



UNC  
SCHOOL OF LAW

## NORTH CAROLINA LAW REVIEW

---

Volume 27 | Number 2

Article 7

---

2-1-1949

# North Carolina State Bar, The

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, *North Carolina State Bar, The*, 27 N.C. L. REV. 285 (1949).

Available at: <http://scholarship.law.unc.edu/nclr/vol27/iss2/7>

This Note 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 editor of Carolina Law Scholarship Repository. For more information, please contact [law\\_repository@unc.edu](mailto:law_repository@unc.edu).

# THE NORTH CAROLINA STATE BAR

JAMES B. JAMES, *Editor*

Meeting of the Council of the North Carolina State Bar  
July 16, 1948

The regular quarterly meeting of the Council of the North Carolina State Bar was held on July 16, 1948, Justice Building, Raleigh, North Carolina, with the following officers and members present :

## *Officers:*

Joseph B. Cheshire, President, Raleigh  
Thomas P. Pruitt, First Vice-President, Hickory  
James B. James, Second Vice-President, Greenville  
Edward L. Cannon, Secretary-Treasurer, Raleigh

## *Councillors:*

Z. V. Norman, Second District, Plymouth  
Julius Banzet, Third District, Warrenton  
Albion Dunn, Fifth District, Greenville  
John D. Warlick, 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  
J. F. Spruill, Twelfth District, Lexington  
W. L. Mann, Thirteenth District, Albemarle  
J. Laurence Jones, Fourteenth District, Charlotte  
John A. Scott, Fifteenth District, Statesville  
B. F. Williams, Sixteenth District, Lenoir  
Kyle Hayes, Seventeenth District, N. Wilkesboro  
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by the President, Joseph B. Cheshire. The Minutes of the April meeting were read by the Secretary and approved as read.

The President made a statement to the Council advising them of the fact that he had re-appointed Fred B. Helms, of Charlotte, as a member of the General Statutes Commission, that he had received communication from Mr. Helms tendering his resignation. The President stated that while he had the authority to make the appointment, nevertheless, he wished the advice of the Council in the light of original provisions of the statute and the practice of having the Council pass upon such matters. The President further stated that Mr. Dan K. Edwards,

of Durham, had been recommended to him for the place on the General Statutes Commission, succeeding Mr. Helms.

Following discussion, motion was made that the resignation of Mr. Fred B. Helms as a member of the General Statutes Commission be accepted with regret and that the Council recommended that the President appoint Mr. Dan K. Edwards, of Durham, to succeed Mr. Helms. The motion was seconded and duly adopted. President Cheshire announced that he was appointing Dan K. Edwards to the General Statutes Commission to succeed Mr. Helms in accordance with the provisions of the statute.

The President called for the report of the Executive Committee which was made by Mr. Jones in the absence of the Chairman, Mr. Bland. The Committee submitted statement of receipts and disbursements duly checked and approved; list of applicants to take the August Bar Examination which had been submitted by the Board of Law Examiners. The Committee reported that it recommended the consideration of the employment of a law student for the purpose of assisting in investigation of unauthorized practice. It was moved and seconded that the report be adopted and Mr. Glidewell moved a substitute motion that the report be amended to include recommendation that a law student or other person employed not only investigate unauthorized practice but also to assist the Secretary in investigation of other matters including complaints against attorneys. Without objection amendment was accepted and the substitute motion was adopted. At the request of the Executive Committee the Secretary made a statement to the Council relative to proceedings in the Superior Court of Buncombe County against C. O. Hice, *et al.*, said proceedings having been brought in Buncombe County on the relation of the Solicitor. It was pointed out that copy of the permanent injunction granted by Judge Sink in this matter had not been received by the State Bar. The Hice case was the first case brought under the 1947 law prohibiting the solicitation of business.

Mr. Fred B. Helms, former President of the State Bar, was recognized by the President and made a brief statement as to the work of the Commission for the Improvement of the Administration of Justice.

The President called for the report of the Grievance Committee which was made by the Chairman, Judge Hastings. The Committee recommended dispositions of 10 cases.

Motion made and adopted that the report of the Grievance Committee be adopted.

The President called for the report of the Legislative Committee and the Chairman, Mr. Poisson, stated that the Committee had no report at this meeting.

