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North Carolina State Bar

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NORTH CAROLINA STATE BAR

EDWARD L. CANNON, *Editor*

January Meeting of the Council of the North Carolina State Bar

The regular quarterly meeting of the Council was held in the Justice Building on January 17, 1947, with the following officers and members present:

Officers: Fred. B. Helms, President, Charlotte; Joseph B. Cheshire, First Vice-President, Raleigh; Thomas P. Pruitt, Second Vice-President, Hickory; 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; W. B. R. Guion, Fifth District, New Bern; John D. Warlick, Sixth District, Jacksonville; I. M. Bailey, Seventh District, Raleigh; Louis J. Poisson, Eighth District, Wilmington; Dickson McLean, Ninth District, Lumberton; G. H. Hastings, Eleventh District, Winston-Salem; A. W. Sapp, Twelfth District, Greensboro; W. L. Mann, Thirteenth District, Albemarle; John A. Scott, Fifteenth District, Statesville; Charles Hutchins, Eighteenth District, Burnsville; Gilmer A. Jones, Twentieth District, Franklin.

The report of the Executive Committee was made by Mr. Poisson, chairman. The committee report showed that receipts and disbursements for the previous quarter had been checked and found to be correct. The report was adopted.

The president called for the report of the Legislative Committee made by Mr. Grimes. The committee presented drafts of two bills recommended by it. One would amend G. S. §84-24 to provide that an additional regular bar examination for applicants to practice law be held in Raleigh commencing on the first Tuesday in March, or on such date as the Board may determine, during the years 1947 through 1949, chiefly to accommodate applicants who served in the armed forces during World War II. As enacted by the General Assembly the bill provided for additional examinations through 1951. The other bill would make it unlawful to solicit legal business or receive any part of an attorney's fee in consideration of placing the claim in his hands for collection or litigation. The General Assembly enacted this bill, and it is discussed in this number of the NORTH CAROLINA LAW REVIEW at page 379.

After discussion by the Council, the drafts of the bills were approved and the secretary and the committee authorized to have them presented for consideration by the Legislature.

The attention of the Council was called to the fact that the bill referring to effective dates of acts of the General Assembly had already been presented to the Legislature by a member of that body.

The report of the Ethics Committee was made by Mr. McLean, member of the committee. After discussion, the report of the committee was approved.

Mr. Sapp made statement to the Council regarding advertisements appearing in the press for the firm of Bridgers, Pope and Young and presented an apology and statement from the individual members of said firm. The council accepted the apology.

Following discussion, the meeting adjourned until 1:45 P.M.

The president called for the report of the Grievance Committee made by Mr. Bailey, Chairman. The committee asked that its report be filed although the report contained no recommendations for disciplinary action at this time. The report of the committee was accepted.

The president called for the report of the Committee on Unauthorized Practice which was made by Mr. Bland. The report referred to matters coming to its attention regarding the First National Bank of Wadesboro, the firm of Bridgers, Pope and Young and the matter of notaries public in Granville County and the question of cases of solicitation of bills for collection. The report of the committee did not recommend any proceedings at this time. The report was adopted.

The report of the Membership Committee was made by Mr. Scott. It recommended action on petitions for inactive membership as follows:

1. William Dunn, Jr., granted
2. John T. Gillespie, granted
3. W. M. Hood, not in proper form
4. C. B. MacRae, denied
5. William H. Powell, granted
6. W. A. Thompson, not in proper form
7. Granbery Tucker, denied
8. John D. Xanthos, granted
9. Z. V. Young, not in proper form

The report of the committee was adopted.

The president called for the report of the Committee to Confer with the Industrial Commission. Mr. Sapp, the Chairman, stated that the committee had no report to make except that in view of the fact that the committee had been unable to secure any information showing specific abuse in connection with attorneys' fees by the Industrial Commission he and members of his committee recommended that the committee be terminated. Motion was seconded and adopted.

The president called for the report of the Committee on Federal Employees Liability Act cases. Mr. Sapp, a member of the committee, stated that the bill regarding solicitation which had been passed on by the Council at the morning meeting constituted the report of that committee.

