
Mary Smith - Idaho's Senior Woman Attorney

By Linda Heywood

Rexburg attorney Mary Smith says that she decided when she was eight years old that she would be a lawyer after she observed a trial in the local courtroom, and she has never questioned her decision. She was admitted to the Idaho State Bar in 1935, and today is the senior practicing woman attorney in the state.

Ms. Smith and her five brothers and sisters were raised in Rexburg where her parents owned a farm. When her father passed away, her mother returned to her career in nursing. After about a year and a half at college, Mary was called home to help support her family. The Depression was in full swing at the time, and it needed more than one income to support her family. Says Ms. Smith, "Those were hard times, and they didn't do anybody any good. There's no sense to dwell on them."

With the cooperation of her law school, a course of study was arranged with local attorneys who supervised her studies. She graduated from the University of Idaho, and passed the Idaho Bar Exam in July of 1935. When asked if she received any objections from her family or friends regarding her choice of career, Ms. Smith says, "No. Everyone was most supportive. My mother did say to me, on the first day of the Bar Exam, 'Now Mary, you know you don't have to put yourself through this.'"

"There was a lot of publicity when I took the exam, though because I was the only woman, and they said I was also the first woman to take the exam. I remember that even the Statesman had people there to interview me." Ms. Smith says that she was so nervous that she cried every night of the exam. "I was really concerned. I was the only woman there, and during the breaks or at the end of the day, I would listen to the men talking

about their answers, and I never said a word because my answers were so different from all of theirs." She says the Post-Register later reported she passed second highest in her class, but she never verified the information. She was just glad she passed.

During a time when jobs were difficult for young lawyers to come by, Ms. Smith had one waiting for her in the Rexburg firm of W. Lloyd Adams. She later became a partner, and did not set up her own firm until 1965.

There was never a lack of clients, although at first she suspects people came to her just because they were curious. When asked if she remembers her first case, Ms. Smith says no, but, "About six months after I began practicing law I had a case before the State Supreme Court. I can't even remember what it was about, but I do remember that I was utterly terrified." She won the case.

In 1950, Ms. Smith married Oldham Volney, a Rexburg businessman. He brought two children into the marriage, and he and Mary had two daughters. She says none of the children were interested in a legal profession, although their oldest daughter is presently working as a legal assistant for a law firm in Seattle.

There was little conflict between work and family, and Ms. Smith always took the position that her family came first. "You need the cooperation of your family, and it takes a little more effort and work on everybody's part. I was fortunate. I had a housekeeper, and my family helped out. But I kept that attitude that they came first, and that made it easier."

Ms. Smith says that she has never regretted her decision to practice law, and she considers it a rewarding, challenging and enjoyable profession.

"Much to the sorrow of some of my partners, money has never been a deciding factor in my decision to take a client. I think anyone deserving representation should have it. I cannot turn a needy person away."

Although many of her cases include municipal, water law, and estate planning, Ms. Smith says that hers is a general practice. "In a small community, you just about have to be a general practitioner." When asked if she has seen any changes in the legal profession over the years, she replied that she thought the types of cases had changed. "It has been a gradual change. That doesn't have to be a problem though. You read and study and you grow with the changes. It does seem to me that some lawyers don't command as much respect as they used to. I think that's more a function of the attitudes of their clients than an actual failing on the part of the lawyers. I don't know any 'crooked' lawyers. People who lose a case may not feel too kindly toward their lawyer, and I think that is where the lack of respect stems from. Nobody seems to realize that there will be a winner and a loser in these situations, and you probably aren't going to be both."

What does the future hold in store for Mary Smith? "Well, my husband is not well, so our activities are somewhat curtailed. I plan to keep coming to my office everyday, and I plan to keep practicing law as long as I can. In fact, I intend to pass away sitting in my chair in my office! This is a wonderful and fascinating life, and there is too much to do to retire and sit somewhere and let the world pass you by."

Considering where the determination of eight-year-old Mary has led, there is little doubt that she will do whatever she sets out to accomplish. □