The President called for the report of the Committee designated to prepare resolution on Mr. Charles G. Rose, former President of the State Bar, and the same was read by Mr. Poisson for the Committee. Motion was made and adopted that the resolution be spread upon the Minutes and a copy sent to the family of the deceased.

Upon motion the Council adjourned to reconvene at 2 P.M.

The President called for the report of the Ethics Committee which was made by Mr. McLean in the absence of the Chairman. The Committee reported that it had one matter referred to it dealing with an attorney who had been sending out postal cards in connection with tax matters. The Committee recommended that the Secretary notify said attorney that the distribution of such matter was improper. Upon motion made the recommendation of the Committee and the report thereof were adopted.

The President called for the report of the Committee on Unauthorized Practice which was made by Mr. Scott, Chairman. The Committee reported that it had for the present had satisfactory results re the advertising material of the American Trust Company, the Union Trust Company and the Wilmington Trust Company, all of which had been improper and it appeared that all of these companies had made assurances of discontinuance of such advertising material in the future. The Committee reported that in the matter of H. L. Beck, of Lexington, the local bar having recommended that complaint and action be dropped due to physical condition of Beck, the Committee recommended that the request of the local bar be followed. In the matter of the American Express Company of Rocky Mount, the Committee recommended that the Secretary direct this matter to the Revenue Department, it appearing to be a collection agency problem. In the matter of inquiry from the Fourth District relative to Justices of the Peace, the Committee recommended that the matter be held over until such time as charges may be filed from the Fourth District. In the matter of one Beam, Notary Public of Statesville, the Committee recommended that the Secretary write said Beam requesting that he cease and desist from engaging in the unauthorized practice. In connection with the Associated Personnel Agency, of Durham, the Committee reported that no action was necessary in view of discontinuance of their activities. The Committee reported that it had received request that some action be taken relative to filing of certificates of incorporation and other legal documents in the office of the Secretary of State. The Committee recommended that the Secretary request the office of the Secretary of State to require the following certificate to be attached to such papers filed with his office:

I, \_\_\_\_\_, duly licensed attorney in the State of North Carolina, hereby certify that I have prepared under my personal supervision the enclosed proposed certificate

of incorporation for \_\_\_\_\_, a corporation, and that said proposed certificate of incorporation has not been prepared by any person not duly licensed to practice law.

\_\_\_\_\_  
(Signature)  
Attorney at Law

\_\_\_\_\_  
(Address)

Witness :

\_\_\_\_\_

Motion was made relative to report of the Committee on the last recommendation dealing with the Secretary of State's office and the language to be used in the certificate. Following discussion motion was withdrawn and thereon, motion was made that the report of the Committee be adopted. Motion unanimously carried.

The President called for the Report of the Membership Committee made by Mr. Williams, in the absence of the Chairman. The Committee recommended that the petition of S. B. Davis, of Roxboro, be granted; that the petition of George S. Robinson, of Asheville, be denied. Upon motion made and adopted, the report of the Committee was approved.

Mr. Norman reported that there was no report at this time for the special committee on Post War Work.

Mr. Jones reported that there was no report at this time for his special committee on Solicitation of Litigation.

Mr. Spruill reported for the special committee on the Industrial Commission that his Committee had no report but that they were undertaking to work out a schedule of fees to submit at a future meeting of the Council.

The President advised the Council that he had received communications requesting that the Council consider the resolution of the North Carolina Bar Association dealing with increase in judicial salaries. Following discussion, the following resolution was adopted :

“BE IT RESOLVED that the North Carolina State Bar Council in meeting assembled recommend to the 1949 General Assembly that it make appropriations setting the salary of the Supreme Court Justices at \$15,000 per year.

"BE IT FURTHER RESOLVED that the North Carolina State Bar Council in meeting assembled recommend to the 1949 General Assembly that it make appropriations setting the salary of the Superior Court Judges at \$10,000 per year plus present travel allowances."

The President read to the Council communications received from the Attorney General relative to the actions of the Michie Company in increasing the price of the General Statutes. Following the discussion the following motion was made and adopted:

"That the Council of the North Carolina State Bar disapproves the action of the Michie Company in raising the price of Supplements to the General Statutes."

