

**Minutes of the Workshop of the
Texas Board of Law Examiners
January 16 – 17, 2026**

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

On Friday, January 16, 2026, Chair Augustin Rivera, Jr. called the meeting to order in open session at 9:21 a.m. Board Members in attendance were Cynthia Orr, Anna McKim, W. Stephen “Steve” Benesh, Harold “Al” Odom, Teresa Ereon Giltner, Carlos Soltero, and Alexis Howard Lewis. Also in attendance were staff members Haksoon Andrea Low, Kendelyn Schiller, Chris Copeland, Nahdiah Hoang, Dondraius Mayhew, Michael Sullivan, April Shaheen, Ky Strunc, and Laurie Gonzales. Staff member Rod Shaheen attended as a participant of items 4 – 6. Presenters Rebecca Goldstein Darling attended remotely as a participant of item 5 and Russ Keglovits attended as a participant of item 7. Law school Deans Patricia Roberts, Jack Nowlin, and Rey Valencia attended remotely as participants of agenda item 8.

Rivera offered condolences to Howard Lewis for the loss of her father, to staff member Johnson for the loss of her husband, and to the Board and staff for the loss of Board Member Alfred Mackenzie.

To honor Mr. Mackenzie, Rivera read his obituary:

Surrounded by family, Charles Alfred Mackenzie passed away on Sunday, January 4, 2026, at the age of 60. Alfred was a native Houstonian and long-time resident of Waco. He recently returned to Houston to practice appellate law as a senior attorney at The Lanier Law Firm.

During his youth, Alfred loved building radios and pushed himself academically. He participated in high school debate, photography, and Number Sense. Alfred was also a Texas delegate to Boys State. He spent a portion of his childhood in East Texas, where he raised rabbits with the local 4-H club and was baptized at the First Baptist Church of Alto.

At Baylor University Alfred truly fell in love. First with the study of history, and then with Gretchen Hartberg. He pursued both with passion, leaving campus only after having secured three degrees—a Bachelor of Arts and Masters in history, and then a Juris Doctorate—and the hand of his lifelong best friend. Alfred and Gretchen were married on August 5, 1989.

After law school, Alfred went on to clerk for a state appellate court and to practice appellate litigation in the Fifth Circuit Court of Appeals, the Texas Supreme Court, and the Texas Courts of Appeals. He delighted in the law and excelled as a practitioner, becoming a board-certified appellate lawyer who was recognized as a Super Lawyer 17 years in a row. He also played a significant role in shaping the next generation of lawyers, teaching students as an Adjunct Professor at Baylor University, safeguarding the integrity of the bar as a member of Texas's Board of Law Examiners, and mentoring junior attorneys in his practice.

While an adjunct professor, Alfred took great pleasure in getting to teach his son and future daughter-in-law—among countless others over whom he had a formative influence. In May of 2025, Alfred sponsored his son for admission to the Bar of the Supreme Court of the United States during an in-person ceremony in the Courtroom of the Supreme Court in Washington, D.C., before all nine justices.

Alfred remained a lifelong student himself, attaining a mid-career Masters of Law from the University of Glasgow. His thesis combined his devotion to the American constitutional system with his passion for history and his ancestral home, discussing the influence of the Scottish enlightenment on the U.S. Constitution.

While living in Waco, the First Baptist Church of Waco became a second home. From serving on the College Council as a student to serving as Chairman of the Deacons as an adult, Alfred was dedicated to Baptist life and the kingdom of God. During his many years at the church, he was actively involved in leading Sunday school classes, youth groups, college groups, numerous committees, and more.

Alfred had many passions. He and his wife relished building their house in Waco together, which he designed personally. When his son was in Boy Scouts, he served as a Scout Leader. Together they enjoyed camping adventures (and misadventures) all over Texas, New Mexico, and Colorado. He was an avid reader, a hobby he shared with his daughter, whom he lovingly dubbed his “sidekick.” He and his daughter also treasured attending the Houston ballet together. Alfred

was fond of photography and travel. He recently returned from trips to Scotland and Yellowstone with pictures of ancestral castles and geothermal landscapes. And when he came home each day, you could always find him loving on his two Gordon Setters, Angus and Bella.

Alfred showed uncommon strength and grit through five years of cancer treatments, continuing to pursue all of these loves with defiant grace and joy. What took him did not master him.

