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New Orleans Conference a Rousing Success

*By Michael Brethauer, MA, ABVE Fellow
Conference Chair*

The ABVE Spring Conference in New Orleans has gotten the organization off to a fast start in the new millennium. Over 130 attended the conference, making it one of the largest in ABVE history. In addition to 90 plus ABVE members, some 40 non-members attended giving additional exposure as an organization. The pre-conference value added workshop, given by Dr. Billy J. McCroskey, ABVE Diplomate, and Dr. David B. Stein, ABVE Diplomate, had more than 70 attendees. Dr. McCroskey discussed his completed work of updating the Dictionary of Occupational Titles incorporating the new elements found in the O*NET 98. The presenters explained the theoretical background of Dr. McCroskey's work as well as providing its statistical basis, which allow the expert to meet the *Daubert/Kumho* standard. A drawing was held and Julie Erdmann of San Diego, CA obtained Dr. McCroskey's course, *The Updating of the 5th Edition DOT*, and Sherry Browning of St. Louis, MO obtained a copy of the *McCroskey Vocational Quotient System including the McCroskey Transferable Skills Program (MTSP 2000), McDOT and McPLOT*.

Providing the keynote address was Dr. Howard Katz who discussed Aging and Traumatic Brain Injury. Nan Andrews Amish, MBA, CLU, Futurist and Management Consultant spoke of trends impacting vocational experts in years 2000-2005. Keith Pyburn, Esq. of New Orleans presented on how to defend testimony in court. Attorney Pyburn presented in conjunction with Dr. Lindette Mayer who discussed the statistical analysis required to defend court testimony as related to *Daubert*. Attorneys Waits and Arcell discussed issues involved with Admiralty Law. Additional sessions on *Daubert/Kumho*, Peer Review and Ethics were also presented.

Special recognition is extended to Nat Fentress, MS, ABVE, Diplomate (Conference Co-Chair), Terri Skill and Janet Hutchison of BTF Enterprises for their efforts in creating a smooth running training experience.



Mike Brethauer is acknowledged for his tenure as a Board Member



Sreater & Lageman present the David S. Frank Award to Harold Kulman.

Harold V. Kulman Receives the David S. Frank Award

Harold Kulman has been involved with ABVE from its conception. Mr. Kulman has presided as President of ABVE and has continued to be an active Member of the Council of Past Presidents and within the organization. He was instrumental in the development of the By-Laws of ABVE back in the early 1980s. He was also instrumental in developing and writing questions for the original ABVE exam. Harold devoted much of his time and efforts to the organization during its developmental years. He helped to lay the foundation for the existence and the continuation of ABVE, as we know it today. Harold has always been a leveling force when things would get stormy as he has always had a quiet calm way about him that demands your attention. Like David Frank, Harold Kulman always followed through with his commitments to ABVE keeping a positive organizational agenda as his concern. The membership of ABVE looks forward to Harold Kulman's continued contributions.

Presidential Citations Awarded

Dr. Bart Hultine received a Presidential Citation for his efforts towards Membership Recruitment. Dr. Michael Graham also received a Presidential Citation for his Development of Policies and Procedures. Thank you, gentlemen, for all your dedication and efforts.



Dr. Graham receives a Presidential Citation for Development of Policies and Procedures.



Dr. Hultine receives a Presidential Citation for Membership Recruitment.

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President's Message

By Hank Lageman, MS
ABVE Diplomate, President

I thought a little background information might help you to get to know me as I assume my new leadership role in ABVE. I am owner and President of H.J. Lageman and Associates, Inc. (www.VocExpert.com) and a co-owner of The Center for Employment Solutions, Inc. (www.JobFit1.com) based in Portland, Oregon. I have been an active member and Diplomate with ABVE since 1986 and have served on the Board of Directors for the last several years as Test Maintenance Chair, Treasurer and President-Elect. As Test Maintenance Chair, I pulled together a high level team and oversaw the 1998 revisions of the Certification Examination. The update of the examination was a major accomplishment for ABVE and a strategy is now in place to ensure ongoing updates to the examination as our field continues its evolutionary process. (An article about the examination update will be published in the next issue of the Journal).

