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# North Carolina State Bar

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## NORTH CAROLINA STATE BAR

### April Meeting of the Council of the North Carolina State Bar

The regular quarterly meeting of the Council of the North Carolina State Bar was held in the offices of the State Bar in the Justice Building, Raleigh, North Carolina, April 13, 1945. The meeting was called to order by the President, L. T. Hartsell, Jr., of Concord, with the following members present: L. T. Hartsell, Jr., B. H. Perry, Fred B. Helms, J. D. Grimes, Fred D. Hamrick, John A. Scott, W. L. Mann, Albion Dunn, G. H. Hastings, B. F. Williams, Gilmer A. Jones, A. W. Sapp, Z. V. Norman, D. H. Bland, J. Laurence Jones, L. J. Poisson, R. P. Reade, P. W. Glidewell, Sr., Joseph B. Cheshire, Jr.

Minutes of the January meeting were presented by the Secretary. The minutes were corrected to incorporate full text of the resolution adopted by the Council relative to the Hatton-Summers Bill now pending in Congress.

The President called for the report of the Ethics Committee which was made by Albion Dunn, Chairman. The Committee presented a proposal to the Council to amend Canon 42 relative to approved law lists. In view of the fact that the American Bar Association has changed their Canon of Ethics regarding law lists, it was proposed that an amendment to Canon 42 as now established by rule of the Council be changed to make it unethical for an attorney to list his name in a law list not approved or which had been disapproved by the Council of the State Bar. The present Canon makes it unethical for use of lists not approved by the American Bar Association. Two other items reported by the Ethics Committee dealt with the propriety of an attorney handling divorce case upon request of the prospective defendant now in the Armed Forces and of a solicitor handling a criminal case for defendant in a county outside of his district. In the first case, the Council approved the recommendation of the Committee that it would be improper for the attorney to undertake to handle a case for plaintiff upon request of defendant. In the second matter, the recommendation of the Committee was adopted calling attention to the fact that while no definite rule had been adopted against such practice, there might be a possibility of embarrassment to the solicitor in the event of possible prosecution on the criminal side of the docket.

The report of the Legislative Committee was made by Mr. Sapp upon the request of the Chairman, Mr. Grimes. The Committee report was in effect the adoption of statement made by the Secretary to the Committee regarding legislative work during the 1945 Session of the

General Assembly. This report included the statements as to adoption of legislation proposed by the Council; namely, the bill amending the State Bar Act with regard to funds of the Board of Law Examiners. The bill which was introduced eliminated the proviso for surplus funds from the examinations to be turned over to the Supreme Court for the use of the Library. There being a deficit in the funds of the Board and it appearing that for a number of years there will continue to be a deficit due to the small number of applicants, the Council had proposed the adoption of the amendment to the Act. Additional matters covered in the report cited various unsuccessful attempts in the Legislature with regard to the unauthorized practice of law, the changing of the rules of the Board of Law Examiners and of the Council and the amendment to Section 82-2.1 defining the practice of law. This Section was rewritten by the 1945 Legislature adding to the Section several items which heretofore had not been included.

The report of the Committee on Unauthorized Practice was made by the Chairman, Mr. Reade. The Secretary made a statement to the Council regarding pending investigation and a conference with the Governor regarding certain procedures in cases involving Justices of the Peace and Notaries Public.

The report of the Membership Committee was made by Mr. Williams, Chairman. The Committee offered certain proposals relative to establishment of a rule requiring inactive members to pay a large fee upon requesting transfer back to active status. The President was called upon to break the tie vote on the particular proposal advanced by the Committee and the adoption of the rule made by the Committee was defeated. Further report of the Committee as to petitions for inactive membership was adopted by the Council.

The Council elected Messrs. W. F. Taylor of Goldsboro and Thomas P. Pruitt of Hickory to succeed themselves for three-year terms on the Board of Law Examiners.

The report of the Executive Committee was made by Mr. Poisson, Chairman. The report indicated that the Committee had checked receipts and disbursements for the quarter and found same to be correct.

Mr. Cheshire, Chairman of the Grievance Committee, had no formal report to submit at this meeting.

In the absence of Mr. Walton, Chairman of the Committee on Post-War Assistance, the members of the Committee had no formal report to make at this meeting.

The President advised the Council that he had received certain communications from Mr. John S. Bradway of Durham relative to work relative to assistance to members of the Armed Forces. After discussion, the Council instructed the President and the Secretary to com-

municate with Mr. Bradway and advise that the Council of the State Bar do not consider that they have any Committee at this time in connection with this matter and all such work in connection with members of the Armed Forces will be handled by Mr. Walton's Committee on Post-War Assistance, the committees of the North Carolina State Bar being composed of members of the Council. It was indicated that all work among service men or those returning from service would in the future be handled by Mr. Walton's Committee composed of members of the Council.

Resolution of the Catawba County Bar relative to fees allowed attorneys by the Industrial Commission was discussed by the Council; and the President, upon motion of the Council, appointed the following Committee to take up this question with the Industrial Commission and report back to the Council: Messrs. Grimes, Sapp, Hastings, Helms and Williams.

With the consent and approval of the Council, the President appointed Mr. Fred B. Helms of Charlotte as a member of the General Statutes Commission established by the 1945 Assembly.

The Council adjourned at 2:30 p.m.

EDWARD L. CANNON, *Secretary.*