Charles Alfred Mackenzie is survived by his wife Gretchen Hartberg Mackenzie, daughter Katherine Ann Mackenzie, son James Andrew Mackenzie, daughter-in-law Janessa Mackenzie, mother Glenda Mackenzie, and siblings Alan Mackenzie, Pamela Mackenzie, and Steven Mackenzie.

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

No members of the public were in attendance to present comments.

3. Consider approval of minutes and certified agendas of Board meetings, hearings panels, and waiver panels – Chair

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

- 6/12/2025 Accommodations Review Committee
- 6/12/2025 Hearings Panel 1
- 6/12/2025 Hearings Panel 2
- 7/14/2025 Accommodations Review Committee
- 8/22/2025 Hearings Panel 1
- 8/22/2025 Hearings Panel 2
- 9/18/2025 Hearings Panel
- 10/17/2025 Hearings Panel 1
- 10/17/2025 Hearings Panel 2
- 11/14/2025 Hearings Panel 1
- 11/14/2025 Hearings Panel 2
- 12/19/2025 Hearings Panel 1
- 12/19/2025 Hearings Panel 2

Upon motion submitted by McKim and seconded by Orr, the Board unanimously approved all minutes as submitted.

4. Report of Accountant – Shaheen

4.1. Review of investment reports

Shaheen presented the investment report for the first quarter of fiscal year 2026 (9/1/2025 through 11/30/2025).

4.2. Review of financial reports

Shaheen presented the variance report and overall financial standing for the first quarter of fiscal year 2026 (9/1/2025 through 11/30/2025).

5. Report from auditors (Zoom)

Rebecca Goldstein Darling of Weaver provided an overview of the fiscal year 2025 annual audit. Board members were provided with 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.

6. Report of Finance Committee – Ereon Giltner

6.1. Report on audit

Ereon Giltner, Chair of the Finance Committee, noted that the Finance Committee reviewed the audit before the Board meeting and found no areas of concern.

6.2. 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 the Certificate of Deposit Authority Resolution. There were no changes to the policy or resolution as approved in previous years, and the Committee did not recommend any changes to the items submitted by staff.

Upon motion submitted by Ereon Giltner on behalf of the Finance Committee, the Board unanimously approved the Policy for Investment of Board Funds.

Upon motion submitted by Ereon Giltner on behalf of the Finance Committee, the Board unanimously approved the Certificate of Deposit Authority Resolution.

At 10:12 a.m., Rivera paused the meeting for a break.

At 10:30 a.m., Rivera reconvened the meeting in open session.

7. Training on question drafting for Texas Law Exam – Sullivan, ACS Ventures

Sullivan provided an overview of the timeline for implementation of the Texas Law Exam, which will replace the existing Texas Law Course when Texas begins administering the NextGen UBE in July 2028. The anticipated launch date of the TLE is December 2027, which is when the Board begins accepting applications for the July 2028 bar exam.

Sullivan introduced Russ Keglovits, a consultant with ACS Ventures who has been contracted by the Board to assist with development of the Texas Law Exam.

At 10:39 a.m., pursuant to Tex. Gov't Code sec. 551.074(a)(1), Rivera closed the meeting to Executive Session.

At 11:48 a.m., Rivera paused the meeting for lunch.

At 1:11 PM, Rivera reconvened the meeting in Executive Session.

At 2:53 PM, Rivera paused the meeting for a break.

At 3:04 PM, River reconvened the meeting in open session.

8. Consider recommending topics for Texas Law Exam – Sullivan, Chair

Rivera welcomed Deans Nowlin, Roberts, and Valencia to the meeting to participate in discussion of Texas Law Exam topics.

Sullivan presented a list of potential subjects for the Texas Law Exam, including subjects that were included on the pre-UBE Texas Bar Exam, those covered in the current Texas Law Course, and those in which the Court has expressed interest. Board members and Deans Valencia, Roberts and Nowlin expressed support for inclusion of the Court-supported topics.

Roberts and Valencia asked if a specific test format has been determined. Hoang indicated that the Board is considering a multiple-choice format. She noted that multiple-choice questions can be graded quickly, objectively, and efficiently, freeing up resources for the creation of questions. In addition, a multiple-choice format could be a springboard to offering the Texas Law Exam in testing centers at frequent, almost on-demand, intervals. Nowlin, Roberts, and Valencia were supportive of the multiple-choice format. Roberts noted that she believes strongly that students would prefer multiple choice, to which

Nowlin agreed.

