

**Minutes of the Board Workshop
The Texas Board of Law Examiners,
Hyatt Hill Country, San Antonio, Texas
January 10th – 11th, 2025**

Friday, January 10, 2025

1. Welcome, call to order, determine quorum, and consider requests for excused absences - Chair

On Friday, January 10, 2025, Chair Augustin Rivera, Jr. called Day 1 of the two-day meeting to order in open session at 9:02 a.m. Board members in attendance were Odom, McKim, Soltero, Massey, Ellis, and Mackenzie. Also in attendance were BLE staff members Hoang, Sullivan, A. Shaheen, Strunc, Gonzales, and Parks. Attending remotely were staff members R. Shaheen and Drish and Rebecca Goldstein Darling of Weaver. Orr joined the meeting at 11:53 a.m. Giltner joined the meeting at 1:40 p.m.

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

No members of the public were present to submit comments.

3. Consider approval of minutes and certified agendas of Board Meetings, Hearings Panels, and Waivers Panels - Chair

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

- October 18, 2024 Hearings Panel
- October 29, 2024 Hearings Panel (Parks)
- October 29, 2024 Hearings Panel (Mayhew)

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

4. Report from Auditors (Zoom)

Rebecca Goldstein Darling of Weaver provided an overview of the Fiscal Year 2024 annual audit. Board members were provided a copy of the detailed audit report before the meeting. Goldstein Darling outlined the procedures Weaver followed to complete the audit and stated that no anomalies or items of concern were discovered. Goldstein Darling

noted, “Weaver appreciated participating in such a clean audit.”

Rivera thanked Goldstein Darling and BLE staff for their hard work on the audit.

5. Report of Accountant - Shaheen

5.1. Review investment reports

Shaheen presented the investment report for the 1st quarter of FY2025 (period ending 11/30/2024).

5.2. Review 1st quarter financial report

Shaheen presented the variance report and overall financial standing for the period ending 11/30/2024.

6. Report of Executive Director - Hoang

6.1. General agency operations, including Texas Workforce Commission Audit; SnapPay migration; presenting budgets to the Court; NCBE/CBAA appointments and work; ATLAS updates; procedures for preparing Board orders

Hoang informed the Board that every six years, the Texas Workforce Commission audits the BLE to ensure that the agency is compliant with state and federal employment laws. The TWC completed its audit of the BLE in November 2024, and Board members were provided a copy of the letter from TWC indicating our agency complies with all state and federal requirements.

BLE uses Texas.gov payment services, through the Department of Information Resources, to process online payments. Texas.gov is transitioning to a new vendor (SnapPay) to process these payments. This has required some assistance from BLE staff and ILG Technologies. The project is still in progress but should be a seamless transition as it moves forward.

BLE will begin providing the Court with the proposed annual budget earlier in the budget cycle than in previous years. The goal is to have a proposed upcoming fiscal year budget to the Court

by mid-April to early May.

Hoang reviewed the Board Guidelines for Preparing Character and Fitness Orders, adopted June 16, 2023. The Board discussed process and timing of Order completion. Hoang noted that the Order policies will be added to the BLE website.

Hoang updated the Board on the recent appointments BLE Board members and staff to NCBE committees.

Hoang complimented Sullivan and the entire BLE staff on continued improvements to ATLAS.

6.2. Updates to current Texas Law Course

Hoang, Clerk of the Supreme Court Blake Hawthorne, and the State Bar of Texas are working on an update to Hawthorne's section of the Texas Law Course, namely Court Structure and E-Filing. Staff are working on identifying and implementing additional changes needed for other sections.

6.3. Licensed Legal Paraprofessionals and License Court-Access Assistants

After the comment period ended for the Supreme Court's Proposed Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants, the Court issued an order indefinitely pausing implementation of the proposed rules.

6.4. Legislation tracking

Staff is tracking HB 1528 (Relating to the licensing and regulation of certain legal paraprofessionals; requiring an occupational license; imposing fees) and HB 1387 (Relating to a person's eligibility to sit for the examination for a license to practice law in this state).

6.5. Report on Administratively Determined Waiver Decisions

Hoang presented the Report of Administratively Determined Waivers for waivers submitted September 1 - December 31, 2024.

6.6. Articles of Interest

Hoang presented the Board with Articles of Interest, including:

- Order Delaying Effective Date of Proposed Rules Governing Licensed Legal Paraprofessionals and Licensed Court-Access Assistants
- Order Concerning Recommendations of the Blue Ribbon Commission on the Future of the Bar Exam (CA)
- Recommendation of the Blue Ribbon Commission – Request for Adoption (CA)
- California High Court Rejects Bar Exam Alternative Program
- Nevada Green-Lights Three-Pronged Plan to Licensure
- Order Regarding NextGen Bar Exam and Texas Law Component and Seeking Public Comments
- NextGen Court Order Synopsis
- NextGen Public Comments

6.7. Complaint Resolution Report

Hoang presented the Complaint Resolution Report for issues submitted September 14 - December 31, 2024.