The president advised that there was no report for the Committee on Post War Work.

The president called for the report for the special committee designated to confer on complaints involving the Foremen's National Institute. The chairman read proposal made by this organization and after consideration, it was moved and seconded that the proposal as made be rejected and that the secretary be authorized to secure the services of law enforcement agencies for further investigation in the practices engaged in by this and similar organizations. Motion was carried.

The Council discussed proposals regarding a monthly publication by the Bar. After some discussion, the president was authorized to appoint a committee to study the matter. The president appointed Mr. Sapp as Chairman and Mr. Cheshire and Mr. Cannon as the committee to consider the problem.

The Council elected the following Committees for 1947:

Grievance Committee—G. H. Hastings, Chairman, Winston-Salem; Joseph B. Cheshire, Raleigh; John A. Scott, Statesville; Julius E. Banzet, Warrenton; Armistead W. Sapp, Greensboro.

Executive Committee—D. H. Bland, Chairman, Goldsboro; Thomas P. Pruitt, Hickory; W. L. Mann, Albemarle; J. Laurence Jones, Charlotte; P. W. Glidewell, Sr., Reidsville.

Ethics Committee—J. D. Grimes, Chairman, Washington; Eugene Trivette, N. Wilkesboro; Dickson McLean, Lumberton; G. A. Jones, Franklin; R. P. Reade, Durham.

Legislative Committee—L. J. Poisson, Chairman, Wilmington; P. W. Glidewell, Sr., Reidsville; John D. Warlick, Jacksonville; R. P. Reade, Durham; Kester Walton, Asheville.

Unauthorized Practice Committee—B. F. Williams, Chairman, Lenoir; Z. V. Norman, Plymouth; D. H. Bland, Goldsboro; W. B. R. Guion, New Bern; Eugene Trivette, N. Wilkesboro; Dickson McLean, Lumberton.

Membership Committee—I. M. Bailey, Chairman, Raleigh; L. J. Poisson, Wilmington; Charles Hutchins, Burnsville; B. F. Williams, Lenoir; John A. Scott, Statesville; Thomas P. Pruitt, Hickory.

Post War Work Committee—Z. V. Norman, Chairman, Plymouth; G. H. Hastings, Winston-Salem; Gilmer A. Jones, Franklin; W. B. R. Guion, New Bern.

Indexing Public, Local and Private Laws—Joseph B. Cheshire,

Chairman, Raleigh; W. L. Mann, Albemarle; Julius E. Banzet, Warrenton; Charles Hutchins, Burnsville.

Federal Employers Liability Litigation—J. Laurence Jones, Chairman, Charlotte; Kester Walton, Asheville; J. D. Grimes, Washington.

The president called the attention of the Council to the necessity of electing a member of the Board of Law Examiners to succeed Thomas P. Pruitt, resigned. Mr. B. H. Perry of Henderson was nominated and this nomination was seconded. There being no further nominations, it was moved and seconded that Mr. B. H. Perry of Henderson be elected by acclamation. Motion was carried and Mr. Perry was declared elected to fill out the unexpired term of Thomas P. Pruitt of Hickory.

Mr. Grimes called the attention of the Council to the illness of Mr. W. B. Rodman, former President of the State Bar. The Council ordered the secretary to send a message of sympathy to Mr. Rodman on behalf of the Council.

The president made a statement to the Council regarding canvass of the members of the Bar concerning proposals for improving the administration of justice, his four questions propounded being as follows:

1. A Director-Administrator for the Superior Courts of North Carolina.
2. Three subdivisions of State for rotation of Superior Court Judges.
3. Increasing salaries of Supreme and Superior Court Judges.
4. Providing an office and a secretary for each regular Superior Court Judge.

