

**Minutes of the Meeting of
the Board of Law examiners
September 20, 2024**

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

Board Chair Augustin Rivera, Jr. called the meeting to order in open session at 9:13 a.m. Board members in attendance were Giltner, Odom, McKim, Soltero, Massey, Orr, Ellis, and Mackenzie. Also in attendance were staff members Hoang, Drish, Schiller, Sullivan, Strunc, Parks, and Gonzales. Staff member R. Shaheen attended remotely for a portion of the meeting.

2. Consider approval of minutes and certified agendas of board meetings, panel hearings, waiver panels, and committees – Chair

Staff provided draft minutes to the Board a week before the meeting, including:

- Accommodations Review Committee, January 2023
- Accommodations Review Committee, June 2023
- Hearings Panel, March 2024 – General Counsel
- Hearings Panels, May 2024 – General Counsel
- Hearings Panel, May 2024 – Board Counsel
- Hearings Panel, June 2024 – Board Counsel

Rivera provided draft minutes to the Board via email the day before the meeting and printed copies were provided by staff at the onset of the meeting, including:

- Board Meeting, April 24, 2024
- Board Meeting, June 14, 2024
- Board Meeting, June 24, 2024

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

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

No members of the public were present.

4. Report of Accountant –Shaheen

4.1. Review investment reports

Shaheen provided the Board with a copy of the Investment Report for FY2024, period 9/1/2023 – 8/31/2024, before the meeting and presented an overview at the meeting.

4.2. Review preliminary annual financial report

Shaheen provided the Board with a copy of the preliminary financial

report for FY2024, period 9/1/2023 – 8/31/2024, before the meeting and presented an overview at the meeting.

5. Report of Finance Committee – Giltner

Giltner noted that the Finance Committee met on 9/20/2024, immediately before the Board meeting, to discuss general questions from Supreme Court Liaison Justice Busby regarding the Board's budget.

The Finance Committee requested that the Board set aside time during the January 2025 Board Workshop to discuss budget issues, including: the timing of presenting budgets to the Court; how to present additional, useful information to the Court regarding the budget; reserves; fees; and planning for NextGen.

6. Report of Executive Director – Hoang

6.1. General agency operations

This item was deferred to a future meeting.

6.2. Report on 2024 CBAA August Meeting

This item was deferred to a future meeting.

6.3. Report on Bar Forum on October 28, 2024 (CLEAR)

The Bar Forum is scheduled for October 28, 2024, immediately following the State Bar of Texas New Lawyer Induction. The Bar Forum will include a presentation by CLEAR, a project of the Council of Chief Justices. All board members are invited, and the Court is encouraging attendance. Please RSVP to Gonzales, as requested in the invitation email sent on 9/17/2024.

Hoang also requested a volunteer to participate in the New Lawyer Induction. She asked Board Members who are available and interested to notify Rivera by October 3rd.

6.4. Complaint Resolution Report

Hoang presented the Complaint Resolution Report for issues submitted between June 20, 2024, and September 13, 2024.

6.5. Administratively Determined Waivers Report

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

6.6. Articles of Interest

Hoang provided the Board with Articles of Interest, including:

- American Bar Association – Commission on Domestic and Sexual Violence Section of the Civil Rights and Social Justice Standing Committee on Legal Aid and Indigent Defense Virgin Islands Bar Association Report to the House of Delegates
 - Orr provided an overview of this report to the Board. Hoang mentioned that she is occasionally questioned by applicants regarding the requirement to disclose restraining orders and similar civil proceedings on Declarations and Applications, so she confirmed that the report is impactful for Texas.
- Above the Law article on NextGen
- “California Forges Ahead with Plan for Its Own Bar Exam in 2025”

6.7. Summary of newly amended State Bar Rule 5.05 Unauthorized Practice of Law; Remote Practice of Law

Hoang outlined the newly amended State Bar Rule 5.05 regarding unauthorized practice of law and remote practice. The amendment takes effect October 1, 2024.

6.8. Summary of newly amended Rules Governing Admission to the Bar of Texas Rule 13 sec. 9 (LL.Ms)

Hoang provided a copy of the newly amended Rule 13 sec. 9 regarding LL.Ms that may help qualify a foreign-trained applicant for admission. The updated Rule was effective immediately and allows a qualifying LL.M to be earned online through synchronous learning.

6.9. Calendar updates

Hoang provided copies of the CY2024 and CY2025 calendars and noted there are no changes.

6.10. January 2025 Board Workshop planning

The Board Workshop is scheduled January 10 – 11, 2025, at the Hyatt Hill Country San Antonio Resort. Rivera invited Board Members to submit proposed agenda items to Hoang and/or him.

6.11. Kaplan Bar Exam Prep email of August 27, 2024

Hoang provided the Board with a copy of an email received from Kaplan, inquiring about services to Texas.

7. Report of Director of Investigations – Drish

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

The report of conversion of probationary licenses and for minor modifications to active probationary licenses was provided to the Board

prior to the meeting with an overview of the report provided by Drish during the meeting.

