

**Minutes of the Meeting of
The Board of Law Examiners
Friday, June 17, 2022**

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

Chair Augustin Rivera, Jr. called the meeting to order at 9:42 a.m. A quorum was present, including Giltner, Ellis, Mackenzie, Massey, McKim, and Soltero. Orr and Odom were absent with prior approval from the Chair.

2. Consider communications from the public, if any – Chair

Andrew Hairston commented on collection of demographic information as part of the application process and expressed concerns about the professionalism of a BLE staff member.

3. Report of General Counsel – Parks

At 9:46 a.m., on motion by Massey seconded by Soltero, Chair Rivera closed the meeting to Executive Session pursuant to Tex. Gov't Code §551.071.

Rivera reconvened the meeting in Open Session at 10:56 a.m.

Rivera recessed the meeting for a break at 10:57 a.m.

Rivera reconvened the meeting in Open Session at 11:07 a.m.

4. Consider minutes and certified agendas of board meetings, hearings/waiver panels, and committee meetings – Chair

The Board considered minutes from previous meetings, including:

- December 17, 2021, Hearings and Waivers, Ellis Presiding Chair
- April 22, 2022, Hearings and Waivers, Mackenzie Presiding Chair
- May 20, 2022, Hearings and Waivers, Soltero Presiding Chair
- May 20, 2022, Hearings, McKim Presiding Chair

Upon motion by Massey, seconded by Soltero, to approve all minutes as submitted, the motion passed unanimously.

5. Report of Accountant – Shaheen

5.1. Report on investments

Shaheen presented the investment report for the period ending May 31, 2022.

5.2. Report on financial matters

Shaheen presented the financial report for the period ending April 30, 2022.

5.3. Consider budget for fiscal year 2023 – Hoang, Shaheen

Hoang and Shaheen presented the proposed FY23 budget. The proposed budget includes a 5% cost of living increase for all staff and a Licensure Analyst position added to the staff. Hoang noted that a marked increase in application submissions necessitates the additional Analyst position. The FY23 budget also includes a line item for an annual Board workshop.

Rivera opened the floor for discussion of the proposed budget. Ellis noted that the City of Austin recently considered a full-time salary minimum of \$22 per hour.

Ellis moved that the proposed budget be approved with all BLE full-time minimum salaries compensated at a rate that is no less than the City of Austin minimum. Soltero seconded. The motion carried unanimously.

6. Report of Executive Director – Hoang

6.1. General agency operations

Hoang noted that Travis County COVID levels had risen in June, so staff will be returning to the office as of July 5th on a hybrid schedule. Analysts will work from the office one day per week, while all other staff will be in the office at least 2 days per week.

6.2. Calendar update, including scheduling July 2022 Formal Reviews and initial review of proposed 2023 calendar.

Parks spoke about her experience presenting the Declaration Program to 1L students. She encouraged Board Members to attend whenever they are available. The 2022 presentation dates are primarily in August and will be added to the calendar as they are confirmed. Drish will email a list of dates and locations to the Board.

Hoang presented a draft CY23 calendar for review by the Board. She noted the Board workshop is scheduled for 2 days in January, tentatively scheduled for San Antonio. Ellis asked that the January panels be scheduled for a different week from the workshop. Hoang stated that the CY23 calendar will be approved at the November 2022 Board meeting, and asked panel assignment change requests be submitted to Laurie by October 15th for consideration at the November meeting.

July 2022 New Lawyer Induction is scheduled for November 14 at 10:00 a.m. at the Bass Concert Hall. The Bar Forum and Luncheon, featuring speaker Cindy Martin discussing NextGen Bar Exam, will immediately

follow the Induction at the DoubleTree Suites Bluebonnet Room. All Board Members are encouraged to attend both events. Rivera volunteered to represent the Board at the New Lawyer Induction.

Formal reviews for July 2022 examinees will be held via Zoom on 11/22/22 and 11/28/22. Board members should give their date choice to Laurie.

6.3. Complaint Resolution Report

No complaints were received for period 3/15/2022 through 6/15/2022.

6.4. Administratively Determined Waiver Decisions

Hoang presented the report of administratively determined waivers for period 3/1/2022 through 5/31/2022.

6.5. Articles of interest.

Hoang presented articles of interest from websites and publications to the Board.

6.6. Report on Texas Law Course

Hoang said that after response from all Board Members were received, it appears that the TLC needs only minor changes. She will update the Board on the schedule for changes to TLC as those details are confirmed.

