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North Carolina State Bar

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NORTH CAROLINA STATE BAR

Meeting of the Council of the North Carolina State Bar

October 27, 1949

The Council of the North Carolina State Bar held its regular quarterly meeting on Thursday, October 27, 1949, Justice Building, Raleigh, with the following officers and members present:

Officers:

Thomas P. Pruitt, President, Hickory
J. B. James, First Vice-President, Greenville
A. W. Sapp, Second Vice-President, Greensboro
Edward L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Junius D. Grimes, First District, Washington
Z. V. Norman, Second District, Plymouth
Julius Banzet, Third District, Warrenton
D. H. Bland, Fourth District, Goldsboro
Albion Dunn, Fifth District, Greenville
John D. Warlick, Sixth District, Jacksonville
I. M. Bailey, Seventh District, Raleigh
L. J. Poisson, Eighth District, Wilmington
G. H. Hastings, Eleventh District, Winston-Salem
J. F. Spruill, Twelfth District, Lexington
J. G. King, Thirteenth District, Laurinburg
J. Laurence Jones, Fourteenth District, Charlotte
H. M. Robins, Fifteenth District, Asheboro
B. F. Williams, Sixteenth District, Lenoir
Kyle Hayes, Seventeenth District, North Wilkesboro
R. W. Proctor, Eighteenth District, Marion
Kester Walton, Nineteenth District, Asheville
John Queen, Twentieth District, Waynesville
P. W. Glidewell, Sr., Twenty-first District, Reidsville

In addition to the above, Mr. I. R. Williams, newly elected Councillor from the Fourth District was present. The President introduced Mr. Williams and Mr. Jennings G. King, succeeding Mr. W. L. Mann from the Thirteenth District.

The minutes of the July meeting were read by the Secretary and approved.

The report of the Executive Committee was made by Judge D. H. Bland, Chairman. The report of the Committee stated that the receipts and disbursements of the preceding quarter had been checked and found to be correct.

The Council discussed at some length the collection of delinquent

dues from members of the State Bar. Following extended discussion, motion was made that the President appoint a special committee with authority to take such action as might be deemed proper to collect delinquent dues from members of the Bar. The President appointed Messrs. I. M. Bailey, J. B. James, A. W. Sapp and E. L. Cannon as the committee for handling this matter.

Mr. F. S. Spruill, of Rocky Mount, appeared before the Council as a representative from the Judicial Council and requested the cooperation of the State Bar in the work of the Judicial Council.

The President called for the report of the Membership Committee which was made by B. F. Williams. The Committee recommended action as follows:

1. St. Clair E. Bailey—Petition to be granted upon payment of the dues for the year 1936.
2. H. Claude Horack—Petition to be granted.
3. Douglass Poteat—Petition to be granted.
4. G. A. Warlick—Petition granted on condition that dues prior to 1943 be paid together with dues for the year 1949.

The recommendation and report of the Committee was upon motion duly adopted.

The President appointed committee of Messrs. Dunn, Walton, Williams and Bailey to consider the filling of two places on the Board of Law Examiners, the vacancies having been created by the resignation of Charles R. Jonas and Bennett H. Perry, and to report after the noon recess.

The President called for the report of the Grievance Committee which reported on ten matters considered by them.

The President called for the report of the Committee on Unauthorized Practice, the same being made by Mr. Grimes, Chairman. The Committee reported that the American Mutual Liability Insurance Company had agreed to complete discontinuance of objectionable advertising material which had been previously considered by the Committee. The Committee reported that it had considered correspondence with the Association of Casualty and Surety Executives relative to the advertising material of certain of their member companies and that it was hoped that satisfactory settlement similar to that made in the American Mutual Liability case would be effected. The Committee recommended that the Secretary consider matters relative to alleged continued unauthorized practice of one A. L. Postell, of Graham County, previously the subject of injunctive action by the Council. The Committee further reported the satisfactory conclusion of inquiries from J. F. Hess, Justice of the Peace of Salisbury. The Committee further approved the statement of the Secretary relative to his actions in the matter of

