

**Minutes of the Meeting of the
Board of Law Examiners
June 28, 2024**

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

Vice Chair Teresa Ereon Giltner called the meeting to order in open session at 9:03 a.m. Board members in attendance were Odom, McKim, Soltero, Massey, Orr, and Ellis. Board members attending remotely were Mackenzie and Rivera. Also in attendance were Drish, Sullivan, Schiller, Copeland, A. Shaheen, R. Shaheen, Strunc, Gonzales, Parks, Hoang, and Michelle Fontenot of Texas Lawyers' Assistance Program.

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

BLE staff provided draft minutes to the Board prior to the meeting, including:

- October 2023 Waivers Panel
- November 2023 Waivers Panel
- December 2023 Waivers Panel
- April 2024 Hearings Panel (Parks)
- April 2024 Waivers Panel
- May 2024 Waivers Panel

Upon motion submitted by Massey and seconded by Ellis, the Board unanimously approved all minutes as submitted.

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

Fontenot spoke about TLAP's mission and how TLAP could benefit applicants.

4. Report of Accountant. (Shaheen)

4.1. Report on investments.

Shaheen presented the investment report for the third quarter of FY24 (period ending May 31, 2024).

4.2. Report on financial matters.

Shaheen presented the variance report and overall financial standing for the period ending May 31, 2024.

5. Consider budget proposal for fiscal year 2025. (Vice Chair)

5.1. Staff's budget proposal. (Hoang; Shaheen)

Hoang and Shaheen presented the proposed budget for FY25.

5.2. Report of Finance Committee. (Giltner)

The Finance Committee met prior to the Board meeting to discuss the proposed FY25 budget. Upon motion of the Finance Committee and seconded by Odom, the Board unanimously approved the proposed 2025 Budget as submitted.

The Finance Committee also noted that it had approved the staff recommendation presented during the Finance Committee meeting to renew the contract with BLE's current external auditor, Weaver.

6. Report of Executive Director. (Hoang)

6.1. General agency operations.

Hoang reported that NCBE will conduct prototype testing of the NextGen Bar Exam, including full utilization of a preliminary version of the Surpass exam software. BLE staff will administer prototype testing October 25th – 26th, 2024, at South Texas College of Law and Texas A&M Law School.

6.2. Calendar update, including scheduling July 2024 Formal Reviews and review of previously proposed 2025 calendar.

Hoang noted that the Board has not yet approved the proposed CY25 calendar, so a month-by-month review was conducted: Giltner submitted a request to hold the June board meeting earlier in the month. The Board agreed to move the June Hearings and Waivers to June 12th and the Board Meeting to June 13th.

Rivera requested that May waivers and hearings be moved to an alternate date in May. Because of scheduling issues of the other board members, the waivers and hearings will stay on May 16th.

Hoang provided an overview of dates for July 2024 Formal Reviews. Review materials will be distributed by October 28th and Formal

Reviews will be conducted between November 4th and 26^h. Board members were asked to submit an email to Gonzales that includes the date(s) and timeblock(s) that they would like to be scheduled and if the board member would like to conduct Zoom meetings with or without BLE staff assistance.

Hoang provided brief information regarding NCBE's proposed NextGen Standard Setting Study, scheduled for May 12th – 15th, 2025. She will provide additional information as it is available.

Hoang asked the Board members for thoughts on whether staff should explore virtual hearings.

6.3. Complaint Resolution Report.

Hoang presented the Complaint Resolution Report for issues submitted between April 6, 2024, and June 19, 2024.

6.4. Administratively Determined Waiver Decisions.

Hoang presented the Report of Administratively Determined Waivers completed between April 1, 2024, and May 31, 2024.

6.5. Articles of interest.

Hoang presented the Board with Articles of Interest, including:

- ABA Legal Education Council Gives Its Blessing to AI
- ABA Proposal to Accredite Online Schools
- Deans Comments on the ABA Proposal for Online Schools
- Delaware Bench and Bar Diversity Project
- Grading the NextGen Bar Examination
- Journey Towards Fully Online Law Schools

7. Report of Director of Investigations. (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.

There were no probationary license conversions or modifications made during the preceding period.

8. Report of Director of Admissions. (Sullivan)

8.1. Report on July 2024 Texas Bar Exam; confirm board member coverage.

Sullivan informed the Board that July 2024 site assignments were sent to applicants the week of June 17th. He noted that there were more applications for the examination than for recent July exams. Sullivan solicited board participation at each July 2024 exam site.

