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# North Carolina State Bar

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# THE NORTH CAROLINA STATE BAR

THOMAS P. PRUITT, *Editor*

## Meeting of the Council of the North Carolina State Bar April 16, 1948

The regular quarterly meeting of the Council of the North Carolina State Bar was held on April 16, 1948, Department of 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  
J. 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  
Louis J. Poisson, Eighth District, Wilmington  
R. P. Reade, Tenth District, Durham  
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  
John Queen, Twentieth District, Waynesville

The minutes of the last meeting were read by the Secretary and approved as read. President Cheshire made a statement to the Council relative to his receipt of resolution from the Greensboro Bar Association suggesting a monthly publication for the Bar. Following considerable discussion and defeat of motion to make recommendation to the Greensboro Bar the matter was received as information.

The report of the Executive Committee was made by Mr. J. Laurence Jones who gave a statement of receipts and disbursements for the previous quarter and reported that the same were found to be correct. For the Committee Mr. Jones presented a statement of audit of the books of the State Bar and the Board of Law Examiners for the calendar year 1947. The report of the Executive Committee including the audit was approved and adopted.

Mr. Hayes suggested that the Committee continue to study the

matter of employment of an assistant to the Secretary to investigate matters of unauthorized practice.

The President called for the report of the Membership Committee made by Mr. Poisson. The Committee recommended the following actions:

E. D. Kuykendall, Jr.—No action	John C. Memory—Continued
John G. Proctor—No action	Frank H. Watson—Granted
E. P. Crow—Granted	Mark S. Dunn—Continued

The report of the Committee was adopted.

The President called the attention of the Council to the death of Mr. Charles G. Rose, former President of the State Bar, and appointed a committee composed of Messrs. Grimes, Poisson and Reade to prepare appropriate memorial to Mr. Rose to be presented at the next meeting of the Council.

The President called for the report of the Ethics Committee made by Mr. Grimes, Chairman. The Committee recommended revision of Canons 42 and 44. It was moved that Canon 42 be amended to read as follows:

“It shall be improper for an attorney to have his name published in a law list after April 16, 1948, if the same is disapproved by the Council of the North Carolina State Bar.”

Amendment was offered to the motion as follows:

“It shall be improper for an attorney to permit his name to be published after April 16, 1948, in a law list that is not approved by the Council of the North Carolina State Bar.”

The motion as amended was adopted. The Committee recommended and moved that Canon 44 be amended to read as follows:

“The Canons apply to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles.”

The motion was adopted. Following discussion motion was made to adopt the report of the Ethics Committee. The Secretary was instructed to certify the amendments to the Canons of Ethics to the Supreme Court.

The Council adjourned and reconvened at 2:40 P.M.

Mr. Grimes, Chairman of the Ethics Committee, suggested that the Council adopt the list of approved law lists of the American Bar Association for 1948, the same being as follows:

#### Law Lists as Approved by the North Carolina State Bar—1948

Associated Commercial Attorneys List  
American Lawyers Quarterly

Attorneys List—United States Fidelity and Guaranty Company  
 B. A. Law List  
 Clearing House Quarterly  
 The Columbia List  
 The Commercial Bar  
 C-R-C Attorney Directory  
 Forwarders List of Attorneys  
 The General Bar  
 International Lawyers Law List  
 The Mercantile Adjuster  
 The National List  
 Rand McNally List of Bank Recommended Attorneys  
 The United Law List  
 Wright-Holmes Law List  
 American Lawyers Annual  
 American Bank Attorneys  
 The American Bar  
 The Bar Register  
 Campbell's List  
 Corporation & Administrative Lawyers Directory  
 The Lawyers Directory  
 The Lawyers List  
 Russell Law List  
 Martindale-Hubbell Law Directory  
 Best's Recommended Insurance Attorneys  
 Hine's Insurance Counsel  
 The Insurance Bar  
 The Underwriters List  
 Recommended Probate Counsel  
 Sullivan's Probate Directory  
 Illinois Legal Directory  
 Indiana Legal Directory  
 Iowa Legal Directory  
 Kansas Legal Directory  
 Missouri Legal Directory  
 Ohio Legal Directory  
 Pacific Coast Legal Directory for States of Arizona, California,  
     Nevada, Oregon, and Washington  
 Texas Legal Directory  
 Wisconsin Legal Directory  
 Canada Bonded Attorney  
 Canada Legal Directory  
 Canadian Credit Men's Commercial Law and Legal Directory  
 Canadian Law List  
 Empire Law List  
 The International Law List  
 Kime's International Law Directory

The motion to adopt these law lists as approved by the Council of the North Carolina State Bar was carried.

