

# THE JOE E. COVINGTON AWARD: TWELVE YEARS OF ENCOURAGING RESEARCH ON TESTING FOR LICENSURE

by Andrew A. Mroch, Ph.D.

The National Conference of Bar Examiners' Joe E. Covington Award for Research on Bar Admissions Testing began in 1999 as the Joe E. Covington Prize for Scholarship in Bar Admissions Topics. The award honors Joe E. Covington, a former dean of the University of Missouri–Columbia School of Law who was NCBE's first Director of Testing. The Multistate Bar Examination (MBE) was created and launched largely through Joe's vision and perseverance. I will not attempt to summarize Joe's contributions here but, for those interested in more information, I highly recommend reading John Germany's remembrance of Joe Covington in the November 1999 issue of the *Bar Examiner* (available in the *Bar Examiner* article archive section of the NCBE website, [www.ncbex.org](http://www.ncbex.org)).<sup>1</sup>

## 1999–2001: SPECIFIED TOPICS AND AN ORIENTATION TOWARD THE PRACTICAL ASPECTS OF THE BAR EXAM

The evolution in title of the Covington Award reflects the evolution of the award's focus from its inception. The call for submissions from 1999 to 2001 for the Joe E. Covington Prize for Scholarship in Bar Admissions Topics stated that the prize would be awarded to an author whose submission reflected

research and analysis relating to a specified topic or topics. Topics included the following:

- Computer-Based Testing for the Bar Examination: Can Adaptive Testing or Complex Format Testing Better Gauge Applicant Abilities?
- How Can the Bar Examination and Bar Admission Processes Enhance the Professional Commitment of Newly Admitted Lawyers to Integrity, Civility, and the Advancement of Basic Societal Values in the Practice of Law?
- Bar Admissions in the 21st Century: Should the Bar Admission Process Be Changed?
- Constitutional Issues Arising in Character and Fitness Evaluations of Applicants for Admission to the Bar
- Is There a Need to Reevaluate the Standards for Determining Minimum Competence to Practice Law?

The award was opened to a broad population of applicants, including judges, lawyers, measurement professionals, law professors, and students. The winner's submission was also to be considered for publication in the *Bar Examiner*.

A single award was granted during the 1999–2001 period. An abbreviated version of the 2000

Covington Award winner's entry was featured in the May 2001 *Bar Examiner*. The article was titled "Hate and the Bar: Is the Hale Case McCarthyism Redux or a Victory for Racial Equality?" This article considered whether an applicant could be denied admission to the bar for "involvement with hateful or discriminatory activities."<sup>2</sup>

## 2002: REORIENTATION TOWARD RESEARCH

In 2002, the Covington Award was titled the Joe E. Covington Award for Scholarship in Bar Admission Research. This title implies a focus on research, which is reflected in the 2002 call for proposals. The winner's submission was also required to be suitable for publication in the *Bar Examiner*. The award in 2002 was targeted at graduate students or faculty in any discipline doing research relevant to bar admissions, although no award was granted.

## 2003 TO THE PRESENT: AN AWARD FOR DOCTORAL STUDENTS CONDUCTING RESEARCH RELEVANT TO THE BAR EXAM

The 2003 Covington Award, bearing the current title of the Joe E. Covington Award for Research on Bar Admissions Testing, was the result of further refinement in focus and intent. The award, having seen an increase in applicants since its 2003 refinement, is basically the same today. The Covington Award is intended to provide support to doctoral-level graduate students doing research germane to testing and measurement, particularly research

focusing on licensure examinations similar to the bar exam. Applicants for the Covington Award submit research proposals that are reviewed by NCBE staff and the NCBE Editorial Advisory Committee before the award is granted.

The recipient of a Covington Award works with his or her faculty advisor and with NCBE staff to complete the proposed research project. Each recipient is awarded a stipend of \$6,000, and the advisor is awarded a stipend of \$1,000. Projects are typically data-based and involve MBE data. Jurisdictions have also generously (and in most cases anonymously) provided data to Covington Award winners, particularly when a project has required data from the written components of the bar exam.