Valencia asked the Board when and where the TLE would be administered. Hoang said she anticipates the TLE would be offered, beginning in December 2027, immediately following the February and July Texas Bar Exam at the bar exam sites, and at least one other time each year at a testing center, perhaps at an additional cost to the examinee. Hoang envisioned that applicants could complete the TLE during law school, before preparing for the bar exam.

Rivera thanked the deans for their input, as their insight helps ensure the best possible TLE. The deans expressed their appreciation for being allowed to participate.

Benesh moved to recommend the list of topics in the “Court Interest” column of the table on page 97 of the Meeting Book, namely Texas civil procedure, Texas criminal law and procedure, trusts and guardianships, family law, wills and administration, real property, including oil and gas. Odom seconded. The Board voted unanimously to approve the motion.

9. Report of Director of Investigations – Schiller (Agenda item 12)

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

There were no probationary licenses for conversion or minor modifications that required review of the Board.

- 9.2. Review of statutes, Rules, policies, procedures, and best practices for probationary licenses

Schiller presented information to the Board regarding statutes, Rules, policies, procedures, and best practices for probationary licenses.

At 5:02 PM, Rivera paused the meeting for the evening.

On Saturday, January 17, 2026, at 9:14 a.m., Rivera reconvened the meeting in open session. In attendance were Orr, McKim, Benesh, Ereon Giltner, Soltero, and Howard Lewis. Odom was absent with prior approval. Also in attendance were staff members Low, Copeland, Hoang, Mayhew, Sullivan, Strunc, and Gonzales. With prior approval, Ereon Giltner left the meeting early.

10. NextGen UBE – Chair (Agenda item 13)

- 10.1. Timeline – Sullivan

Sullivan provided the Board with an overview of the proposed timeline for implementation of the NextGen UBE.

10.2. Consider recommending passing score for NextGen UBE transfers

At 9:43 a.m., pursuant to Tex. Gov't Code sec. 82.003, Rivera closed the meeting to Executive Session.

At 10:54, Rivera reconvened the meeting in open session. Rivera noted that no action was needed in connection with the Executive Session.

At 10:55, Rivera paused the meeting for a break.

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

10.3. Report on NextGen UBE Beta Exam

Hoang reported that staff hosted about 400 participants at Southern Methodist University Dedman School of Law, where the NCBE administered the NextGen UBE Beta Exam earlier that month. Hoang noted that the NextGen UBE software appeared to work well in the beta setting, but she noted that some changes may need to be made to the administration procedures for larger rooms.

11. Consider Guidelines for Waiving MPRE and Rule Change – Hoang (Agenda item 14)

Hoang provided the Board with an overview of the Court's MPRE requirements in Rule 5. She noted that many applicants who took the MPRE before 1999 cannot document their scores because NCBE (which administers the MPRE) does not support scores earned before 1999.

Historically, these applicants simply took retook the MPRE, but in recent years an increasing number of these applicants are instead requesting the Board to waive the Court's MPRE requirements for them. Board panels had almost always denied these requests.

Last year, two applicants in this situation filed "waiver requests" with the Court, and the Court ordered that the MPRE requirements would be waived for each of the applicants.

Hoang suggested that for administrative clarity, the Board consider changes to Rule 5 capture the Court's reasoning in these two orders, and in the meantime, the Board consider issuing new guidelines for considering requests to waive the MPRE requirements. Hoang presented

proposed guideline language that would delegate the Executive Director authority to waive the documentation requirements in Rule 5 for certain attorneys who were licensed before 1999.

After discussion by the Board, Soltero requested that an agenda item be included for the June 2026 Board meeting for staff to present a Rule change proposal with suggested language that would streamline MPRE requirements, but still ensure integrity of the process. McKim suggested that the new Rule or any amended Rule include language that outlines specific alternate qualifications that applicants before 1999 may use to obtain a waiver.

Benesh moved to adopt new waiver guidelines suggested by staff, with certain specified changes. McKim seconded, and the Board voted unanimously to approve the motion.

At 11:38 a.m., Rivera paused the meeting for lunch.

At 11:52, Rivera reconvened the meeting in open session.

12. Report of Director of Investigations, continued (Agenda item 12)

12.1. Annual statistics

Copeland presented the Fiscal Year 2025 Character and Fitness Proceedings Statistics to the Board.

12.2. American College of Trial Lawyers Statement of Position on Mental Health Questions for Bar Admission

Staff received from the American College of Trial Lawyers its Statement on the Position on Mental Health Questions for Bar Admission. Copeland noted that in 2022 the BLE removed two questions regarding mental health and chemical dependency from all applications, so the ACTL's concerns were moot.