At 10:15 AM, Rivera paused the meeting for a break.

At 10:31 AM, Rivera reconvened the meeting in open session.

7. Report of Director of Admissions - Sullivan

7.1. Report on finances for July 2024 Texas Bar Exam

Sullivan provided the Board with financial data for the 2023 and 2024 bar examinations, to include exam-related revenues and expenses. Expenses of note included increased proctor hourly pay which was raised in February 2024 to \$20 per hour (up from \$15 per hour), increased venue expense required to meet larger total exam enrollment and additional testing rooms and testing materials for accommodated examinees, as well as an increase in

the cost of examination materials purchased from NCBE.. Exam fees, laptop application fees, and late fees no longer cover the actual costs of administering the exam. Staff will continue to monitor and report to the Board on this issue.

7.2. Report on February 2025 Texas Bar Exam

Sullivan confirmed that Ellis will represent the Board at the February 2025 examination.

8. NextGen Bar Exam - Chair

8.1. Discuss timeline for transitioning to NextGen – Hoang

On June 25, 2024, the Court issued an Order Regarding the NextGen Bar Exam and Texas Law Component and Seeking Public Comment, anticipating adoption of the NextGen Bar Examination in July 2028 and acceptance of transfer of NextGen scores earned in other jurisdictions (such scores will be earned beginning July 2026). Accepting transferred NextGen scores and administering NextGen will require changes to the Rules.

Mackenzie and Hoang recommended the following timeline:

- June 2025 Board meeting: Initial review of suggested rule changes to cover both acceptance of NextGen transfer scores in fall 2026 as well as transition to NextGen in July 2028.
- July 2025: NCBE publishes concordance tables and results of standard setting exercise, which could be useful in setting the passing score for accepting NextGen scores from other jurisdictions.
- September 2025 Board meeting: Recommend Rule changes to Court.
- Fall 2026: Final Rules in place to allow transfer of NextGen scores.

8.2. Discuss Texas Law Component – Hoang

Per its Order, the Court anticipates that in connection with Texas

administering the NextGen Bar Exam in July 2028:

...an appropriate graded Texas Law Component (will) be reintroduced to ensure that applicants who wish to be admitted to the Texas Bar have sufficient knowledge of important aspects of Texas law. The Court anticipates the Texas Law Component will be a half-day graded exam. The content, timing, and format of this Texas Law Component have not yet been determined, but the Court anticipates that this change will take effect beginning with the July 2028 exam administration, and the Court will continue to study the matter with guidance from the Board.

Rule 5 describes the Texas Law Component as “prescribed by the Board and approved by the Supreme Court,” so no Rule change is needed to change the Texas Law Component from the current Texas Law Course to a graded Texas law exam.

Hoang asked the Board to provide guidance regarding the format of the Texas law exam. The Board did not reach consensus. Hoang will provide additional information to the Board regarding multiple options.

The Board agreed that Hoang should explore how to offer the graded TLC exam at least one additional time each year apart from the February and July bar exams, possibly in September, to allow more frequent opportunities to pass the graded TLC exam, especially for AWOX applicants, transfer applicants, and bar exam applicants who may need to take the graded TLC exam more than one time.

Hoang proposed the following timeline for creating a graded TLC exam:

- o April 2025 Board meeting: Recommend exam subjects and format to Court for approval; Budget request for graded

TLC exam development

- April 2025 – July 2028: Develop graded TLC exam
- July 2028: Administer first graded TLC exam in conjunction with Texas's first administration of the NextGen exam.

8.3. Formation/Continuation of Work Group - Chair

Rivera reinstated the NextGen Work Group – with Rivera, Odom, McKim, Giltner, Dean Nowlin, Dean Roberts, and a third Texas law dean to be selected by the Work Group – to provide input on the implementation of NextGen, as well as the graded TLC exam.

At 12:01 PM, Rivera recessed the meeting for lunch.

At 1:40 PM, Rivera reconvened the meeting in open session.

Rivera provided a recap of agenda items completed during the morning session.

Several Board Members asked Rivera to discuss with the Court liaison whether Board Members who were appointed to partial first terms could be allowed to serve the partial term plus two full terms.

Rivera also noted that Texas Supreme Court Chief Justice Hecht retired effective 12/31/2024. Justice Jimmy Blacklock has been appointed the new Chief and James P. Sullivan has been appointed to fill Blacklock's seat.

At 2:06 PM, pursuant to Tex. Gov't § 551.071 and § 551.074, Rivera closed the meeting to executive session.