The President called for the report of the Committee on Unauthor-

ized Practice. The Committee reported that in connection with the advertising of the American Trust Company they recommended a strong letter calling the attention of the company to the statutes the same to be forwarded by the Secretary and if this company in the future should not comply with the statutes that whatever action necessary be taken by the Secretary for compliance with the statutes. In the matter of the advertising and solicitation of the Union Trust Company of Shelby, the Committee recommended that the Secretary address a letter to this institution calling their attention to the law and requesting a retraction of advertising being used by them and that they make correction of the same. The Committee recommended that the matter of Harvey L. Beck, of Davidson County, be continued until the next meeting. The Committee recommended that the Secretary investigate and proceed to prosecute in the matter of G. Glen Nichols if the facts justify. The Committee reported on five other items and recommended that no action was necessary as they received them as information. The Committee called the attention of the Council to the Barton judgment secured in the Superior Court of Robeson County restraining the unauthorized practice. Motion was made that the report and recommendations be approved and adopted. Motion was carried.

The President called for the report of the Legislative Committee. Mr. Poisson, the Chairman, stated that there was no formal report to be made at this time.

Mr. Norman for the Committee on Post War Work reported that there was only one item in the file and recommended that this be continued.

Mr. Jones, Chairman of the Committee on Solicitation of Litigation, reported that the Solicitor of the Nineteenth District had brought a proceeding against one C. O. Hice and others for violation of the 1947 statute prohibiting solicitation of litigation and for unauthorized practice. After considerable discussion, it was moved and seconded that when this case is heard in the Superior Court of Buncombe County that the Secretary or a representative of the State Bar be present and observe said proceedings.

Upon call of the President it was reported that there was no report for the Special Committee on the Industrial Commission.

The President called for the report of the Grievance Committee which was made by Mr. Norman in the absence of the Chairman, Mr. Hastings. The Committee reported on nine matters as being considered by it and in two cases directed the Secretary to continue investigations, and referred one case to the Committee on Ethics. Two cases were dismissed and three cases were retained for further study. One case

was rereferred to the Committee for further study. The report of the Committee was adopted.

The Secretary made a statement to the Council relative to certain matters which the Board of Law Examiners desired called to the attention of the Council relative to investigations in cases before the Board. Upon discussion the Council directed the Secretary to make investigation of the matters called to their attention by the Board. The Secretary presented the change in the rules of the Board of Law Examiners recommended by the Board and already approved by them which was as follows:

“Amend Rule 17, paragraph 2, line 10, thereof as follows:

Strike out the figures ‘50.00’ and insert in lieu thereof the figures ‘76.50.’”

Upon motion the change in the rules of the Board of Law Examiners was adopted, and the Secretary was instructed to certify the same to the Supreme Court.

The President called the attention of the Council to the fact that two terms on the Board of Law Examiners were expiring. Upon motion made W. Frank Taylor and Bennett H. Perry were nominated to succeed themselves on the Board of Law Examiners. Upon motion the nominations were closed and the Secretary was instructed to cast the ballot of the Council for Messrs. Taylor and Perry. The same was done and Messrs. Taylor and Perry declared duly elected.

The President called for memorial to Mr. Julius Brown, former member of the Council, prepared by Messrs. James and Dunn. The same was read by Mr. James.

The President called upon Mr. John Queen for memorial to Mr. R. L. Phillips, former member of the Council. Mr. Queen read the memorial.

Upon inquiry Mr. Poisson made a brief statement to the Council relative to the work of the Commission for the Improvement of the Administration of Justice.

Mr. Pruitt called the attention of the Council to the material for the LAW REVIEW and requested that members of the Council assist in presenting proper material for inclusion in the LAW REVIEW.

The Council adjourned at 4:45 P.M.

Financial Report of the North Carolina State Bar and the Board of  
Law Examiners for Year Ending December 31, 1947

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

EXHIBIT "A"

Comparative Balance Sheet—December 31, 1947 and 1946

ASSETS

CASH:

First Citizens Bank & Trust Company:

	December 31,		Increase Decrease
	1947	1946	
Subject to Checking—			
Exhibit "B" :.....	\$ 553.04	\$ 644.88	\$ 91.84
Certificates of Deposit.....	3,000.00	2,500.00	500.00

INVESTMENT:

First Federal Savings & Loan ..... 2,000.00 2,000.00

FURNITURE AND FIXTURES:

After Reserve for Depreciation of  
\$637.84 at December 31, 1947 and  
\$559.99 at December 31, 1946..... 140.66 218.51 77.85

