

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS
April 7, 2017**

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 7, 2017, at 9:02 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 9, 2016 Hearings Panel (Odom);
January 19, 2017 Hearings Panel (McKim);
January 20, 2017 Uniform Bar Exam Evaluation Committee Meeting;
January 20, 2017 Board Meeting;
February 10, 2017 Hearings Panel (Odom);
February 10, 2017 Hearings Panel (Zamora); and
March 3, 2017 Hearings Panel (Rivera).

3. Report of Accountant

- a. Investment Report. Rod Shaheen, Accountant, summarized, and the Board reviewed the Investment Report as of March 27, 2017.
- b. Financial Reports. Rod Shaheen explained, and the Board reviewed, the Financial Reports for the period September 1, 2016 through February 28, 2017.

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

5. Report on Task Force Committee. Al Odom reported on the Task Force conference call from last week. The committee's work is moving slowly and a report is due to the Supreme Court in May. Mr. Odom indicated no action is needed by the Board.

6. Consideration of decision making guidelines in character and fitness hearings and procedures for drafting and signing of Board orders. Augustin Rivera and Alfred Mackenzie discussed Rule IV(b) and the need to review additional character traits (such as integrity, candor, etc.) when deliberating at hearings. Susan Henricks suggested a committee be appointed to review any rules that might need to be changed.

Mr. Mackenzie inquired about best practices and protocol for drafting orders after the hearings are concluded. The Board acknowledged that Staff attorneys are diligent about tailoring findings and conclusions of the hearing based on the facts presented in the closed hearing and the panel's motion, discussion, and vote conducted in open session. Ms. Henricks said staff would create a check list with specific language for Board members to use at hearings to provide additional instruction to staff attorneys when preparing draft orders after the hearings.

7. Executive Director. Susan Henricks presented recognition awards to April Shaheen for 15 years of service and Bruce Wyatt for 30 years of service and thanked them for their commitment to the agency.

- a. Calendar update. Susan Henricks reported that two trades are needed and asked Board members to check their calendars. Cynthia Orr will trade with Augustin Rivera from July to October. John Cayce needs someone to trade for his July panel service. Teresa Ereon Giltner will check her schedule and advise Mr. Cayce if she can serve in his place.
- b. Swearing In-Ceremony/Bar Admission Forum. Ms. Henricks reminded Board members of the May 15, 2017 Luncheon and they are encouraged to attend if their schedules permit. Sandra Zamora will represent the Board at the Swearing-In Ceremony; and John Garvey from the Daniel Webster Scholar Honors Program at the University of New Hampshire School of Law will be the guest speaker at the luncheon.
- c. Update on Sunset Review. Ms. Henricks advised the Board that public hearings had been held on the Sunset bill which has passed in the Senate, and now has gone to the House for review. Ms. Henricks is optimistic that the Sunset Bill may be complete by the end of April.
- d. Complaint Resolution Report. Ms. Henricks reviewed the Complaint Resolution list included in the meeting book. Very few complaints have been received. No complaints for the February exam have been received.
- e. General Agency Operations. Ms. Henricks advised Board members that the Board website had been breached by an outside party, but none of the Board data was accessed or compromised. The website was brought down as a precautionary measure for a short period of time. Sandra Zamora asked if there was any reason to report this to local authorities, Ms. Henricks will find out if a report should be filed.

Susan Henricks reported that law school enrollment is up slightly and starting to level off. Ms. Henricks advised that at the request of the Supreme Court, she, Sandra Zamora and Nahdiah Hoang met with the Court Justices on February 14, 2017. Proposals discussed included hiring more graders to

reduce the grading time period, revising the informal review process and changing the number of essay questions from twelve to six, which would reduce the bar exam to two days. The Court did not respond to the proposals and will apparently defer action until a report from the Bar Exam Task Force is delivered. Ms. Zamora commented the Board will wait for the Task Force report to the Court before proceeding.

Ms. Henricks reported that the breakroom improvement project is complete.

