

# ARIZONA ADVOCATE

University of Arizona College of Law

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## Meeting the Job Search Challenge

By Nancy Stiller

"How's the job market?" I am asked that question several times a week by students, alumni, employers, faculty, and prospective students. The current economy's complexity precludes a succinct response, but a look at the employment status of the most recent graduating class may shed some light. The data might also stimulate some strategic thinking about conducting a successful job search.

Each year, six months after graduation, the College of Law participates in a nationwide survey administered by the National Association for Law Placement (NALP). Our graduates are asked to report on their employment status, type of employment, geographic location, and starting salary. The

findings demonstrate that our students are very employable in a wide range of job settings.

Of those 1992 graduates whose employment status is known (84.5%), just over 90% are employed. Of those who are employed, about 80% are in full time legal positions with another 8% employed in full time nonlegal positions. The graduates in these nonlegal positions are virtually all in professional jobs in corporate settings, higher education administrative positions, or nonlegal government work. Another 8% are employed in part-time legal positions as law clerks and about 2% are employed in part-time nonlegal positions. Two percent are enrolled in advanced degree programs. Comparing this information with survey data from the last few years indicates that our most recent graduates are keeping pace with earlier graduates in spite of the conservative hiring stance of most employers. Also consistent with the results of recent surveys is the fact that about 70% of our graduates stay in Arizona. It should be noted that about 15% fewer members of the class of '92 reported job offers by graduation than in previous years. More of our graduates seem to be taking somewhat longer than their predecessors to find employment.

In recent years, there does appear to be a slight trend toward fewer positions in private practice and more positions in government. Whether this trend is due to the market or is indicative of our graduates employment choices is an important question. The table shows the job settings in which the class of '92 found employment.

The average starting full time salary is up by about \$5,000 from the previous year. This increase may be due to a few more reported salaries at the high end of the range than in other years, but it is one indication of a  
*to Job Search, p.7*

### THE CLASS OF 1992 Employment Settings

PRIVATE PRACTICE	50.0%
Self employed	.0%
2-10 attorneys	21.4%
11-25 attorneys	5.9%
26-50 attorneys	7.1%
51-100 attorneys	7.1%
101+ attorneys	9.5%
GOVERNMENT	35.7%
Judicial clerkship	16.6%
Prosecution	13.0%
Public defender	2.4%
Administrative agency	3.5%
Military	1.1%
BUSINESS & INDUSTRY	5.9%
PUBLIC INTEREST	1.1%
ACADEMIC	2.3%

*The writer is the College of Law's Director of Career Services.*

# Family Values Revisited

## UCLA Dean Delivers McCormick Lecture

Note: This story was not printed in earlier issues due to space restrictions. — Editor

### By Pogo Overmeyer

On November 9, 1992, the Dean of the University of California Los Angeles School of Law, Susan Westerberg Prager, was the speaker for the J. Byron McCormick Lecture. Her lecture, entitled "Beyond the Political Rhetoric of 'Family Values'", was an appropriate topic given the latest political debacle we call the presidential election. Dean Prager quickly noted that while her field has been family law, because of her role as the dean of the law school she has had both an advantage and disadvantage of being removed from the field for the last ten years. Yet Dean Prager gave a thought-provoking speech about the way in which the law has affected family values in our society. Her absence from the field may have sharpened her ability to view the greater need for changes.

Dean Prager stated that one of the difficulties of thinking about the family is to move away from the stereotypical, monolithic idea of what a family is and instead to look to the complex laws which reinforce human interactions. Today there is less disagreement over the disparate impact of divorce on the sexes than twenty years ago because of four trends which have impacted the area of families and divorce:

a) the equal rights movement has not produced equality for women;

b) the predictions that laws predicated on inequality would be less effective in the future have not been born out;

c) the idea that women's new equality would render marital property laws archaic has not been born out; and,

d) a widening spectrum of pressing concerns from economic well being to cultural values.

To support this thesis, Dean Prager pointed out that Murphy Brown (the fictional character who decided to be a single parent by choice and whom Vice President Dan Quayle railed against) will not enjoy the substantial benefits that are part of a two parent family. Furthermore, the children of divorced parents experience a great deal of stress.

Dean Prager noted the disservice of easier access to divorce is that it has obscured or diverted from the truly important issues. The striking aspect is the failure of policymakers and the judiciary to focus on the economics of women and children after the divorce. Today a divorced man

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*Community property law promotes sharing and commitment principles that support rather than erode the family.*

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has a higher per capita income ten years after the divorce than the woman. This is true at every predivorce income level, with men earning anywhere from two to two hundred times more than the woman. Compounding the problem, the judicial perception of the divorcing woman is that within two years she will be either self-sufficient or remarried. Thus the average spousal support award is for two years. This ignores the fact that when there are young children involved, the woman has less ability to earn because she has likely not been in the work force for the last few years. Even in community property states, the amount of accumulated community property only averages about three months income, and thus any protection is illusory.

