

Minutes of the Meeting of the  
Board of Law Examiners  
April 19, 2024

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

Rivera called the meeting to order in open session at 9:03 AM. Board members present were Rivera, Giltner, Ellis, Mackenzie, Massey, McKim, Orr, and Odom. Soltero's absence was excused.

Also attending were:

- Justice Brett Busby
- Nahdiah Hoang, Executive Director
- April Shaheen, Assistant Director of Investigations
- Rod Shaheen, Chief Accountant
- Ky Strunc, Assistant Director of Admissions
- Laurie Gonzales, Executive Assistant
- Michael Sullivan, Director of Admissions
- Allison Drish, Director of Investigations
- Chris Copeland, Legal Assistant
- Kendelyn Schiller, Assistant Director of Investigations
- Noelia Villarreal, Administrative Assistant
- Dondraius Mayhew, Board Counsel
- Ciara Parks, General Counsel
- Matthew \_\_\_\_\_, Member of the Public

2. Recognize staff service: Nahdiah Hoang (10 years), Noelia Villarreal (15 years), Ky Strunc (20 years), Rod Shaheen (25 years), Allison Drish (25 years) – Chair; Supreme Court Liaison

Rivera recognized Hoang, Villarreal, Strunc, Shaheen, and Drish in honor of their employment tenures and presented each with a token of appreciation from the Board. Justice Busby thanked each staff member for their dedication to BLE.

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

Before the meeting, Board Members were provided with draft copies of the Meeting Minutes for:

- November 17, 2022 Waivers Panel

- December 16, 2022 Waivers Panel
- January 13, 2023 Waivers Panel
- February 10, 2023 Waivers Panel
- March 24, 2023 Waivers Panel
- April 14, 2023 Waivers Panel
- June 15, 2023 Hearings Panel (Hsu)
- June 15, 2023 Hearings Panel (Parks)
- September 22, 2023 Hearings Panel (Mayhew)
- September 22, 2023 Hearings Panel (Parks)
- October 20, 2023 Hearings Panel
- November 16, 2023 Hearings Panel (Mayhew)
- November 16, 2023 Hearings Panel (Parks)
- November 17, 2023 Board Meeting
- December 15, 2023 Hearings Panel (Hoang)
- December 15, 2023 Hearings Panel (Parks)
- January 11, 2024 Accommodations Review Committee
- January 11, 2024 Hearings Panel (Mayhew)
- January 11, 2024 Hearings Panel (Parks)
- January 12 – 13, 2024 Board Workshop
- March 22, 2024 Hearings Panel

Ellis moved to approve all minutes as submitted. Massey seconded. Upon vote of the Board, the motion carried unanimously.

4. Consider communication from the public, if any – Chair

No members of the public submitted comments.

5. Report of Accountant – Shaheen

- 5.1. Review Investment Reports

Shaheen presented the investment report for FY2024 through February 29, 2024.

- 5.2. Review Financial Report

Shaheen presented the financial report for FY2024 through February 29, 2024.

## 6. Report of Executive Director – Hoang

### 6.1. Calendar Update

Hoang reminded the board of the Annual Bar Admissions Conference scheduled in Chicago, May 2 – 5, 2024, and extended an invitation to all attendees and their guests to a group dinner scheduled for May 3, 2024.

Hoang also noted the recently scheduled board meeting on May 31, 2024. Rivera commented that the only issue on the agenda will be consideration of a recommendation to the court whether to adopt the NextGen Bar Examination, and if so, when.

### 6.2. New Lawyer's Induction Ceremony (May 6, 2024)

Rivera and Soltero will represent the board at the May 6, 2024 New Lawyer Induction.

### 6.3. General Agency Operations

Hoang included a board member appointment chart in the Board Meeting Book.

Hoang, Drish, and Schiller represented BLE at the Texas Lawyers' Assistance Program 35<sup>th</sup> Anniversary party. Hoang said they were honored to be included.

### 6.4. Articles of Interest

Hoang presented articles of interest including: ABA bar passage statistics, Indiana's acceptance of state-accredited online law schools, ABA Standard 208 regarding academic freedom of expression, NextGen subjects trusts and estates, the transition of the SAT to a fully digital exam, the Texas Access to Legal Services Working Group report, recent court cases on accommodations, a Colorado bill to require accommodations, information about the Committee on Legal Education and Admissions Reform (CLEAR), and an article on law school admissions.

### 6.5. Complaint Resolution Report

Hoang presented the Complaint Resolution Report for the period January 1 – April 5, 2024.

6.6. Report on Administratively Determined Waiver Decisions

Hoang presented the Report on Administratively Determined Waiver Decisions for the period January 1 – March 31, 2024.

7. Report of Director of Investigations – Drish

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

There were no probationary licenses converted to regular licenses or minor modifications to probationary licenses for this reporting period.