- f. Informal Review Process. Susan Henricks reviewed the history of the Informal and Formal Review process in Rule XI(h) and proposed changing the current Grade Breakdown letters sent to individual failing examinees and allow this new letter to serve as the requirement for a written analysis of each failing applicant's performance. After discussion by Board members and upon motion made and seconded, the Board unanimously approved the change to the current informal review process, starting with February 2017 failing examinees.
- g. Public Funds Investment Act Training. Ms. Henricks reviewed the PFIA requirements and asked the Board to approve her compliance through online training from Texas State University, rather than traveling out-of-town. Upon motion made and seconded, the Board unanimously approved allowing online training to comply with PFIA training.
- h. Confidentiality in Hearings. Susan Henricks reminded Board members to be careful with statements made in hearings in order to maintain confidentiality of applicants and avoid sharing information unintentionally. Ms. Henricks explained that in order to maintain anonymity, Board members need to rely on the script and not vary. Sandra Zamora recommended the script be updated for the Panel Chair to use each time. Ms. Adelman will update the script to begin using at the May hearings.
- i. Articles of Interest. Ms. Henricks pointed out several articles of interest for Board members to review.
- j. Waiver Decisions. Susan Henricks summarized the written report on the administratively determined waiver decisions as contained in the meeting book.

8. 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. Modification of PDL language. Lori Adelman reviewed proposed changes to the Preliminary Determination letter for stipulation by the applicant. The Board did not object to the changes and the Staff will move forward with implementation. An agenda item will be

added for the June Board meeting to discuss the stipulation process, how it is working and any recommended changes or revisions.

9. Report of Director of Eligibility & Examination.

a. Report on February 2017 Bar Exam. Nahdiah Hoang reported on the bar exam held at the Palmer Event Center in February and advised there were approximately 200 less examinees. All applicants used the ATLAS system to register for the first time. Ms. Hoang also reviewed a bar exam cheating incident and Kristin Bassinger reviewed the outcome of the person's hearing held the previous day. Due to this incident, staff recommended security changes for future exam and will provide Proctors with additional training to assist staff. Ms. Hoang reported that Barbara Ellis was threatened by an examinee on the last day of the exam after re-entering the room; the examinee complained about the Board and the exam in general. This incident was a reminder to stay on script when giving the announcing instructions and not allow anyone back in the room once they have been dismissed.

b. AWOX Policy. Nahdiah Hoang reviewed the proposed policy changes required to satisfy requirements for Admission without Examination, which would require a change to Board policy on implementation of Rule XIII. After discussion by the Board and upon motion made and seconded, the Board unanimously approved the changes.

c. Regrade Band Report. Ms. Hoang provided information on how reducing the regrade band from 6 points to 3 points would affect the pass rate. The Board had requested this information in connection with discussions about how to release scores earlier.

d. Texas Bar Exam essay topics. Alfred Mackenzie reviewed Rule XI(a), Appendix B, which provides an outline of new or revised subjects on the Texas bar examination. Mr. Mackenzie believes the topics need to be refined, especially with crossover topics. After discussion by Board members, it was decided that Nahdiah Hoang would update the website to make additional references to Appendix B.

At approximately 11:05 a.m., Ms. Zamora called for a break.

At approximately 11:20 a.m., the meeting reconvened with all Board members present.

10. Guidelines for MPRE score waiver requests. Sandra Zamora had a discussion on when it may be appropriated to waive the requirement of providing proof of an 85 score on the MPRE in order to be licensed, as set out in Rule II and Rule V. Nahdiah Hoang will propose specific guidelines to cover these waiver requests and provide to Board members for review at the June meeting.

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

At approximately 11:35 a.m. Sandra Zamora called for a lunch break and asked Board Members to reconvene in the Board Room on the 5th Floor at 12:05 p.m. for question review.

12. Question Review. At approximately 12:05 p.m. Sandra Zamora, Chair, declared the meeting closed to the public, pursuant to the provisions of Sec. 82.003(b), Tex. Gov. Code 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, Anna McKim, Augustin Rivera, Teresa Ereon Giltner and Susan Henricks met in Ms. Henricks' office as Group 1. Sandra Zamora, Cynthia Orr, Al Odom, John Cayce and Nahdiah Hoang met in the Board room as Group 2.

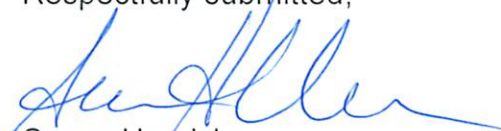
At approximately 1:50 p.m., Sandra Zamora, Teresa Ereon Giltner and John Cayce were excused from the meeting.

At approximately 2:10 p.m., Group One concluded question review.

At approximately 2:15 p.m. Group Two concluded question review.

13. Adjournment. At approximately 2:15 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, Anna McKim and Alfred Mackenzie constituting a quorum. The meeting was adjourned at approximately 2:15 p.m.

Respectfully submitted,



Susan Henricks,
Executive Director

APPROVED:



Sandra Zamora, Chair