He called attention to the replies which he had received and made a statement regarding a number of replies showing the consensus of opinion of the members of the Bar who answered the questionnaire as favoring the proposals. There was considerable discussion regarding the proposals and a question of seeking legislation to accomplish changes in the laws to put the proposals into effect and such others as might be deemed proper for the improvement of the administration of justice. After further discussion, motion was made that the Council adjourn to reconvene at 10 A.M., February 10, 1947, for the purpose of further discussion and action on these or other proposals and the feasibility of any legislative action.

The Council adjourned at 3:45 P.M.

**Adjourned Meeting of the Council of the State Bar,
February 10, 1947**

The Council of the North Carolina State Bar having voted for an adjournment of its January meeting until 10 A.M., February 10, the Vice-President, Joseph B. Cheshire, opened the meeting at said hour on

said date in Room 408, Department of Justice Building, Raleigh, North Carolina. Those present were Vice-President Cheshire and Secretary, E. L. Cannon. The vice-president upon motion of the secretary adjourned the meeting further until 10 A.M., March 10, 1947.

Special Called Meeting of the Council of the North Carolina State Bar, March 4, 1947

Pursuant to call of the president, Fred B. Helms, made on February 18, 1947, by notice to the Council from the secretary for the purpose of considering possible legislation to be presented to the 1947 General Assembly dealing with the problems of the administration of justice, the Council of the State Bar convened at 408 Justice Building with the following members present:

Officers: Fred B. Helms, President, Charlotte; Joseph B. Cheshire, First Vice-President, Raleigh; Thomas P. Pruitt, Second Vice-President, Hickory; Edward L. Cannon, Secretary-Treasurer, Raleigh.

Councillors: Z. V. Norman, Second District, Plymouth; D. H. Bland, Fourth District, Goldsboro; John D. Warlick, Sixth District, Jacksonville; I. M. Bailey, Seventh District, Raleigh; R. P. Reade, Tenth District, Durham; G. H. Hastings, Eleventh District, Winston-Salem; A. W. Sapp, Twelfth District, Greensboro; J. Laurence Jones, Fourteenth District, Charlotte; Charles Hutchins, Eighteenth District, Burnsville; Gilmer A. Jones, Twentieth District, Franklin.

The following, representing the North Carolina Bar Association, were present: Charles R. Jonas, President, Francis J. Heazel, W. Frank Taylor, Robert F. Moseley, John T. Manning, Shelton Roper, John Kerr, Jr., Kerr Craige Ramsey, Clifton Moore and W. J. Adams, Jr.

The president advised the Council that he had requested the special meeting after conference with Mr. Charles R. Jonas, President of the North Carolina Bar Association, and the Executive Committee of the Bar Association. The president referred to the discussions of the Council at the January meeting relative to problems involved in improving the machinery of the courts and possible legislation which might be introduced to effect some improvements. The president further advised the Council of the discussions which had been held with various members of the Bar and further advised that it seemed to be the consensus of opinion that both the Bar Association and the State Bar should join in a proposal for appointment of a commission to study the problems involved.

The president requested Mr. Charles R. Jonas, President of the North Carolina Bar Association, to preside over the meeting for a discussion by the Council and the representatives of the North Carolina

Bar Association. There was considerable discussion following which Mr. Helms moved the adoption of resolution as follows :

That the State Bar Council and the Executive Committee and the Legislative Committee of the North Carolina Bar Association meeting in joint assembly recommend that a committee be elected and appointed by the State Bar Council and the President of the Bar Association to prepare and submit to the General Assembly resolution providing for the creation of a commission of from eleven to twenty-one members to study the problems of improvement in the administration of the law.

The motion was seconded and adopted and thereupon the joint meeting was declared adjourned. The President of the Bar Association requested that a meeting of the Executive Committee of that group be held immediately following the adjournment.

The session of the Council was called to order by President Helms. Mr. Norman moved the appointment of the following committee to consider the presentation of the proper resolution to the General Assembly : Messrs. Poisson, Helms, Bailey and Cannon.

The secretary made a statement to the Council regarding Senate Bill No. 202 introduced by Senator McKinnon which deals with the so-called public member for all boards and agencies. The members of the Council expressed themselves as being opposed to this bill and motion was made and the following committee appointed to deal with this and other similar measures which might be introduced in the General Assembly which would affect the State Bar : Messrs. Cheshire, Bailey and Cannon.

