

**MINUTES OF THE MEETING OF THE  
BOARD OF LAW EXAMINERS  
June 17, 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, June 17, 2016 at 9:03 a.m. in the Tom C. Clark Building, 205 W. 14<sup>th</sup> Street, 1<sup>st</sup> Floor Conference Room, Austin, Texas.

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

March 4, 2016 Hearings Panel (Mackenzie);  
April 1, 2016 Finance Committee Meeting;  
April 1, 2016 Board Meeting; and  
April 1, 2016 Uniform Bar Exam Evaluation Committee Meeting;  
April 22, 2016 Hearings Panel (Ereon Giltner);  
May 13, 2016 Hearings Panel (Cayce); and  
May 23, 2016 Bar Admission Forum.

3. Report of Accountant.

a. Investment Report. The Chief Accountant, Rod Shaheen, explained and the Board reviewed the Investment Reports as of May 31, 2016.

b. Financial Reports. Rod Shaheen explained and the Board reviewed Financial Reports for the period from September 1, 2015 through April 30, 2016 as contained in the meeting book.

4. Review and Approve Proposed Budget for Fiscal Year 2017.

Rod Shaheen and Susan Henricks reviewed the highlights of the proposed budget for FY 2017 and detailed revenue and expense projections, year-end profit and loss figures, use of cash reserves, as well as staff merit pay raises.

Board members and staff discussed budget items, including fees and technology updates. The Board considered staff's proposal to consolidate the February 2017 bar exam in Houston and suggested that the exam site remain in Austin. After discussion by the Board, it was determined that the February Bar Exam site would remain in Austin if the Palmer Event Center is available. Nahdiah Hoang will contact Palmer and advise if it is available in February 2017.

At approximately 9:30 a.m. staff was temporarily excused for a discussion of employee compensation in accordance with proposed salary increases for Staff. The Board discussed personnel portions of the budget with Susan Henricks and Rod Shaheen.

At approximately 9:50 a.m., Susan Henricks and Rod Shaheen were temporarily excused for the Board to discuss Ms. Henricks' evaluation.

At approximately 10:10 a.m. Board staff returned to the meeting.

After discussion by the Board, upon motion made and seconded, the Board unanimously approved the proposed Fiscal Year 2017 budget in the form attached to the minutes<sup>1</sup>.

5. Report of Executive Director.

a. Calendar Update. Susan Henricks reviewed the 2016 calendar with Board Members and staff.

b. Report on Bar Admission Forum and Luncheon. Susan Henricks reported to Board Members on the recent Bar Admission Forum and Luncheon with Texas Supreme Court Justices, law school Deans and State Bar leaders, which was held after the swearing-in ceremony on May 23, 2016. Guest speakers Judith Gundersen of the National Conference of Bar Examiners and Daniel Johnson, Chair-Elect of the Alabama Board of Bar Examiners, spoke on development and implementation of the Uniform Bar Exam. Ms. Henricks noted that the meeting was well attended and that the information presented appeared to be well received by attendees. Nina Hess Hsu, General Counsel for the Supreme Court, has advised Ms. Henricks that the Court may be interested in setting up a Task Force to study and report on the form and content of the Bar Exam. Ms. Henricks also told Board members that the State Bar had expressed an interest in co-sponsoring next year's luncheon.

Ms. Henricks informed the Board about a letter addressed to the Supreme Court that was approved by all Texas Law School Deans in February. The letter expressed concerns about declining bar exam pass rates and identified potential changes or improvements to the Bar Exam. The Deans suggested appointment of a Task Force to study the bar exam. To date, the Court has taken no action on this proposal.

c. Update on Sunset Review. Susan Henricks reviewed the Sunset staff recommendations to create guidelines for delegation of Waiver Requests to the Executive Director. The recommendation to authorize the Executive Director to determine fee waiver requests was discussed and the Board directed staff to present proposed guidelines for consideration at the next Board meeting

Augustin Rivera asked that Nahdiah Hoang prepare a report on all fee waiver requests, how many were approved and denied, and of those denied, how many applicants ended up paying the fee and taking the exam.

d. General Agency Operations. Susan Henricks announced that the Office of Court Administration is now providing IT services to the Board, requiring new email addresses for all staff members. OCA is hosting the new website that is now online.

Ms. Henricks reported that Nahdiah Hoang and staff recently created a video for proctor training purposes which is also available for Board members to watch.

