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THE NORTH CAROLINA STATE BAR

EDWARD L. CANNON, *Editor*

January Council Meeting

The regular quarterly meeting of the Council of The North Carolina State Bar was held on Friday, January 22, 1943; the following officers and councillors present:

Officers:

Marshall T. Spears, President, Durham
Frank S. Spruill, First Vice President, Rocky Mount
Fred J. Coxe, Second Vice President, Wadesboro
Edward L. Cannon, Secretary, Raleigh

Councillors:

Junius D. Grimes, First District, Washington
Z. V. Norman, Second District, Plymouth
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
H. R. Kyser, Twelfth District, Thomasville
J. Laurence Jones, Fourteenth District, Charlotte
Eugene Trivette, Seventeenth District, North Wilkesboro
Fred D. Hamrick, Sr., Eighteenth District, Rutherfordton
Kester Walton, Nineteenth District, Asheville
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The Executive Committee reported their examination and approval of the receipts and disbursements of the Secretary-Treasurer for the previous quarter.

The Council approved the report of the Ethics Committee in advising attorneys of the following matters: (1) That it was improper for the solicitor or judge of the Recorders Court to occupy the same offices with the attorney practicing before his court. (2) That an attorney who is now solicitor of County Court, who represents clients in civil actions involving padlock proceedings, is likely to be embarrassed in the event some aspect of the proceedings comes before the court at a later date, and, therefore, the Committee questions the wisdom of said attorney appearing in the civil action because of the probability of future criminal proceedings. (3) That it is improper for a solicitor to be connected in any way with civil matters growing out of a case in criminal

court prosecuted by said solicitor. (4) That the question of attorneys charging for all services rendered in connection with various Federal Government and agency matters, forms, etc., is one personal to the attorney and not a matter before the Council of the State Bar.

The Council approved announcements and advertising in the press when said announcements or advertisements were made by the Bar Association or District Bar as a body.

A number of matters were reported by the Grievance Committee but no trials were ordered at this meeting.

During the afternoon session the Council discussed various matters coming before it from local Bar groups involving the question of laymen handling income tax matters and income tax returns. Definite action on this matter was continued but the Secretary was instructed to advise various Bar groups throughout the state that it was the sense of the Council that news items in the press concerning the availability and time of the profession with regard to income tax matters would be wholly proper and pertinent.

The Membership Committee in its report recommended approval of some petitions for inactive membership and recommended rejection of other applications. The report of the Committee was adopted.

The report of the Legislative Committee was adopted by the Council; said report containing two items, namely: (1) Desirability of clarification of Section 198 of the Code relating to unauthorized practice. (2) Desirability of change in the present provisions in the Statutes concerning sales for partition. The Council took no action on the suggestion that Legislative measures be taken against collection agencies operating outside of this state who were undertaking to collect accounts, etc., within this state.

President Spears recommended and the Council approved of the following regular committees for 1943 and two special committees:

NORTH CAROLINA STATE BAR COMMITTEES, 1943

1. *Grievance Committee*

Jos. B. Cheshire, Jr., Chairman.....	Raleigh
D. H. Bland.....	Goldsboro
G. H. Hastings.....	Winston-Salem
Z. V. Norman.....	Plymouth
F. S. Spruill.....	Rocky Mount
Fred J. Cox.....	Wadesboro

2. *Executive Committee*

B. H. Perry, Chairman.....	Henderson
J. D. Grimes.....	Washington
J. Laurence Jones.....	Charlotte
M. G. Boyette.....	Carthage
Kester Walton.....	Asheville

3. *Legislative Committee*

L. J. Poisson, Chairman.....	Wilmington
Dickson McLean	Lumberton
John D. Warlick.....	Jacksonville
Eugene Trivette.....	North Wilkesboro
B. F. Williams.....	Lenoir

4. *Ethics Committee*

Albion Dunn, Chairman.....	Greenville
B. F. Williams.....	Lenoir
R. L. Phillips.....	Robinsville
Fred D. Hamrick.....	Rutherfordton
John A. Scott.....	Statesville

5. *Unauthorized Practice Committee*

R. P. Reade, Chairman.....	Durham
P. W. Glidewell, Sr.....	Reidsville
Fred D. Hamrick.....	Rutherfordton
M. G. Boyette.....	Carthage
Eugene Trivette.....	North Wilkesboro

6. *Membership Committee*

Junius D. Grimes, Chairman.....	Washington
L. J. Poisson.....	Wilmington
John A. Scott.....	Statesville
H. R. Kyser.....	Thomasville

SPECIAL COMMITTEES

1. *Insurance for Attorneys*

Junius D. Grimes, Chairman.....	Washington
F. S. Spruill.....	Rocky Mount
John A. Scott.....	Statesville
Kester Walton.....	Asheville
J. Laurence Jones.....	Charlotte

2. *Fees for Abstracting Titles for Federal Land Bank*

Z. V. Norman, Chairman.....	Plymouth
D. H. Bland.....	Goldsboro
Dickson McLean	Lumberton
R. P. Reade.....	Durham
H. R. Kyser.....	Thomasville

Messrs. L. R. Varser and L. T. Hartsell, Jr. were re-elected to succeed themselves upon the Board of Law Examiners.

