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# The North Carolina State Bar

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## THE NORTH CAROLINA STATE BAR

EDWARD L. CANNON, *Acting Editor*

### January Council Meeting

The regular quarterly meeting of the Council of the North Carolina State Bar was held in the Justice Building, Raleigh, January 16, 1942. The following were present: W. B. Rodman, Jr., President, Washington; Marshall T. Spears, First Vice-President, Durham; Frank S. Spruill, Second Vice-President, Rocky Mount; Edward L. Cannon, Secretary-Treasurer, Raleigh; and the following Councillors: D. H. Bland, Fourth District, Goldsboro; Jos. B. Cheshire, Jr., Seventh District, Raleigh; Dickson McLean, Ninth District, Lumberton; G. H. Hastings, Eleventh District, Winston-Salem; J. Laurence Jones, Fourteenth District, Charlotte; John A. Scott, Fifteenth District, Statesville; B. F. Williams, Sixteenth District, Lenoir; Eugene Trivette, Seventeenth District, North Wilkesboro; F. D. Hamrick, Eighteenth District, Rutherfordton; P. W. Glidewell, Sr., Twenty-first District, Reidsville. W. B. Rodman, Jr., President, presided.

Mr. John A. Scott, of Statesville, elected to fill the unexpired term of Mr. Hayden Clement, of Salisbury, resigned, was introduced and took his seat upon the Council. President Rodman also introduced and welcomed Marshall T. Spears of Durham, First Vice-President, and Frank S. Spruill of Rocky Mount, Second Vice-President, both of whom were elected at the Annual Meeting in October.

The President advised the Council that due to the fact that the American Bar Association was sponsoring a Regional Meeting in Raleigh, unless there was objection, the business of the Council would be limited.

The Secretary gave a statement to the Council concerning the case of A. Story Batson, a layman convicted of barratry in New Hanover County, and called attention of the Council to the opinion of the Supreme Court upholding the verdict below. Attention was further called to the fact that the defendant through his counsel had applied for parole before serving any part of his sentence. After discussion the Council adopted a resolution opposing the parole of the defendant and directed the Secretary, on behalf of the Council, to protest the granting of parole at this time.

The Grievance Committee had no report at this meeting although one case had been continued until the April meeting.

Mr. William B. Carssow, Secretary of the Texas State Bar, and

Mr. R. E. Booker, Secretary of the Virginia State Bar, were presented to the Council by the Secretary.

The Council continued until the April meeting consideration of the report of the Legislative Committee concerning changes in the rules of the Council.

President Rodman requested approval of Committee appointments for the year 1942. The Council approved the following Regular Council Committees: *Grievance Committee*: Jos. B. Cheshire, Jr., Chairman, Raleigh; D. H. Bland, Goldsboro; G. H. Hastings, Winston-Salem; Z. V. Norman, Plymouth; Marshall T. Spears, Durham; F. S. Spruill, Rocky Mount. *Executive Committee*: B. H. Perry, Chairman, Henderson; J. D. Grimes, Washington; J. Laurence Jones, Charlotte; M. G. Boyette, Carthage; Kester Walton, Asheville. *Legislative Committee*: L. J. Poisson, Chairman, Wilmington; Dickson McLean, Lumberton; John D. Warlick, Jacksonville; Eugene Trivette, North Wilkesboro; Charles W. McAnally, High Point. *Ethics Committee*: Albion Dunn, Chairman, Greenville; B. F. Williams, Lenoir; R. L. Phillips, Robbinsville; Fred D. Hamrick, Rutherfordton; John A. Scott, Statesville. *Unauthorized Practice Committee*: R. P. Reade, Chairman, Durham; P. W. Glidewell, Sr., Reidsville; Fred D. Hamrick, Rutherfordton; John D. Warlick, Jacksonville; Eugene Trivette, North Wilkesboro. *Membership Committee*: Junius D. Grimes, Chairman, Washington; L. J. Poisson, Wilmington; John A. Scott, Statesville; B. F. Williams, Lenoir; R. L. Phillips, Robbinsville.

### April Council Meeting

The regular quarterly meeting of the Council of the State Bar was held April 17, 1942, in the Justice Building, Raleigh, N. C.