Ms. Henricks reported that the American Bar Association (ABA) maintains a national database on attorney discipline actions. Ms. Henricks explained this system is free to use and would be helpful in determining if applicants have been disciplined in other states. The database would also allow the Board to report information such as revoked probationary licenses to the ABA. The National Conference of Bar Examiners (NCBE) also shares an applicant database that can be accessed for information on applications filed in other states by Texas applicants. Allison Drish has contacted NCBE to establish access. In addition, beginning with the July 2016 Bar Exam, the Board will begin collecting NCBE numbers to be reported by examinees on MBE answer sheets.

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<sup>1</sup> See attached Budget Order for FY 2017.

Ms. Henricks announced that Darrell Eichman will no longer provide services to the Board now that OCA staff are providing IT services under the Interagency Contract. Changes in some processes related to the bar exam may be required.

Susan Henricks announced staff changes, the promotion of Celine Morones to Licensure Analyst and the hiring of Val Reyes as Board Receptionist.

Ms. Henricks announced that the public hearing before the Sunset Advisory Commission on its review of the Board of Law Examiners is scheduled for Thursday, June 23<sup>rd</sup>. In addition to staff, John Cayce, Jr., Barbara Ellis and Cynthia Orr will attend on behalf of the Board.

e. Articles of Interest. Ms. Henricks pointed out articles of interest to Board members.

f. NCBE Conference. Ms. Henricks reported the CBAA Conference is scheduled for August 11 – 13, 2016 in Portland, Oregon and that she, Allison Drish and Ky Strunc will be attending.

g. Complaint Resolution. Ms. Henricks reviewed the Complaint Resolution list included in the meeting book and explained that all complaints received will be reported to the Board at each meeting. After review of the complaint information, Board members requested additional information to more fully describe the nature of the complaint and the response provided.

h. Electronic Bar Admission System. Nahdiah Hoang updated Board members on the electronic bar admission system and displayed the new website. Ms. Hoang reported that the new portal and data management system, named ATLAS, is open for applicants to use. The admission processing component is still being developed for staff use.

6. Report of Director of Character and Fitness.

a. License Conversions. Lori Adelman summarized the Report in the meeting book on conversions from probationary licensure to regular licensure.

b. Proposed addition to standard probation order provisions. Ms. Adelman explained the staff proposal to provide for probationary licensees to attend meetings with staff and Board members to review issues of non-compliance or non-responsiveness prior to setting the case for a hearing. The Staff attorneys will add language to future PL orders to include this new condition.

7. Report of Director of Eligibility and Examinations.

a. Assignments for July 2016 Texas Bar Exam. Board members agreed to site assignments for July 2016 as follows:

Site	Board Member	Date
Austin	Barbara Ellis	All 3 days
Arlington	Teresa Ereon Giltner	Tuesday, July 26 <sup>th</sup>
	Sandra Zamora	Wednesday, July 27 <sup>th</sup>
	John Cayce, Jr.	Thursday, July 28 <sup>th</sup>

Houston	Al Odom	All 3 days
Lubbock	Anna McKim	All 3 days
San Antonio	Cynthia Orr	Tuesday & Wednesday, July 26 <sup>th</sup> and July 27 <sup>th</sup>
	Augustin Rivera, Jr.	Thursday, July 28 <sup>th</sup>
Waco	Alfred Mackenzie	All 3 days

b. Consolidation of February 2016 Bar Exam. Nahdiah Hoang reviewed the report on costs and fees incurred for the February 2016 Bar Exam held in Austin, Texas. Ms. Hoang explained the additional electricity cost, as well as table and chair rentals that exceeded the amount budgeted.

c. Original grounds for current policy on retaking all sections of bar exam for unsuccessful examinees. Ms. Hoang reported on the history of bar exam administration which allowed applicants to take exams in sections, with the opportunity to retake only the portion needed to obtain a passing score. Staff believes this policy was changed in the early 1990's, at the recommendation of Dr. Klein, psychometric consultant to the Board.

Ms. Henricks suggested the UBE Committee review the issue of MBE score transfer as part of its investigation of the UBE.

8. Report of Staff Attorney. Bruce Wyatt summarized his Litigation Update Memo contained in the Meeting Book. There are no pending litigation matters as of the date of the meeting.

9. Communications from the Public. The Chair called for communications from the public. No members of the public were present.

10. Adjournment/Formal Reviews. There being no further business, the meeting of the Board of Law Examiners was concluded at 11:15 a.m. Ms. Zamora announced that Formal Reviews of participating February 2016 examinees, would begin at 2:00 p.m. and continue until approximately 4:00 p.m. (*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 February 2016 examinees by examination number who participated in formal reviews on Friday, June 17, 2016 of their examination performance in separate sessions with individual Board Members.<sup>1</sup>

Respectfully submitted,

Susan Henricks,  
Executive Director

APPROVED:

Sandra Zamora, Chair

<sup>1</sup> See attached Formal Review list.