

**Minutes of the Meeting of the  
Texas Board of Law Examiners  
June 16, 2023**

**1. Call to order, determine quorum, and consider requests for excused absences. (Chair)**

At 10:10 a.m., Chair Augustin Rivera, Jr., called the meeting to order. Board Members in attendance were Rivera, McKim, Mackenzie, Odom, Gintner, and Ellis. Board Members not attending with excused absences were Orr, Soltero, and Massey. A quorum was present.

Staff members in attendance were Hoang, Sullivan, Drish, Shaheen (April), Shaheen (Rod), Parks, Strunc, Gonzales, Hsu, and Copeland.

Guest speaker Chad Buckendahl was also in attendance.

**2. Consider minutes and certified agendas of board meetings, hearings, waiver panels, and committee meetings. (Chair)**

Upon motion submitted by Odom and seconded by Mackenzie, the minutes and certified agendas provided to the board were unanimously approved, including minutes for: January 2023 Board Meeting, December 2022 Hearings, January 2023 Waivers, February 2023 Waivers, March 2023 Waivers, March 2023 Hearings, April 2023 Waivers, and April 2023 Hearings.

**3. Consider communications from the public, if any. (Chair)**

No members of the public were in attendance.

**4. Report of Accountant. (Shaheen)**

**4.1. Report on investments.**

Shaheen presented the investment report for the third quarter of FY23 (period ending May 31, 2023).

**4.2. Report on financial matters.**

Shaheen presented the variance report and overall financial standing for the period ending April 30, 2023.

**5. Consider budget proposal for fiscal year 2024. (Hoang; Shaheen)**

Shaheen and Hoang presented the proposed budget for FY24.

*At 10:31 AM, pursuant to Tex. Gov't Code §551.074, Rivera closed the meeting for discussion of FY24 budget, including employee compensation. A certified agenda for this closed meeting has been created.*

*At 10:45 AM, Rivera reconvened the meeting in open session.*

Upon motion submitted by McKim and seconded by Odom, the Board voted unanimously to recommend to the Court the proposed FY24 budget as presented.

**6. Presentation regarding standard setting study, including mock exercise. (Sullivan)**

Sullivan informed the Board that 12 attorneys have accepted the invitation to serve as panelists for the Standard Setting Study. Staff will continue to invite additional panelists based on recommendations submitted by the Board.

Chad Buckendahl of ACS Ventures guided the Board through a Standard Setting Study mock exercise in preparation for the actual study to be undertaken in November 2023.

*At 12:40 PM, Rivera recessed the meeting for lunch.*

*At 1:00 PM, Rivera reconvened the meeting in open session.*

**7. Report of General Counsel. (Parks)**

**7.1. Litigation Report.**

*At 1:01 PM, pursuant to Tex. Gov't Code §551.071, Rivera closed the meeting to consult with legal counsel regarding pending litigation. At 1:18 PM, Rivera reconvened the meeting in open session. No action was taken.*

**8. Report of Executive Director. (Hoang)**

**8.1. General agency operations.**

Hoang reported the agency continues to operate well and affirmed that the efficiency of the agency continues to improve.

Hoang informed the Board that she has been appointed to a Texas Access to Justice Commission committee that is charged with investigating licensing paraprofessionals to perform certain legal services. She asked the Board to respond to an emailed survey that was forwarded by the Committee last week.

**8.2. Calendar update, including scheduling July 2023 Formal Reviews and review of previously proposed 2024 calendar.**

Rivera informed the Board that an additional 2023 Board Meeting may be needed. Additional information regarding scheduling will be forthcoming.

For the 2024 draft calendar, there are only two ARC meetings

scheduled. Parks requested that an additional ARC be added on May 17<sup>th</sup>. The Board agreed that more ARC meetings are needed, so the additional meeting will be added to the draft calendar.

Hoang reminded the Board that the Standard Setting Study is scheduled for November 1<sup>st</sup> – 4<sup>th</sup>. Board Members are welcome to attend as observers.

July 2023 Formal Reviews will be scheduled for Mon, October 23<sup>rd</sup> and Tuesday, October 24<sup>th</sup>. The reviews will start at 2:00 PM both days and will be conducted via Zoom. Gonzales will send an email to confirm Board Member date selection.

8.3. Complaint Resolution Report. (Hoang)

Hoang presented the Complaint Resolution Report of issues submitted through May 31, 2023.

8.4. Administratively Determined Waiver Decisions. (Hoang)

Hoang presented the report of Administrative Determined Waivers that were completed through May 31, 2023.

8.5. Discussion of Rule 13 in relation to California's recent state-accreditation of on-line law schools. (Hoang)

Hoang reminded the Board that Rule 13 requires that JDs earned at state-accredited schools be completed in-person; online learning for any school that is not ABA-approved does not meet Rule 13. California has started accrediting online programs. Hoang noted that Rule 13 could remain as is, it could be amended to accept online JDs from state-accredited programs, or it could be amended to not accept JDs from state-accredited schools. Articles of interest.

8.6. Articles of Interest.

Hoang presented articles of interest to the Board.

8.7. Recognize staff service, including Alex Anderson (5 years), Allison Drish (25 years), and Laurie Gonzales (5 years).

Hoang thanked Anderson, Drish, and Gonzales for their dedication and commitment to the agency. Rivera also thanked the recognized staff for their service.