Tepper, Tepper and Gouhl of Charlotte and authorized further action as might be deemed necessary. The Committee recommended that the Council approve the communication of the Secretary directed to Mr. Edwin M. Otterbourg, American Bar Association Conference Committee dealing with real estate boards and that the statement of the Secretary be adopted as the action of the Council in declining to participate in the so-called agreement between the Committee of the American Bar Association and the realtors. The Committee further called attention to various communications sent from the office of the Secretary to various notaries public and others calling their attention to the matter of unauthorized practice. The Committee requested the President to make a report of his appearance before the Trust Section of the North Carolina Bankers Association. Upon motion the report of the Committee was adopted. Following the report, the President advised the Council of his statement to the Trust Section of the Bankers Association and presented to the Council letter of Mr. LeRoy Martin dated October 10 advising that the statement of policies adopted by the national conference groups was being supported by the Trust Section and further reporting that said Section's committee on public relations was authorized to stimulate cooperation between trust companies and attorneys and further that all trust advertising would be submitted to counsel for the several banks for trust departments before being distributed or published. Motion was made that the Unauthorized Practice Committee and the committee from the Trust Section hold joint annual meetings and ascertain the names of attorneys for the banks in the State and request said attorneys to confer with committee of the Council in order to secure harmonious consideration of all problems arising in connection with the bar and the banks. Motion was duly adopted.

The President called for the report of the Ethics Committee which was made by Judge Hastings, Chairman. 1. Inquiry of attorney relative to propriety of allowing publication of professional card in organization publication. The Committee recommended that the same would not be a violation of the Canons of Ethics and the recommendation of the Committee was upon motion adopted. 2. Inquiry of attorney as to propriety of publication of name in law list, the same being duly approved where no bold face type was used so as to differentiate between attorneys' names. The Committee recommended no violation. The Council was of the opinion that action was unnecessary due to former rulings in such cases. 3. Attention of the Committee was directed to certain mimeographed material being distributed and sent through the mail relative to securing funds to provide for legal expenses in case wherein two members of the Bar were representing defendants. The Committee recommended investigation relative to the activities involved

in distribution of such material and the recommendation was duly adopted by the Council.

The Committees on Legislation and Post War Work reported that they had no report at this meeting.

The Special Committee on Industrial Commission reported that it desired more time to confer with members of the Industrial Commission relative to previous recommendations.

The committee on filling vacancies on the Board of Law Examiners reported and recommended that the Council consider four persons for the two places on the Board and nominations were duly made and upon count of ballots, Messrs. Roy L. Deal, of Winston-Salem, and Buxton Midyette, of Jackson, were declared duly elected to fill the unexpired terms of Messrs. Charles R. Jonas and Bennett H. Perry.

The Secretary made a report relative to certain matters before the Board of Law Examiners and following considerable discussion, the Council upon motion duly made instructed the Secretary to make investigation relative to the activities of insurance adjusters.

E. L. Cannon was duly nominated and elected Secretary-Treasurer for the year 1949-1950.

Motion was made to commend the retiring President, Mr. Thomas P. Pruitt, for his service during the year. Motion was unanimously adopted and the Council adjourned at 5:45 P.M.

Sixteenth Annual Meeting The North Carolina State Bar

The Sixteenth Annual Meeting of the North Carolina State Bar was held in Raleigh on October 28 with President Thomas P. Pruitt presiding. The following program was presented to some 425 members of the Bar in attendance.

PROGRAM

MORNING SESSION, 10 A.M.

THOMAS P. PRUITT, <i>President</i> , Hickory, Presiding	
Invocation.....	DR. BROADUS E. JONES
	Pastor, First Baptist Church, Raleigh
Welcome.....	CHARLES ROUSE
	Wake County Bar, Raleigh
Response.....	ZEB. V. NORMAN
	Washington County Bar, Plymouth
Greetings from the North Carolina Bar Association.	THOMAS H. LEATH
	Rockingham
Address.....	HON. CLYDE R. HOEV
Remarks:	

ASSOCIATE JUSTICE W. A. DEVIN, Chairman, *Judicial Council*

AFTERNOON SESSION, 2:30 P.M.

Greetings from the Superior Court Judges.....HON. W. C. HARRIS
Raleigh

Address:

"A New Horizon".....HON. GEORGE E. BRAND
Detroit, President, American Judicature Society

Remarks:

HON. L. R. VARSER, Chairman Board of Law Examiners, Lumberton

Discussion

Election of Officers

Adjournment

Officers for the year 1949-1950 were elected as follows:

James B. James, President, Greenville

Armistead W. Sapp, First Vice-President, Greensboro

L. J. Poisson, Second Vice-President, Wilmington