9. Litigation Report - Parks

10. Consider Board member's ethical duties and external relationships - Board

At 3:08 PM, Rivera reconvened the meeting in open session.

Massey moved to record the following in the minutes:

During closed session, the Board engaged in robust discussion and disclosure by Rivera of his incoming role as Chair of the NCBE with respect to his ethical obligations to both organizations. After the discussion, the other members of the Board, consistent with their fiduciary duties to the Board, have concluded that the dual-service, standing alone, does not present a conflict to be addressed. Nevertheless, on a case-by-case basis, the Board, including but not limited to the Chair, will remain diligent to identify and address conflicts in the future if and when they arise.

Soltero seconded the motion. Rivera recused himself from the vote, and all remaining Board members voted to approve the motion.

11. Report on testing accommodations – Parks

Parks presented the Report on Testing Accommodations for FY2024 and provided information regarding current requests for testing accommodations for the February and July 2025 examinations.

12. Recess – Chair

At 3:18 PM, with no further business to conduct for the day, Rivera recessed the meeting until Saturday, January 11, 2024, 9:00 a.m.

Saturday, January 11, 2025

13. Welcome, call to order, and determine quorum, Day 2 - Chair

On Saturday, January 11, 2025, Chair Augustin Rivera, Jr. called Day 2 of the two-day meeting to order in open session at 9:10 AM. Board members in attendance were Odom, McKim, Soltero, Massey, Ellis, Giltner, Orr, and Mackenzie. Also in attendance were BLE staff members Hoang, Drish, Sullivan, A. Shaheen, Strunc, and Gonzales.

14. Report of Finance Committee - Giltner

14.1. Report on Audit – Giltner

Giltner, chair of the Finance Committee, noted that Weaver had presented the audit to the Board.

14.2. Report on and Consider Policy for Investment of Board Funds, Certificate of Deposit Authority Resolution

The Finance Committee reviewed the annual Policy for Investment of Board Funds and Certificate of Deposit Authority Resolution. There were no changes to the policy or resolutions from previous years and the Committee did not recommend any changes to the items as submitted by staff. As such, the Committee recommended approval of the items. Upon motion submitted by Odom and seconded by McKim, the Board unanimously approved the Policy for Investment of Board Funds and Certificate of Deposit Authority Resolution as submitted.

14.3. Report on and Consider proposed Policy on Operational Funds

The Supreme Court requested that BLE develop a plan to manage operational and reserve funds. After reviewing BLE's financial standing, determining that the agency typically maintains one to one-and-one-half year's operating funds in reserve, and evaluating circumstances that could deplete these reserves, the Finance Committee drafted a plan for the management of operational funds, which was provided to the Board prior to the meeting.

Upon motion submitted by Soltero and seconded by Odom, the Board unanimously approved the policy as submitted.

15. Report of the Executive Director, cont. – Hoang

The Board revisited discussion of the proposed formats for the graded TLC exam, including proposed grading procedures. Orr suggested revisiting this topic at the next Board meeting. Rivera added that reviewing other jurisdictions' state-specific tests could be helpful.

16. Report of Director of Investigations - Drish

16.1. Report on Certification by Chair

With the change of Rule 4(d)(2), staff require updated procedures for Certification by the Chair. Drish requested guidance from the Board on two specific topics. Because of a potential conflict of interest, Orr recused herself from discussion of this topic.

Drish asked whether applicants whose felony history created with a rebuttable presumption that they lack present good moral character and fitness are eligible for the Certify by Chair procedure. Rivera, after discussion of the issue with the Board Members, said that if staff issued a PDL in these instances, the Board, rather than the Chair, should decide the issue.

Drish noted that if there is no presumption that the applicant with a felony history lacks present good moral character and fitness, the Board's current policy guidelines for staff indicate that if there has been any misconduct since the applicant's felony judgment, then a PDL must be issued. After discussion by the Board, Rivera directed staff to consider whether any such misconduct would rise to the level of a PDL in and of itself; if it does not, then the applicant may be considered for Certify by Chair.

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

Drish presented the report of conversions of probationary licenses to regular licenses and minor modification of active probationary licenses.

17. Proposed Rule 13 practice time policy

17.1. Subcommittee on Rules and Policies report on proposed policy – Giltner

17.2. Giltner deferred to Hoang to present the proposed policy to the Board, a copy of which was provided prior to the meeting. Hoang outlined the history of evaluation of Rule 13 practice time. She stated that the updated proposed version of the policy incorporates changes to Rule 13 and the Texas Disciplinary Rules of Professional Conduct that have been implemented since the current version of the policy was approved, as well as staff’s evolution in how to treat “J.D.-preferred” positions. Several members of the Board expressed concern with the portion of the policy that excludes practice time earned while working under pro hac vice admission. Hoang noted that this had been the Board’s policy since the 1990s. The Board discussed how to evaluate unsupervised legal work performed by a licensed paraprofessional. Consider proposed policy – Chair

After discussion of the proposed policy, Soltero submitted a motion to approve the policy with the removal of 4.4 (regarding licensed paraprofessionals) and 4.5 (regarding pro hac vice). Giltner seconded the motion.

