

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

June 25, 2021

- 1. Call to order, determine quorum, and consider requests for excused absences. – Chair**
Chair Augustin Rivera, Jr. called the meeting to order at 10:08 AM. Board Member Cynthia Orr was not present with an approved absence. All other Board Members were present.

- 2. Consider minutes and certified agendas of board meetings, hearings/waiver panels, and committee meetings. – Chair**
Soltero moved to approve all minutes. Mackenzie offered a second to the motion. Rivera called the motion to vote. All minutes included in the June 2021 Board Meeting Book were unanimously approved by the Board.

- 3. Consider communications from the public, if any. – Chair**
No members of the public were present.

- 4. Report of Accountant. – Shaheen**
 - a. Report on investments.
Shaheen presented the investment report for the period ending 5/31/2021.

 - b. Report on financial matters.
Shaheen presented the financial report for period 4/30/2021.

- 5. Consider budget for fiscal year 2022. – Hoang, Shaheen**
 - a. Consider staff recommendation to change fees for re-applications.
Hoang and Shaheen presented the proposed FY2022 budget.

During the presentation of the proposed budget, Shaheen and Hoang noted a sizeable deficit. Hoang stated that this could be partially attributed to a Board-approved \$95 reduction for reapplicants a few years back, as was suggested by the Supreme Court to reduce a large reserve held by the agency. It was also anticipated that a reduced reapplication fee would limit the number of fee waiver requests, which has not come to fruition. Fee waiver requests have continued to increase, even with the reduced reapplication fee. Recent issues in administering the exam have illustrated that the agency needs to maintain a larger reserve than was anticipated. As such, Hoang is recommending that the reapplication fee reduction should be rolled back. Giltner offered a motion to increase the reapplication fee as was presented by staff. Odom offered a second to that motion. The motion was approved unanimously by the Board.

At 10:42 AM, upon motion submitted by Giltner and seconded by Soltero, Rivera closed the meeting to Executive Session pursuant to Texas Gov't Code §551.074 to discuss personnel matters.

At 10:57 AM, Rivera called the meeting back to open session.

Rivera opened the floor to additional questions or discussion regarding the proposed budget. Giltner offered a motion to approve the proposed FY22 budget. McKim offered a second to the motion. Rivera called a vote. The motion was approved unanimously by Board Members.

6. Report of Executive Director – Hoang

a. General agency operations.

Executive Director Nahdiah Hoang introduced new staff members Administrative Assistant Genevieve Ramirez, Staff Attorney Eric Hsu, and Director of Admissions Michael Sullivan. Hoang mentioned that new Licensure Analysts will be introduced at the next Board Meeting.

Hoang noted that the BLE office would be closed on July 5, 2021 in observance of Independence Day. As of July 6, 2021, the agency will be open with full operations onsite. Staff will be allowed to work-from-home two days per week.

Hoang congratulated Director of Character and Fitness Allison Drish for her appointment to the NCBE Character and Fitness Committee. Drish will continue to serve as the Chair of the CBAA Character and Fitness Committee.

General Counsel Ciara Park has been elected to the Board of the Austin Young Lawyers Association, elected President of the Austin Black Lawyers Association, and appointed to the State Bar of Texas District 9 Grievance Committee.

The Texas Supreme Court reappointed Board Members Anna McKim, Al Odom, and Cynthia Orr. Hoang noted her appreciation for their willingness to continue to serve, as she values stability on the Board. Rivera stated Odom would be serving a third term, which had brought up conversation regarding an assumption that Board Members were limited to two terms prior to his reappointment. He and Hoang researched the issue and found no term limits.

b. Calendar update, including proposed 2022 calendar.

Hoang noted that neither the current 2021 calendar nor the proposed 2022 calendar includes an 2-day retreat that she would like to schedule. She asked the Board if they would prefer to schedule for late Fall of 2021 or early Spring of 2022. Ellis noted a planned trip for Fall and Soltero noted a trial scheduled for that same time period. Mackenzie suggested perhaps scheduling in January of 2022. Soltero agreed, indicating that it may be less expensive to book at a facility in a month that historically experiences lower occupancy rates. Hoang said she would send a poll for dates in January 2022, possibly targeting a date that would combine the retreat with the January 14, 2022 Board Meeting.

c. Complaint Resolution Report.

Hoang presented the Complaint Resolution Report.

d. Administratively Determined Waiver Decisions.

Hoang presented the Administratively Determined Waiver Decisions report.

e. Articles of interest.

Hoang presented articles of interest to the Board.