The President asked for the cooperation of the Council in preparation for the Annual Meeting in October. Motion was made that the President, First Vice-President and the Secretary be authorized to prepare program for the Fifteenth Annual Meeting October 22.

There being no further business the Council adjourned.

**Meeting of the Council of the North Carolina State Bar  
October 21, 1948**

The regular quarterly meeting of the Council of the North Carolina State Bar was held on October 21, 1948, Justice Building, Raleigh, North Carolina, with the following officers and members present:

*Officers:*

Joseph B. Cheshire, President, Raleigh  
Thomas P. Pruitt, First Vice-President, Hickory  
James B. James, Second Vice-President, Greenville  
Edward L. Cannon, Secretary-Treasurer, Raleigh

*Councillors:*

Junius D. Grimes, First District, Washington  
Z. V. Norman, Second District, Plymouth  
Julius Banzet, Third District, Warrenton  
Albion Dunn, Fifth District, Greenville  
I. M. Bailey, Seventh District, Raleigh  
L. J. Poisson, Eighth District, Wilmington  
R. P. Reade, Tenth District, Durham  
G. H. Hastings, Eleventh District, Winston-Salem  
J. F. Spruill, 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  
Kyle Hayes, Seventeenth District, North Wilkesboro  
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by the President, Joseph B. Cheshire. The Minutes of the July meeting were read by the Secretary and approved as read.

The President announced that Mr. R. W. Proctor, of Marion, elected to the Council from the Eighteenth District succeeding Mr. Charles Hutchins had advised that due to court engagement he would be unable to be present at this meeting.

The President called for the report of the Executive Committee which was made by Mr. Glidewell in the absence of the Chairman, Judge Bland. Mr. Glidewell reported that the financial statement of the Secretary had been checked and approved.

The President called for the report of the Grievance Committee which was made by G. H. Hastings, Chairman. The Committee reported that formal consideration had been given to 4 cases.

The Committee reported that a number of other matters were not ready for formal report and such matters would be reported on at a future meeting of the Council.

The President called for the report of the Ethics Committee made by Mr. Grimes, Chairman. The following cases were reported by the Committee: 1. Copy of letters of the Attorney General to Solicitor, relative to appearance before the Parole Commission on behalf of former client for whom he had accepted fee before taking office as Solicitor. It was the opinion of the Committee that such actions should be disapproved. The recommendation of the Committee was unanimously adopted and the Secretary was directed to so advise. 2. Inquiry of attorney as to propriety of attorney soliciting support for the office of county or city attorney. The Committee recommended that such activity is improper and the Secretary be instructed to so advise. Upon motion made and seconded the recommendation of the Committee was adopted. 3. Inquiry of attorney as to propriety of listing himself as a member of the Bar on letterhead as an insurance agent, he having left the practice and taken up the business of insurance. The Committee recommended that such action would be improper. Following delayed consideration and vote on the matter, the recommendation of the Committee was approved. 4. Inquiry of attorney as to the propriety of Judge Pro-Tem of Recorder's Court appearing in such court as counsel. The Committee recommended that the same was improper and the Secretary was instructed to so advise. The recommendation of the Committee was adopted. 5. Inquiry as to attorney or member of his family going on civil bonds; the Committee recommended that in its opinion such activity was improper. Motion was made and adopted approving the recommendation of the Committee. The Secretary requested that the

Committee recommend a specific addition to Canon E to carry out the sense of the Council in connection with this inquiry. Following discussion it was recommended that the Committee draft changes in existing Canon and report its amendments later. 6. In the matter of a member of the Bar who is also Certified Public Accountant, re letter heads using both accountant and attorney listing and membership in the Bar Association and in the accountant's society; motion was made that a new Canon of Ethics be adopted prohibiting the listing on letterheads of membership in any Bar organization and dealing with separation of practice of law from other vocations and the practice of listing membership in various professional organizations on letterheads or other papers. An amendment was offered to provide that said Canon should prohibit listing on letterheads of either vocations or membership in Bar organizations. The chair ruled that this would have to be a substitute motion. Upon vote the motion was defeated. Thereupon, Mr. Bailey amended original motion to include that part ruled by the chair as a substitute. The motion as amended by Mr. Bailey was adopted and the Ethics Committee was instructed to consider the drafting and presentation of new Canon of Ethics dealing with the subjects. 7. Inquiry of attorney as to the propriety of his appearing for the defendant in criminal case in Superior Court of his county in which said county he is Solicitor of Recorder's Court. The Committee recommended that this would be improper and such recommendation was adopted. The Committee and the Council directed that the Secretary advise attorney of this ruling and suggest to him that he might resign as Solicitor of Recorder's Court in the event he wishes to appear in the case which was the subject of the inquiry.

