

**MINUTES OF THE MEETING OF THE  
BOARD OF LAW EXAMINERS  
April 1, 2016**

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 1, 2016, at 9:50 a.m. in the first floor conference room, located in the Tom C. Clark Building, 205 W. 14th Street, Austin, Texas.

Members present and constituting a quorum were: Sandra Zamora, Al Odom, Augustin Rivera, Jr., Teresa Ereon Giltner, John Cayce, Jr., Barbara Ellis, Anna McKim, Cynthia Orr and Alfred Mackenzie.

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:  
December 11, 2015 Hearings Panel (Zamora);  
January 14, 2016 Hearings Panel (Rivera);  
January 15, 2016 Board Meeting; and  
February 12, 2016 Accommodations Review Committee meeting.

3. Report of Accountant

a. Investment Report. Rod Shaheen, Accountant, summarized, and the Board reviewed the Investment Report as of March 24, 2016.

b. Financial Reports. Rod Shaheen explained, and the Board reviewed, the Financial Reports for the period September 1, 2015 through February 29, 2016. When reviewing the costs of the February 2016 Bar Exam, Mr. Shaheen noted that the actual cost of the exam remained the same as February 2015, but there were no costs incurred for staff travel.

4. Consider Audit of Board. This item was deferred for discussion at a later date.

5. Report of Executive Director.

a. Calendar update. Susan Henricks reported that Cynthia Orr will represent the Board at the Swearing in Ceremony on Monday, May 23, 2016.

Ms. Henricks announced the February 2016 Bar Exam grade release date has been moved from April 29 to May 2, 2016 at the request of the State Bar of Texas.

b. Swearing in Ceremony and Bar Admission Forum. Following the May 23<sup>rd</sup> Swearing in Ceremony, the Board will host a Bar Admission Forum and Luncheon at the Sheraton Hotel in Austin, Texas. Board members are invited to attend if their schedules permit. Judy Gundersen with the National Conference of Bar Examiners and Daniel Johnson, Chair of the Alabama Board of Bar Examiners will make a presentation on the Uniform Bar Exam.

c. Update on Sunset Review 2017. Ms. Henricks reported that the Sunset Advisory Commission final staff report will be previewed at an exit meeting on April 12, 2016 to Board staff and Chair, Sandra Zamora. Due to several vacancies on the Sunset Advisory Commission a public hearing date has not yet been scheduled.

d. Update on Implementation of Electronic Bar Admission System. Ms. Henricks reported that staff recently met with Baris Misman of ILG regarding the new electronic bar admission system. Board staff met with Office of Court Administration (OCA) staff, who will contract with BLE to provide IT services beginning in May. When then new electronic bar admission system has been implemented, OCA will provide the server for the system. Ms. Henricks advised Board members that the Texas.gov online convenience fee for electronic checks has been reduced from \$1 to .25 per transaction.

e. General Agency Operations. During the formal reviews in January, a question arose about transfer of passing MBE scores achieved on bar exams administered by other states. Al Odom and Sandra Zamora asked staff to investigate and report on the reason for eliminating the ability to combine passing scores achieved on different sections of the exam from separate administrations. In the past, examinees were eligible to take a two part exam and retake only the portion of the exam needed to obtain a passing score on both. Ms. Henricks asked Nahdiah Hoang to investigate the previous requirements, when the rule change went into effect and report back to Board members.

6. Report of Director of Character and Fitness.

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

Ms. Drish also reported that she would be moderating a session at the NCBE in Washington, D.C. on the Theory and Practice of Rehabilitation on April 15<sup>th</sup>.

7. Report of Director of Eligibility & Examination.

a. Report on February 2016 Consolidated Bar Exam. Nahdiah Hoang reported on the consolidated bar exam held at the Austin Convention Center in February. She reported that things went smoothly, even with implementation of new practices, including first time administration of the Procedure and Evidence exam for laptop users. The examinees uploaded answers at the exam site for the first time on a large scale, also, eliminating the need for back up on external flash drives. Ms. Hoang explained that the direct costs for the exam did go over budget by approximately \$7,000, but this was due to extra security and rental of tables. Ms. Hoang announced that the February 2017 Bar Exam is scheduled to be consolidated at the George R. Brown Convention Center in Houston.

b. Procedures and Guidelines for LL.M. Nahdiah Hoang reported on a request from the University of Houston law school to approve course descriptions for an LL.M. degree program to satisfy the criteria in Rule XIII (8), for foreign trained applicants. Board members discussed whether it would be appropriate for foreign-trained applicants to receive credit in an approved LL.M program for courses on "cross-over" topics such as bankruptcy and taxation. Ms. Hoang proposed that any course on a topic that may be covered by the bar exam, including cross over topics, would be acceptable and that staff be authorized to approve LL.M. programs when requested by law schools. No board member expressed opposition to this approach.

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 public comments were offered.

Al Odom reported that he has been grading answers to the Civil Procedure and Evidence questions from the February 2016 bar exam. He believes the experience will be beneficial to him in the drafting of future questions. Board members discussed the grading guidelines and how to grade examinees who give the correct answer at the beginning of their answer, and then offer additional responses that are incorrect.

Kristin Bassinger reported on the request from examinees for accommodations due to a math learning disability that may be implicated by exam questions requiring the use of arithmetic. Board members discussed accommodations currently allowed for examinees, and noted that the request based on math learning disabilities can be raised with the Accommodations Review Committee on a case by case basis, like any other such request for disability accommodation.

10. Question Review. At approximately 10:35 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.

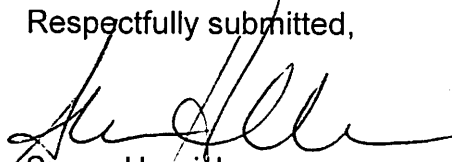
All Board members then proceeded to meet in one of two question editing groups. Barbara Ellis, Al Odom, Teresa Ereon Giltner and Anna McKim and Susan Henricks met in Ms. Henricks' office as Group One. Sandra Zamora, Cynthia Orr, Alfred Mackenzie, Augustin Rivera, John Cayce, Jr. and Nahdiah Hoang met in the Board room as Group Two.

At approximately 12:05 p.m., Group One concluded question review.

At approximately 1:15 p.m., Sandra Zamora, Teresa Ereon Giltner and John Cayce were excused from the meeting. At approximately 1:46 p.m., Group Two concluded question review.

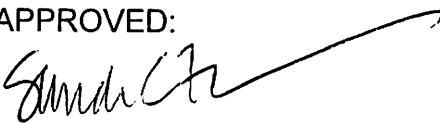
11. Adjournment. At approximately 1:46 p.m., Al Odom, Vice Chair, declared the Executive Session concluded and reconvened the meeting in open session with Augustin Rivera, Jr., Barbara Ellis, Cynthia Orr and Anna McKim constituting a quorum. The meeting was adjourned at approximately 1:46 p.m.

Respectfully submitted,



Susan Henricks,  
Executive Director

APPROVED:



Sandra Zamora, Chair