TOTAL .....\$5,693.70 \$5,363.39 \$330.31

LIABILITIES AND SURPLUS

DUES COLLECTED IN ADVANCE.....\$ 80.00 \$ 65.00 \$ 15.00  
SURPLUS—Exhibit "C"..... 5,613.70 5,298.39 315.31

TOTAL .....\$5,693.70 \$5,363.39 \$330.31

## EXHIBIT "B"

**Condensed Statement of Cash Receipts and Disbursements  
for the Year Ended December 31, 1947**

CASH BALANCE—December 31, 1946 .....		\$ 644.88
RECEIPTS:		
Revenues—Exhibit "D" .....	\$14,772.21	
Less: Dues for 1947 Collected in 1946.....	65.00	
	<hr/>	
Revenue Collected for 1947.....	14,707.21	
Add: Dues for 1948 Collected in 1947.....	80.00	
	<hr/>	
TOTAL RECEIPTS .....		14,787.21
		<hr/>
TOTAL .....		15,432.09
DISBURSEMENTS:		
Expenses—Exhibit "D" .....	14,456.90	
Less: Depreciation .....	77.85	
	<hr/>	
Cash Disbursed for Expenses		
During 1947 .....	14,379.05	
Add: Cash Invested in		
Certificates of Deposit .....	500.00	
	<hr/>	
TOTAL CASH DISBURSED.....		14,879.05
		<hr/>
CASH BALANCE—December 31, 1947—		
Exhibit "A" .....		\$ 553.04
		<hr/>

## EXHIBIT "C"

**Statement of Surplus for the Year Ended December 31, 1947**

BALANCE—January 1, 1947.....	\$5,298.39
Add: Excess of Revenues over Expenses.....	315.31
	<hr/>
BALANCE—December 31, 1947—Exhibit "A".....	\$5,613.70
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## EXHIBIT "D"

Statement of Revenues and Expenses for the Year  
Ended December 31, 1947

## REVENUES:

Dues Collected .....	\$13,121.50	
Law Reviews .....	1,007.00	
Recovery of Bad Checks .....	11.00	
Interest .....	57.50	
Refund on Supplies .....	5.60	
Telephone Rebates .....	41.40	
Dividends .....	40.00	
Overpayment of Dues .....	8.21	
Collection of Loan to Board of Law Examiners .....	480.00	
<b>TOTAL REVENUES .....</b>		<b>\$14,772.21</b>

## EXPENSES:

Council Expense .....	2,233.54	
Investigations .....	1,061.55	
Printing .....	308.70	
Supplies and Equipment .....	124.06	
Trial Committees .....	426.98	
Postage .....	433.27	
Committee Expense .....	631.93	
Reporting .....	111.40	
Telephone and Telegraph .....	473.11	
Bond Premium .....	12.50	
Bar Meetings .....	616.90	
Refunds .....	53.50	
Bad Checks .....	16.00	
Law Reviews .....	1,028.00	
Audit .....	100.00	
Withholding Taxes .....	450.90	
Bank Charges .....	2.91	
Depreciation .....	77.85	
Salaries:		
Secretary .....	4,351.00	
Clerical .....	1,942.80	
<b>TOTAL EXPENSES .....</b>		<b>14,456.90</b>

## EXCESS OF REVENUES OVER EXPENSES—

Exhibit "C" .....	<u>\$ 315.31</u>
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## THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

## EXHIBIT "E"

Balance Sheet—December 31, 1947

## ASSETS

## CASH:

First Citizens Bank &amp; Trust Company—

Exhibit "F" .....\$99.84

FURNITURE AND FIXTURES..... 88.27

TOTAL ..... \$188.11

## LIABILITIES AND SURPLUS

SURPLUS ..... \$188.11

## EXHIBIT "F"

Statement of Cash Receipts and Disbursements for the  
Year Ended December 31, 1947

CASH BALANCE—January 1, 1947..... \$ 433.55

## RECEIPTS:

## Bar Examination Fees:

96 @ \$23.50 .....\$2,256.00

3 @ \$25.00 ..... 75.00

1 @ \$24.50 ..... 24.50

## Comity Applications:

9 @ \$73.50 ..... 661.50

2 @ \$74.50 ..... 149.00

1 @ \$50.00 ..... 50.00

## Registration Fees:

317 @ \$ 1.00 ..... 317.00

Replacement of Licenses ..... 5.00

Recovery of Bad Checks ..... 1.00

TOTAL RECEIPTS ..... 3,539.00TOTAL ..... 3,972.55

## DISBURSEMENTS:

Bar Examinations ..... 2,062.56

Refunds ..... 246.50

Postage ..... 106.93

Office Supplies ..... 705.25

Clerical ..... 160.00

Payment of Loan by N. C. Law Board..... 480.00

Office Furniture ..... 88.27

Miscellaneous ..... 16.00

Safe Deposit Box ..... 7.20

TOTAL DISBURSEMENTS ..... 3,872.71CASH BALANCE—December 31, 1947 ..... \$ 99.84

