

# Board of Law Examiners

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May 13, 2016

Sent Via Email

Katharine Teleki  
Texas Sunset Advisory Commission  
P. O. Box 13066  
Austin, TX 78711

Re: Response to Sunset Advisory Commission

Dear Katharine:

Attached is the Board of Law Examiners' response to the Sunset Advisory Commission Staff Report.

Please feel free to call if you have any questions. Thank you.

Sincerely,



Susan Henricks,  
Executive Director

Attachment

cc: John Cayce, Jr. (w/attachment)  
Cynthia Orr (w/attachment)  
Barbara Ellis (w/attachment)

Board of Law Examiners  
Agency Response to Sunset Advisory Commission Staff Report  
May 12, 2016

## **Overview**

The Board of Law Examiners generally agrees with and supports the recommendations of the Staff Report by the Sunset Advisory Commission. Most of the Key Recommendations described in the Staff Report were identified by the Board of Law Examiners in its Self-Evaluation Report of September 1, 2015 as proposed revisions to Texas Government Code, Chapter 82. The Board therefore supports the statutory changes proposed by the Staff Report.

### **Issue 1**

The Board of Law Examiners generally supports adoption of the Sunset Staff's key recommendations to:

1. Remove an outdated requirement for applicants to attest they do not have a mental health diagnosis.
2. Remove the unnecessary requirement that applicants submit a notarized, verified affidavit form.
3. Remove specific deadlines from statute and require the Supreme Court to adopt rules establishing filing deadlines for license applications and declarations of intention to study law and a schedule of late fees required for untimely filings.
4. Require the board to develop guidelines to assist decision making for character and fitness determinations, probationary licenses and waiver requests.
5. Clearly authorize the board to delegate routine matters to the executive director and require related policies for decision-making on those matters, including requests to waive filing deadlines and filing fees.

### **Discussion:**

Recommendations 1, 2 and 3 were proposed by the Board of Law Examiners in its Self-Evaluation Report and are fully supported by both the board and the Sunset Advisory Commission staff as appropriate actions to update the Texas attorney licensing process.

The board also supports adoption of Recommendation 4, requiring the board to adopt guidelines for decision making in character and fitness determinations, probationary licenses and waiver requests, with the understanding that the board does not have independent rule-making power and that the guidelines would function only as Board policy, not as legal standards.

The board supports adoption of Recommendation 5 to give the board authority to delegate routine matters for determination by the executive director, with the board's adoption of related policies for decision-making by the executive director.

### **Issue 2**

The Board of Law Examiners agrees with the Sunset Advisory Commission Staff recommendation to continue the Board of Law Examiners for 12 years.