7. Report of Director of Character and Fitness – Drish

- a. Consider staff recommendations that certain probationary licenses be converted to regular licenses and that minor modifications be made to certain probationary licenses. *(On motion approved by the Board, the Board may deliberate in executive session per Rule 7(b) of the Rules Governing Admission to the Bar and Texas Gov't Code §82.003(c).)*
Drish presented the report of conversions of probationary licenses.
- b. Consider staff recommendations of changes to the Board's current guidelines for issuing preliminary determination letters (PDLs).
Drish stated that she utilizes a template for determining PDLs. The statutes she follows were created in 2008. They were modified in 2014, but only related to debt issues. Under authorization of the Executive Director, staff have made slight modifications in determining PDLs. She asked the Board to review the materials provided in the Board Book as the topic would be revisited at a future meeting.

8. Report of Director of Admissions. – Sullivan

- a. February 2021 Texas Bar Exam and March 2021 Texas Bar Exam
Sullivan stated that the February and March 2021 aggregated pass rate for the bar examination, which were the first administrations of the UBE in Texas, was 59%. Hoang stated that February and March 2021 scores were both issued on an expedited schedule and were completed without issue.
- b. July 2021 Texas Bar Exam *(On motion approved by the Board, the Board may deliberate in executive session per Rule 7(a) of the Rules Governing Admission to the Bar and Texas Gov't Code §§82.003(c) and 571.071.)*
Sullivan reminded the Board that the exam would be held as an in-person administration. He stated that all safety protocols would be followed.
- c. Confirm Board Member coverage of July 2021 exam
Sullivan noted that the exam would be offered in Arlington, Houston, Austin, San Antonio, Waco, and Lubbock on 7/27 – 7/28/21. Rivera and Orr will provide coverage in San Antonio, Giltner will provide coverage in Arlington, Massey and Odom will provide coverage in Houston, Mackenzie will provide coverage in Waco, Soltero will provide coverage in Austin, and McKim will provide coverage in Lubbock.

Sullivan solicited volunteers for the November 2021 New Lawyer Induction. Rivera offered to attend on the Board's behalf.

9. Report of General Counsel. – Parks

- a. Litigation Report. *(On motion approved by the Board, this review may be conducted in executive session per Tex. Gov't Code §551.071.)*
Parks provided Board Members with a confidential litigation report prior to the meeting. No questions or issues were addressed.

10. Consider policy of Board paying for mental health evaluations of certain applicants. – Hoang

Hoang stated that evaluations required of applicants requesting accommodations are quite costly. She asked Parks to investigate the current practices surrounding evaluations for accommodations. After researching the issue and comparing best practices from other

jurisdictions, Parks stated that staff are recommending that the Board approve a fitness evaluation that would be more in-depth than the current evaluation being utilized. These would cost between \$1,500 and \$5,000 per applicant, which could be cost-prohibitive for applicants. Rivera asked Parks to prepare a proposed policy for presentation and consideration at a future meeting.

Rivera called for a break at 12:01 PM.

Rivera called the meeting to order at 12:09 PM.

11. Creation of and appointment of members to subcommittees. – Chair

a. Subcommittee on Rules and Guidelines.

Rivera nominated Giltner and Ellis to serve on this committee.

b. Subcommittee on Diversity and Inclusion.

Rivera nominated Odom and Orr to serve on this committee. Mackenzie suggested including disability and financial issues as a focus of this committee. He stated it could be even broader to include all issues that limit access to the profession.

c. Subcommittee on Bar Exam, including standard setting study.

Rivera nominated Mackenzie and Massey to serve on this committee, with Mackenzie as chair.

d. Subcommittee on Texas Law Component.

Rivera nominated McKim and Soltero to serve on this committee, with McKim as chair.

12. Consider issues arising from reports of Accountant, Executive Director, Director of Character and Fitness, Director of Admissions, and General Counsel. – Chair

Soltero suggested that it would be beneficial to include training on accommodations determinations at the proposed Board Retreat.

Ellis asked for a report on the regrade process for the February and March 2021 UBE at the next board meeting, specifically if it led to a significant increase in passing scores after regrade.

Ellis solicited an update on the Texas Law Course. Hoang noted that feedback has been mostly positive. She mentioned an increased number of applicants for the February and March 2021 exams who did not complete the TLC prior to the exam, so their licensing was delayed since that requirement was not met.

At 12:28, pursuant to Tex. Gov't Code §551.071, Rivera closed the meeting to Executive Session to discuss legal matters.

At 12:49 PM, Rivera the Board came out of executive session.

13. Adjourn. – Chair

Rivera adjourned the meeting at 12:50 PM.

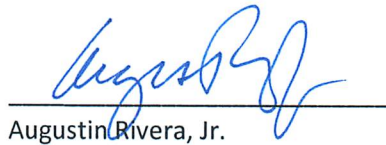
On Friday, June 25, 2021, at the conclusion of the Board meeting, the Board conducted individual formal reviews per Rule 11(g) with unsuccessful examinees from the February and March 2021 Texas Bar Examinations. The formal reviews were not part of the public meeting.

Respectfully Submitted,



Nahdiah Hoang

Approved by:


Augustin Rivera, Jr.

1-14-22
Date