Moving into the area of marital property law, Dean Prager found that community property law reflects the family values which seem to be the norm in most relationships. Namely, community property regards marriage as having special property rights that rise from the marital sharing principle which governs property during marriage. Everything is equally owned, unless it was separate property prior to the marriage or is obtained by gift or devise during the marriage. It is a unified whole that is not divisible during marriage and is used for the benefit of the community during marriage. These attitudes of partnership and sharing will still be present when, and if, women ever achieve true equality with men. In non-

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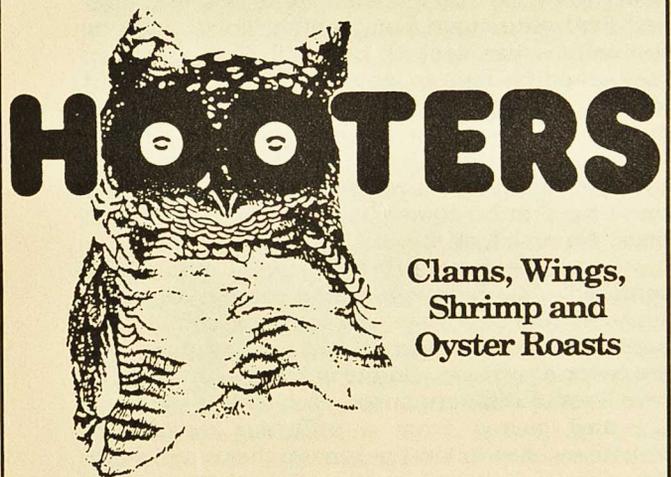
community property states there is a trend toward equitable distribution statutes which look to the contribution of each spouse in the acquisition of property, the value of the property, the economic circumstances of each spouse at the time of the divorce, and the retention of the home by the custodial parent. These equitable distribution statutes reflect the prevalence of divorce and the unequal economic positions of partners after divorce. However, they are not without some fault. When the man has assumed the "traditional female role" and the woman has been the breadwinner, there is still a trend among the judiciary to benefit the woman and not the man. The thought is that the man will be more able to economically bounce back than will the woman, even though the man was the one who stayed out of the work force and raised the children.

The preoccupation with divorce by the legal community distorts ideas of sharing. Paying more attention to sharing theories will strengthen ongoing commitments by couples. Americans have a strong support for marriage, and altruistic behavior in family settings occurs when decisions are based on economics as well as fairness or happiness. One example is refraining from actions that raise one's own income but lowers the partners'. This may come in the context of whether or not to move because of a job opportunity for one spouse which results in a lesser job opportunity for the other spouse, taking less challenging jobs so as to spend more time with each other, retiring earlier so as to spend more time together, etc. Dean Prager finds that the only type of law which supports and reflects these family values is community property.

It is only mutual support concepts which will produce successful nontraditional modes of living together, according to Dean Prager. The instinct for long term commitment is present among gays and lesbians as well as heterosexuals. These couples, as well as society, need stability, productivity and happiness. In closing, Dean Prager told the story of a couple who had committed themselves to each other. One night one partner had a heart attack and Dean Prager's husband administered CPR. It was not enough as the partner died just before the ambulance arrived. The law did not recognize this thirty year relationship between two people who truly loved each other. The couple were homosexual and the widower could not claim his lover's body from the coroner without permission from the deceased's relatives.

Dean Prager concluded that the principles behind community property law are a reflection not just of heterosexual marriage, but of all long term relationships by all sorts of people. Community property law promotes sharing principles that support rather than erode the family and it should recognize those people currently outside of the system who have the same sharing and commitment values. ♦

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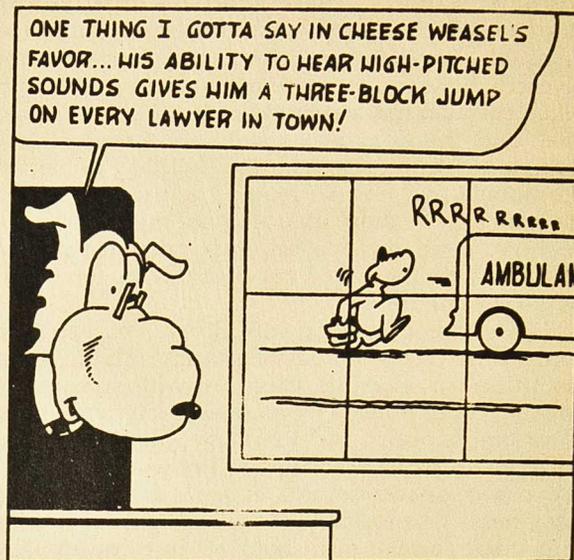
# Cheese Weasel is Really Cheesy

