



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 19 | Number 4

Article 4

6-1-1941

The North Carolina State Bar

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

North Carolina Law Review, *The North Carolina State Bar*, 19 N.C. L. REV. 625 (1941).

Available at: <http://scholarship.law.unc.edu/nclr/vol19/iss4/4>

This Comments is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

THE NORTH CAROLINA STATE BAR

KEMP D. BATTLE, *Editor*

The April meeting of the Council of the North Carolina State Bar was held in the Department of Justice Building at Raleigh, Friday, April 11, 1941. President McLendon was out of the state on urgent business and Vice-President W. B. Rodman, Jr., presided, Mr. E. L. Cannon acting as secretary. The following Councillors were present: Junius D. Grimes, First District, Washington; K. D. Battle, Second District, Rocky Mount; B. H. Perry, Third District, Henderson; D. H. Bland, Fourth District, Goldsboro; Albion Dunn, Fifth District, Greenville; J. B. Cheshire, Seventh District, Raleigh; L. J. Poisson, Eighth District, Wilmington; Dickson McLean, Ninth District, Lumberton; R. P. Reade, Tenth District, Durham; G. H. Hastings, Eleventh District, Winston-Salem; M. G. Boyette, Thirteenth District, Carthage; J. Laurence Jones, Fourteenth District, Charlotte; Hayden Clement, Fifteenth District, Salisbury; B. F. Williams, Sixteenth District, Lenoir; A. Turner Grant, Seventeenth District, Mocksville; F. D. Hamrick, Eighteenth District, Rutherfordton; and P. W. Glidewell, Sr., Twenty-First District, Reidsville.

Pursuant to notice given at the last meeting of the Council, the Committee on Legal Ethics held a hearing at which several judges and solicitors of inferior criminal courts appeared to urge modification of the provisions of Canon D of the Code of Ethics. This canon in its former language prohibited any judge or solicitor of any inferior court appearing on either side of any other criminal court in his county. Several instances of hardship were pointed out, particularly situations in which attorneys are mayors of small towns with criminal jurisdiction, several such cases being towns located in more than one county. After discussion at the meeting of the Council, the recommendation of the Committee on Legal Ethics was adopted by which Canon D is modified to read as follows:

"It shall be deemed unethical for any Judge or Solicitor of any criminal court inferior to the Superior Court to appear in any criminal proceeding, whether for the defendant or for the State, in other Courts of his county having criminal jurisdiction, whether concurrent with, inferior to or superior to the criminal jurisdiction of the court over which he shall preside, or over which he shall be the prosecuting officer, except that this Canon shall not apply to Mayors of incorporated towns having like jurisdiction in criminal matters as a Justice of the Peace, except that such Mayors shall not appear in any criminal matters arising within his jurisdiction; provided further that nothing in this Canon is intended

to preclude the solicitor of any Recorder's Court or County Court from appearing in the Superior Court upon request of the District Solicitor."

The report of the Legislative Committee was received advising that two of the acts sponsored by the Council had been approved by the Legislature as follows:

1. Section 198 of Consolidated Statutes has been amended to prohibit Clerks of Superior Courts, Registers of Deeds, and their deputies, as well as Justices of the Peace, from practicing law and defining the practice of law in terms which would appear to be effective to break up the present practice, whereby such officials frequently perform legal services gratuitously to voters in their counties.

2. The act incorporating the State Bar, Chap. 210 Public Laws 1933, is amended to provide for two vice-presidents instead of one, to clarify procedure for the issuance of a new license to a person whose license has been restored, and to authorize the Council to establish a class of inactive members who will be exempted from the payment of dues. Inactive members are defined as persons not engaged in the practice of law or holding themselves out as such, and not occupying a public or private position in which services of a legal nature are a part of their duties. The dues of a number of lawyers have been remitted by the Council because of the fact that the attorneys involved are not engaged in the practice of law, and this legislation clears up any obscurity in the authority of the Council so to act.

On report that disciplinary proceedings in the matter of Jesse A. Jones, an attorney practicing law in Lenoir County, had resulted in a jury verdict in respondent's favor, it was decided that no appeal to the Supreme Court will be taken. The matter having been heard on the merits by a jury, it was not thought advisable to appeal on technical points involved in the trial.

The President was authorized to appoint an attorney to assist the Solicitor in the trial of a charge of barratry filed against a resident of New Hanover County, not an attorney. A full report on this matter was not available but it appeared necessary to act promptly and it is expected that a fuller statement will be available at the next meeting of the Council.

The Committee on Unauthorized Practice reported that it had furnished to the several Justices of the Peace and Clerks of Superior Courts, etc., information as to the passage of the bill prohibiting them from practicing law explained above.

Upon report of said committee, it was decided to invite the General Counsel of the Federal Land Bank, of Columbia, to the July meeting of the Council with the view of discussing certain activities of the employees of the Land Bank and to enable him to make an explanation if he desired as to the form of contract which the Land Bank was requir-

ing of abstracting attorneys on its approved list. A number of attorneys have hesitated to sign such contracts in the belief that they considerably enlarge the common law liability of abstractors.

For the first time since the organization of the State Bar, the Grievance Committee had no new prosecutions to recommend at this meeting. Certain pending cases were discussed but reports on them have not yet been arrived at.

A proposal for the formulation of a new canon, more particularly regulating the execution of bonds by attorneys in proceedings in which such attorneys are professionally interested, was referred to the Committee on Legal Ethics for study and drafting. It was reported to the Council that a number of instances have occurred in which attorneys have sought to avoid the prohibition against executing such bonds by having them executed by their wives or vest pocket corporations in which they are interested.