

# The First <sup>Female</sup> Law Review Editor

by Jean B. Wyant

Last spring, Toni Massaro became Editor-in-Chief of the *William and Mary Law Review*. She was widely congratulated, not only for achieving the position, but also for being the first woman to do so in the twenty-odd year history of the publication. A few weeks after all the hullabaloo, Toni mentioned to me that she knew somebody who knew someone who insisted that the first editor of the law review had, in fact, been a woman.

The first editor of the law review was a woman. Her name is John Lee Darst. That being her name, hence the name that appears on the editorial staff page on the first volume of the law review. It is not surprising that students or faculty who came to Marshall-Wythe after 1970 might have assumed that the first editor was a male student. One must remember, however, that this is Virginia, where a name such as "Carter" or "Hampton" might as easily signify a woman as a man. "Joanne Lee" is the name that appears on my birth certificate. Mrs. Darst said, obviously amused at my assumption that "John Lee" was her husband's name, "but I don't remember ever having been called anything other than 'John Lee'. And that's who I am." Certainly, stranger things have happened in this state.

Mrs. John Lee Darst, née John (or Joanne) Lee Giles, practices law in Williamsburg, as she has since graduating from Marshall-Wythe in 1957. She was delighted at the thought of being discovered. "I've sat here all these years, hearing rumors from time to time of some student or other becoming the first woman editor of the law review, and now you call. This is just hilarious." A comfortable, easy-going woman, Mrs. Darst welcomed me into her spacious law office for an interview.

John Lee Darst grew up in Lynchburg. "I came from an interesting family. We were all girls, and we were all expected to do something. So she did, and she is. While still in high school, she worked as a librarian. When she entered Lynchburg College, she was all set to go into Library Science. "Someone thoughtfully steered me away from that. They knew I had the caliber to head a library at a big university, but of course all those jobs went to men." Safely out of a curriculum that probably never would have led to her setting up shop in a law review office, Mrs. Darst graduated from Lynchburg College in 1950 with a double major in English.

The next several years found her teaching high school in Charlottesville, where her husband, Dr. H. Jackson Darst, was finishing a Ph.D. in history. "I had an English background, so, of course, I taught history," she chuckled. "That was the way they did things back then." While in Charlottesville, Mrs. Darst began working toward a master's degree in education, attending night and summer school classes at the University of Virginia. She and her husband then moved to Williamsburg, where she completed her degree at the College of

William and Mary in the summer of 1954.

Talking about the momentous decision to go to law school, Mrs. Darst recalled, "I was running out of things to do. I knew some of the students at the law school and, at their suggestion, I went over one Friday afternoon to talk to them Dean Woodbridge. I hadn't taken the Law School Admission Test, or made out an application or anything, so I went over to see if I could take a couple of classes, just to see what it was like. I talked to the Dean, and he asked me, well, what sort of background did I have and what kind of work I'd done in school and that sort of thing. Finally he said he'd sign me up for a full load of courses, and if I flunked out by Thanksgiving, that would be that." She paused, and laughed. "Right after Christmas they offered me a scholarship."

Mrs. Darst was one of two women entering Marshall-Wythe in the fall of 1954. By the end of that year she was the only woman in her class. The woman who started with her did not complete her law degree. She had entered on the since discontinued "three and three" combined degree program—three years of undergraduate college, three years of law school—and apparently found law school at that juncture more difficult than she had anticipated. There were a few other women who attended Marshall-Wythe during the time Mrs. Darst was there. One now practices law in Norfolk. Another woman, Mrs. Darst explained, "was a Sweet Brier graduate, and she didn't want to teach school," so she completed a Master's in Law and Taxation, and went on to work at the "Service." Mrs. Darst also knew Julia Willis, a great-great-granddaughter of John Marshall. Ms. Willis attended Marshall-Wythe not in order to practice law, but "for the mental discipline and training and background." Her goal was to enter the State Department, and she began working there shortly after receiving her law degree.

Mrs. Darst's years at Marshall-Wythe were well-spent. Early on, she learned what law school is all about. "I managed to skillfully sit behind a post in class so I wouldn't get called on, because I didn't know what was going on. I thought I'd made a mistake and was taking the second year of a foreign language without taking the first! I didn't find out until about Thanksgiving that everybody else was as mixed up as I was." That rather common feeling of confusion yielded in short order to the clear understanding of the law usually (if perhaps erroneously) attributed to students of law review quality. The only problem was that there was no law review.

