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# The North Carolina State Bar

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# THE NORTH CAROLINA STATE BAR

KEMP D. BATTLE, *Editor*

The quarterly meeting of the Council of The North Carolina State Bar was held in the Supreme Court Room, Raleigh, January 15, 1937. The following officers and councillors were present:

Julius C. Smith, President, Greensboro; Charles G. Rose, Vice-President, Fayetteville; Henry M. London, Secretary-Treasurer, Raleigh; Junius D. Grimes, First District, Washington; Kemp D. Battle, Second District, Rocky Mount; B. H. Perry, Third District, Henderson; Albion Dunn, Fifth District, Greenville; F. E. Wallace, Sixth District, Kinston; Jos. B. Cheshire, Jr., Seventh District, Raleigh; Dickson McLean, Ninth District, Lumberton; G. H. Hastings, Eleventh District, Winston-Salem; Don A. Walser, Twelfth District, Lexington; B. M. Covington, Thirteenth District, Wadesboro; Walter C. Feimster, Sixteenth District, Newton; A. T. Grant, Seventeenth District, Mocksville; J. E. Shipman, Eighteenth District, Hendersonville; Julius Martin II, Nineteenth District, Asheville; S. W. Black, Twentieth District, Bryson City.

President Smith gave a report on the mid-winter meeting of the House of Delegates of the American Bar Association held at Columbus, Ohio, on January 5th-7th. President Smith, at the October meeting of the Council, had been elected as the representative of the North Carolina State Bar in the House of Delegates of the American Bar Association. The most important action of the House of Delegates of general interest was the declaration for the first time of the position of the American Bar in favor of the selection of judges by appointment, subject to Legislative approval, rather than their selection by popular vote in primaries. The interest of the American lawyers in the manner of selecting judges has been rapidly increasing in recent years, and the action of the House of Delegates is in accord with the great preponderance of professional opinion on the subject.

The report of the treasurer, having first been audited by the Executive Committee, was received, and the Executive Committee was instructed to examine and report to the next meeting upon the annual official audit of the business affairs of the North Carolina State Bar.

The Grievance Committee had an unusually short report, and it appeared that there were no cases upon which proceedings for disciplinary action were ordered. This is the first meeting in which this has been the case. Members of the Council expressed gratification at the apparent diminution of cases requiring disciplinary action. The thought was expressed that the activities of the North Carolina State Bar have had a very wholesome effect upon the observance of professional ethics in

this State, and that the efforts of the Council in this respect are now bearing fruit.

The Council decided that in future in cases of disbarment, or in cases for application of reinstatement previously declined, the Council would not hear an application for reinstatement within two years, except in extraordinary cases upon recommendation of the Executive Committee. This decision of policy did not apply to application for rehearing by former Judge J. H. Harwood on his petition for restoration of license to practice law. The petition was then heard. It was supported by a number of residents from Mr. Harwood's home county who testified as to his standing in the community. After a thorough discussion the application was denied. Commissioner Black, representing the district in which Mr. Harwood lives, was excused from participating in the decision. Otherwise the vote in favor of denying the application was unanimous.

The Council reviewed cases in which disciplinary proceedings are now pending. In two instances upon the development of new evidence the trial committees were discharged and the charges dropped. There were no cases ready for final decision at this meeting.

The Council approved a bill for amendments to the Act incorporating the North Carolina State Bar, and requested the committee which had prepared it to have the bill introduced. The bill was published in full in the December issue of the *REVIEW* and is therefore not reprinted here now. It is, however, of great importance to the profession, and its consideration is earnestly commended to members of the Bar.

Another act more specifically defining compensation and expenses of members of the Board of Law Examiners was also approved.

The chairman was authorized to appoint a special committee on Administrative Law, to be composed of five members.

Mr. B. H. Perry, Chairman of the Committee on Unauthorized Practice of Law, reporting for his committee, advanced the view that the Council had no power to control the action of persons who were not licensed lawyers, and that in such cases the limit of power was reached in providing information to the solicitors of the several districts as to alleged violations of the law. He reported that there had been considerable criticism as to the alleged practice of law by public accountants with reference to the preparation of charters for corporations, as well as in activities concerning taxes. The committee was directed to continue its further study on the subject.

The general impression which one gained from this meeting was that the machinery of the North Carolina State Bar is functioning smoothly and that considerable good has already been realized in the elevation of the standards of the profession and consequent progress toward regaining public esteem.