7.2. Annual report of character and fitness determinations

The Annual Report of Character and Fitness Determinations was provided to the to the Board before the meeting with an overview of the report provided by Drish during the meeting.

8. Report of Director of Admissions – Sullivan

8.1. Report on July 2024 Texas Bar Exam/Grading Update

Sullivan stated that in his assessment, the July 2024 execution of the exam was the most successful of his tenure. He believes upgrades to proctor manuals, the quality of proctors, and improved training procedures had direct impact on the excellent administration. He also attributed detailed planning of site administrators and contributions of onsite Board Members as major factors in the overall success.

Grade release for July 2024 is anticipated by October 9, 2024.

Ellis brought up possible changes to the grading cycle.

8.2. February 2025 Texas Bar Exam update

The February 2025 exam will be held at Palmer Events Center and will include metal detectors. Detectors were piloted at the Houston and DFW July 2024 exams.

Ellis and Soltero agreed to represent the Board at the exam.

8.3. July 2025 Bar Exam/February 2026 Bar Exam sites

Sullivan has not yet secured a facility in Houston for July 2025. Most of the NRG facilities will be devoted to the World Cup and will not be available for the July 2025 exam. He will continue investigating possibilities in Houston and its suburbs.

The February 2026 bar examination may have to be held in a city other than Austin—neither Palmer Events Center nor the Austin Convention Center are available. Board members suggested Sullivan check with Moody Center.

9. Report of General Counsel – Parks

9.1. Annual Report on Testing Accommodations

The Annual Report on Testing Accommodations was provided to the Board prior to the meeting with an overview of the report provided by

Parks during the meeting.

At 10:44 AM, pursuant to Tex. Gov't Code §§ 551.071, Rivera closed the meeting to Executive Session.

9.2. Litigation report

At 11:06 AM, Rivera reconvened the meeting in open session.

10. Supreme Court of Texas Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants

Hoang provided a copy of the proposed rule regarding allowance of unlicensed paraprofessionals to provide limited legal services for specific client populations.

Board members reviewed the Court's Miscellaneous Docket No. 24-9050, Preliminary Approval of Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants, and discussed several issues, including fees to cover costs of determining an applicant's eligibility; staffing to perform these duties; process for creating required exams; determining oversight process for licensed paraprofessionals and licensed courts-access assistants; clarifying rules on limitations of license to services to low-income clients; whether permitted practices should be tested on each subject matter exam; and whether the Rules should clarify the level of supervision required.

11. NextGen – Chair

- 11.1. Rivera noted that last week West Virginia and North Dakota announced adoption of the NextGen bar exam.
- 11.2. Rivera encouraged the Board to review the public comments on the Supreme Court of Texas Order Regarding the NextGen Bar Exam and Texas Law Component.
- 11.3. Rivera encouraged the Board to review the letter from the American College of Trust and Estate Counsel and the NCBE response to that letter.
- 11.4. Director Hoang reported that BLE Staff has agreed to administer the NCBE's prototype NextGen examination on October 25th – 26th in Houston and Fort Worth and on October 24th – 26th in Austin. Board members are invited to observe.

Consider request from Texas law school deans re: Effect of Hurricane Beryl on certain July 2024 Texas Bar Exam applicants – Chair

Hurricane Beryl in early July 2024 after and ensuing weeks-long power outages disrupted exam preparations for some applicants.

Staff waived fees for examinees affected by Hurricane Beryl and the subsequent power outages who submitted a request to withdraw from the July 2024

examination due to Hurricane Beryl.

After discussion, the Board encouraged Hoang to extend this waiver policy to affected applicants who had not withdrawn from the July 2024 exam but still needed to re-apply for a future exam.

In addition, if an affected examinee later seeks to waive the 5-exam limit in Rule 11(f), the Board authorized Hoang to not count the July 2024 exam as one of the examinee's 5 attempts.

12. Report on NCBE – Chair

Rivera reported on NCBE's efforts towards getting NextGen ready for the first administration in July '26. Rivera also reported that he has been elected as Chair-Elect of the NCBE Board of Trustees.

13. Report on CLEAR – Chair

Rivera reported that the Conference of Chief Justices and the National Conference of State Courts have created the Committee on Legal Education and Admissions Reform. CLEAR representatives will present at the October 28th Bar Forum and Luncheon about their mission, which is to engage with critical stakeholders from legal education, bar admissions, courts, and the practicing bar (with special emphasis on public interest lawyers) through the course of this work, especially as it relates to staffing working groups. Rivera also serves on CLEAR's Bar Admissions Working Group, as a bar examiner representative.

14. Consider issues arising from reports of Executive Director, Director of Investigations, Director of Admissions, General Counsel, Committees, and Subcommittees – Chair

The Board discussed the January Board Workshop.

15. Adjourn – Chair

At 12:19 p.m., with no additional business to discuss, Rivera adjourned the meeting.

Respectfully Submitted by:



Nahdiah Hoang, Executive Director

Approved by:



Augustin Rivera, Jr., Chair