Statement was made by the secretary regarding Senate Bill No. 91, the so-called anti-solicitation bill, which was introduced in the Senate. Upon motion the problems, if any to be encountered with the passage of the bill, were left in the hands of the committee composed of Messrs. J. Laurence Jones, Kester Walton and J. D. Grimes.

No further business appearing, the Council adjourned.

Following the joint meeting, the Executive Committee of the Bar Association announced that it had designated President Charles R. Jonas and W. J. Adams, Jr., Chairman of the Executive Committee, as representatives from the Bar Association on the joint committee to draft proposed resolution authorized by the resolution. Following several meetings of the joint committee, a bill was proposed for introduction in the Legislature providing for the appointment of a commission to study and make recommendations to the 1949 General Assembly for the improvement of the administration of justice in North Carolina. This bill was enacted, and is discussed in this number of the NORTH CAROLINA LAW REVIEW at page 376.

**Adjourned Meeting of the Council of the North Carolina State Bar,
March 10, 1947**

The Council of the North Carolina State Bar having voted for an adjournment of its adjourned meeting until 10 A.M., March 10, the vice-president, Joseph B. Cheshire, opened the meeting at said hour on said date in Room 408, Department of Justice Building, Raleigh, North Carolina. Those present were Vice-President Cheshire and Secretary E. L. Cannon. The vice-president upon motion of the secretary adjourned the meeting further until the regular quarterly meeting on Friday, April 18, 1947.

April Meeting of the Council of the North Carolina State Bar

The regular quarterly meeting of the Council was held in the Justice Building on April 18, 1947, with the following officers and members present:

Officers: Fred B. Helms, President, Charlotte; Joseph B. Cheshire, First Vice-President, Raleigh; Edward L. Cannon, Secretary-Treasurer, Raleigh.

Councillors: Z. V. Norman, Second District, Plymouth; Julius Banzet, Third District, Warrenton; 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, N. Wilkesboro.

The Council proceeded to hear the petition for reinstatement filed by Spencer T. Thorne of Columbia, formerly of North Wilkesboro and Rocky Mount. Following consideration of the petition and statements of petitioner and his counsel, the Council ordered the matter continued for further study until the July meeting.

The Council heard report of the Ethics Committee and its committees on Membership and Grievances. The Executive Committee report included the annual audit for 1946. The report of the committee was approved. The Grievance Committee made an informal report which was adopted. The Unauthorized Practice Committee in its report authorized the secretary to cooperate with the bars in Guilford, Pitt, Caswell, Surry and Gaston counties regarding questions of unauthorized practice and continued for further study an inquiry relative to the practice of banks in relation to the statutory provisions restricting the practice of law.

Mr. J. Laurence Jones, Councillor from the Fourteenth District, reported for his special committee dealing with Employers Liability Act cases and following lengthy statement regarding the passage of Senate Bill 91 by the 1947 General Assembly and advance hearings on the Jennings Bill in Congress, the Council adopted recommendations authorizing the committee and the secretary to proceed to secure enforcement of the laws prohibiting solicitation.

The Council approved the position heretofore taken by the Board of Law Examiners in not allowing applicants to take the special March bar examination which had been provided for unless they completed the courses of study prescribed by the rules of the Board prior to the date of such examinations.

The Legislative Committee adopted the report made by the secretary concerning the legislative proposals of the Council. The report of the committee showed that Senate Bill 91, so-called anti-solicitation bill, had been adopted as proposed by the Council and that the bill authorizing extra bar examinations in March for the next several years was adopted and also the 23-man commission to study improvements in the administration of justice by the Council and the North Carolina Bar Association was adopted. The report of the committee was adopted.

The president called the attention of the Council to the passage of the bill authorizing a 23-man commission to study improvements in the administration of justice. The Council authorized the president to appoint a member of the Commission from the Council and to circularize the bar with regard to the creation of the Commission authorized by act of the General Assembly.

