

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS
September 11, 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, September 11, 2015 at 9:02 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, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner, John Cayce, Jr., Anna McKim and Cynthia Orr.

Laura R. Swann and Barbara Ellis were unable to attend and excused from the meeting.

Sandra Zamora announced that Laura Swann will be resigning from the Board and she expects that a new Board Member will be appointed in the near future by the Supreme Court.

2. Approval of Minutes and Certified Agendas. Susan Henricks reviewed changes to the June 5, 2015 Board Meeting minutes to correctly reflect staff pay increase percentages. Upon motion made and seconded, the Board voted to approve the minutes of the following meetings (including the changes made to the June 2015 Board Meeting):

May 8, 2015 Hearings Panel (Rivera);
June 4, 2015 Hearings Panel (Simpson);
June 5, 2015 Accommodations Review Committee; and
June 5, 2015 Board Meeting.

3. Report of Accountant.
Investment Report. Rod Shaheen, Accountant, summarized, and the Board reviewed the Investment Report as of August 31, 2015.

Ms. Henricks reported that BLE's printer, employed for many years, has retired and the print shop will be decommissioned. The July 2015 exam questions were printed by a Texas State Agency print shop at a much lower cost than in previous years and future savings will be substantial.

4. Report of Executive Director.

a. Calendar update. Susan Henricks referred Board Members to the 2015 Board calendar and proposed 2016 Board calendar. Ms. Henricks asked that Board Members review the proposed 2016 Calendar and update Becky Henly with any conflicts or coverage issues as soon as possible.

Board members discussed plans for the February 2016 consolidated Bar Exam in Austin. Sandra Zamora will coordinate with Barbara Ellis and determine which day of the exam Ms. Ellis prefers to work and then will ask Board members for volunteers. Teresa Ereon Giltner said she would be available to travel to Austin for the exam.

b. Update on Sunset Review 2017. Ms. Henricks reported that the Self Evaluation Report was timely submitted to the Sunset Advisory Commission, and copies were emailed to Board members for review. Ms. Henricks also asked that Board members continue submitting their monthly timesheets to Becky Henly, including travel time, exam coverage and exam question preparation in anticipation of the agency Sunset review in 2017.

c. General Agency Operations. Susan Henricks advised Board members that the next CBAA meeting will be held in Santa Fe, New Mexico in November. She explained that this conference is designed primarily for Board staff, however, if any Board members are interested in attending to please let Becky Henly know as soon as possible so reservations can be made.

Susan Henricks suggested having a Board retreat in spring 2016, possibly in the Dallas area and will review the calendar and send out proposed dates to Board members.

She also announced that the Declaration of Intention to Study Law is now available for online filing. All Declarants must set up an EFast account and selected Declarants have the option of paying by credit card or electronic check. nline filing and payment will eventually be available for all persons filing a Declaration.

d. Articles of Interest. Ms. Henricks referred to page 41 of the meeting book and reviewed the change approved by the Supreme Court to Rule I(c) providing for electronic fee payment and filing of documents with the Board.

e. Evaluation of Uniform Bar Exam. Ms. Henricks updated Board members on the status of the Uniform Bar Exam (UBE), with Iowa and Vermont recently adopting the UBE. Justice Willett has indicated that the Court would like more information on the UBE and Ms. Zamora asked for volunteers to work on a committee with staff and report back to the Board on possible adoption of the UBE. Board Members Al Odom, Teresa Ereon Giltner and Augustin Rivera, Jr. volunteered to serve on the Committee as well as staff members, Nahdiah Hoang and Ky Strunc. Staff will schedule a conference call with all committee members to plan the evaluation and prepare to report back to the full Board in early 2016.

f. Proposal for Electronic Grade Release. The Board discussed Rule XX, Organizational and Miscellaneous Powers of the Board, from the *Rules Governing Admission to the Bar of Texas*. Rule XX now provides that "the grades shall be mailed to the examinees at the addresses given on their Applications." Currently every applicant receives a paper grade report placed in the U.S. Mail, and applicants who used eFast also receive an email message informing the applicants that grade reports are available to them by secure access to the BLE website. Mr. Rivera pointed out that the Board has authority to

interpret and apply the Supreme Court Rules under Rule XX(e). The Staff proposes sending email notices that grade reports are available to all Applicants who provide an email address on their applications, directing them to access the grade reports through their EFast account. Only those applicants who do not provide an email address or who request to receive a grade report by regular mail will receive a paper report.

Cynthia Orr suggested creating an App to remind applicants to not only file their documents on time, but also reminding Applicants when grades can be accessed online. Teresa Ereon Giltner suggested waiting until the Board has several rule changes to submit to the Court to formally revise Rule XX(a) to reflect the practice of providing access to grades following email notification, as an alternative to regular mail communication.