Massey submitted an amendment to insert the phrase “six months” in the second paragraph, which was accepted by Soltero and Giltner.

Upon amended motion submitted by Soltero and seconded by Giltner, the policy, with the changes noted, was unanimously adopted.

At 10:28 AM, Rivera paused the meeting for a break.

At 10:39 AM, Rivera reconvened the meeting in open session.

18. Proposed religious arrangements policy

18.1. Subcommittee report on proposed policy – Orr

Orr deferred to Hoang to present the subcommittee’s report on a

proposed policy for religious arrangements, a copy of which was provided to the Board before the meeting.

18.2. Consider proposed policy – Chair

After additional discussion by the Board, this item was deferred to a future meeting.

19. Application of Texas Government Code § 552.11765, Confidentiality of Certain Information Maintained by State Licensing Authority

19.1. Report on Texas Government Code §552.11765 – Hoang; Parks

Staff is researching the applicability of Texas Government Code §552.11765.

19.2. Consider actions regarding Texas Government Code §552.11765 – Chair

No action was taken.

20. Committee and Subcommittee appointments for calendar year 2025 – Chair

20.1. Finance Committee appointments – Chair

Currently the Finance Committee is chaired by Giltner with additional members Massey, Orr, and Ellis. All members accepted reappointment.

20.2. Accommodations Review Committee appointments – Chair

Currently the committee is chaired by Rivera with additional members Giltner and McKim. All members accepted reappointment.

20.3. Special Committee appointments for calendar year 2025 – Chair

Hoang discussed that the Board's policies for character and fitness investigations include a Special Committee with a very narrow charge: If staff determine that a PDL is required for an

applicant who has pending litigation or certain other pending matters, the Special Committee determines whether a hearing should be deferred until after pending matters are resolved. Odom and Ellis volunteered and the Chair appointed them to the Special Committee.

20.4. Subcommittee appointments and charges for calendar year 2025 – Chair

Rivera reviewed the status of subcommittees with the Board.

- Rivera suggested that a subcommittee on Artificial Intelligence be considered. After discussion, Rivera stated that formation of a subcommittee on AI will be tabled, but staff should remain alert to AI's impact on the work of the BLE.
- Current subcommittees– Chair
The current subcommittees on Rules and Guidelines, the Bar Exam, and Diversity and Inclusion were dissolved and new subcommittees, including the NextGen Work Group and Subcommittee on Character and Fitness were established as described below.
- NextGen Work Group
The current Work Group consists of Rivera, Giltner, Odom and McKim and Deans Nowlin and Roberts. Rivera will solicit an additional recommendation of a law school dean from Nowlin and Roberts.
- Subcommittee on Character and Fitness
Soltero, Ellis, and Orr volunteered and were appointed to serve on the Subcommittee on Character and Fitness, to work with staff to review the Board's Guidelines for Determining Character and Fitness and Overseeing Probationary License Holders (Adopted June 28, 2024) and the Board's Character and Fitness Policies (Reviewed and

modified by the Board on March 28, 2008, with the past due debt policy modified on January 9, 2015).

21. Consider Board Calendar for calendar year 2025 – Chair

Before calendar discussion began, Gonzales noted that the calendar copy provided to Board members prior to the meeting had undergone one edit; Mackenzie and Giltner traded panel assignments for September and October, 2025.

McKim reminded the Board she would be attending the April 2025 Board meeting remotely. Odom will be covering April 2025 for Massey. Soltero will be covering May 2025 for Odom. Soltero will potentially be attending the June 2025 board meeting remotely.

Ellis asked if the July grading calendar could be reviewed. Sullivan stated that it is the staff's intention to expand the grader's grading timeline "by a couple of days," but that no real expansion could be made without reducing the Board's re-grading timeline to include only one weekend. The Board agreed that one weekend would be enough.

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

During discussion of item 8.2, Board members discussed pay increases for grading the UBE. Rivera asked that Staff compile grader pay data from other jurisdictions and present a proposal for grader pay increase to the Board at a future meeting.

During discussion of item 15, Orr noted that several of the Board's graders had participated in grading the NextGen prototype, and suggested having one or more of them present to the Board about the experience, subject to any non-disclosure agreement they may have with the NCBE.

No other issues were raised for discussion.

23. Adjourn – Chair

At 11:51 AM, with no further business to conduct, Rivera adjourned the meeting.

Respectfully Submitted by:



Nahdiah Hoang, Executive Director

Accepted by:



Augustin Rivera, Jr., Chair