The special committee on publications made a preliminary report regarding its discussions and requested that it be continued in order that it might report on final recommendations at the July meeting.

The Council elected George B. Greene of Kinston and Kingsland Van Winkle of Asheville for three-year terms on the Board of Law Examiners.

The Council adjourned at 4 P.M.

**Financial Report of the North Carolina State Bar and the Board of
Law Examiners for Year Ending December 31, 1946**

THE NORTH CAROLINA STATE BAR

CASH RECEIPTS AND DISBURSEMENTS

Balance—January 1, 1946.....	\$	531.89
RECEIPTS		
Revenues	\$13,475.75	
Dues Collected in Advance.....	65.00	
Total Receipts.....	<u>\$13,540.75</u>	
Total	<u>\$14,072.64</u>	
DISBURSEMENTS		
Expenses	\$13,427.76	
Total Disbursements.....	<u>\$13,427.76</u>	
Balance—December 31, 1946.....	<u>\$</u>	<u>644.88</u>

**STATEMENT OF SURPLUS FOR THE YEAR ENDED
DECEMBER 31, 1946**

Balance—January 1, 1946.....	\$	5,301.25
Deduct—Net Deficiency in Revenues.....		2.86
Balance—December 31, 1946.....	<u>\$</u>	<u>5,298.39</u>

**REVENUE AND EXPENSES FOR THE YEAR ENDED
DECEMBER 31, 1946**

REVENUES		
Dues Collected.....	\$12,206.00	
Subscriptions to LAW REVIEW.....	948.00	
Refund on Supplies and Telephone.....	27.00	
Recovery of Bad Checks.....	36.25	
Sale of Journal and Proceedings.....	21.00	
Interest	42.00	
Dividends	20.00	
Remission of Bank Intangible Tax.....	2.50	
Collection of Loan to Board of Law Examiners.....	200.00	
Total Revenues.....	<u>\$13,502.75</u>	
EXPENSES		
Salaries:		
Secretary	\$	3,564.20
Clerical		1,799.70
Investigation Expense.....		1,165.30
Council Expense.....		1,780.65
NORTH CAROLINA LAW REVIEW.....		935.00
Committee Expense.....		733.32
Withholding Tax.....		500.59
Stationery and Printing.....		191.35
Postage		448.34
Telephone and Telegraph.....		457.79
Trial Committee Expense.....		545.05
Supplies		238.31
Reporting		139.25
Attorney Fees.....		200.00
Bond Premium.....		12.50
Bar Meetings.....		295.60
Refunds		35.00
Bad Checks.....		43.00
Audit		100.00
Bonuses		105.00

Bank Charges.....	19.81
Depreciation	77.85
Witnesses and Services.....	118.00
Total Expenses.....	\$13,505.61
Net Deficiency in Revenues.....	2.86

THE BOARD OF LAW EXAMINERS—STATEMENT OF CASH
RECEIPTS AND DISBURSEMENTS FOR YEAR
ENDED DECEMBER 31, 1946

Cash Balance—January 1, 1946..... \$ 218.79

RECEIPTS

Registration Fees:	
334 @ \$1.00.....	\$ 334.00
Bar Examination Fees:	
53 @ \$23.50.....	1,245.50
Comity Applications:	
6 @ \$74.50.....	447.00
1 @ \$73.50.....	73.50
Overpayment of Bar Examination Fees.....	8.50
Receipts for Duplicate Law Licenses.....	15.00
Total Receipts.....	\$ 2,123.50
Total Receipts and Cash Balance.....	\$ 2,342.29

DISBURSEMENTS

Examination and Board Meeting Expense.....	\$1,148.28
Refunds—Rejected Applicants and Overpayments.....	189.00
Office Supplies and Repairs.....	244.70
Clerical Salaries.....	100.00
Postage	25.44
Bank Charges.....	1.32
Payment of Loan from the North Carolina State Bar.....	200.00
Total Disbursements.....	\$ 1,908.74
Cash Balance—Per Bank Statement December 31, 1946.....	\$ 433.55