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NORTH CAROLINA STATE BAR

MEETING OF THE COUNCIL OF THE NORTH CAROLINA STATE BAR
JULY 13, 1945

The regular quarterly meeting of the Council of the North Carolina State Bar was held in the offices of the State Bar, in the Department of Justice Building, Raleigh, North Carolina, July 13, 1945, with the following members present:

Officers:

Luther T. Hartsell, Jr., President, Concord
B. H. Perry, First Vice-President, Henderson
Fred B. Helms, Second Vice-President, Charlotte
Edward L. Cannon, Secretary-Treasurer, Raleigh.

Councillors:

Z. V. Norman, Second District, Plymouth
Julius Banzet, Third District, Warrenton
D. H. Bland, Fourth District, Goldsboro
Albion Dunn, Fifth District, Greenville
Joseph B. Cheshire, Seventh District, Raleigh
Louis J. Poisson, Eighth District, Wilmington
Dickson McLean, Ninth District, Lumberton
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
A. W. Sapp, Twelfth District, Greensboro
W. L. Mann, Thirteenth District, Albemarle
J. Laurence Jones, Fourteenth District, Charlotte
John A. Scott, Fifteenth District, Statesville
B. F. Williams, Sixteenth District, Lenoir
Eugene Trivette, Seventeenth District, North Wilkesboro
Fred D. Hamrick, Eighteenth District, Rutherfordton
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by the President, L. T. Hartsell, Jr., who introduced Mr. Julius Banzet, of Warrenton, the newly appointed Councillor from the Third District. The President called for the minutes of the April meeting, which were read by the Secretary. Upon motion, seconded and adopted, the minutes were approved as read.

The Council heard the petition for reinstatement of Ralph R. Fisher of Brevard. After consideration of the entire matter, the

Council approved the application and entered judgment and order reinstating Ralph R. Fisher to the practice of law.

Upon consideration of the Report of the Ethics Committee the Council after considerable discussion was of the opinion that it would be unethical for an attorney or attorneys to accept employment or compensation from a corporation to render legal service for its employees and have said corporation to notify its employees of said employment on their behalf for the handling of all personal matters for employees. The Council found that this would be unethical and specifically a violation of Canon 46 of the Canons of Ethics.

The Executive Committee reported an audit of the financial statement of the Secretary and recommended acceptance of the same. The Committee further reported that E. L. Owen of Plymouth had complained of the costs assessed against him in his disbarment trial and recommended that the Council reject his contentions and that he be required to pay the full bill of costs submitted.

The Membership Committee reported on numerous petitions for inactive status and its recommendations on the same. The report and recommendations of the Committee were adopted by the Council. After discussion the Council authorized the Secretary to print lists of persons petitioning for inactive status and those granted inactive status.

The Committee on Unauthorized Practice recommended that the Secretary make investigations regarding unauthorized practice by banks in Gaston County and of Notaries and Justices of the Peace in Stanly County. The Council adopted the recommendations of the Committee.

Upon the report of the Legislative Committee, the Council recommended that a resolution be forwarded to Congressman Doughton urging his support of an amendment to the law creating the Tax Court of the United States, the said amendment to restrict the practice before said court to duly licensed attorneys; said amendment to be presented following consultation with members of the Tax Court. Following discussion, motion was adopted placing the Council on record as approving and adopting the principle that all attorneys entitled to practice law in the State of North Carolina be allowed to practice in all the Federal Courts and before all Federal agencies without any other requirements than that they be members in good standing of the North Carolina State Bar.

Motion was made and duly adopted that the President appoint a committee to consider and prepare an amendment to Article 9, Section 2(a) of the Rules and Regulations of the North Carolina State Bar, said amendment to provide for service by publication or personal service through process officers in other states. The President appointed

a committee of Messrs. Reade, Poisson and Bland to prepare said amendment.