This year, I will be continuing to assist in directing the growth and development of ABVE through my new role as team leader and President. My goal is to continue improving communication between the Board and our members. I will also focus on strengthening the link between BTF Enterprises (our new management company) and the membership. BTF Enterprises has been on board for less than a year and has already assisted us in running two national conferences. They are working diligently and are assisting us in our need for preciseness in maintaining professional records and continuing education logs and other areas. Our Web Page has been moved in-house at BTF Enterprises and will be maintained at their site. This will allow members' changes of address etc. to be updated almost weekly. The membership is already reporting a noticeable improvement in the communication link and has generally been patient with the changes taking place.

Also at the forefront of activities for this year is the work on the ABVE *By-laws* followed by the attempt to establish clear and precise *Policies and Procedures* to lend clarity and continuity to our organization for the present and future. These efforts are being led by President-Elect Mike Graham (e-mail PresElect@abve.org). We have contracted with an attorney specializing in these areas and a number of recommendations are being forwarded to the *By-laws* committee. The CEU Committee headed by Judi Sher (e-mail cedu@abve.org) will be active this year in bringing continuity and consistency of opportunities for members that are necessary in the attainment and recording of CEUs.

This year, the ABVE Board and I will be actively working to represent you. We will be working diligently on improving the financial strength of ABVE, focusing on policy and procedures, continuing education, membership, building resources for our current members, and attempting to develop two high-end training conferences per year. There will also be a renewed focus on identifying conference locations and publishing the dates of future conferences at least one to two years in advance.

For your comments, suggestions and thoughts, I can be reached through my e-mail at Pres@abve.org. You may also communicate with any of your ABVE Board by going to our web site www.abve.org and the listing under Board of Directors. I am excited about serving the membership as President.

From the Publications Chair

By Lindette L. Mayer, PH.D
ABVE Diplomate

It is with pleasure that we welcome Cynthia Grimley as the Editor of the ABVE Newsletter. It is expected that Ms. Grimley will contribute greatly to the continuation of an informative and relevant communication tool of ABVE. Additional news is the forthcoming hard copy of the ABVE Directory with interim updates to be published in the newsletter and, for expedience, on ABVE's Website (<http://www.abve.org>) Further publication efforts are being directed toward an updated membership and marketing brochure for new potential ABVE members and interested parties. Website development will continue with selected resources available for ABVE members only. It is hoped that within the next few months additional resources will be available.

ABVE Research Committee

By Ron Peterson, PH.D.

ABVE Diplomat

At the ABVE Board of Directors meeting in New Orleans, I was asked to serve as chairperson of the ABVE Research Committee, which the Board of Directors recently established. With that announcement several individuals expressed a desire to serve on the committee, and still others had some research ideas. Research ideas should address issues facing the Vocational Expert. Given all the focus on *Daubert* and the need for standards of practice and sound basis for opinion in testimony, it seems timely to develop some research designs that put to the test decision-making functions of the Vocational Expert. It might be well for us to design some studies that compare statistical information vs. clinical judgement, *à la* the Meehl studies of many years back.

I hope ideas will be generated that back up the standard of practice so we can publish research that satisfies the *Daubert* challenge. Won't you help put this to the test? A request is now made for anyone who wishes to serve on the committee, or if you have a research proposal, please write to me directly at: P.O. Box 1930, Payson, Arizona 85547-1930.

Study of Vocational Expert Practice Patterns Underway

By Michael Brethauer, MA

ABVE Fellow

In an effort to assist all of us as Vocational Experts in meeting some of the multiple prongs of the *Daubert/Kumho* tests that are being raised in courtrooms around the country, The Vocational Expert Network of St. Louis, MO is embarking on a study of the practice patterns of vocational experts and rehabilitationists across the nation. It is intended that this study will provide vocational experts with documentation as to whether methodologies utilized have followed scientific methods.