Prayer for judgment in the cases of Paul Strickland of Burlington and L. A. Wilson of Snow Hill was continued.

The Council received communication from Judge A. A. F. Seawell replying to the communication of the Council directed at its October Meeting expressing regret to Judge Seawell's family concerning his son, Edward Harding Seawell, member of the Bar, who was reported, "missing in action."

After discussion and consideration, the Council went on record unanimously as being opposed to the continuation of the Board of Legal Examiners operating in Washington and the Secretary was instructed to advise members of the House and Senate from North Carolina as to the opposition of the Council to the continuation and operation of said Board.

April Council Meeting

The regular quarterly meeting of the Council of The North Carolina State Bar was held on Friday, April 16, 1943 with the following officers and councillors present:

Officers:

Marshall T. Spears, President, Durham
Frank S. Spruill, First Vice President, Rocky Mount
Fred J. Coxe, Second Vice President, Wadesboro
Edward L. Cannon, Secretary, Raleigh

Councillors:

Junius D. Grimes, First District, Washington
B. H. Perry, Third District, Henderson
Albion Dunn, Fifth District, Greenville
Jos. B. Cheshire, Jr., Seventh District, Raleigh
Louis J. Poisson, Eighth District, Wilmington
G. H. Hastings, Eleventh District, Winston-Salem
H. R. Kyser, Twelfth District, Thomasville
M. G. Boyette, Thirteenth District, Carthage
J. Laurence Jones, Fourteenth District, Charlotte
B. F. Williams, Sixteenth District, Lenoir
Eugene Trivette, Seventeenth District, North Wilkesboro
Kester Walton, Nineteenth District, Asheville
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The Council heard the report of the Unauthorized Practice Committee and approved the action of the Secretary in the prosecution in the case of G. W. Williams, Justice of the Peace of Rockingham County.

The report of the Legislative Committee was received by the Council, said report indicating that both items of Legislation considered at the January Meeting had been enacted into law. It was further pointed out that under an act of the 1943 Legislature members of the Bar are entitled to receive copies of the Consolidated Statutes (1919) for the cost of postage and packing (50 cents). It was announced that all requests for these volumes should be directed to the Secretary of State before the expiration of the period of six months. Attention of the Council was also called to the action of the Legislature prohibiting detective agencies and detective agents from collecting any accounts, notes, etc.

The report of the Ethics Committee contained three items approved by the Council as follows: (1) That where an attorney performed services under an agreement with his client and has papers of the client in his possession and after complaint is filed, and thereafter client discharges said attorney, the attorney should not withhold the papers of his client until fee is paid but upon demand should return the papers and enter suit for recovery for amount due for services rendered. (2) That it is improper and unethical for an attorney to publish an advertisement for business and the Secretary was instructed to issue a warning to the attorney responsible for publication for advertising. (3) That it is improper for an attorney who acted as prosecuting officer of the court to accept employment at a later date, even though he is no longer a prosecuting officer, for the pardon or parole of prisoner convicted.

The Grievance Committee made their report indicating numerous investigations pending and complaints filed but without any recommendations as to prosecutions at this time until full investigation reports could be made.

The Executive Committee report and the report of the Secretary were read and approved and the audit of the books of the State Bar for the year 1942 was presented and approved by the Council. In said reports it was recommended by the Secretary and Executive Committee that a special committee be appointed charged with rendering assistance to members of the Bar upon their return from Service after the war. President Spears appointed the following Committee:

B. H. Perry, Chairman, Henderson
Dickson McLean, Lumberton
Junius D. Grimes, Washington
Kester Walton, Asheville
B. F. Williams, Lenoir

The Membership Committee made its report which was approved by the Council. The report granted some petitions for inactive membership and denied others.

Members of the Council requested the Secretary to forward to each councillor a list of delinquents in his county in order that past due fees might be collected from delinquent members.

President Spears read a communication from Mr. C. W. Tillett of Charlotte, resigning as a member of the Board of Law Examiners. The Council elected Mr. Thomas P. Pruitt of Hickory to succeed Mr. Tillett on the Board of Law Examiners. Mr. Pruitt's election was unanimous. The Council adopted a resolution commending Mr. Tillett for his services on the Board of Law Examiners.

President Spears stated that he had appointed John S. Bradway of Durham as Chairman of the special committee on war work.