Most Covington Award projects are technical in nature and do not lend themselves well to publication in the *Bar Examiner*. In fact, many Covington Award winners present their projects at educational research conferences or publish their projects in refereed measurement journals. However, occasionally when a Covington Award project seems to be a good fit for the *Bar Examiner*, and the award winner is agreeable, NCBE will highlight such a project with an article in the *Bar Examiner*.

For example, in the February 2006 issue of the *Bar Examiner*, Sarah M. Bonner, Ph.D., wrote an abbreviated version of her 2004 Covington Award project titled "A Think-Aloud Approach to Understanding Performance on the Multistate Bar Examination."<sup>3</sup>

In this study, Bonner asked a group of law school graduates preparing to take the bar exam to “think aloud” as they responded to a set of retired MBE test items provided by NCBE. The intent of this task was to examine the cognitive processes candidates use to answer test items. Bonner found that the most frequently used cognitive process on MBE items involved the application of legal principles.

For a flavor of the sorts of projects completed under the Covington Award, a selection of abstracts from the final reports of recent Covington Award-winning projects is presented on page 34. All of these projects are quite technical but address issues related to licensure testing and make use of bar exam data.

As evident from the technical nature of the abstracts, reports from Covington Award projects are unlikely to grace the pages of the *Bar Examiner* very often. However, Covington Award projects reflect NCBE’s commitment to research on the MBE specifically and bar exams generally. In addition, by supporting doctoral students’ work with scholars and researchers (academic advisors and NCBE staff), the Covington Award is contributing to the development of doctoral students’ own blossoming careers

as scholars and researchers. Advancement of the bar exam through research, and providing service to others, are goals that are consonant with Joe Covington’s work for the National Conference of Bar Examiners and seem particularly appropriate outcomes for an award that bears Covington’s name. ■

## NOTES

1. John Germany, *Joe Covington: A Remembrance*, 68 THE BAR EXAMINER 4:7 (November 1999).
2. W. Bradley Wendel, *Hate and the Bar: Is the Hale Case McCarthyism Redux or a Victory for Racial Equality?*, 70 THE BAR EXAMINER 2:26, at 26 (May 2001).
3. Sarah M. Bonner, Ph.D., *A Think-Aloud Approach to Understanding Performance on the Multistate Bar Examination*, 75 THE BAR EXAMINER 1:6 (February 2006).



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*(See pages 34 and 35 for selected abstracts from Covington Award-winning projects and a list of Covington Award winners from 2000 to 2010.)*

## SELECTED ABSTRACTS FROM COVINGTON AWARD–WINNING PROJECTS

### **“Item Response Theory Parameterization of the Multistate Bar Exam”**

**by Nathan A. Thompson and David J. Weiss, University of Minnesota (2005)**

*The applicability of item response theory (IRT) calibration and scoring of the MBE was investigated. Calibration methods referenced either the overall full scale or the individual content areas. Three methods of IRT ability ( $\theta$ ) estimation were examined: maximum likelihood, maximum a posteriori, and expected a posteriori. It was found that there was little effect on  $\theta$  estimates from different calibration methods, while the only difference in estimation methods was a slightly different standard deviation in  $\theta$  estimates. Neither variable had much effect on correlations between  $\theta$  estimates and the current method of scoring, number correct. It was concluded that the application of IRT was viable and, if applied, should be done with full-scale referenced calibration.*

### **“Estimating Classification Consistency for Complex Assessments”**

**by Lei Wan, Robert L. Brennan, and Won-Chan Lee, University of Iowa (2006)**

*The purpose of this study was to investigate the performance of five procedures for estimating classification consistency for assessments that contain both dichotomous and polytomous items. The procedures included a normal approximation procedure (NM), the Breyer-Lewis procedure (BL), the Livingston-Lewis procedure (LL), a bootstrap procedure (BW), and a compound multinomial procedure (CM). Data from the Multistate Bar Examination and a bar essay examination were used, and both raw and scaled scores were examined. In addition, simulated data were generated on the basis of the real test item parameters, with the following testing conditions incorporated: eight test lengths, three degrees of cross-format equivalence, three positions of the cut score, and two sets of performance categories. The procedures were evaluated according to how well their assumptions were met for the real data, and how accurate they were in the simulations.*