The survey was distributed at the ABVE Spring Conference and the NARPPS Forensic Section meeting in Dallas in April. Any reader who is interested in taking part in the survey and has not already done so may contact: The Vocational Expert Network, 3303 Olive, Street, St. Louis, MO 63103; Telephone (314) 531-3630, FAX (314) 531-8891 or mb@vocex.com



Editor's Note

By Cynthia P. Grimley, MS

ABVE Diplomat

The insert in this newsletter is the first of a three part series to be published by Dr. Streater. The first article examines the concept of standards and what they are. The second will discuss why the standards are necessary for people as related to testing and norms and the development of the *Handbook for Analyzing Jobs*. The third article will discuss how the standards are utilized in research and evaluation and how this ties into to the *Daubert/Kumho* decision. Dr. Streater is providing a practical yet theoretical approach to how and why he began to implement standards into his practice. I am certain that many of you will be able to relate as you reflect on how you became a testifying expert.

I also will continue with the column, **Information for the Workplace**. This will provide usable information that can be used in practice. In this issue I have listed website addresses that will link you to current discussions on the scientific method and evidential standards for expert testimony. I urge you to take the time to review these valuable websites. If anyone has ideas for this column or would like to contribute to the Newsletter, please submit your ideas in writing (Microsoft Word) to me directly at CPGRIMLEY@AOL.COM.

The American Board of Vocational Experts, never has and currently does not, endorse the use of any specific tests, test batteries, or commercial products.

Information for the Workplace

By Cynthia P. Grimley, MS

ABVE Diplomat

These website locations contain much information of relevance to current discussions regarding scientific methods, peer review, and evidential standards for expert testimony.

- <http://www.law.lsu.edu/library/biblio/daubertothersresources.htm>
Daubert Resources
- <http://www.nytimes.com/yr/mol/day/news/arts/research-credibility.html>
NY Times Article Today on Researcher's Going Forward W/O Peer Review
- <http://www.law.umich.edu/thayer/nov97bib.htm>
The Evidence Site Bibliography 1997
- <http://www.junkscience.com/news/prma2.html>
Issues in EPA's Peer Review Process
- <http://www.junkscience.com/news/ibddata.html>
EPA's Case of the Missing Data
- http://www.cogsci.soton.ac.uk/~harnad/Papers/Harnad/harnad96.peer_review.html
Internet Publication/Peer Review
- http://www.firstmonday.dk/ISSUES/ISSUE4_4/PROBERTS/
Publishing, Scholarly Review and the Internet
- <http://phylogeny.arizona.edu/tree/home/pages/peerreview.html>
Peer Review Frameworks
- <http://www.brint.com/papers/science.htm>
On Science, the Scientific Method and the Nature of Scientific Inquiry
- http://buglady.clc.uc.edu/biology/bio104/sci_meth.htm
Very Basic Approach to the Scientific Method from a Teacher's Curricula in UC
- <http://www.law.upenn.edu/library/ulclure/evivii.txt>
Proposed Revision of the Uniform Rules of Evidence
- <http://www.law.depaul.edu/cls/criminallscience/nonscience.html>
Non-scientific experts
- <http://www.science.murdoch.edu.au/teaching/m235/forensiclaw.htm>
Forensic Science and the Law
- http://www.lawsofnsw.asn.au/resources/lslj/archive/nov1997/63_1.html
Images of Science in the Law
- <http://www.law.umich.edu/thayer/oldbib.htm>
Evidence Page

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- <http://www.willyancey.com/evidence.htm>
- http://www.willyancey.com/for_bib.htm
- <http://whyfiles.news.wisc.edu/084boax/index.html>
- <http://onlineethics.org/codes/codes.html>
Codes of Ethics of Various Professional Groups

Anyone desiring additional sets, single copies or individual articles of either the *Monograph Series* or the *Journal Series* should contact Terri Skill: terri@btfenterprises.com
Telephone: (831) 662-8518
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*Charges vary widely depending upon selection.

Journal Guidelines Available

Those interested in submitting manuscripts for *The Journal of Forensic Vocational Assessment* can request specific guidelines from:
Lindette L. Mayer, Ph.D.
Tel: (828) 324-0105
Fax: (828) 324-4331
E-mail: lindphd@aol.com

Congratulations to the new ABVE members who have successfully completed all three of the certification components and have been awarded certification status:

Robert Cottle	Myron Smith	Alfred C. Walker
Nancy Hughes	Barbara Burk	
Sharon Taschenberg	David Patten	

Mark Your Calendars Now!