- Ellis agreed to cover both days at Austin.
- Giltner agreed to cover one day at DFW (Allen) and Rivera agreed to cover the second day.
- Massey agreed to cover for Houston Day 1 and Mackenzie agreed to cover Houston Day 2.
- Orr agreed to cover both days in San Antonio.
- Odom agreed to cover both days in Waco.
- McKim agreed to cover both days in Lubbock.

9. Report from Subcommittee on Rules. (Hoang)

Hoang noted that the Subcommittee on Rules has been reviewing proposed changes to Rule 13.

10. Consider recommending revisions to Rule 13 to clarify issues regarding accredited law schools. (Hoang)

Hoang presented proposed Rule 13 revision to clarify how applicants with initial law degrees from non-ABA approved schools could satisfy law-study exemptions in Rule 13 exemptions, specifically for applicants who attended non-ABA approved on-line law schools and applicants who earned J.D.'s from law schools that were neither ABA-approved nor state accredited that later gained state accreditation.

After substantial discussion, Massey submitted a motion to recommend all proposed changes to the Court, with the caveat that the definition of "accredited" be changed in consultation with the Court's Rules Attorney. Odom submitted a second to that motion. The Board unanimously approved the motion.

11. Consider recommending revisions to Rule 13 section 9(a)(9), regarding online LL.M. courses at ABA-approved law schools. (Hoang)

Hoang noted that all 10 Texas law school deans have requested that the Rules be amended to allow for an online LLM from an ABA-approved law school. The Board discussed the merits of the recommendation, including the rigor of a program conducted remotely and how ABA accreditation allows for online programs.

Ellis submitted a motion to recommend the proposed revisions to Rule 13 9(a)(9) to the Court. Massey submitted a second. The Board unanimously approved the motion.

12. Consider staff's proposed revisions to "Board of Law Examiners Guidelines for Determining Character and Fitness and Overseeing Probationary License Holders" adopted in November 2018. (Hoang)

Hoang proposed changes to the guidelines to bring them into alignment with the most recent Sunset review and current best practices.

McKim submitted a motion to approve the proposal. Massey seconded the motion. The board unanimously approved the motion.

13. Report on BLE NextGen Work Group. (Rivera)

Rivera and Hoang presented a report to the Supreme Court outlining the Board's recommendation to administer the NextGen Bar Exam as of July 2027 and proposed changes to the Texas Law Component. The Supreme Court accepted the Board's recommendation to adopt the NextGen Bar Examination and further anticipate the first administration to take place in July 2028. The Court further ordered that an appropriate, graded Texas Law Component be reintroduced and administered as a half-day graded examination. Content and administration of the TLC are to be determined. The Court is accepting public comment on the Court's through September 30, 2024.

14. Report on NCBE. (Rivera)

This topic was deferred to a future meeting.

15. Consider action following BLE Report and Recommendations to the Court on the NextGen Bar Examination. (Vice Chair)

The Board discussed potential action related to the Texas Law Component, including content, administration type, and testing of

applicants other than bar examination takers. Ellis suggested including Texas Law Component on the January 2025 Board Workshop agenda. Soltero and Rivera agreed with the recommendation.

16. Consider issues arising from reports of Accountant, Executive Director, Director of Investigations, Director of Admissions, and General Counsel. (Vice Chair)

No issues were presented.

At 11:07 a.m., pursuant to Tex Gov't Code §551.071, Giltner closed the meeting to consult with legal counsel regarding pending litigation.

17. Report of General Counsel. (Parks)

17.1. Litigation Report.

At 11:23 a.m., Giltner reconvened the meeting in open session.

18. Adjourn. (Vice Chair)

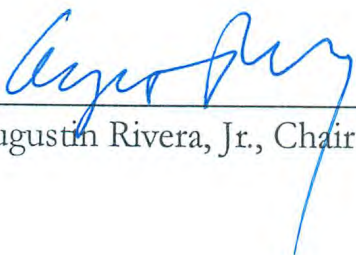
At 11:24 AM, with no further business to conduct, Giltner adjourned the meeting.

Respectfully Submitted,



Nahdiah Hoang, Executive Director

Approved,



Augustin Rivera, Jr., Chair