The Council adjourned to reconvene at 2:30 P.M.

The President called for the report of the Committee on Unauthorized Practice, made by Mr. Scott, Chairman. The Committee reported on the following matters as its recommendation and the Council acted as indicated: 1. The matter of Bedinger and Berks Title Insurance Company re title bids on Buggs Island Project; the Committee recommended that injunctive action be taken if out-of-state attorneys and corporations undertake to engage in this work in North Carolina. Recommendation was adopted. 2. Request to send copies of unauthorized practice act to laymen in Pitt County, the Committee held this for further action if there are further complaints on the laymen involved. 3. Advertising material of American Trust Company; the Committee recommended that such material is an invitation to do legal business with said bank and requested that the Secretary instruct them to this effect and ask discontinuance. Recommendation was adopted. 4. Com-

munication of George D. Vick, Trust Section, North Carolina Banker's Association, the Committee recommended that the Secretary advise Mr. Vick that if members of his Trust Section comply with his suggestions, there will be little cause for further complaint. Recommendation adopted. 5. Inquiry re advertisement of the Association of Certified Public Accountants, the Committee recommended that there was no apparent violation in such advertisement and that no action be taken. Approved. 6. Request re D. H. Latham, J. P., of Beaufort County; it was recommended that the Secretary cooperate with Solicitor and take such action as facts warrant after investigation. Adopted. 7. Re request made at July meeting to Thad Eure, Secretary of State, as to certification on documents by persons filing the same; it was recommended that no further action by the Committee be taken but that the problem be referred to the Legislative Committee for its consideration. Adopted. 8. In the matter of D. A. Hutto, Justice of the Peace of Hildebran, it was recommended that the Secretary investigate and if facts warrant then he is authorized to take such action as is necessary. Discussion as to the activities of said Hutto and the recommendation of the Committee was adopted. 9. With reference to inquiry sent to the Attorney General and forwarded to the Committee, it was recommended that the Secretary advise that in so far as one tenant in common acted for himself in giving deed he was not in violation of the law but in acting for other co-owners and for a mortgagor or mortgagors in preparing deeds of trust on said property, said co-owners would also be in violation of the law. Adopted.

Mr. Mann requested that resolution of his District requesting consideration of legislation requiring parties preparing legal instruments to place their names upon them before they are accepted for filing at the court house be referred to the Legislative Committee. It was so ordered.

The attention of the Council was called to the fact that Mr. John A. Scott was leaving and that his term of office was expiring and he would be succeeded by Mr. H. M. Robins, of Asheboro. Members of the Council expressed their appreciation for Mr. Scott's work on the Council and the Council gave him a rising vote of thanks in appreciation of his services.

The President advised the Council that representatives of the Commission for Improving the Administration of Justice were present and desired to discuss their work with the Council. Mr. Fred B. Helms, Mr. W. G. Mordecai and Mr. John Dawson all made statements to the Council relative to the work of the Commission and its committees and the proposed recommendations which might be coming from the Com-

mission in January. Following discussion the President expressed the appreciation of the Council to the gentlemen appearing.

The President called for the report of the Legislative Committee which was made by Mr. Poisson, Chairman. The Committee reported that it had a letter from the American Bar Association which required no action and no action was taken. The Chairman reported that the Committee had considered the report of the Commission to investigate various licensing boards of the State which was authorized at the last General Assembly. The Committee recommended that the Council oppose the report of this Commission and upon motion made and seconded the recommendation of the Committee was unanimously adopted. Motion was made that in view of the importance of expressing the disapproval of the Council to the report of the Commission that the President in conference with the Chairman of the Legislative Committee designate a member of the Council to present this matter to the State Bar meeting on Friday, October 22, in order that the meeting might be fully advised of the opposition of the Council. Upon discussion Judge Dunn was designated to present the matter to the State Bar meeting. Motion was made that the Secretary send a copy of the report of the Commission to all members of the Council. Motion was adopted.