The following were present: W. B. Rodman, Jr., President, Washington; Marshall T. Spears, First Vice-President, Durham; Frank S. Spruill, Second Vice-President, Rocky Mount; Edward L. Cannon, Secretary-Treasurer, Raleigh; and the following Councillors: Junius D. Grimes, First District, Washington; Z. V. Norman, Second District, Plymouth; B. H. Perry, Third District, Henderson; D. H. Bland, Fourth District, Goldsboro; Albion Dunn, Fifth District, Greenville; Jos. B. Cheshire, Jr., 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; M. G. Boyette, Thirteenth District, Carthage; J. Laurence Jones, Fourteenth District, Charlotte; John A. Scott, Fifteenth District, Statesville; B. F. Williams, Sixteenth District, Lenoir; Eugene Trivette, Seventeenth District, North Wilkesboro;

Fred D. Hamrick, Eighteenth District, Rutherfordton; Kester Walton, Nineteenth District, Asheville; P. W. Glidewell, Sr., Twenty-first District, Reidsville. W. B. Rodman, Jr., President, presided.

Mr. Dickson McLean, Councillor from the Ninth District, presented Hon. L. R. Varser and Mr. W. H. Humphrey, Jr., both of Lumberton, who appeared on behalf of the Robeson County Bar in connection with the appearance of laymen before the Industrial Commission. Following statements by these gentlemen, Hon. Pat Kimzey, member of the Industrial Commission, made a statement to the Council indicating that the Commission would not allow laymen to appear before it and that the policy of the Commission would be in accordance with the statutes. A communication from Mr. T. A. Wilson, Chairman of the Industrial Commission, was read to the Council indicating that the case brought up by the Robeson County Bar had been satisfactorily adjusted and that the Commission would no longer allow such appearances as were complained of.

Judge L. R. Varser, Chairman of the Board of Law Examiners, requested the Council to consider the problem of the Bar examinations as affecting draftees. A resolution was adopted by the Council authorizing the Board of Law Examiners to consider the advisability of giving examinations to draftees if they were to be called before the regular August examination and to permit the Board to give such examinations through Committee, but such applicants would not be certified or granted license until the date of the regular August examination.

The Council adopted a resolution directed to the Committee on Unauthorized Practice requesting that they make a report at the July meeting of the Council concerning the activities of Insurance Adjusters. Due to many complaints as to the unauthorized activity of lay adjusters, the Council directed the Secretary to contact the general counsel of all Insurance Companies doing business in North Carolina to the end that unauthorized practice by adjusters be immediately terminated.

The Council ordered H. Hannah, Jr., of Rocky Mount, N. C., disbarred from the practice of law.

The Council heard C. W. Beaman, of Snow Hill, N. C., and thereafter ordered that he be suspended from the practice of law for a period of four months.

The Council continued prayer for Judgment in the case of L. A. Wilson, of Rosehill, N. C., for a period of twelve months.

Mr. R. P. Reade, Chairman of the Committee on Unauthorized Practice, gave a report of his Committee. In this report it appeared that the Secretary of the State Bar and counsel for the Home Detective Company of Greensboro had agreed to a consent judgment to be signed

in the Superior Court of Guilford County, May Term, restraining the Home Detective Company from certain acts and conduct constituting the practice of law. Complaint and Answer had previously been filed in the Superior Court in this case.

Mr. Junius D. Grimes, Chairman of the Membership Committee, made the report for his Committee and recommended that certain petitions for inactive membership be denied and others be granted. The report of the Committee was approved by the Council.

In considering proposed changes in the rules previously reported by the Legislative Committee, it was decided after considerable discussion to defer final action until the July meeting.

Report of the Executive Committee was given by Mr. B. H. Perry, Chairman; said report indicating that the State Bar should consider the problems arising in connection with the war and the possible effect on membership and finances created by many members joining the armed forces. Further report will be made at the July meeting as to possible curtailment of certain expenditures in order that the efficient functioning of the State Bar may be maintained throughout the war period. The annual audit was presented and approved by the Executive Committee. The Committee further reported approval of quarterly statement of the Secretary-Treasurer.

A resolution from the Nash County Bar was presented to the Council protesting the practice of law by Congressmen. The resolution indicated an unfair advantage gained by Congressmen before juries due to patronage. The matter was referred to the Ethics Committee.

