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North Carolina State Bar

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NORTH CAROLINA STATE BAR

July Meeting of the Council of the North Carolina State Bar

The quarterly meeting of the Council of the State Bar was held Friday, July 12, 1946, in Raleigh with all officers and 18 members of the Council present. Reports were received from all committees. Of special interest were the following items: The Council ruled that it would be improper for an attorney serving on the grand jury to advise with or accept employment in any criminal case during the time that said attorney was required to serve upon the grand jury. The Council approved and ordered sent to the Supreme Court the following change in the rules of the Board of Law Examiners:

RESOLVED that Rule 9 be amended by adding after the words "six years" in Line 5 of said rule the following: "Provided, however, that the period between the date of induction of the applicant into the armed services and the date of his discharge therefrom shall not be counted." (As appearing on Page 611, 221 North Carolina Reports, beginning on Line 18 under Numeral 9 entitled "Legal Education.")

The amendment to the rules allows the completion of a law course in a period greater than six years if the applicant has served in the armed forces. The Council received the further resolution concerning the giving of extra examinations on the first Tuesday in March for the years 1947, 1948 and 1949. It appeared that such an amendment to the rules of the Board would require some action by the Legislature. This matter will be presented to the Legislature by the Council when it convenes in January.

The committee studying litigation under the Federal Employers Liability Act reported on the progress of investigation and the report was accepted as information pending a final report to the Council. The Legislative Committee was directed to consider the question of introducing a bill in the next session of the General Assembly prohibiting the solicitation of litigation either for trial within the State of North Carolina or outside said state.

The Grievance Committee gave an informal report to the Council concerning matters before it. The Council, upon motion, continued indefinitely the case against John C. Wallace, formerly of Winston-Salem, who was convicted in the federal courts.

The President recommended the re-appointment of Fred B. Helms of Charlotte as a member of the Code Commission for a three-year term. The Council approved the appointment of Mr. Helms.

The Legislative Committee was instructed to consider the advisability of having the public laws become effective upon a date certain following the adjournment of the General Assembly in order that the courts might have the printed laws before them and that attorneys may also have the same for use on or before the date upon which such laws become effective.

A report was made by the Secretary in connection with the status of the case of *State v. Blanton et al* pending in the Superior Court of Mecklenburg County.

The Council directed the President and Secretary to prepare a program for the Annual Meeting in October.

The Meeting of the Council of the State Bar, October 24, 1946

The Council held its regular quarterly meeting on October 24, in Raleigh, with the officers and seventeen councillors present. The President advised the Council of two new members elected since the last meeting, Mr. W. B. R. Guion, New Bern, from the Fifth District and Mr. Charles Hutchins, Burnsville, from the Eighteenth District. Mr. Hutchins was present and took his place upon the Council, but Mr. Guion was unable to attend the meeting.

The Committee on Indexing Private and Local Laws recommended that the Council approve its report calling upon the Legislature for an appropriation for the indexing and printing of private and local laws from the time of the establishment of the state as a colony down to the present.

An informal report was made by the Grievance Committee in connection with matters pending before it.

Mr. J. C. Sedberry of Charlotte appeared before the Council and made a statement with regard to the case of *State v. Blanton, Shore and Baird*, in which he appeared as private prosecutor for the State Bar. Statements on the case were also made by the Secretary and Mr. Helms.

There was a discussion regarding a state-wide publication to be devoted to Bar activities and a committee of three members of the Council was appointed to consider the feasibility of such a publication.

A report was made upon the study of litigation under the Federal Employers Liability Act, and it was stated that a final report would be submitted to the Council at its January meeting.

The President announced that at the request of the Department of Public Welfare he had appointed Mr. William G. Mordecai of Raleigh to sit with the Commission studying the laws of Domestic Relations.

The Legislative Committee reported their recommendation for the preparation of two bills for the consideration of the 1947 General Assembly, one dealing with the question of dates upon which legislation is to become effective and the second, a bill prohibiting the solicitation of

litigation of claims, etc., by any person for trial in this state or outside the said state. The Committee further recommended the drafting of proper resolutions to members of Congress concerning the Jennings resolution introduced in the House of Representatives limiting the venue under the Federal Employers Liability Act. The report of the Committee was adopted and drafts will be ready for the consideration of the Council at its January meeting.

The Membership Committee reported on a number of petitions for inactive status and the Council approved the report of the Committee.

The Council adopted three of the five recommendations of the Committee on Ethics. It declined to adopt two resolutions and ordered the copy of the letter of the Attorney General to J. G. Merrimon of Asheville to be received as information.

The Council re-elected Edward L. Cannon as Secretary.

Mr. Helms moved that the President be authorized to appoint two committees: one dealing with the revision of the Corporation Code and the other relative to study of the administration of the inferior courts of the state.

L. J. Poisson of Wilmington was re-elected a delegate to the American Bar Association for a two-year term.

The Council appointed a special committee to investigate and bring action against the National Foreman's Institute now operating in High Point for activities in connection with the unauthorized practice of law and solicitation thereof.

The Council passed resolution expressing its appreciation to W. I. Gatling of the State Bureau of Investigation for his work in cases in which the Bar was interested. The Council expressed its appreciation to President B. H. Perry for his work during the year and for the cooperation given by him to the Council.

The Annual Meeting of the North Carolina State Bar, October 25, 1946

The Thirteenth Annual Meeting of the State Bar witnessed the largest attendance of many years. The program, highlighted by the appearance of Tom C. Clark, Attorney General of the United States, proved to be both informative and enjoyable. The program follows:

MORNING SESSION, 10 A.M.