The Chairman of the Grievance Committee made the report for said Committee. The report recommended that J. Caswell Taylor, a practicing attorney of Gastonia, North Carolina, be prosecuted upon the charges contained in the report of the Grievance Committee. The Council approved and adopted the report of the Committee and elected Messrs. Williams, Mann and Hamrick to sit as a Trial Committee in the hearing of charges in the case.

Mr. Sapp reported for the special committee appointed to investigate the fees of the Industrial Commission. He stated that a preliminary study was being undertaken and further report would be made at a future meeting of the Council.

The attention of the Council was called to the communication received from Selective Service Headquarters relative to legal assistance for service men and their dependents, said communication had attached a memorandum from the War Department and the American Bar Association. It was recommended that the Secretary confer with Selective Service in order to seek clarification of the substance of the memoranda forwarded due to some inconsistency appearing in the American Bar Association memoranda.

Upon the call for the report of the Trial Committee in the L. W. Gaylord case, the Council was advised that the same would be for hearing at the October meeting, the respondent still having time in which to file exceptions to the report.

The Council instructed the President and Secretary to arrange a program for the Annual Meeting on October 26.

Mr. Helms made a statement to the Council dealing with a resolution which he presented with regard to the Hon. John J. Parker, the resolution favoring the appointment of Judge Parker to the vacancy on the Supreme Court of the United States and following its presentation, Mr. Helms moved that the Council adopt said resolution. The motion was carried and the resolution adopted.

The Secretary was instructed to write a letter to Mr. Willis Smith of Raleigh congratulating him on his nomination to the Presidency of the American Bar Association.

The meeting adjourned at approximately 2:30 p.m.

EDWARD L. CANNON, *Secretary*.

MEETING OF THE COUNCIL OF THE NORTH CAROLINA STATE BAR
OCTOBER 25, 1945

The regular quarterly meeting of the Council of the State Bar was

held in Raleigh on October 25, 1945, with the following members present:

Officers:

Luther T. Hartsell, Jr., President, Concord
Fred B. Helms, Second Vice-President, Charlotte
Edward L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Junius D. Grimes, First District, Washington
Z. V. Norman, Second District, Plymouth
Julius Banzet, Third District, Warrenton
D. H. Bland, Fourth District, Goldsboro
Albion Dunn, Fifth District, Greenville
I. M. Bailey, Seventh District, Raleigh
Louis J. Poisson, Eighth District, Wilmington
G. H. Hastings, Eleventh District, Winston-Salem
A. W. Sapp, Twelfth District, Greensboro
W. L. Mann, Thirteenth District, Albemarle
J. Laurence Jones, Fourteenth District, Charlotte
John A. Scott, Fifteenth District, Statesville
B. F. Williams, Sixteenth District, Lenoir
Eugene Trivette, Seventeenth District, North Wilkesboro
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The Council was called to order by the President. The reading of the minutes of the last meeting was postponed temporarily to allow for presentation of report of the Grievance Committee and the seating of a new member of the Council.

The report of the Grievance Committee was made by Mr. Joseph B. Cheshire, Chairman. There were no recommendations for proceedings against attorneys. The report was accepted and adopted by the Council. Mr. Hartsell, the President, spoke briefly on behalf of the Council relative to the retirement from the Council of Mr. Joseph B. Cheshire who recently resigned after having served as a member of the Council for 12 years. Various members of the Council expressed their appreciation of Mr. Cheshire's services to the Bar. Motion was made and adopted that a committee draw a suitable resolution expressing the appreciation of the Council for the services performed by Mr. Cheshire.

Mr. I. M. Bailey took the oath as Councillor before Judge Henry A. Grady, Mr. Bailey having been elected to succeed Mr. Cheshire as Councillor from the Seventh District. Mr. Bailey was nominated and elected Chairman of the Grievance Committee and also as a mem-

ber of the Post-War Work Committee for the remainder of the year.

The Secretary read the minutes of the last meeting which were approved with one minor change relative to a committee appointed to amend Article 9, Section 2(a). The minutes were adopted and approved as amended.

