

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

MARCH 26, 2021

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.
At 9:14 AM, Chair Augustin Rivera, Jr. called the meeting to order. All Board Members were present.
2. Consider approval of minutes and certified agendas of Board Meetings, Hearings/Waiver Panels, and Accommodation Review Committee.
Minutes of Waivers Hearings held on 5/22/2020, 6/30/2020, 7/16/2020, 8/24/2020, 11/19/2020, and 12/18/2020 and Minutes of the Accommodations Review Committee Meetings held on 6/26/2020 and 2/12/2021 were provided to the Board prior to the meeting. Orr made a motion to accept all minutes as submitted. Soltero provided a second to the motion. The motion was approved unanimously.
3. Consider communication from the public.
No members of the public were present.
4. Report of Accountant.
 - a. Review Investment Reports
Shaheen submitted the investment report for the quarter ending 2/28/2021.
 - b. Review Financial Report
Shaheen submitted the financial report for the period ending 1/31/2021. February 2021 was not included due to outstanding financial activity related to the February 2021 examination.
 - c. Discuss solicitation of 3-year contract for annual budget audit, including possibly extending the contract with the current provider.
The Finance Committee met before the Board Meeting. After discussion, the Finance Committee adopted the staff recommendation to continue with the current auditor for one more year and to begin a bid process for a new auditor in October 2021.
5. Report of Executive Director.
 - a. General agency operations, including new Director of Admissions.
Hoang introduced Michael Sullivan as the new Director of Admissions.

Hoang announced the resignation of Staff Attorney Lynn Bradshaw, effective mid-April. The Staff Attorney position will be posted as soon as possible as a full-time position.

Hoang noted several topics that might require Board consideration, including: (1) A standard setting study to ascertain whether the passing score is set appropriately and to study regrade procedures. to ascertain a standard of minimum competence to practice law; (2) Whether to continue with Informal Settlement Conferences, and if so, how; (3) Issues arising in waiver panels, including MPRE scores, number of exam attempts, practice time requirements for certain UBE score transfers, and certain requirements for foreign-trained attorneys. . Rivera stated he'd like to create subcommittees to review these topics, so asked for volunteers to contact him if interested in participating on a subcommittee related to a specific topic.
 - b. Calendar update, including status of work-from-home directives to staff and remote activities of the Board, and resumption of in-person meetings.
Hoang said that grading for the February and March 2021 examinations is on schedule. It is anticipated that the February exam results will be released by mid-April and the March exam results will be released by early May. The State Bar has scheduled a virtual Induction Ceremony for May 10, 2021, with Odom representing the Board at the event.

Governor Abbott has not yet revoked the State Proclamation that suspends certain restrictions on state agencies holding public meetings remotely. Staff will continue on work-from-home directives through at least June.

The Board discussed when to return to in-person hearings. Rivera stated that based on comments from the Board, all meetings will continue remotely through June 2021, with the topic revisited during the June 2021 board meeting.

Rivera noted that the current health situation could necessitate a board meeting earlier than June 2021, so he asked Board Members to remain flexible in scheduling of additional board meetings.

BLE will now recognize Emancipation Day, June 19th, as a staff holiday. It will be included on the annual calendar.

Hoang mentioned that the appointment for Odom would expire on 8/31/2021. Rivera clarified that this does not imply that Odom would be resigning his position from the Board but brought up the bigger issue of reappointments as terms expire. Rivera and Hoang will be meeting with the Board Liaison to the Supreme Court, Justice Brett Busby, in the near future to discuss best practices regarding board service, terms, appointments, and reappointments.

- c. Recognize Staff Service – April Shaheen, 20 years of service.
Hoang recognized Senior Licensure Analyst April Shaheen for 20 years of service to the agency.
- d. Articles of Interest.
Hoang provided several articles of interest to the Board.
- e. Complaint Resolution Report.
Hoang presented the Complaint Resolution Report.
- f. Report on Administratively Determined Waiver Decisions.
Hoang presented the Administratively Determined Waiver Decisions Report.
- g. Report on February 2021 and March 2021 Texas Bar Examinations.
Hoang provided a brief report on the February 2021 and March 2021 exams.

At 10:06 AM, Chair Rivera closed the meeting to executive session under Tex. Gov't Code sec. 552.122. At 10:09 AM, Rivera called the meeting to open session to further clarify what issues would be discussed during executive session. At 10:10 AM the meeting was closed to executive session pursuant to Tex. Gov't Code secs. 552.122, 82.003(c), and 551.071. At 11:15 AM, Rivera opened the meeting to general session.

- h. Discuss automatic regrade bands for February 2021, March 2021, and July 2021 examinations (This review may be conducted in executive session, pursuant to Tex. Gov't Code sec. 552.122).
This topic was discussed in executive session. Hoang recommended continuing with the expanded regrade band that was implemented in response to the pandemic, adjusting it to the 400-point UBE scale. Odom submitted a motion to continue with the current regrade band. Massey submitted a second to the motion. The motion passed unanimously.
- i. Discuss safety plans for July 2021 examination, including remote option made available through NCBE.
NCBE has offered a remote option for the July 2021 UBE. Jurisdictions have until mid-May to elect the remote option. Hoang stated that staff was preparing to administer the exam in-person in 6 cities under the safety plan developed for July 2020, but, given continued uncertainties caused by the pandemic, the most certain option would be to make the decision now to offer the July 2021 examination remotely. Odom submitted a motion to authorize the Executive Director in consultation with the Board Chair to make the determination regarding a remote versus in-person examination based on conditions at the time the decision is made. Massey submitted a second to the motion. The motion passed unanimously.

6. Report of Director of Character and Fitness.
- a. Recommendations of probationary licenses to be converted to regular licenses and for minor modifications to probationary licenses.
There were no recommendations of probationary license conversions for review.
- 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).
This topic was discussed during executive session. During open session, McKim offered a motion to accept the proposed orders as presented in closed session Odom offered a second to this motion. The motion passed unanimously.

Drish mentioned that during an upcoming board meeting staff would present recommendations on changes to policies and procedures related to preliminary determination letters.

At 11:17 AM, Rivera called for a 10-minute break. Ellis and Soltero excused themselves from the remainder of the meeting.

The meeting resumed at 11:32 AM.

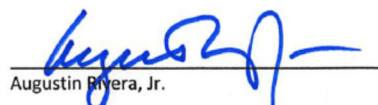
7. Report of the General Counsel.
- a. Litigation Report. (This review may be conducted in executive session, pursuant to Tex. Gov't Code sec. 551.071.).
This topic was discussed during executive session.
8. Consider participation in "Bar Exam Strategies and Stories" program by Mindsets in Legal Education (MILE).
MILE is specifically interested in working with Texas for the July 2022 examination and have also offered the opportunity to work with them on evaluating minimum passing scores. Rivera and Hoang have been reviewing the proposal, but Rivera would like to create a small working group to consider the project. Orr and Mackenzie accepted the appointments to the small working group.
9. Consider issues arising from Reports of Accountant, Executive Director, Director of Character & Fitness, General Counsel, and Board Chair.
Massey stated that it would be helpful to have exhibits for Hearings further in advance than they are currently being provided.
10. Adjourn.
Rivera adjourned the meeting at 12:01 PM.

Respectfully Submitted,



Nahdiah Hoang
Executive Director

Approved by:



Augustin Rivera, Jr.