

**MINUTES OF THE MEETING OF THE
BOARD OF LAW EXAMINERS**

December 1, 2020

Due to the ongoing pandemic, this meeting was held remotely via Zoom as authorized by Order of Governor Greg Abbott, suspending Application of Tex. Gov't Code Sec. 551.127(b).

1. Call to order, determine quorum, and consider requests for excused absences
The meeting of the Texas Board of Law Examiners was called to order at 2:05 PM by Chair Augustin Rivera, Jr. All Board Members were present. Orr excused herself from the meeting at 2:40 PM, with the absence having been approved prior to the meeting. Orr returned to the meeting at 3:56 PM.
2. Consider approval of minutes and certified agendas of Board Meetings, Hearings/Waiver Panels, and Committees
Draft minutes were provided to Board Members prior to the meeting. Odom motioned to approve the minutes as submitted. Massey offered a second to the motion. The Board unanimously approved the minutes of the October 1, 2020 Board Meeting and the February 7, 2020 Hearings Panel.
3. Consider communications from the public, if any
Public comments were offered by Dean Michael Barry.
4. Report of Accountant (Shaheen)
 - a. Review investment reports
Shaheen reviewed the investment report for FY2020.
 - b. Review annual financial report
Shaheen reviewed the financial report for FY2020.
 - c. Review Report of Auditors
Rebecca Goldstein of Weaver provided an overview of the FY2020 BLE annual financial audit, including required communications that were also provided in the printed annual audit.
5. Report of Finance Committee (Giltner)
Giltner stated that her report was not needed, as the information to be disseminated was presented by Shaheen during agenda item 4 and would be presented by Henricks for agenda items 6 and 7.
6. Consider approval of Policy for Investment of Board Funds (Henricks)
Henricks presented the proposed Policy for Investment of Board Funds as recommended by the Finance Committee. Massey motioned to approve the policy. No second was needed since it was submitted for approval by the Finance Committee. The motion passed unanimously.
7. Consider approval of the Certificate of Deposit Authority Resolution (Henricks)
The Board reviewed the Certificate of Deposit Authority Resolution and agreed that no vote was needed on the resolution.
8. Report of Executive Director (Henricks)
 - a. General agency operations
Henricks stated that staff continue to work remotely and have continued to meet weekly via Zoom.

Licensure analyst position offers were extended to two applicants and both have been accepted. This increases the licensure analyst team to 8 from 7, as is needed to meet the number of applications received by BLE. BLE also plans to hire a legal assistant to provide administrative and clerical support to the attorneys

Henricks thanked the Board for their trust in her during her six years as executive director. Rivera returned thanks for Henricks's dedication to the position and for her relentless determination in making BLE an efficient and effective organization. Orr seconded Rivera's sentiments, as did

Massey and Mackenzie.

- b. Report on administratively-determined waiver decisions
A copy of the waiver report was provided to the Board.
- c. Report on September 2020, October 2020, and February 2021 bar examinations
The State Bar of Texas hosted a virtual Swearing-In ceremony in November for September applicants. Rivera participated on behalf of the Board. Henricks said there would also be a virtual Swearing-In for October applicants.

Grade release is on target for a 12/4/2020 release, in accordance with the Supreme Court's order

- 9. Report of Director of Character and Fitness (Drish)
 - a. Recommendations of probationary licenses to be converted to regular licenses and for minor modifications to probationary licenses
The Board was provided with a report of the 4 probationary licenses that were recommended for conversion to regular licenses. Giltner submitted a motion to approve the motion. Odom provided a second to the motion. The motion passed unanimously.
 - b. 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).
There were no proposed agreed orders to be reviewed for this meeting.
- 10. Report of Director of Eligibility & Examination (Hoang)
 - a. Consider and approve plans for administration of February bar examination
Director of Eligibility and Examination Nahdiah Hoang provided the Board with information regarding an in-person versus online February 2021 bar examination, including contingency plans that could be enacted based on the health situation at the time of exam administration. Hoang noted that NCBE has set a deadline of December 9, 2020, for jurisdictions to provide selection of an in-person or online examination. Hoang discussed the benefits and drawbacks of each approach. Rivera said that he has been told by Justice Busby that the Supreme Court is awaiting a recommendation from the Board regarding the February 2021 administration to prepare an Order, if needed. Further discussion on the topic was tabled until after discussion of Agenda Item 10b.

Discussion regarding the February 2021 exam administration continued after an executive session in which BLE staff demonstrated some of the security features available for the remote exam. Odom offered a motion to accept the staff recommendation of an in-person examination in larger venues observing social distancing with a contingency plan to administer in individual hotel rooms as was done for the September 2020 examination. Massey offered a second to the motion. The motion passed 6 to 2, with Ellis and Soltero voting nay. Orr had provided support previously in the meeting but was not present for the vote.

Pursuant to Texas Gov't Code, Sec. 551.076, Rivera called the meeting to executive session at 2:52 PM.

- b. Security measures for remote examination administration. Deliberation may be conducted in executive session on deployment and implementation of security devices for Bar Examination, as authorized by Texas Gov't Code, Sec. 551.076.
Discussion of this topic was held in executive session.

The meeting returned to open session at 3:12 PM.

Rivera called for a brief break.

The meeting resumed in open session at 3:24 PM.

- c. Report on implementation and update on Texas Law Course
Hoang noted that the Texas Law Course is required of all examinees effective with the February 2021 examination. She said that the online course has been fully implemented and has run quite well. BLE has received compliments applicants on the course. Over 1,300 people have completed the course since March 2020. Hoang stated new questions will be added to the course on a regular basis to ensure its integrity.

11. Presentation on "Bar Exam Strategies and Stories" program by Mindsets in Legal Education (MILE)
Victor Quintanilla, Anita Kim, and Samuel Erman provided a presentation to the Board regarding Mindsets in Legal Education. Rivera confirmed that this topic would be included on a future agenda for consideration of implementation, most likely on the January 2021 agenda so that it could be implemented for the July 2021 bar exam if approved by the Board.

Pursuant to Texas Gov't Code, Secs. 551.071 and 551.074(a)(1), Rivera called the meeting to executive session at 4:35 pm.

12. Report of Staff Attorneys (Bradshaw, Parks)
a. Litigation Update (Parks)
Discussion of this topic was held in executive session.
13. Executive session for deliberation on appointment of new Executive Director, as authorized by Tex.Gov't Code Sec. 551.074(a)(1) with possible discussion and action in open session.
Discussion of this topic was held in executive session.

The meeting returned to open session at 5:04 PM.

Mackenzie put forth a motion to appoint Nahdiah Hoang as Interim Executive Director with a salary to be negotiated by the Executive Director Search Committee. Massey provided a second to that motion. The motion passed unanimously.

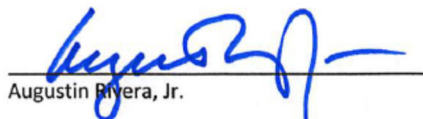
14. Consider issues arising from Reports of Executive Director, Director of Character & Fitness, Director of Eligibility & Examination, and Staff Attorneys
No issues were brought for discussion.
15. Adjourn
Rivera adjourned the meeting at 5:08 PM.

Respectfully Submitted,



Nahdiah Hoang
Executive Director

Approved by:



Augustin Rivera, Jr.