ABVE Fall 2000 Conference

October 5 — Pre-conference Workshop
October 6–7 — Conference Sessions
October 8 — ABVE Certification Examination
Hyatt Regency Vancouver
Vancouver, BC, Canada
Room Rates: \$199.00 *CDN* (Single/Double)
Phone Number (604) 683-1234



“People who don’t count won’t count.” Anatole France (1844-1924)

A Commentary on Standards and Vocational Measurement

(First in a three part series)

By Scott E. Streater, DVS

ABVE Diplomate

I assume the readers of this article are generally human service workers, trained in the soft sciences, through a variety of disciplines, which have by design, or by fate found themselves in the forensic arena. In this arena we are confronted with an ever-changing scene, a mass of rules, regulations and laws, some of which are in conflict. As a group, we have generally found no method that stands out in the face of new legislation that sets *standards* in many jurisdictions for our testimony. We have been comfortable in the safety of our own discipline and its associated jargon. We can, when needed, confuse anyone who is not familiar with our labyrinth of language and knowledge, making anything we say appear to be fact.

Somewhat by accident, I first entered the vocational forensic arena in 1970 as a vocational rehabilitation counselor at a workers’ compensation hearing in St. Paul, Minnesota. Proffering my first testimony, I read from a 3” X 5” card my agency’s standard response to the questions posed by the court after which I was informed by the administrative judge that serious things would happen to me “affecting my freedom” if I did not respond directly to the questions being posed. Being 26 years of age, with a Bachelor of Arts degree in social science and a second major in economics, with approximately 200 hours of very intensive agency training under my belt, I was obligated to start answering questions as best I could. I will never forget that day in court. It was the day I decided to learn what I needed to know to answer those questions, without feeling that I did not truly know what I was talking about. Without proof, one can say anything and get away with it. The reasoning behind this method is simple; no one knows any better. Shortly after my original experience, and after two or three more such incidents, I withdrew from being available for testimony. It wasn’t until 1980-81, that I believed I had acquired the ability to testify with any assurance. It was at that time I began to meet the stringent barriers that currently have appeared under the recent *Daubert/Kumho Tire* decision. It was no longer necessary to deduce the answer. I could render answers based on statistical evidence, a review of a data set where I could cull the information necessary to respond with assurance. I was attempting to set *standards* by using mathematical algorithms. Simply speaking, *standards*, are something established for use as a rule or basis of comparison in measuring or judging capacity, quantity, content, extent, value, quality, etc. [*standard of weight and measure*]. We are all aware of the old story where several people are asked to measure the width of a room and are given pieces of string of varying lengths to

do the job. Obviously the reported widths will vary according to the number of the various lengths. The problem in the interpretation of the results of this measure is the lack of a *standard or procedure used for measurement*.

While completing my Master of Science degree in 1977, I discovered that there were certain guides in developing information. These guides were somewhat illuminating in my quest for reasonable answers to my questions. It was not until I entered a nontraditional doctoral program in 1986-87, with a full time mentor, requiring a fair amount of study in the measurement area, that all of this very confusing language and concepts began to make sense. Computer graphics also helped clarify the area of measurement and its concepts.

Presently, I claim no profound overall knowledge of statistics and measurement. I “putter” along with reference guides like I’m sure many of you do. When I’m away from measurement for a while, I am rusty, which is one of the reasons I agreed to write this article. I do have a working knowledge of the framework of measurement and that has saved my credibility innumerable times. The most important thing I have learned is *if you can not measure it, it probably does not exist*.

As with any “expert” who is very skillful and has much training and knowledge in some special field, one must revert to basic measurement theory to be seen as a credible professional, a professional who has the ability to speak to matters of vocational capacity and its logical outcome: wage. Our basic philosophy has been embodied in Frank Parsons 1909 book, *Choosing a Vocation*, in which he postulated the three primary requirements for a systematic program vocational counseling:

1. A knowledge of the requirements and conditions of success, advantages and disadvantages, compensation, opportunities and progress in different lines of work;
2. A clear understanding of the aptitudes, interests, ambitions, resources and limitations of the individual; and
3. Techniques bringing these two groups of facts together for true reasoning on their relationship.