9. **Report of Director of Investigation. (Drish)**

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

Drish presented the probationary license conversion report to the Board. She noted that applicant HDP's probationary license was extended rather than converted, as was incorrectly listed on the report provided to the Board prior to the meeting.

**10. Report of Director of Admissions. (Sullivan)**

**10.1. Report on February 2023 Texas Bar Exam.**

Sullivan noted that grade release for the February 2023 bar examination went smoothly and that the exam was very successful overall.

**10.2. Report on July 2023 Texas Bar Exam; confirm board member coverage; confirm graders.**

Sullivan solicited Board attendance for the July 2023 exam: Ellis confirmed she will cover both days of the July exam for Austin; Giltner will confirm her availability with Sullivan for DFW after reviewing her calendar; Odom and Massey will cover both days of Houston and will provide Sullivan with their schedules; McKim will cover both days of Lubbock; Mackenzie will cover both days of Waco; Orr will cover both days of San Antonio.

Sullivan confirmed that there are no changes to graders for the July 2023 examination.

**10.3. Update on Standard Setting Study.**

Sullivan noted that the study is scheduled for Thursday, November 2<sup>nd</sup> – Saturday, November 4<sup>th</sup>, at the AT&T Executive Education and Conference Center. Participants will arrive Wednesday evening, November 1<sup>st</sup>. Sullivan is working with the State Bar of Texas to award CLE for participation.

Hoang and Sullivan asked the Board for guidance on who should participate as observers. After discussion, the Board delegated responsibility for determining whom to invite to participate as observers.

**11. Report on NCBE, including timeline for NextGen decisions. (Chair)**

Rivera thanked Board Members and Staff who attended NCBE's May 2023 ABAC. He said it was the most highly attended NCBE conference to date.

Rivera provided Board Members with a copy of the Bar Exam Content Scope publication published by NCBE. It details information regarding

the Next GenBar Exam content and scope.

*At 2:39 PM, Rivera recessed the meeting for a break.*

*At 2:44 PM, Rivera reconvened the meeting in open session.*

## **12. Review and consider possible changes to current questions on applications for admission. (Chair)**

Rivera provided background information on the topic, specifically that BLE was in receipt of a request to address law student conduct prior to admission, including civility, and the Supreme Court's response that BLE would act on the request. Rivera asked the Board if action is now required based on that response. During discussion, Hoang noted that current applications do not address civility or the Lawyer's Creed. She suggested that in addition to asking applicants to abide by the Oath, adherence to the Creed or accepting a statement specific to civility could be included to address the issue. The Chair asked staff to review the issue, including reviewing applications used by other jurisdictions, for presentation and consideration at a future meeting.

## **13. Subcommittee Reports**

### **13.1. Report of Ad Hoc Subcommittee on Board Orders (Soltero, Ellis, Mackenzie); Consider approval of Guidelines for Drafting Orders; Consider approval of Standard Probationary License Conditions. (Chair)**

The Subcommittee has been reviewing guidelines that Staff use when drafting orders and drafting standard probationary license conditions. The Subcommittee proposed edits to these guidelines, which were provided to the Board as an addendum to the meeting book. Hoang stated that Staff has no recommendations with regards to the wording of either proposal and are seeking consistency and guidance by the Board.

Mackenzie submitted a motion and was seconded by Ellis that all edits in the Standard Probationary License Conditions, except for condition 12, be approved. The Board unanimously approved the motion. Mackenzie submitted a motion to approve all edits to Guidelines for Drafting Orders, which was seconded by Ellis.

The Board voted unanimously to approve the edits.

### **13.2. Report of Ad Hoc Subcommittee on Foreign Legal Consultants. (Soltero, Massey, Giltner)**

Giltner provided background information on Foreign Legal

Consultancy and provided information on changes that are being considered by the Subcommittee. The Subcommittee believes that Rules surrounding FLC need to be reviewed and that investigation and oversight of FLCs may need to be more stringent and will continue to meet regarding proposed changes. The Board authorized staff to update FAQs related to FLCs.

#### **14. Subcommittee Charges**

##### 14.1. Consider charging the Subcommittee on Diversity and Inclusion (Odom, Orr, and Rivera) with:

- Reviewing guidelines to staff for issuing PDLs, including the use of certain criminal history information in character and fitness investigations.
- Considering approval process for examinee requests for special arrangements due to religious beliefs. The Board requested that the Subcommittee take on these charges. .

##### 14.2. Consider charging the Subcommittee on Rules and Guidelines (Giltner, Ellis, and Rivera) with reviewing the Board's current Policy Statement on Practice Requirements for Rule XIII. (Hoang; Chair)

The Board requested that the Subcommittee take on this charge.

##### 14.3. Consider charging the Subcommittee on the Bar Exam (Mackenzie, Massey, and Rivera) with exploring Rule changes that may be needed ahead of changes to the current UBE. (Hoang; Chair)

The Board requested that the Subcommittee take on this charge.

#### **15. Consider issues arising from reports of Accountant, Executive Director, Director of Investigations, Director of Admissions, and General Counsel. (Chair)**

No issues were raised that required discussion.

#### **16. Adjourn. (Chair)**

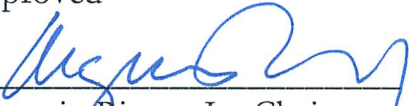
At 3:31 PM, with no further business to conduct for the day, Rivera adjourned the meeting.

Respectfully submitted,



Nahdiah Hoang, Executive Director

Approved

  
Augustin Rivera, Jr., Chair