7. Report of Director of Character and Fitness – Drish

7.1. Consider staff recommendations that certain probationary licenses be converted to regular licenses and that minor modifications be made to certain probationary licenses.

Drish provided the report of probationary licenses that were converted to regular licenses to the Board. The Board had no questions or comments about the report.

7.2. Consider changes to mental health questions used to investigate present good moral character and fitness.

Drish proposed either removing mental health questions completely from all applications or changing to the wording of the questions.

Due to the legal nature of the discussion surrounding the agenda item, at 12:05 p.m., on motion by Massey seconded by Soltero, Rivera closed the meeting to Executive Session pursuant to Texas Gov't Code §551.071.

Rivera reconvened the meeting in Open Session at 12:38 p.m.

Ellis moved to accept Drish's recommendation #2, with staff to report to the Board after six months of the revised application being implemented

on how changes to the questions have impacted application processing and investigation. Mackenzie seconded. The motion passed unanimously.

At 12:40 p.m., Rivera recessed the meeting for a break.

At 12:50 p.m., Rivera reconvened the meeting in open session and the Board returned to agenda item 7g.

Due to personnel issues that required discussion, at 12:51p.m., on motion submitted by McKim with a second submitted by Ellis, Rivera closed the meeting to Executive Session pursuant to Texas Gov't Code § 551.074.

8. Report on staff performance evaluations

At 1:00 p.m., Rivera reconvened the meeting to Open Session. The Board returned to agenda item 8c.

9. Consider changes to standard Probationary License conditions

Drish submitted a recommendation to the Board to remove the probationary license conditions regarding Texas residency and minimum hours of active and substantial engagement in the practice of law as a Texas attorney.

Soltero submitted a motion that BLE no longer have a requirement of residency during the probationary license period and that staff prepare a revised proposal addressing the requirement that at an attorney on a PDL be employed as an attorney in Texas. Massey offered a second to the motion. The motion passed unanimously.

10. Report of Director of Admissions – Sullivan

10.1. Report on July 2022 Texas Bar Exam

Sullivan highlighted that registration is a bit higher than previously administered July examinations. He estimates enrollment may be as high as 3,300 when all registrations are processed.

Ellis expressed concern about the grading period due to the increase in examinations. Sullivan said that grading days had been added to the cycle, as noted in the CY22 calendar. Laurie will send a current CY22 calendar with the grading schedule included to all Board Members.

Texas will not require masks for the July 2022 examination. Some exam sites will seat two examinees per table.

10.2. Confirm Board Member coverage of July 2022 exam

Sullivan presented a proposed coverage schedule for the July 2022 exam. Ellis will replace Soltero on 7/26/22 in Austin. Giltner may not be able to attend both days in DFW, but Hoang will be available to provide coverage. Mackenzie and Rivera are unable to provide coverage.

10.3. Report on Updates to Informal Review

Sullivan proposed supplying Written Raw Scores and links to exam items, point sheets, questions, and analyses from the exam as provided by NCBE to examinees who failed the exam. The Board suggested that staff instead direct examinees to those links only if the applicant requests additional scoring information.

10.4. Report on Updates to Standard Setting Study

The Standard Setting study consultant will present at the November 2022 board meeting. Other dates of importance were distributed to the Board through the Board Meeting Book.

11. Consider collecting demographic information from applicants – Chair

Hoang and Rivera recently discussed collecting demographic information with Justice Busby.

12. Subcommittee Reports – Chair

12.1. Subcommittee on Rules and Guidelines

The committee is working on PDL guidelines and anticipates presenting at the next Board meeting.

12.2. Subcommittee on Diversity and Inclusion

This agenda item was deferred to the next Board meeting.

12.3. Subcommittee on Bar Exam, including standard setting study

This agenda item was discussed during the presentation of the Director of Admissions.

12.4. Subcommittee on Texas Law Component

This agenda item was discussed during the presentation of the Executive Director.

13. Report on NCBE – Chair

Rivera thanked members for attending the recent NCBE conference in New Orleans.

Rivera noted that NCBE is diligently working on the NextGen Bar Exam.

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

No issues were brought forth for discussion.

15. Adjourn – Chair

Rivera adjourned the meeting at 2:19 p.m.

Approved by:

A handwritten signature in blue ink, appearing to read "Augustin Rivera, Jr.", written over a horizontal line.

Chair Augustin Rivera, Jr.