Parsons postulated these three theorems as a *standard* in the approach to the solving of an extraordinarily complex puzzle. If one follows the literature in vocational thought, all three of these theorems have been proven providing us with the framework for establishing very solid decisions (*standardized* decisions) about our body of knowledge. This has been born out by several independent theorists, Dawis, England and Lofquist, *The Work Adjustment Theory* and B. J. McCroskey, in his *McCroskey Vocational*

Quotient System. These individual theorists came to the same conclusion independently based on the standards that were placed in the work measurement area by the U.S. Department of Labor. These separate theoretical outcomes were realized approximately ten years apart.

Historically, the individual testing movement began as an effort to quantify human capacity in terms of trait constructs. In the 1930s the U.S. Dept. of Labor initiated *standardization* of basic job descriptions. This effort produced the *Handbook for Analyzing Jobs* (HAJ). This remarkable handbook provided a high inter-rater reliability in the analysis of jobs. The worker trait system provided a *standardized* method of determining both worker capacity and job demands. The method also met the criteria of both *standardized* reliability and validity. However, the problem that this method posed was the cumbersome task of managing the vast amounts of data required for successful application. In many circumstances the time requirement for this application amounted to many days, as computer technology did not exist as it does today. This heavy time requirement coupled with the inability to manipulate the data for analysis produced a waning of trait-factoring or profiling popularity. It was not until the advent of synthesizing methodologies that one was able to practically apply the information of these vast government databases. The ability to manipulate, synthesize and sort worker-trait data on a trait-by-trait, job-by-job basis brought new life to the profiling technique, bringing it off the shelf and back onto the drawing board. This ability was further enhanced by the availability of relatively low cost microcomputers. Economic circumstances facilitated individual ownership of computers and the development of automated job-person matching systems. The individual expert could now own and operate a powerful system of job-person matching information.

The forgoing turn of events permitted Parsons' theory to become fully operational. Time, research and economic advances brought a theory into operational reality. However, concerns regarding the validity of the output of these powerful systems have surfaced. One concern revolves around the venerable adage of "Garbage in, garbage out". Research validating the various components of these systems and technologies is usually needed, and where necessary, improvement over time through education and continued research will be required. Education in the understanding and necessity of valid and reliable outcomes needs to go forward. If a system's outcomes are not reproducible, what have we produced? The success of any system will be measured on the premises of validity, reliability and replicability. To date only two software systems have done extensive reliability and validity studies relevant to expert testimony. Only one software program has extensively published results coupled with independent replication studies. Other systems have been studied but there are minimal recorded results of published stud-

ies. An effort must be made to engage in stringent and exhaustive research with the adoption of the necessary methods bringing us all to *standards* of functioning. These *standards* must meet the criteria of the legal requirements mandated by the judicial system. For example, the success of deductive approaches is employed in *physical* systems rooted in mathematics and the acquisition of correct and significant basic principles. On the other hand, in the human sciences these principles are frequently far more elusive due to the complexity and the subjective nature of the problems encountered. Fortunately, we in the vocational field have known of the basic principles for nearly 100 years, the *standardized* measurement methods for nearly 50 years, and the mechanisms to process the data for over 20 years. We probably have as our preview, some of the most powerful human measurement databases that exist, i.e., *Handbook for Analyzing Jobs*, *Dictionary of Occupational Titles* and the *O*NET*. The question remains as "What will bring the necessary research to the forefront to continue to validate or improve these systems?" While some of this work has been done, no comprehensive research on *all* of the database software systems has been undertaken. We have the *standards*, let's use them. What are we waiting for? I call on professional organizations to unite with educational institutions to foster research and publish the on going results in a National Forum that will contribute to our body of professional knowledge. After all, the very definition of a professional is someone who has control of and utilizes a science.

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