8. Report of the Director of Admissions – Sullivan

8.1. Report on February 2024 Texas Bar Examination

Sullivan expressed his appreciation to Ellis for providing board representation at the February 2024 examination. He told the board that for this exam, due to space considerations at the Austin Convention Center, accommodated examinees tested at a separate location, the TCEA Conference Center. Sullivan indicated a separate location for accommodated examinees worked well for the February exam but thought it would not be ideal for July examinations due to staffing considerations.

*At 10:07 AM, pursuant to Tex. Gov't Code §§ 551.071 and 551.089, Rivera closed the meeting to Executive Session.*

9. Report of the General Counsel – Parks

9.1. Litigation Report

9.2. Accommodations updates

10. Discuss Conducting a Standard Setting Study for the Texas Bar Examination: Final Report; consider recommendations based on report – Chair.

*At 11:58 AM, Rivera reconvened the meeting in open session.*

*At 11:59 AM, Rivera paused the meeting for a brief lunch break.*

*At 12:12 PM, the meeting continued in open session.*

11. Update on NextGen, including update on workgroup status – Sullivan; Hoang; Chair

- 11.1. Hoang referred to a map of NextGen adoption by UBE jurisdiction included in the Board Meeting. She provided materials for review by board members that may prove useful in NextGen discussion during the May 31, 2024 board meeting. Rivera stated that this topic would be revisited at the May 31<sup>st</sup> board meeting.

12. Consider hosting NextGen prototype testing for NCBE in October 2024 – Chair

Hoang informed the Board that all UBE states have been invited to participate in prototype NextGen testing. She expressed that BLE staff involvement would benefit the Board and future examinees. Participation was not budgeted, so it will add expenses to the FY24 budget, primarily additional staff travel expenses. Rivera confirmed that board approval is not required for BLE participation, so he thanked Hoang for bringing the matter to the Board's attention.

13. Approve calendar for 2025, including workshop and Bar Forum – Chair

Hoang provided a draft 2025 calendar in the Board Meeting Book. The Board expressed interest in confirming the Board Workshop date, typically held in January. Hoang solicited recommendations for locations, dates, and other Workshop expectations. The Board agreed that they would like to return to San Antonio to the Hyatt Hill Country Resort. Hoang said she would contact the venue to determine available dates in January and would distribute those to the Board. Orr offered to assist with scheduling a team-building exercise for the Workshop.

Any conflicts with draft Hearings dates for CY2025 should be submitted to Chris Copeland.

14. Appoint members to Special Character and Fitness Committee – Chair

Drish expressed interest in reinstating a Special Character and Fitness Committee. Rivera and Soltero have been acting as the committee, but Rivera asked for formal appointments. Ellis and Odom volunteered and

have been named to the committee. Rivera suggested that the committee review current PDL guidelines and suggest changes.

15. Consider request from a Texas law school dean regarding online LL.M. programs and Rule 13 section; consider charging a subcommittee to study the request – Hoang; Chair

Dean Baynes from University of Houston submitted an inquiry to Hoang regarding LL.M. qualifications, specifically the prohibition against online LL.M. programs offered by ABA-approved law schools. Hoang stated that she does not consider allowing online LL.M. programs from ABA-approved schools to be an issue. Rivera asked that staff prepare a proposal for the next board meeting to consider changes to the Rule.

16. Report of Chair – Chair

- 16.1. Update on law school visits

Hoang and Rivera have met with several of the law school deans, including Texas Southern Law School, University of Houston Law School, South Texas College of Law, and Texas Tech School of Law, seeking input on NextGen and other exam-related and licensing issues. The visits focused on the Next Gen examination, wellness, and accommodations. Rivera said that the deans have all been very engaged in these meetings and have provided valuable and plentiful feedback. Rivera invited board members to attend future meetings with schools that have not yet been visited.

- 16.1 Annual Bar Admissions Conference; Chicago, May 2-5, 2024

This topic was covered during the Executive Director's presentation (6.1).

- 16.3 Accommodations workshop

Rivera, Giltner, and McKim, ARC members, will participate in an accommodations workshop scheduled for later in the summer. This is in response to the exponential increase in the number of accommodations requests being submitted to BLE.

17. Consider issues arising from Reports of Accountant, Executive Director, Director of Investigations, General Counsel, and Board Chair – Chair

No issues were brought up for discussion.

18. Adjourn – Chair

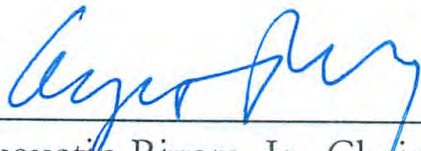
At 1:04 PM, with no additional business to discuss, Rivera closed the meeting.

**Respectfully Submitted by:**



**Nahdiah Hoang, Executive Director**

**Approved by:**



**Augustin Rivera, Jr., Chair**