

MINUTES OF THE MEETING OF THE  
BOARD OF LAW EXAMINERS

September 16, 2020

1. Call to order, determine quorum, and consider requests for excused absences.  
At 12:33 PM, Board Chair Augustin Rivera, Jr. convened the meeting of the Texas Board of Law Examiners, with all Board Members present except Orr. She joined at 12:36 PM.
2. Consider approval of minutes and certified agendas of board meetings of June 26, July 2, July 16, August 19, and August 24, 2020.  
Minutes were presented to the Board Members in advance of the meeting. Soltero noted a misspelling of Mackenzie, which will be corrected. Odom moved to accept all minutes, which was seconded by Soltero. The motion carried unanimously, with the exception of Orr who was not present at the time of the vote.
3. Consider communications from the public, if any.  
Public comments were submitted by Brandi Wolfe, Dean Michael Barry, Dani Sanders, Rohitdhar (display name provided on Zoom with no additional identifying information provided), Scott Nelson, and John Sivils.
4. Report of Accountant – Shaheen
  - a. Review investment reports  
Shaheen presented the Board with the investment report for the 4<sup>th</sup> Quarter of FY2020.
5. Report of Executive Director - Henricks
  - a. General agency operations.  
The agency continues to work primarily from home, but staff are available by email and phone.
  - b. Report on the September and October 2020 Texas Bar Examinations.  
BLE administered the September 2020 to approximately 1,037 examinees. Henricks applauded staff for the execution, although it was not a flawless administration. There were some issues with written instructions, rather than verbal, and timing was a concern. Grading is set to begin shortly, with grade release anticipated on or near November 1, 2020. Thus far, there are no indications that any examinee, proctor, or staff member has contracted Covid-19 from the examination.  
  
Mackenzie asked Henricks if she was aware of issues with ExamSoft that were mentioned during public comments. Henricks said that BLE is aware of the Apple issue allowing pasting into ExamSoft, which is a violation of the honor code. ExamSoft is working on an updated program to prevent this pasting feature. BLE staff is meeting

regularly with ExamSoft executives to address concerns of applicants and preparations for the online examination.

Soltero asked if BLE will have a mechanism by which examinees may submit issues encountered during the September 2020 examination. Henricks said that examinees are welcome to send comments and questions to BLE's general inquiry email, [information@ble.texas.gov](mailto:information@ble.texas.gov).

Orr asked for information on how BLE secures proctors for examinations. Henricks responded that staff first contact proctors who have worked on past examinations to offer employment. BLE also solicits proctors on its website. Because BLE was unable to secure sufficient proctors for September 2020, a staffing agency was utilized. Orr asked if there is a policy prohibiting law school staff from proctoring. Henricks confirmed that it is against policy to hire law school staff and faculty to proctor the bar examination.

c. Personnel Actions.

Henricks introduced newly hired General Counsel Ciara Parks. She will be joining BLE on October 2, 2020. She comes to BLE from the Office of the Travis County District Attorney. Allan Cook will continue as co-General Counsel through October 31, 2020, to facilitate the transition.

6. Report of Director of Character and Fitness – Drish

a. Consent agenda: Proposed Agreed Order(s) recommended by Informal Settlement Conference Panels. Deliberation may be conducted in executive session on motion approved by the Board pursuant to Rules Governing Admission to the Bar, Rule 7(b) and Texas Gov't Code, Sec 82.003(c).

Two proposed Agreed Orders were provided as confidential materials to the Board Members for applicants KA and TS. Odom submitted a motion to approve the proposed order for KA, which was seconded by Giltner. The proposed order was approved unanimously. Odom then submitted a motion to approve the proposed order for TS, which was seconded by Giltner. The proposed order was approved unanimously.

b. Annual report on Character and Fitness Determinations.

Drish provided an annual statistical report on Character and Fitness Determinations for FY2020 to the Board, including Informal Settlement Conferences held during the fiscal year.

7. Report of Director of Eligibility and Examination – Hoang

a. Report on grading of September examination and grading workshop.

Hoang provided Board Members a grading schedule via email prior to the meeting. She asked that Board Members contact her directly with any questions or concerns, as it is a tight grading schedule. Hoang noted that Justice Busby visited the Austin examination site on Wednesday, 9/9/2020. Rivera thanked Justice Busby for being such an informed and engaged Supreme Court Liaison and expressed appreciation for the partnership.

- b. Applications received and plan for administration of February 2021 examination.  
Addressing the February 2021 examination, Hoang said that examinations for up to 300 applicants have been held safely by other jurisdictions during the July and September cycle. The plan for the February 2021 examination is to return to an in-person administration. To ensure social distancing, BLE may administer the exam in up to three locations, rather than the usual single February exam site. The special filing deadline for October examinees will be extended so that applicants who are not successful in October 2020 may register for the February 2021 examination.

Pursuant to Texas Gov't Code §551.071, at 1:31 PM Rivera called the meeting to Executive Session to confer with counsel regarding pending litigation.

The Board took a brief break at 1:32 and returned to Executive Session at 1:40 PM.

8. Report of Staff Attorneys – Cook and Bradshaw

The Board returned to Open Session at 1:55 PM.

9. Annual report on Testing Accommodations – Cook

Cook provided Board Members with the FY20 Testing Accommodations Report. Cook noted a significant increase in applications for accommodations during the fiscal year. Rivera thanked Giltner and McKim for their service on the Accommodations Review Committee.

10. Review letters from Supreme Court Justices; 8/24/20 Letter from Justice Eva Guzman and 8/28/20 Letter from Justice Brett Busby.

Board Members were provided with copies of letters submitted to BLE by Justice Eva Guzman recommending consideration of an apprenticeship program for bar admission and from Justice Brett Busby as an official response to correspondence from Texas Law School Deans to the Court about alternatives to an in-person bar examination. From Justice Busby's letter, the Board has been asked to consider a recommendation regarding apprenticeship and other options to demonstrate competency for licensure in response to the pandemic. Rivera solicited volunteers to participate in a small action group to address this request from the Supreme Court. He asked that Board Members contact him directly to volunteer.

11. Consider issues arising from reports of Executive Director, Director of Eligibility & Examination, Director of Character & Fitness, and Staff Attorneys.

Rivera opened the floor for discussion of any issues addressed during the meeting.

Hoang indicated that approximately 30 examinees have requested assistance with facilities and internet for the October 2020 examination. Hoang may be reaching out to Board Members for help in identifying locations within their home cities that could potentially provide quiet space with internet for examinees.

Pursuant to Texas Gov't Code §551.074(a)(1) and §82.003(b), at 2:09 PM Rivera called the meeting to Executive Session to discuss personnel matters and conduct review of future Texas Bar Examination questions.

12. Discuss HR and personnel issues, including deliberation on evaluation of current Executive Director and appointment of new Executive Director.
13. Conduct review of questions to be used for future Texas Bar Examinations, including Texas essays and Multistate Performance Test questions.

At 4:05 PM, Rivera called the meeting to Open Session. No action was needed based on discussion during Executive Session.

Rivera asked Henricks if she felt the need for a Board Meeting prior to the October 2020 Texas Bar Exam. Henricks indicated that would not be necessary unless an emergency were to arise. Rivera did request a meeting in October that would be in addition to the already scheduled November 20, 2020 meeting. After scheduling discussion, the Board agreed to meet on October 21, 2020, at 9:00 AM.

14. Adjourn.

Rivera closed the meeting at 4:12 PM.

Respectfully Submitted By:



Susan Henricks, Executive Director

Approved By:



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Augustin Rivera, Jr., Chair