

**Minutes of the Meeting of
The Board of Law Examiners
March 25, 2022**

1. Call to order, determine quorum, and consider requests for excused absences – Rivera

Chair Augustin Rivera, Jr. called the meeting to order at 9:10 a.m. All members of the Board were present.

2. Consider approval of minutes and certified agendas of Board Meetings, Hearings/Waiver Panels, and Accommodation Review Committee – Rivera

Massey offered a motion to approve all minutes as submitted. Soltero offered a second to that motion. The motion passed unanimously.

3. Consider communication from the public, if any – Rivera

Attorney Andrew Hairston presented comments to the Board about his experience with the Board related to his application for admission in Texas. He asked the Board to affirmatively consider an applicant's race in its character and fitness investigations.

4. Report of Accountant – Shaheen

4.1. Review Investment Reports

Shaheen presented the Investment Report for the 2nd quarter of the fiscal year, December 1, 2021 – February 28, 2022.

4.2. Review Financial Report

Shaheen presented the Financial Report through January 31, 2022.

5. Report of Finance Committee – Ereon Giltner

Ereon Giltner stated that the Finance Committee reviewed the financials that were presented to the Board by Shaheen in Agenda Item #4. She said that the Committee discussed selection of a firm to conduct the FY2022 audit and the Committee determined that it would be in the Boards' best interest to continue contracting with Weaver as the agency's external auditor, as they are the most cost-effective and provide the greatest number of services for that cost.

6. Report of Executive Director – Hoang

6.1. Calendar update, including scheduling of February 2022 Formal Reviews

Hoang explained that after consideration of several factors, there will be no additional Hearings added to the FY2022 calendar. The Board will

revert to the Hearings dates that were originally approved in September of 2021. Gonzales will remove all current holds and send new Outlook invitations reflecting single-day hearings.

Hoang also noted that the calendar currently includes a board meeting in September. She suggested that the September meeting be removed, as it is somewhat extraneous. If the September board meeting is removed, the Hearings scheduled for Thursday, September 15 would move to Friday, September 16.

Hoang asked Board Members to provide any updates to the Texas Law Course to her no later than June 1st. Hoang will work with the State Bar to incorporate the edits.

As was approved at the January retreat, the Board will continue to provide Formal Reviews via Zoom. After discussion, it was determined that the week of May 16th would be best for all Board Members. Sullivan will contact Board Members to firm up the specific day each Board Member would prefer to conduct Formal Reviews.

6.2. New Lawyer's Induction Ceremony and Bar Forum

Hoang relayed to the Board that the State Bar would like to do an in-person ceremony in May, but with the closure of the Erwin Center they are having difficulty locating a new host facility. The Board typically hosts a bar forum and luncheon immediately following the New Lawyer Induction. If possible, BLE will schedule a luncheon as soon as details for the New Lawyer Induction are confirmed, based on availability of a host restaurant.

6.3. Recognize Staff Service – Chris Copeland, 5 years of service

Hoang recognized Chris Copeland for 5 years of service with the agency. She thanked him for his dedication to the agency, as did his former supervisor Kendelyn Schiller and current supervisor Ciara Parks.

6.4. General agency operations

Hoang noted the changes to Rule 4 and Rule 13(1).

The agency is on schedule to release February 2022 bar exam scores in mid-April. She applauded the Admissions team on their hard work in ensuring that scores are released as scheduled. Hoang mentioned that the Admissions team is piloting a new technology for grades release to avoid any system crashes or slow response times that examinees encounter when accessing ATLAS to obtain their grades.

Hoang stated that Corporate Counsel Registration was a previously discussed topic that would require corporate counsel to register with the Board of Law Examiners. Currently, there is no direct supervision from any State entity for in-house counsel. The proposal that was submitted to formalize registration of in-house counsel is now awaiting review by the Supreme Court.

Hoang relayed to the Board that BLE has substantially sped up the distribution of PDL notices to applicants. She also stated that orders have been less than timely, so the Legal Team has committed to sending first drafts of Orders within 3 weeks of hearings. Soltero, Ellis, and Mackenzie volunteered to work with staff on formatting Orders so that they are more streamlined, while still including all information that reflects the Board's decision-making process. Rivera suggested including this topic on the next meeting's agenda, as the entire Board would have significant and beneficial input.