12.3. Consider proposed Guidelines for Adverse Preliminary Determinations

Copeland provided an overview of the Board's current guidelines for staff for issuing adverse preliminary determinations. He noted that staff are developing proposed changes to the Board's guidelines, which will be presented to the Board at a future meeting.

13. Report of Director of Admissions – Sullivan (Agenda item 11)

13.1. Report on finances for July 2025 Texas Bar Exam

Sullivan provided the Board with an overview of the costs associated with administration of the July 2025 Texas Bar Exam.

13.2. Report on February 2026 Texas Bar Exam

Sullivan noted that staff could not secure adequate venues in Austin for the February 2026 exam, so it will be administered in two cities. The main site will be in Waco, where most standard examinees will test. A second site will be in Austin, where most accommodated examinees will test.

Sullivan solicited Board volunteers to be present in Waco. Rivera and Orr accepted the invitation. They will work together to develop an on-site schedule and will notify Sullivan.

13.3. Report on investigation of exam misconduct

Sullivan presented information on investigations of exam misconduct, including a flow chart of actions taken by staff on suspected misconduct and outside experts that BLE utilized in recent misconduct cases. Sullivan also provided information about the costs the agency incurs to investigate misconduct. Soltero suggested noticing examinees that financial liability may be extended to applicants found guilty of exam misconduct to offset the costs incurred by BLE as a direct result of the investigation.

14. Report of General Counsel – Mayhew (Agenda item 9)

14.1. Report on litigation, including potential litigation

14.2. Report on testing accommodations, including annual statistics and upcoming changes to proctor training

Mayhew reported annual testing accommodations statistics and developments. He detailed a few examples of accommodations-related issues that staff have encountered, and the changes that staff are implementing to address those issues.

Hoang and Mayhew noted that an additional Accommodations Review Committee meeting is needed for February 9, 2026. Volunteers were solicited; Soltero and Benesh agreed to serve and Howard Lewis volunteered as a backup.

14.3. Report on public information requests

14.4. Report on *Phelps v. Kentucky Office of Bar Admissions* (Low)

Staff provided the Board a copy of the opinion, but, due to time

constraints, did not report on the opinion.

15. **Discuss Supreme Court of Texas's Final Approval of Amendments to Rule 1 of the Rules Governing Admission to the Bar of Texas, Misc. Docket No. 26-9002 (Agenda item 18)**

Effective 1/1/2026, the Supreme Court amended Rule 1 to redefine an "approved" school as a school approved by the Supreme Court.

16. **Report of Executive Director (Agenda item 10)**

Hoang referred the Board to written materials provided in the meeting book.

17. **Consider guidelines for waiving the law study requirement for attorneys who received initial law degrees from law schools that are not ABA-approved and do not satisfy the elements of any exemption under Rule 13 – Hoang (Agenda item 15)**

This item was not reached.

18. **Presentation on testing accommodations, including best practices and the Accommodations Review Committee – Hoang (Agenda item 16)**

This item was not reached.

19. **Personnel matters – Chair (Agenda item 17)**

At 1:11 PM pursuant to Tex. Gov't Code sec. 551.074(a)(1), and Tex. Gov't Code sec. 551.071, Rivera closed the meeting to Executive Session.

Rivera reconvened the meeting in open session.

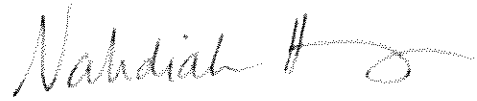
20. **Consider issues arising from reports of Executive Director, Director of Investigations, Director of Admissions, General Counsel, and Committees – Chair (Agenda item 19)**

No issues were raised for discussion.

21. **Adjourn – Chair**

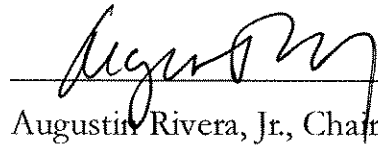
At 2:29 PM, with no additional business to discuss, Rivera adjourned the meeting.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Nahdiah Hoang', with a long horizontal flourish extending to the right.

Nahdiah Hoang

Approved

A handwritten signature in cursive script, appearing to read 'Augustin Rivera, Jr.', written over a horizontal line.

Augustin Rivera, Jr., Chair

A handwritten date '6-26-26' in cursive script, written over a horizontal line.

Date