*The results showed that with the real data, the assumptions of the procedures were reasonably well satisfied. With the simulated data, the accuracy of the procedures varied across different testing conditions. In general, the NM and LL procedures yielded relatively accurate decision consistency estimates, whereas the BW and CM procedures yielded less accurate estimates. Later, a statistical correction method was employed for the BW and CM procedures, resulting in much better estimates than the original, uncorrected BW and CM procedures, and slightly better estimates than the NM and LL procedures.*

### **“Evaluating Equity in Equating Using Test Characteristic Curves”**

**by Adam E. Wyse and Mark D. Reckase, Michigan State University (2008)**

*An essential concern in the application of any equating procedure is determining the quality of equating after the scores have been placed onto a common scale. This article clarifies one equating criterion, the first-order equity property of equating, and develops a new method for evaluating the quality of equating that is linked to this criterion. The new approach involves graphically examining the difference in test characteristic curves between alternate test versions once they have been placed onto a common scale, computing the maximum absolute difference between the test characteristic curves, and assessing whether this maximum absolute difference exceeds the difference that matters (DTM). The new approach is applied to compare and evaluate the equating of the Multistate Bar Exam (MBE) for six different IRT scaling approaches in the common item non-equivalent group design. The empirical investigations indicate that the Stocking-Lord and fixed parameter equating methods appear to perform the best for equating the MBE and that the use of concurrent calibration is not desirable. Additional discussion of the results and areas for future research are provided.*

## COVINGTON AWARD WINNERS, 2000–2010

**2000**

“Hate and the Bar: Is the Hale Case McCarthyism Redux or a Victory for Racial Equality?”  
by *W. Bradley Wendel, Washington and Lee University*

**2003**

“Assessing the Dimensionality and Factor Structure of Multiple-Choice Exams: An Empirical Comparison of Methods Using the Multistate Bar Examination”  
by *Chien-Chi Yeh and Clement A. Stone, University of Pittsburgh*

“A Multivariate Generalizability Analysis of the Multistate Bar Examination”  
by *Ping Yin and Robert L. Brennan, University of Iowa*

**2004**

“A Substantive Process Validity Study of Multistate Bar Examination Items Through Verbal Protocol Analysis”  
by *Sarah M. Bonner, University of Arizona*

**2005**

“Item Response Theory Parameterization of the Multistate Bar Exam”  
by *Nathan A. Thompson and David J. Weiss, University of Minnesota*

**2006**

“Rasch and Multidimensional Rasch Analysis of the MBE Items”  
by *Ou Lydia Liu, University of California–Berkeley*

“Estimating Classification Consistency for Complex Assessments”  
by *Lei Wan, Robert L. Brennan, and Won-Chan Lee, University of Iowa*

“Improving Score Reports for the Multistate Bar Examination”  
by *Yue Zhao and Ronald Hambleton, University of Massachusetts–Amherst*

**2007**

“An Evaluation of Different Approaches to Subscore Augmentation for the Multistate Bar Examination”  
by *Xiaowen Zhu and Clement A. Stone, University of Pittsburgh*

**2008**

“Evaluating Equity in Equating Using Test Characteristic Curves”  
by *Adam E. Wyse and Mark D. Reckase, Michigan State University*

**2009**

“Examination of Test Speededness Effects on the Multistate Bar Exam”  
by *Aijun Wang and Allan Cohen, University of Georgia*

“Estimating Decision Indices for Composite Scores Using a Simple-Structure Multidimensional IRT Framework”  
by *Tawnya Knupp and Won-Chan Lee, University of Iowa*

**2010**

“Investigating Multiple Ability Factors on the Bar Examination Using Two Measurement Models: A Multidimensional Latent Trait Model and a MIMIC Model”  
by *Su-Young Kim and Jee-Seon Kim, University of Wisconsin–Madison*

“Applying the Multistage Test Approach to the Multistate Bar Examination”  
by *Jiseon Kim and Barbara G. Dodd, University of Texas at Austin*