But Dean Woodbridge was not one to pass up a golden opportunity. "I think the Dean came up with the idea of starting the law review because he was impressed with the fact that I could write acceptably, and so many of the other students couldn't. Of course, I had my English background, and at least could put a whole sentence together. It got to be kind of a joke about one boy, who was a brilliant student. He'd gone to V.P.L. and every

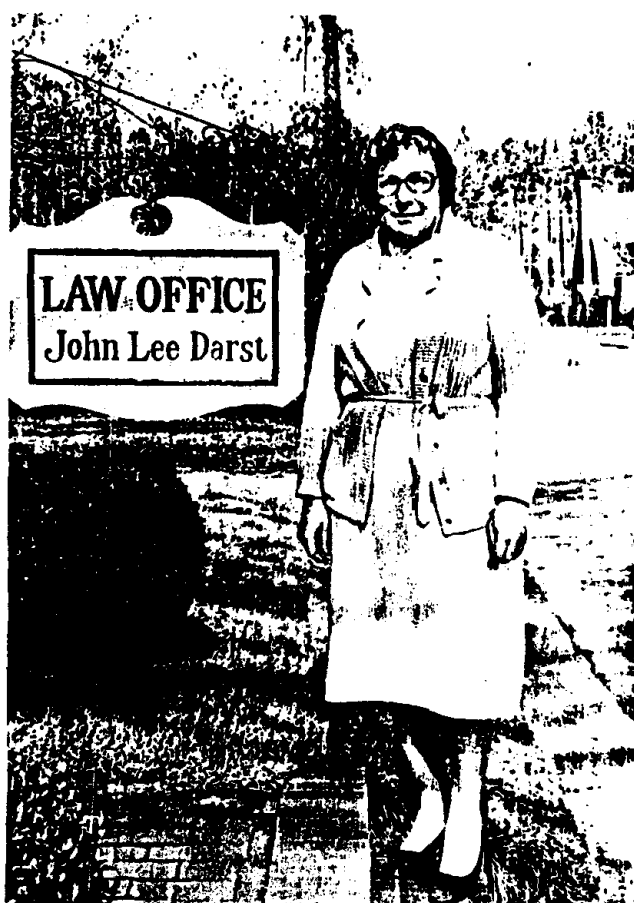
year while he was there they made him take freshman English, and after four years of this they finally let him graduate. Then he came to law school and the Dean made him take freshman English at the College, because he just wasn't going to let him graduate from law school and not write any better than he did. Now, that boy today is very successful. He took freshman English for five years—and all along he kept saying he'd just get himself a good secretary!"

Dean Woodbridge settled on Mrs. Darst and one of her classmates as likely candidates to head the project of starting the law review. "He called us into his office individually, and then jointly, and asked us if we would do it, almost as a personal favor to him. I told him I didn't have time to do it. I was too busy trying to pass law school!" (This from the woman who was at the head of her class.) "But I had taken their money [the scholarship]. So..."

Darst and her fledgling staff of six faced several fundamental problems in getting the new publication off the ground. "We started out with nothing as guidelines, except the law reviews of Harvard, the University of Virginia, and something else, so obviously the fact we got one out at all was the major achievement." One obstacle was that of obtaining student material suitable for publication. "The boys may have been brilliant at the law, but many of them were not fluid writers. We'd get a good article, and then have to re-write it. Of course, they were not all as bad as the boy who kept taking freshman English!"

This hurdle overcome, Mrs. Darst's woes still had only just begun. "The mechanics of it became the most frustrating part of it. We had a great problem because they put everything out on bids, and they took the cheapest printer. Well, the cheapest printer was illiterate. We ended up having to explain to him how to set up the type." Apparently, the printer's area of expertise was signs and posters; this was the first publication of any sort he had ever worked on. The protestations of Gilbert's aficionados notwithstanding, sometimes it does not pay to cut corners. After a period of intensive instruction to the printer, the copy Darst received from him for approval was still "in such poor shape that we had to re-edit and re-set and go again. Two of us spent the entire summer putting the thing back together again. So, in the long run, we ran into additional expenses with the printer who came in with the lowest bid." After that first edition things were much easier. The law review staff had a pattern and schedule to work from, "and we had something to show the printer so he would know how we wanted it to look."

Aside from her travails and triumphs with the law review, Mrs. Darst spent three fairly normal years at Marshall-Wythe. Because she was married, and had other commitments as well, she "tried to keep things completely compartmentalized. I worked on law every spare minute from



8:00 to 5:00 Monday through Friday. I had a place in the library where they let me keep my books, so I really didn't take them home except during exams." And some things never change. One semester Darst wasn't able to devote even eight hours a day to law school. As a result, she regularly missed her afternoon class. "Somebody gave me the notes from that class. I made an A in the course, so I did better in that than in some of the ones I went to."