The Council proceeded to hear the report of the Trial Committee in the matter of L. W. Gaylord, a practicing attorney of Greenville, North Carolina. Neither respondent nor his counsel was present although due notice had been given. After consideration of the report and the record, the Council adopted the findings of fact, the conclusions and recommendations of the Trial Committee and entered an order suspending the said L. W. Gaylord from the practice of law for a period of one year. (Albion Dunn, Councillor from respondent's district, did not vote in disposition of this matter.)

On motion of Mr. Helms, the Secretary was instructed to prepare membership cards to be issued to members in good standing, requesting them.

Mr. L. J. Poisson discussed certain ideas and plans of the North Carolina Bar Association regarding proposed refresher courses for lawyers returning from service. Following discussion, the Council went on record as endorsing the proposals presented.

The Council recessed until 2:30 p.m.

The Council reconvened at 2:30 p.m. and there was a discussion relative to the question of the Board of Law Examiners holding an examination prior to next August. Motion was made that the Council request the Board of Law Examiners to investigate the feasibility and advisability of giving an examination in February, 1946.

Mr. Williams made the report for the Membership Committee which recommended granting certain petitions for inactive membership and rejection of others. Upon motion the report was adopted.

The Chairman of the Ethics Committee stated that there was no report from that Committee at this meeting.

The Council heard the report of the Unauthorized Practice Committee. The Committee recommended that the Secretary be authorized to investigate the activities of Justices of the Peace in Onslow and Union Counties and to initiate proceedings if the facts warranted. The Committee also recommended that the Secretary be authorized to investigate and if the facts warranted to bring action against certain banks operating in eastern North Carolina.

Mr. Sapp and Mr. Grimes made recommendations from the Legislative Committee relative to the resolution of the Chicago Bar Association which said resolution requested revision in the present text of the McCarran-Sumners Bill dealing with federal administrative procedure.

After considerable discussion the Council decided to leave unchanged its previous recommendation on this bill which was adopted at the January meeting.

Mr. Sapp reported that his committee for conferring with the Industrial Commission had failed to receive any specific complaints regarding allowances of fees but that he recommended that the committee be continued with the suggestion that all persons making complaints should communicate same to the committee.

The Council discussed the work of the Committee on Post-War Assistance. It appeared that there were a great many difficulties which have arisen regarding legal assistance to servicemen and their dependents and there is evidence of confusion caused by announcement of policy by the War and Navy Departments and the American Bar Association Committee. Mr. Bailey moved that the North Carolina State Bar render assistance only to attorneys returning from the armed forces in readjusting themselves to the practice and that all matters arising under the Soldiers' and Sailors' Civil Relief Act and the G. I. Bill of Rights for legal assistance be referred to the North Carolina Bar Association. The motion of Mr. Bailey was adopted.

Mr. Norman, who reported for the Committee on Federal Land Bank Fees, stated that the Committee recommended to the Council that the Secretary advise all County Bar Associations that they are at liberty to adopt such schedule of land bank fees as is suitable to them, calling attention to the suggested schedule submitted by the Council. The fees recommended are as follows:

SCHEDULE OF FEES

On all loans up to \$2,500.00, a minimum fee of \$50.00.

On all loans above \$2,500.00, but not more than \$5,000.00, a minimum fee of \$75.00.

On all loans above \$5,000.00, a minimum fee of \$100.00 plus 1% of the loan.

Examining attorneys should charge reasonable fees in addition to the foregoing for services incident to rectifying borrower's title.

He further recommended that the Council's Committee be discharged. The report and recommendation of the Committee were adopted.

The report of the Executive Committee was made by the Chairman who recommended the adoption of the financial statement made by the Secretary. The report was adopted.

The President designated Messrs. Scott, Grimes and Glidewell to draft a proper resolution regarding the services of Mr. Joseph B. Cheshire.

Edward L. Cannon was re-elected Secretary-Treasurer.

