who do not meet expectations may not be retained in the future.

b. February 2015 Bar Exam Report. Nahdiah Hoang reported on the February 2015 bar exam administration. She reported on weather delays in North Texas, the lack of heat for two days at Fort Worth Convention Center, and a power outage at Campbell Hall in Pasadena.

c. Consolidation of February 2016 bar Exam. Ms. Hoang reviewed February 2015 bar exam site costs and a potential cost savings from consolidation of six exam sites to one site. The strong likelihood of adverse weather conditions compromising the ability to provide a uniform test environment and creating unsafe travel conditions in February prompted the staff to review this option. After discussion by the Board, Ms. Zamora asked Ms. Hoang to prepare a proposal to present at the June 2015 Board meeting for approval to consolidate administration of the February 2016 bar exam to one location in Austin.

d. Digital Clocks for bar exam. Ms. Hoang recommended purchase of large digital or projection clocks at exam sites so timers and watches of any kind would be prohibited. The Board indicated a preference for projection clocks or projection countdown timers.

e. Proposal to implement laptop administration of Procedure and Evidence exam. A proposal to offer a laptop option for the Procedure and Evidence questions was presented. The exam is currently handwritten by all examinees. Ms. Hoang reviewed the study completed by Darrell Eichman in 2013 and the discussion at the November 8, 2013 Board meeting when the issue was tabled. A report by Dr. Klein dated March 3, 2014 reviewed BLE current procedures and noted that Texas is the only state that administers this type of test. Ms. Hoang expressed her security concern about questions in printed booklets being shipped back and forth to Examsoft. Kristin Bassinger pointed to the added benefit of allowing Non-Standard Testing Accommodation examinees with writing disabilities to use laptops. After discussion by the Board, and upon motion made and seconded, the Board unanimously approved Procedure and Evidence questions to be offered on laptop beginning with the February 2016 bar exam.

f. Proposal to implement Non-Resident Attorney fee payment online. Nahdiah Hoang reviewed the new Non-Resident Attorney fee submission form to be implemented beginning June 1, 2015, with individuals submitting credit card payment online with a goal of shorter processing times and reduced administrative burden.

8. Report of Staff Attorney. Bruce Wyatt summarized the Litigation Update report contained in the Meeting Book.

9. Communications from the Public. The Chair called for communications from the public. No additional public comments were offered.

Sandra Zamora reported on the April 9, 2015 meeting with Law School Deans. Dean Steve Sheppard from St. Mary's School of Law was in attendance, while other Deans participated by telephone. Sandra Zamora, John Simpson, Susan Henricks and Nahdiah Hoang attended on behalf of the Board and Barbara Ellis participated by phone. Law School Deans have asked for Board assistance in contacting Erica Moeser and the National Conference of Bar Examiners regarding significantly lower exam grades on the July 2014 bar exam. The Deans seek to obtain more detailed information about equating and scoring the exam. Ms. Henricks will confer with the deans and prepare a letter on behalf of the Board and Texas Law Schools to send to Ms. Moeser requesting information about the July 2014 exam. The Board will need to approach the Supreme Court for guidance to proceed.

At approximately 10:55 a.m., Sandra Zamora called for a break and asked Board Members to reconvene at 11:05 a.m. for question review.

10. Question Review. At approximately 11:10 a.m. Sandra Zamora, Chair, 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 bar examinations.

All Board members then proceeded to meet in one of two question editing groups. Sandra Zamora, Barbara Ellis, Augustin Rivera, Jr., John Simpson and Teresa Ereon Giltner met in the Board room as Group One. Michael Sokolow, Laura Swann, Al Odom and John Cayce, Jr. met in Ms. Henricks' office as Group Two.

At approximately 12:05 p.m., John Simpson was excused from the meeting. At approximately 12:30 p.m., Group Two concluded question review.

11. Adjournment. At approximately 1:10 p.m., the question review of Group One concluded. Sandra Zamora, Chair, declared the Executive Session concluded and reconvened the meeting in open session with Sandra Zamora, Al Odom, Michael Sokolow, Teresa Ereon Giltner, Augustin Rivera, Jr., Laura R. Swann, John Cayce, Jr. and Barbara Ellis constituting a quorum. The meeting was adjourned at approximately 1:15 p.m.

Respectfully submitted,



Susan Henricks,  
Executive Director

APPROVED:



Sandra Zamora, Chair