By Pogo Overmeyer

We here at the *Arizona Advocate* receive a few things in the mailbox. Unfortunately, we don't get enough letters to the editor. But we do receive a few freebies, namely a book or two for review articles. The latest item for review is a comic book about lawyers. "Who reads the Bible for loopholes? Who advise (sic) parishoners (sic) not to enter the con-fessional without a lawyer? Who sells pizza from his law office, along with insurance, tacos and seamless gutters? It's Cheese Weasel." That is the come on from the cover letter for *Cheese Weasel*, written by Jim Ridings and published by Side Show Comics. Sounds like it might be interesting enough to read while in the "library". And I can always use a break from assigned readings. Comic strips like *The Far Side*, *Doonesbury*, *Calvin and Hobbes*, *The Simpsons* and *Ernie* are my favorites. It is the combination of detailed drawings with the creative story-lines or bizarre humor which keeps me amused and reading. Granted, Gary Larson and Matt Groening are not the greatest comic illustrators, but their sense of humor overcomes the lack of detailed artistry. And so I read *Cheese Weasel* hoping to catch a glimmer of a budding comic artist who might aspire to one of the greats. No such luck.

I am still not sure exactly what *Cheese Weasel* the character is. The drawing looks like some sort of a dinosaur or iguana or overweight lizard with five fingers on each hand. Some characters are a bit easier to figure out, but they are only a few. Ash and Emil, who come from another comic strip by the same writer, look to be small bears but then they could be tailless monkeys. At least I could identify the dog and the turtle. The drawings are on par with *Nancy and Sluggo*, perhaps a wee bit less crude. But not by much. Thus if this comic strip book is to save itself from the lack of artistry, there have to be some good storylines or punch lines. No such luck there either.

For the first fifteen pages I was quite confused. The first page would contain an entire storyline, the next page was schizophrenic. If you expect to follow the storyline of the first page, you are in for a surprise. On the next page are three or four lines of different strips, each as if it has been cut and pasted from a different day's run. Sometimes they follow the general theme and other times it is mishmash. Then the whole process starts over again. And the story line itself is not overly amusing, politically backbiting or even possessed of a warped sense of humor. It is merely dry, rehashed lawyer jokes. *Cheese Weasel* chases ambulances, he goes to the carnival to sue for whiplash caused by the bumper cars, he runs for political office because of the graft he can receive, etc. ad nauseum. No new twists here. I only



cracked a smile on a couple of lines throughout forty-nine pages. The characters in *Ernie* are sleazier than *Cheese Weasel* and a lot funnier as well. I'd rather save my \$2.95 for better offerings, such as *The Simpsons Illustrated*.

*Cheese Weasel* can be ordered by sending \$2.95 to Side Show Comics, P.O. Box 464, Herscher, IL 60941. ♦

## .....IN BRIEF.....

- Professor Lakshman Guruswamy, who represented the College of Law at the "Earth Summit" in Rio de Janeiro, Brazil this summer, is the author of *The Earth Summit and Biological Diversity: A Failed Enterprise?*, to be published by West Publishing Company.
- Professor Jane Korn has recently completed an article addressing whether workers' compensation should be the exclusive remedy for sexual harassment occurring in the workplace. It will be published in the *Tulane Law Review*.
- Professor Kenney Hegland has been elected Treasurer of the Tucson AIDS project, and Vice President of Southern Arizona Legal Aid. He recently completed a book entitled *A Guide to the Law of HIV* which covers a broad range of topics, including HIV testing, discrimination, wills, health care powers of attorney, insurance and public benefits, dealing with creditors, work and housing issues, access to drugs and medical care, and children and HIV. Initial research and rough drafts were prepared by his AIDS and the Law students.
- Professor Winton Woods and Carol Elliot of the law library gave an Arizona Bar Association CLE program on law office computing in December. ♦

# Farewell to the Special Prosecutor

## The Office Was a Valuable Check on Presidential Power

By Pogo Overmeyer

My friend, Julie, and I sat on the couch munching on a bowl of popcorn, drinking a Coke and watching the television. There was no script for this program. It was coming to us live from the hallowed halls of Congress in Washington D.C. We discussed whether or not the Supreme Court was going to allow the Special Prosecutor to go after the old geezer in the Oval Office and why the president should not be above the law or able to weasel his way out of having to answer for his actions to the courts. We certainly knew our butts would go to jail if we did the same thing. We munched popcorn and whiled away the summer days listening to this fiasco that was better than any spy novel we had ever read. It had espionage, cover-ups, spy vs. spy deals and trades, lying raised to a new art form...this was pretty heady stuff. I found myself almost twenty years later watching another fiasco unfold on television. It was another spy novel, complete with spy vs. spy trades and deals, cover-ups, and lying raised to an even higher art form. Some things just never change.