Hoang notified the Board that staff continue to work from home and will continue to do so until Travis County is in Stage 1 for COVID precautions. Although staff are on work-from-home directives, Administrative Team staff are onsite Monday – Thursday, ensuring that mail is processed daily and emails are checked hourly. Phone calls are not currently being accepted; instead, through an automated outgoing message, callers are directed to submit an inquiry through ATLAS or email.

6.5. Articles of Interest

Hoang provided the Board with articles that may be of interest to the Board.

6.6. Complaint Resolution Report

Hoang presented the Complaint Resolution Report to the Board. The Board discussion focused on the complaint submitted by Hairston regarding character and fitness investigations. Because an agenda item was not included that allowed action on the topic, Rivera indicated an agenda item would be included for the next meeting to formally discuss Hairston's complaint. Mackenzie requested that any time Hoang notifies a complainant that a response will be forthcoming based on presentation of the complaint at a board meeting that an agenda item be included to discuss the complaint.

6.7. Report on Administratively Determined Waiver Decisions

Hoang presented the Administratively Determined Waiver Decisions to

the Board. She noted that the majority of waivers were COVID-related withdrawal and deferral of the February 2022 examination.

7. Report of Director of Character and Fitness – Drish

- 7.1. Recommendations of probationary licenses to be converted to regular licenses and for minor modifications to probationary licenses

Drish noted that one probationary license was converted to a full license.

- 7.2. Report on use of certain questions concerning mental health in character and fitness investigations

Drish asked the Board to review the character and fitness questions that are currently utilized by BLE. She further recommended that the questions be eliminated altogether because she doesn't believe they contribute to investigations. Rivera asked Drish to forward the current questions to all Board Members for review and discussion at a future meeting.

Rivera called a break at 10:39 a.m. Rivera reconvened the meeting in open session at 10:56 a.m.

8. Report of the Director of Admissions – Sullivan

- 8.1. Report on February 2022 Texas Bar Examination

Sullivan informed the Board that there were 46 regrades for the February 2022 exam. BLE reported 1,057 scores to the NCBE for the exam. The anticipated release date for February 2022 grades is April 15, 2022. For the first time ever, BLE's Supreme Court liaison, Justice Brett Busby, provided the opening comments for the Austin exam on Day 2 Session 2. He has expressed interest in continuing to read opening or closing instructions for future exams.

- 8.2. Report on Standard Setting Study

Sullivan presented an updated timeline for the Standard Setting Study, as was requested at the January 2022 board meeting. Sullivan asked the Board to begin considering nominations for panel members to assist with the standard setting study, including newly licensed attorneys and adjunct professors of law. He also stated that he plans to include a standard setting update at all board meetings for the foreseeable future and it will be listed as an action item if Board input is required.

9. Consider adopting and publishing revised Hearing Procedures – Hoang

This item was deferred to a future meeting.

10. Consider revising and/or publishing Guidelines for Issuing Preliminary

Determination Letters (PDL Guidelines) – Hoang

This item was deferred to a future meeting.

11. Consider Revised Grader Guidelines – Sullivan

Sullivan has restructured the current grader guidelines so that they are more streamlined and easier to follow by graders, board, and staff. He wanted to make the delineation of duties clearer. His intention is to meet with the subcommittee about the updated guidelines and then present to the Board after subcommittee review. Mackenzie suggested the subcommittee consider increasing grader pay because it has been static for several exam cycles.

12. Report on NCBE, including 2022 NCBE Annual Bar Admissions April 28-May 1, 2022 – Chair

Rivera suggested that all Board Members subscribe to the email thread for NCBE updates. The information shared is timely and very useful to Rivera so he believes it would be equally beneficial to everyone on the Board.

Pursuant to Tex. Gov't Code sec. 551.071, the meeting was closed to executive session at 11:39 a.m.

13. Report of the General Counsel – Parks

13.1. Litigation Report. This review was conducted in executive session pursuant to Tex. Gov't Code sec. 551.071.

Rivera reconvened the meeting to open session at 12:04 p.m.


14. Consider issues arising from Reports of Accountant, Executive Director, Director of Character & Fitness, General Counsel, and Board Chair – Chair

No issues were brought forward by Board.

15. Adjourn – Chair

Rivera adjourned the meeting at 12:06 p.m.

Approved by:



Chair Augustin Rivera, Jr.