During the spring semester of her second year, Mrs. Darst broke her forty hours per week regimen in honor of the impending bar exam. "In my era the students took the bar at the end of their second year. That was so you could flunk it three times and still be able to practice once you got out." In marked contrast to the despairing frenzy of third year students these days was Darst's calm and rational approach to this challenge. "I continued to leave my books in the law library, but I spent two hours reading the bar notes (a truly venerable institution) every night for three months before the bar. When I got ready to take the bar, Dean Woodbridge said, 'Oh, you're going to be all right. Don't worry about it.' I said, 'I know I'm going to be all right, because my eyes can't stand to go through those bar notes one more time. If I don't pass it this time, I'm never going back, and I'm not going to finish law school, and I'm never going to do anything if I don't pass it the first time.' Dean Woodbridge thought that was the wrong attitude." Not surprisingly, Mrs. Darst passed the bar on the first taking.

Despite her achievements and success in law school, Darst was by no means assured of an easy time of things once she graduated. "I really didn't think I was going to practice law." Another engaging laugh. "I always told the boys I was in law school for intellectual entertainment, and that used to make them kind of angry." Law, of course, was neither her first nor her major interest. "If I could have gotten a Ph.D. in English here at William and Mary, I probably would have gone that route. But I had gone as far as I could go, and law was the only thing at the time they offered that I could take and keep going to school."

Having chosen the study of law, however, Darst fully intended to make use of it. She learned fairly quickly that she would have to go it alone. "Nobody offered me a job. They'd come in and say they wanted to interview the ten top students in the class. The Dean would ask them, well, what about a girl, and they'd say no, and the Dean would come and apologize to me. Top graduates in my class, and nobody wanted me. That's how bad things were." None of this was really too much of a surprise to Mrs. Darst. "Don't forget, I'd taught school at a time when women made less money than men. I'd been the head of the department, making less money than the men under me. So, you see, I'd already had this experience." Moreover, the attitude of the firms who refused to consider her for employment was imminently comprehensible to this woman. "An all male firm would rather have men. They can play cards and conduct their business at the same time, especially in a little town. I can see that." She realized, too,

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In the midst of her difficulties, that there were those who had a much harder time of things. "My time here goes back to the era when the court had to order the local bank to hire a black person. And the bank's answer was, 'Give us a little time 'til we can find someone,' and they went out and hand-picked one of the nicest, one of the brightest, one of the most capable, and most anything else black women—as a showpiece."

Darst was not entirely locked out of the world of law-related employment. She received several offers from legal publishing firms in New York, and a number of the local firms were more than willing to hire her as a secretary (probably finding themselves in the same boat as the student who kept taking freshman English). The opportunity of clerking for a Justice on the Virginia Supreme Court also came her way, but the demands of the job conflicted with her desire to spend time in Williamsburg with her husband. "That would have been a tremendous experience. The way I originally envisioned the job I would have enjoyed it very much—doing research three days a week in Williamsburg and spending two days a week in Richmond. But at that time the Supreme Court flip-flopped—if they needed someone to sit in Staunton when the Court sat divided, any of the Justices could get tagged to go. So he wanted me to be not only a law clerk, but a secretary and travelling companion as well; he wanted somebody with him all the time to discuss legal points, make notes, and do the research essentially working twelve to fourteen hours a day. I was not at that time going to make that kind of commitment. If I had been single, I might have."

So Mrs. Darst set out on her own. She opened her law office in the fall of 1957 after graduating from law school and battling what she termed "the first case of the Asiatic flu, or whichever variety was around at that time." She well remembers that bout with the flu, particularly since it kept her from "going up to Richmond with the boys to be presented to the Court." As a sole practitioner, Mrs. Darst didn't experience quite the same lack of concern that she had encountered in seeking a job. "Everybody would give me their unwanted work to take care of. But I also picked up a number of clients on my own, who have stayed with me ever since that first year of practice." Startling from scratch, she has done quite well, and now owns the building in which her office is located.

That's not quite true. John Lee Darst didn't start entirely from scratch. She did have the determination and intelligence and ability that had enabled her to succeed at whatever she had set her hand to up until that point. And she had a certain perspective that has stood her in good stead throughout. "I've come up the whole route, with the philosophy that you do what you're going to do, and you do it quietly and unobtrusively, and—after a while—people will accept it."