After discussion by the Board and upon motion made and seconded, the Board unanimously approved allowing Applicants to “opt out” of receiving the grade result letter by mail by electing to receive email notification that grades are available on the website.

g. Regulation of Foreign Licensed In-House Counsel. Susan Henricks discussed the number of foreign licensed attorneys estimated to be currently working in Texas as In-House corporate counsel and their potential regulation. Most other states require registration or a limited license, without any examination requirement, for foreign licensed In-House counsel. Any such regulation would require a rule change and Ms. Henricks proposed that staff conduct a study of the possibility of requiring foreign licensed corporate counsel to register and/or pay a licensing fee to work in Texas. After discussion by the Board and upon motion made and seconded, the Board unanimously approved a study by the staff on regulation of In-House Counsel who are not licensed in Texas.

6. Proposal to close Capitol Credit Union account. Ms. Henricks informed Board members that the Capitol Credit Union account will be closed due to low interest rates paid on the account.

7. Proposal to change Formal Review Process. Ms. Henricks reviewed her Memo dated July 10, 2015 setting forth proposed changes to the current formal review process. This proposal would provide for each applicant requesting a formal review to be assigned to one Board member who will review all of the examinee’s failing grade reports and the most recent examination papers and then meet with the examinee in person following the January and June Board meetings. Ms. Henricks anticipates that this approach will result in reduced time required of both applicant and Board members to complete the formal review process and will be more beneficial to the applicants by providing a complete review of their overall performance.

After discussion by Board members, the consensus was to proceed with the proposed changes to the Formal Review process in January 2016, and to survey the applicants about their satisfaction with the formal review experience. Nahdiah Hoang will prepare a worksheet to assist Board members in reviewing the examination papers and grade reports for each Applicant assigned to them. The staff will prepare a standard letter addressed to failing examiners explaining the formal review process.

A motion was made to adopt the proposed revised Formal Review procedure. Upon motion made and seconded, the Board unanimously approved changes to the Formal Review process, beginning in January, 2016. The Board also discussed making similar changes to informal reviews in the future.

8. Exam Question Assignments. Nahdiah Hoang, Director of Eligibility & Examination, reviewed the new Grader Information list with Board members. New Board Members Anna McKim and Cynthia Orr will retain the current graders for their assigned subject. Ms. Hoang will email Board Members with assignments for their question review partners and the upcoming deadlines for question preparation.

9. Consider mandatory filing of Declaration and Fee payment online. Susan Henricks reported that the new online payment and filing option for Declarations has been initiated and staff is working towards a mandatory online filing requirement for Declarations and all other applications within the next year. Ms. Henricks noted that mandatory online filing necessitates mandatory online payment. Online payment allows applicants to pay by credit card or e-check.

10. Report of Director of Character and Fitness - 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.

11. Report of Director of Eligibility & Examination - Update on July 2015 Bar Exam. Nahdiah Hoang, Director of Eligibility and Examination reported on the July 2015 Bar Exam and said that 2,987 examinees sat for the exam. Changes in administration of the bar exam were discussed, including the use of large digital projection clocks in larger exam rooms and the smaller individual timers for the Non Standard Testing Accommodation rooms. The request for a countdown clock by many examinees was discussed. The staff will implement use of countdown clocks for the primary examination room in February.

The Board also discussed the need for a better exam venue in the Houston area; and shirts for Staff members and vests for Proctors to wear to be easily recognized. Ms. Hoang stated that all exam books will be preprinted with examinee number and page numbers with the enhanced capability of the new printer.

Sandra Zamora proposed re-inserting in the Exam announcing instructions "If you run out of lined pages for your answers, continue the appropriately numbered answer on the blank reverse side of page 1 of the answer booklet, and consecutive pages as needed." Ms. Hoang agreed to add this language back in the announcing instructions.

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

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

Kristin Bassinger reviewed an email she recently received from Denette Vaughn with Disability Rights in Amarillo, Texas requesting information on the mental health questions on the current Texas bar application and Declaration. The Disability Rights lawyer gave positive feedback on the revised questions.

At approximately 10:50 a.m., Sandra Zamora called for a break and asked Board Members to reconvene at 11:00 a.m. for question review.

10. Question Review. At approximately 11:00 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.

Board members present were Sandra Zamora, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner, John Cayce, Anna McKim and Cynthia Orr.

At approximately 1:30 p.m., Board members concluded question review.

11. Adjournment. At approximately 1:30 p.m., Sandra Zamora, Chair, declared the Executive Session concluded and reconvened the meeting in open session with Sandra Zamora, Al Odom, Teresa Ereon Giltner, Augustin Rivera, Jr., John Cayce, Jr., Anna McKim and Cynthia Orr constituting a quorum. The meeting was adjourned at 1:30 p.m.

Respectfully submitted,



Susan Henricks,
Executive Director

APPROVED:



Sandra Zamora, Chair