When the United States Supreme Court decided *United States v. Nixon*, 418 U.S. 683, 94 S.Ct. 3090, (1974), it validated what many of us had hoped it would. The president did not have absolute immunity! The Congress had the right to create the office of special prosecutor and the president had very little right to violate the criminal laws. In fact, the president had to cough up materials for an in camera inspection if the prosecutor requested them. But most important to those of us coming of age in the Watergate Era was that the special prosecutor functioned separately from the Justice Department. While he had the department's resources at his beck and call, he did not answer to the Attorney General, who answers immediately to the President. The powerful controlling link had been broken. Or so we thought.

The great debate twenty years ago raged about this newfangled idea of a special prosecutor who would be a separate entity from the Justice Department. The special prosecutor would have too much power controlled only by the political winds since Congress would call in the special prosecutor. There would be no discretion, no checks or balances on the political powers, no end to the horrors that would be wrought upon the government, especially the executive branch which might have to break the laws in order to

to **Power**, p.7

## Unchecked, the Office Itself Was a Menace

By Michael Masee

Among the better things to expire with the Bush Administration was the law authorizing an Independent Counselor to investigate criminal wrongdoing in the executive branch. To his credit, President Bush did not seek its reauthorization. With Clinton's election and the political furor surrounding Bush's Christmas Eve pardoning of Caspar Weinberger, Claire George, Elliot Abrams and other Iran-*contra* figures, the new Congress may decide to grind political axes and raise this beast from the grave. In order to maintain a proper legislative-executive balance of powers they should resist this temptation.

Originally passed as part of President Carter's Ethics in Government Act of 1978, the law instituted the novel procedure of a division of the D.C. Court of Appeals appointing a special prosecutor unless, after a preliminary investigation in which he is shorn of his usual investigative powers, the Attorney General determines that *no* reasonable grounds exist that would warrant further investigation. Congress recognized the Office of the Special Prosecutor as a source of potential abuse of prosecutorial power and included an automatic expiration after five years.

Although only three Special Prosecutors were appointed under the original legislation and their investigations were, in retrospect, highly professional and discreet (one Special Prosecutor even prohibited his staff from contacting the media in order to avoid the appearance of improper conduct), Congress seriously debated whether to renew. It reauthorized the legislation in 1982 over the objection of the Justice Department and considerable Congressional misgivings, but included greater constraints on the activities of the Independent Counsel and provided for reimbursing defendants for legal fees if they were not indicted. When Congress reauthorized the office in 1987, the smell of fresh blood from the Iran-*contra* investigation drove the Democratic Congress to impose restraints on the Attorney General (who could no longer consider the lack of criminal intent in determining whether to recommend the appointment of an independent counsel) and remove them from the Independent Counselor. It was an open invitation for abuse. With so few institutional restraints on the Independent Counselor's actions, all that was needed was a personality who likewise did not feel constrained by the niceties of due process and professional ethics in order for the full potential of the job to be unleashed. Lawrence Walsh was the man for the job.

As former Independent Counsel Jacob Stein has said on C-SPAN, if you've got unlimited budget  
to **Menace**, p.6

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 BAR REVIEW

## Spring 1993 Early Bird Lectures

All of the lectures marked with an \* are FREE to any UA law student. If you are not enrolled with BAR/BRI, we would like to invite you to attend the sessions to find out why the vast majority of University of Arizona students have chosen BAR/BRI as their bar review for more than twenty years.

<b>Subject</b>	<b>Professor</b>	<b>Date &amp; Time</b>
*FUTURE INTERESTS	Catherine Carpenter Southwestern School of Law	Thurs., Mar. 25th 3:00-6:30 pm Rm. 139
*CRIMINAL PROCEDURE	Charles Whitebread USC Law Center	Thurs., Apr. 1st 3:00-6:30 pm Rm. 139
CIVIL PROCEDURE	Arthur Miller Harvard Law School	Thurs., Apr. 8th 3:00-6:30 pm Rm. 139
TORTS	Richard Conviser ITT/Kent Law School	Thurs., Apr. 15th 3:00-6:30 pm Rm. 139
CONSTITUTIONAL LAW II	Erwin Chemerinsky USC Law Center	Wed., Apr. 14th 4:00-7:30 pm Rm. 139
EVIDENCE	Faust Rossi Cornell Law School	Wed., Apr. 21st & Thurs., Apr. 22nd 4:00-8:00 pm Rm. 139

All lectures will be given in Room 139 at the University of Arizona College of Law. If you have any questions please call the BAR/BRI office at (800) 729-0190 or contact a UA BAR/BRI student representative.

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