Mr. Helms called the attention of the Council to the work of the Code Commission. He requested that suggestions and ideas of the Council and the members of the Bar would be most welcome.

The Council expressed its appreciation to Mr. Luther T. Hartsell, Jr., President, for his outstanding service during his term of office and Mr. Hartsell expressed his pleasure in having served with the Council.

The Council adjourned at approximately 5:30 p.m.

EDWARD L. CANNON, *Secretary*.

THE ANNUAL MEETING OF THE NORTH CAROLINA STATE BAR
OCTOBER 26, 1945

The twelfth Annual Meeting of the State Bar was held in Raleigh on October 26 at the Sir Walter Hotel, the following program being presented:

Morning Session, 10:30 A.M.

Luther T. Hartsell, Jr., President, Concord, Presiding
Invocation—Rev. R. Donald Carson, Raleigh, North Vanguard Presbyterian Church

Welcome—Oscar Leach, Raleigh, Wake County Bar Association

Response—K. C. Ramsey, Salisbury

Address: Dean H. C. Horack, Duke University Law School

Address: Hon. Louis J. Poisson, Wilmington, President, North Carolina Bar Association

Afternoon Session, 2:30 P.M.

Discussion: Institutes or Refresher Courses for Lawyer Veterans

Address: Hon. Willis Smith, President-nominate, American Bar Association

Discussion

Election of Officers

Some 315 members of the Bar attended the Twelfth Annual Meeting. Among them were a number of members who had just returned from service. There were numerous lively discussions during the meeting relative to granting license without examination to certain groups who had been members of the armed forces, the offering of review courses by the law schools, the offering of refresher courses for lawyer veterans and the matter of special examination for persons not previously admitted to the Bar. A resolution was offered by J. Crawford Biggs thanking the President of the United States for appointing Kenneth C. Royall as Under-Secretary of War. There was also a resolution offered by R. O. Everett of Durham recommending the appointment of M. O. Hudson to be a member of the World Court.

Interesting discussions were led by speakers Dean H. C. Horack, L. J. Poisson and Willis Smith. The meeting was very ably presided over by the President, Luther T. Hartsell, Jr. Those present witnessed more general discussion from the floor than at any previous meeting of the State Bar.

Mr. and Mrs. L. T. Hartsell, Jr., were hosts at a very delightful luncheon to past Presidents of the State Bar, the members of the Council, the Board of Law Examiners and the speakers.

Bennett H. Perry of Henderson was elected President for the forthcoming year, Fred B. Helms of Charlotte was elected First Vice-President and Joseph B. Cheshire, Raleigh, was elected Second Vice-President.

EDWARD L. CANNON, *Secretary.*

OFFICERS AND MEMBERS OF THE COUNCIL
1945-1946

Officers :

B. H. Perry, President, Henderson
Fred B. Helms, First Vice-President, Charlotte
Joseph B. Cheshire, Second Vice-President, Raleigh
Edward L. Cannon, Secretary-Treasurer, Raleigh

Members of the Council :

Junius D. Grimes, First District, Washington
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Julius Banzet, Third District, Warrenton
D. H. Bland, Fourth District, Goldsboro
Albion Dunn, Fifth District, Greenville
John Warlich, Sixth District, Jacksonville
I. M. Bailey, Seventh District, Raleigh
Louis J. Poisson, Eighth District, Wilmington
Dickson McLean, Ninth District, Lumberton
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
A. W. Sapp, Twelfth District, Greensboro
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L. Laurence Jones, Fourteenth District, Charlotte
John A. Scott, Fifteenth District, Statesville
B. F. Williams, Sixteenth District, Lenoir
Eugene Trivette, Seventeenth District, North Wilkesboro
Fred D. Hamrick, Eighteenth District, Rutherfordton
Kester Walton, Nineteenth District, Asheville
Gilmer A. Jones, Twentieth District, Franklin
P. W. Glidewell, Sr., Twenty-first District, Reidsville