Bennett H. Perry, *President*, Henderson

Presiding

Invocation.....Rev. I. Harding Hughes, Chaplain, Saint Mary's School
 Welcome.....Hon. J. M. Broughton of the Wake County Bar
 Response.....Hon. G. H. Hastings of the Forsyth County Bar
 Address: "Nurnberg".....Hon. Willis Smith, President, American Bar Association

James Iredell—A Study.....Hon. J. C. B. Ehringhaus of the Wake County Bar
The Board of Law Examiners and Its Problems

Hon. L. R. Varser, Lumberton, Chairman Board of Law Examiners

AFTERNOON SESSION, 2 P.M.

Address: "Military Justice"....Hon. Kenneth C. Royall, Under Secretary of War
Report of Secretary

Address: "Justice in the Reconstruction Period"
Hon. Tom C. Clark, Attorney General of the United States

Discussion

Election of Officers

Adjournment

The following officers were elected for the year 1946-47: Fred B. Helms, President, Charlotte; Jos. B. Cheshire, First Vice-President, Raleigh; Thos. P. Pruitt, Second Vice-President, Hickory; Edward L. Cannon, Secretary-Treasurer, Raleigh.

COUNCIL OF THE NORTH CAROLINA STATE BAR, 1946-1947

J. D. Grimes, First District, Washington; Z. V. Norman, Second District, Plymouth; Julius Banzet, Third District, Warrenton; D. H. Bland, Fourth District, Goldsboro; W. B. R. Guion, Fifth District, New Bern; John D. Warlick, Sixth District, Jacksonville; I. M. Bailey, 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; 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; Charles Hutchins, Eighteenth District, Burnsville; Kester Walton, Nineteenth District, Asheville; Gilmer A. Jones, Twentieth District, Franklin; P. W. Glidewell, Sr., Twenty-first District, Reidsville.

BOARD OF LAW EXAMINERS

L. R. Varser, Chairman, Lumberton; I. E. Carlyle, Winston-Salem; George B. Greene, Kinston; L. T. Hartsell, Jr., Concord; W. Frank Taylor, Goldsboro; Kingsland Van Winkle, Asheville; Edward L. Cannon, Secretary, Raleigh.

CONDENSED STATEMENT OF AUDIT OF GEORGE R. POOLE AND CO.
CERTIFIED PUBLIC ACCOUNTANTS, RALEIGH, NORTH CAROLINA

Financial Report of the North Carolina State Bar and the Board of Law Examiners for Year Ending December 31, 1945

THE NORTH CAROLINA STATE BAR

Balance—January 1, 1945.....\$ 903.35

RECEIPTS

Revenues	\$12,366.10
Dues Collected in Advance.....	55.00
Sale of Furniture and Fixtures.....	50.00
Total Receipts.....	\$12,471.10
Total	\$13,374.45

DISBURSEMENTS

Expenses	\$12,748.56
Purchase of Furniture and Fixtures.....	94.00
Total Disbursements.....	\$12,842.56
Balance—December 31, 1945.....	\$ 531.89
Balance—January 1, 1945.....	\$ 5,728.36
Deduct—Deficiency of Revenue for Year.....	427.11
Surplus—December 31, 1945.....	\$ 5,301.25

REVENUE AND EXPENSES FOR THE YEAR ENDED
DECEMBER 31, 1945

REVENUES

Dues Collected.....	\$10,762.00
Subscriptions to LAW REVIEW.....	729.00
Advertising in Journal.....	305.00
Costs	223.35
Refund Tax Institute.....	121.01
Recovery, Bad Checks.....	67.80
Sale of Journal and Proceedings.....	54.25
Interest	90.00
Printing	23.55
Partial Settlement, Mrs. Anne B. Leach.....	10.00
Sale of Books.....	6.00
Other	6.64
Total Revenues.....	\$12,398.60

EXPENSES

Salaries:	
Secretary	\$ 3,254.40
Clerical	2,013.80
Investigation Expense.....	1,109.69
Council Expense.....	2,039.04
NORTH CAROLINA LAW REVIEW.....	720.00
Committee Expense.....	688.56
Withholding Taxes.....	502.80
Stationery and Printing.....	462.50
Postage.....	412.67
Telephone and Telegraph.....	279.19
Advances, Board of Law Examiners.....	222.00
Trial Committee Expense.....	210.19
Office Supplies and Repairs.....	200.23
Reporting	185.82
Audit Fee.....	175.00
Bar Meetings.....	101.20
Witnesses, Bond Premium, and All Other.....	171.47
Depreciation	77.15
Total Expenses.....	\$12,825.71

THE BOARD OF LAW EXAMINERS—STATEMENT OF CASH
RECEIPTS AND DISBURSEMENTS FOR YEAR
ENDED DECEMBER 31, 1945

RECEIPTS	
Cash Balance—January 1, 1945.....	.38
Registration Fees:	
47 @ \$1.00.....	\$ 47.00
June Examination:	
22 @ \$23.50.....	517.00
Comity Applicants:	
6 @ \$74.50	447.50
	\$1,011.50
Total Receipts from Fees, Etc.....	222.00
Advanced by North Carolina State Bar.....	221.56
Transfer of Funds from Examination Account.....	1,455.06
	\$1,455.44
DISBURSEMENTS	
Examination Expense.....	\$ 934.79
Refunds—Rejected Applicants.....	175.00
Office Supplies and Repairs.....	66.35
Clerical Salaries.....	50.00
Postage.....	4.71
Safety Deposit Box Rent.....	3.60
Bank Charges.....	2.20
Total Disbursements.....	1,236.65
	\$ 218.79
Cash Balance—Per Bank Statement.....	