The President called for the report of the Membership Committee made by Mr. Bailey, Chairman. The Committee recommended that the petition for inactive status of Dan H. Terry and Alex R. Josephs be approved and that the petition of Archie Walker be continued pending receipt of further information as to the nature of his activities with the Wachovia Bank & Trust Company.

The President called for the report of the Special Committee to Confer with the Industrial Commission. Mr. Spruill, Chairman, reported that the Committee had two recommendations to make; first, dealing with the fixing of fees in cases before the Industrial Commission and second, recommendation that the Legislative Committee consider a proposal to amend the statute to provide that in cases of appeal from the Industrial Commission the Superior Court should fix the fees instead of the Industrial Commission. In connection with the first proposal, motion was made that the Committee be authorized to attempt to secure an agreement with the Industrial Commission to fix fees in cases before that body. Motion was adopted. The second proposal, the recommendation that the Legislative Committee consider change in the statute, was adopted.

The Special Committee on Post War Work had no formal report but the Chairman, Mr. Norman, called the attention of the Council to the programs being sponsored by the Mecklenburg County Bar and the

presentation of papers and addresses of an educational nature to members of the Bar.

The Special Committee on Litigation had no report.

The Council proceeded to the election of a Secretary-Treasurer for the ensuing year. E. L. Cannon was nominated and elected Secretary-Treasurer.

The President advised the Council that at this meeting it was necessary to elect a delegate to the American Bar Association provided the Council desired representation in that body. L. J. Poisson was nominated. There being no other nominations, Mr. Poisson was declared unanimously elected.

The President advised the Council that he had received a letter from Mr. W. Frank Taylor, of Goldsboro, tendering his resignation as a member of the Board of Law Examiners. Following discussion, the motion was made that the Council accept the resignation of Mr. Taylor with extreme regret. Motion was adopted. Motion was made that successor to Mr. Taylor on the Board of Law Examiners be elected at the January Council meeting, 1949. Motion was adopted.

Members of the Council made statements of appreciation of the services of Mr. Joseph B. Cheshire, retiring President, and praised his many years of service to the State Bar. Upon motion the Council adjourned at 5:15 upon a rising vote of appreciation for the services of Mr. Cheshire.

#### **Fifteenth Annual Meeting—North Carolina State Bar**

The Fifteenth Annual Meeting of the North Carolina State Bar was held in Raleigh on Friday, October 22, with Joseph B. Cheshire, President, presiding. Approximately 450 members were in attendance and the following program was presented:

Invocation, The Rt. Rev. Edwin A. Penick, Bishop, Diocese of North Carolina, Raleigh

Welcome, C. A. Gosney, Wake County Bar, Raleigh

Response, Nelson H. Woodson, Rowan County Bar, Salisbury

Greetings from the North Carolina Bar Association, Richard E. Thigpen, Charlotte

Address: "The Lawyer and the Public," Hon. J. Melville Broughton, Raleigh

Report and Recommendations of Commission for Improving the Administration of Justice, Associate Justice Sam J. Ervin, Chairman; W. Frank Taylor, Goldsboro; John G. Dawson, Kinston; and Fred B. Helms, Charlotte, Committee Chairmen

Address: "Brickbats Returned," Associate Justice M. V. Barnhill, Raleigh

Judge Albion Dunn, member of the Council of the North Carolina State Bar, addressed the meeting as the representative of the Council and discussed the report of the Commission appointed to investigate various licensing boards of the State. He advised the meeting that the Council had unanimously voted to disprove the recommendations of the Commission. Following the statement of Judge Dunn, motion was unanimously adopted disapproving the recommendations of the said Commission and urging all members of the Bar to work against any such proposals if offered in the General Assembly.

Thomas P. Pruitt, of Hickory, was elected President for the year 1948-1949; J. B. James, of Greenville, was elected First Vice-President and Armistead W. Sapp, of Greensboro, was elected Second Vice-President. Edward L. Cannon had been previously elected by the Council as Secretary.