The Council elected Mr. Kingsland Van Winkle of Asheville to succeed himself for a three-year term on the Board of Law Examiners. Mr. George B. Greene of Kinston was also elected to succeed himself for a three-year term on the Board.

**Statement of Cash Receipts and Disbursements for Year  
January 1, 1941, Through December 31, 1941**

As PER ANNUAL AUDIT

CASH BALANCE—January 1, 1941..... \$ 284.60

**RECEIPTS:**

Membership Dues:

|                    |                   |          |
|--------------------|-------------------|----------|
| For the Year 1942— | 9 @ \$5.00.....   | \$ 45.00 |
| For the Year 1941— | 1,905 @ 5.00..... | 9,525.00 |
| For the Year 1941— | 1 @ 4.50.....     | 4.50     |
| For the Year 1941— | 1 @ .50.....      | .50      |
| For the Year 1940— | 223 @ 5.00.....   | 1,115.00 |
| For the Year 1940— | 4 @ 1.00.....     | 4.00     |
| For the Year 1939— | 119 @ 5.00.....   | 595.00   |
| For the Year 1939— | 2 @ 2.50.....     | 5.00     |
| For the Year 1939— | 1 @ 4.00.....     | 4.00     |
| For the Year 1939— | 1 @ 3.50.....     | 3.50     |
| For the Year 1939— | 1 @ 3.00.....     | 3.00     |
| For the Year 1939— | 1 @ 1.00.....     | 1.00     |
| For the Year 1938— | 74 @ 3.00.....    | 222.00   |
| For the Year 1938— | 1 @ 2.00.....     | 2.00     |
| For the Year 1937— | 44 @ 3.00.....    | 132.00   |
| For the Year 1937— | 1 @ 1.00.....     | 1.00     |
| For the Year 1936— | 42 @ 3.00.....    | 126.00   |
| For the Year 1935— | 26 @ 3.00.....    | 78.00    |
| For the Year 1935— | 1 @ 2.00.....     | 2.00     |
| For the Year 1935— | 1 @ 1.50.....     | 1.50     |
| For the Year 1934— | 17 @ 3.00.....    | 51.00    |
| For the Year 1933— | 10 @ 3.00.....    | 30.00    |

\$11,951.00

|  |        |
|--|--------|
| Subscriptions to <i>N. C. Law Review</i> ..... | 725.00 |
| Advertising .....                              | 300.00 |
| Interest on Certificates of Deposit.....       | 40.00  |
| Sale of Journals.....                          | 36.00  |
| Refund—Board of Law Examiners.....             | 15.00  |
| Overpayments .....                             | 13.00  |
| Law License .....                              | 3.40   |

|                                 |             |
|---------------------------------|-------------|
| Total Receipts .....            | \$13,083.40 |
| Total Receipts and Balance..... | \$13,368.00 |

**TOTAL RECEIPTS AND BALANCE..... \$13,368.00**

**DISBURSEMENTS:**

|   |            |
|---|------------|
| Salaries: Secretary and Clerical.....       | \$5,471.25 |
| Council Expenses .....                      | 1,625.99   |
| Cost of Disbarment Proceedings.....         | 864.54     |
| Printing .....                              | 862.09     |
| <i>N. C. Law Review</i> .....               | 725.00     |
| Attorneys Fees .....                        | 700.00     |
| Postage .....                               | 523.59     |
| Investigation Expense .....                 | 414.70     |
| Supplies .....                              | 181.33     |
| Telephone and Telegraph.....                | 276.75     |
| Expenses Barratry Case.....                 | 272.14     |
| Committee Expenses .....                    | 237.65     |
| Audit Expense .....                         | 75.00      |
| Bar Meetings .....                          | 40.65      |
| Reporting .....                             | 25.00      |
| Bond Premium and Bank Charges.....          | 14.49      |
| Refunds .....                               | 10.00      |
| Capital Outlay—Furniture and Fixtures ..... | 135.48     |

Total Disbursements ..... 12,455.65

|                             |          |
|-----------------------------|----------|
| CASH ON DEPOSIT.....        | 912.35   |
| CERTIFICATE OF DEPOSIT..... | 1,000.00 |

CASH BALANCE—December 31, 1941..... \$ 1,912.35

EDWARD L. CANNON, *Secretary*.