

Winter 1982

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Recommended Citation

John Eckler, *Tribute from the Bar*, 47 MO. L. REV. (1982)

Available at: <http://scholarship.law.missouri.edu/mlr/vol47/iss1/8>

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TRIBUTE FROM THE BAR

JOHN ECKLER*

It has been announced that Dean Joe E. Covington is retiring after the 1981-1982 school year. While the mechanics of staff administration at the University of Missouri-Columbia School of Law do accommodate the concept of a professor "retiring," Joe Covington never will "retire" from his unique contribution to the legal profession and the public that the profession serves.

For more than one hundred years, states have struggled to develop a reliable method of determining an applicant's qualifications for admission to the bar. The objective of the examining process has been stated in many ways. Perhaps it is best defined as the process of testing the applicant's ability to analyze fact situations, his knowledge of legal principles, and his ability to utilize legal principles and lawyer-like reasoning to reach a sound result.

Since its organization fifty years ago, the National Conference of Bar Examiners (NCBE) has given constant attention to the bar examining process. In August 1968, a special committee was authorized by the NCBE's Board to make an in-depth study of the bar examining process.

At its August 1969 meeting, Joe Covington was asked to address the Conference with special reference to the charge of the committee. His paper¹ in response to that request defined and charted the path by which the Multistate Bar Examination (MBE) was developed, produced, and established.

It was my privilege to serve as moderator of that program when Dean Covington spoke. The following were my unrehearsed, impulsive comments after the Dean finished:

Dean Covington, each member of your audience has just heard, perhaps, the most thorough and most comprehensive analysis and statement in relation to a uniform bar examination that has ever been assembled; and like all such comprehensive statements, each sentence could be reanalyzed, and with profit. I am delighted that it will be printed in *The Bar Examiner*, and I urge each of you—and I'm sure you require no urging—to re-examine that statement. We are much in your debt, Dean.

* Bricker & Eckler, Columbus, Ohio. A.B., 1935, Ohio Wesleyan University; J.D., 1939, University of Chicago. Ohio State Bar Examiner, 1954-1959. Chairman, National Conference of Bar Examiners, 1960-1961. Chairman, Multistate Bar Examination Committee, 1968-1974. Chairman, Federal Bar Examination Committee, 1975-

1. The paper was published in 39 B. EXAMINER 61 (1970).

Immediately after delivering his paper, Joe Covington agreed to serve as Director of Testing for the NCBE and to serve as Reporter to and member of its MBE Committee.

Joe Covington's insight regarding the needs of a bar examination was evidenced and relied on during the many meetings of the MBE Committee from 1969 to 1972, when the first such examination was used by nineteen states.

Invaluable was the Dean's acquaintance with the legal scholars and experienced bar examiners he assembled as committees to prepare questions on the various subjects covered by the MBE. Perhaps more important than Joe's acquaintance with such scholars was the respect and confidence they held for and in him. His "wish" that they serve invariably proved to be their "command."

Joe Covington's breadth of understanding and skill at cooperation were manifest in his contacts with testing experts, boards of bar examiners, and state courts responsible for the various states' bar examinations. Concerns and even doubts were removed by Joe's explanations and assurances. Joe Covington is, of course, an admired scholar, but his effectiveness in developing and initiating the MBE program was not diminished by his gentle personality.

The first MBE was used by nineteen states in 1972 to examine 16,627 applicants. The number has continued to increase. Forty-six states, the District of Columbia, and the Virgin Islands used the MBE in 1981. In the nine-and-one-half years that the MBE has been given under the careful supervision of the Dean, 355,537 applicants have taken the examination. The admitting authorities have had for each of those many applicants the best and most reliable information ever available regarding the qualifications of those who seek to practice law and represent the public.

The MBE is a monument to Dean Joe E. Covington—a monument of such proportion as is seldom raised to a member of our profession.