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THE NORTH CAROLINA STATE BAR

Meeting of the Council of the North Carolina State Bar

April 13, 1951

The regular quarterly meeting of the Council of the North Carolina State Bar was held on April 13, 1951, Justice Building, Raleigh, with the following officers and members present:

Officers:

A. W. Sapp, President, Greensboro
L. J. Poisson, First Vice-President, Wilmington
Don A. Walsler, Second Vice-President, Lexington
Edward L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Julius Banzet, Third District, Warrenton
Albion Dunn, Fifth District, Greenville
I. M. Bailey, Seventh District, Raleigh
G. H. Hastings, Eleventh District, Winston-Salem
Arch K. Schoch, Twelfth District, High Point
Jennings G. King, Thirteenth District, Laurinburg
H. M. Robins, Fifteenth District, Asheboro
B. F. Williams, Sixteenth District, Lenoir
W. H. McElwee, Seventeenth District, North Wilkesboro
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by the President at 12 noon. The minutes of the January meeting were read by the Secretary and approved as read.

The President advised the Council that Mr. Edwin B. Whitaker of Bryson City had been elected Councillor for the Twentieth District succeeding Mr. John Queen of Waynesville. Mr. Whitaker was unavoidably absent from the meeting.

The President called on Mr. H. M. Robins of Asheboro, Councillor from the Fifteenth District, for memorial to Hon. John A. Scott, Statesville, former member of the Council. The memorial to Mr. Scott was presented by Mr. Robins and made a part of the minutes.

The President called for the report of the Ethics Committee which was made by Judge Dunn, Chairman. The Committee reported as follows: 1. Inquiry from attorney as to whether it would be improper for him to accept temporary appointment as assistant or vice recorder of County Court for a limited period of time during the illness of the incumbent recorder and thereafter upon expiration of the temporary

appointment to represent defendants in that or other criminal courts in the county. It was the opinion of the Committee that Canon D prohibits the practice in any of the criminal courts in the county during service as vice recorder. However, upon retiring from the office, practice in such courts would be proper and permissible. Upon report to the Committee and motion, the Council unanimously adopted the opinion of the Committee. 2. Inquiry of attorney as to the propriety of representing prisoner for clemency when said attorney had not appeared for the prisoner nor the State but where he had appeared for certain other parties tried in a criminal matter in which said present prisoner was a State's witness. The Committee recommended that in their opinion it would neither be unethical nor unprofessional for said attorney to appear on behalf of said prisoner in seeking clemency. The recommendation of the Committee was unanimously adopted.

The President called for the report of the Executive Committee made by Judge Hastings. The Committee reported that it had received a list of the successful applicants at the March, 1951, examination. The Committee further reported that it had checked the records of receipts and disbursements of the Secretary-Treasurer for the quarter ending March 31, 1951, and found the same to be correct. The report of the Committee was adopted.

The President called for the report of the Grievance Committee which was made by Mr. Banzet, in the absence of Mr. Reade, Chairman. The Committee reported on five matters coming to its attention, together with recommendations which were adopted. One item was referred to the Ethics Committee for disposition.

The President called for the report of the Legislative Committee made by Mr. Poisson, Chairman. The Committee reported that it had received communications relative to U. S. Senate Bill 19 dealing with changes in the present law governing qualification of jurors in the several Federal Courts. The Committee recommended no action be taken by the Council and their recommendation was duly adopted. The Committee reported to the Council the passage of substitute for N. C. Senate Bill 461 dealing with the examinations of the Board of Law Examiners. The actions of the Secretary and the Committee dealing with this bill as reported were approved by the Committee and such approval as recommended was adopted. The Committee discussed some phases of the various bills introduced by the Judicial Council and the North Carolina Bar Association and also statement of the Chairman re passage of Senate Bill 328 dealing with administrative procedure. At this point the Secretary made a statement to the Council relative to the bill dealing with C. P. A.'s and some phases of that measure

as they developed during the Legislature. There was general discussion relative to the bills concerning the creation of a tax court and dealing with rules of evidence re parking and also concerning the registration of automobiles. The Chairman of the Committee again called the attention of the Council to the proposals from the Thirteenth District which had been previously discussed by the Council dealing with legislation requiring the draftsman of instruments presented for recordation to sign their name to said instrument. The Committee again expressed its ideas as to the lack of wisdom of such legislative act. Upon motion the report of the Committee was adopted.

The President called for the report of the Membership Committee which was made by Mr. Robins. The Committee reported the following cases and recommended action thereon: 1. Vernon W. Brown, Asheville—Recommended that he be required to pay dues for 1933-1935 and thereafter placed on inactive status. 2. Chesley C. Bellamy, Hendersonville—Recommended that he be required to pay 1945-1951 dues with active status hereafter and granted inactive status prior to 1945. 3. Z. V. Young, Greensboro—Recommended that petition be granted upon furnishing of information as to status while in Internal Revenue office. 4. C. M. Vanstory, Jr.—It was recommended that tender of dues in the sum of \$28.00 be accepted and placed on inactive status. The report of the Committee was adopted.

The President called for the report of the Committee on Unauthorized Practice which was made by Mr. Banzet, Chairman. The Committee reported that it had received affidavit and communication relative to activities of one Philip Levine of Greensboro in connection with the drafting of legal instruments. The Committee recommended that the Secretary call Mr. Levine's attention to the matter and further request discontinuance of the practice. The report of the Committee was adopted.

There were no reports from the Special Committee to Confer with Trust Companies nor the Special Committee on Delinquent Dues.

The President advised the Council that the term of four members of the Judicial Council would expire prior to the next meeting of the Council and following discussion, A. W. Sapp, L. J. Poisson, Don A. Walser and Z. V. Norman were nominated for two-year terms beginning July 1 on the Judicial Council. During discussion and vote Mr. Robins assumed the chair. Mr. Sapp made a statement relative to the meetings with the Judicial Council and following further discussion Mr. A. W. Sapp, Mr. L. J. Poisson, Mr. Don A. Walser and Mr. Z. V. Norman were unanimously elected to membership on the Judicial Council.

The President called the attention of the Council to the fact that two terms on the Board of Law Examiners were expiring as of July 1 and called for nominations for these offices. Mr. Buxton Midyette of Jackson and Mr. Roy L. Deal of Winston-Salem were nominated to fill three-year terms on the Board of Law Examiners beginning July 1, 1951. There being no further nominations Mr. Midyette and Mr. Deal were duly elected to succeed themselves as members of the Board of Law Examiners beginning July 1, 1951.

The President heard from Mr. Schoch on behalf of the War Work Committee indicating receipt of communications from Army authorities at Fort Bragg regarding preparation of legal instruments by various laymen in the armed services. The Committee reported that it approved the communication of the Secretary calling the Army's attention to the fact that it was assumed that the Judge Advocate General's Department had competent qualified attorneys in said department for handling such matters, or such services were available from attorneys in areas adjacent to Army posts.

The Secretary made a statement to the Council relative to the operations of the State Bar office and the difficulties encountered during the first quarter of the year.

There being no further business the Council adjourned at 2 P.M.