



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 18 | Number 3

Article 4

4-1-1940

The North Carolina State Bar

North Carolina Law Review

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

North Carolina Law Review, *The North Carolina State Bar*, 18 N.C. L. REV. 267 (1940).

Available at: <http://scholarship.law.unc.edu/nclr/vol18/iss3/4>

This Comments is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

THE NORTH CAROLINA STATE BAR

KEMP D. BATTLE, *Editor*

January Council Meeting

The Council of the North Carolina State Bar met in the Supreme Court building, January 12, 1940. There were present George C. Green, President, E. L. Cannon, Secretary-Treasurer, and the following Councillors:

Junius D. Grimes	G. H. Hastings	R. P. Reade
K. D. Battle	B. H. Perry	C. W. McAnally
D. H. Bland	J. F. Milliken	Albion Dunn
John D. Warlick	Dover R. Fouts	J. B. Cheshire
L. J. Poisson	R. L. Phillips	B. F. Williams
Julius Martin		

Mr. K. C. Sidbury, of Wilmington, made application for reinstatement of his license to practice law, which had been withdrawn by a superior court judge following his submission to a charge of having committed a criminal offense. After discussion, the petition was denied.

Mr. J. W. Hollingsworth, formerly of Forsyth County, now of Newton, renewed his application made at the October meeting for the restoration of his license, which had been withdrawn many years ago by a superior court judge in connection with a criminal charge. Mr. Hollingsworth filed letters favoring restoration of his license from Hon. Wilson Warlick, Resident Judge of the Sixteenth Judicial District, from the Clerk of Superior Court of Catawba County, and from various residents thereof. After discussion, an order was made restoring the application of Mr. Hollingsworth to resume the practice of law.

A request from Mr. E. C. West, of Dunn, for a reconsideration by the Council of its denial at the October meeting of his application for reinstatement was declined.

Upon complaints filed against Mr. B. S. Hurley, attorney of Troy, prosecution was ordered and a trial committee, consisting of Councillors Milliken, McAnally, and Hastings, was appointed.

Upon charges filed against Mr. T. E. Bass, an attorney of New Bern, prosecution was ordered subject to assurances of cooperation by complainants residing outside of this state. A trial committee was appointed, consisting of Councillors Grimes, Poisson, and Warlick.

Upon charges filed against certain other attorneys, it was decided that no action should be taken; and certain other cases were continued.

Upon recommendation of the Committee on Unauthorized Practice, it was decided that a civil action should be brought against Home De-

tective Agency, Inc., of Greensboro, and another action against E. G. Cox, Jr., of Greensboro, with a view of enjoining them from the unauthorized practice of law. President Green was authorized to employ counsel to represent the State Bar in these matters and to sign complaints on behalf of the Council.

The President was also authorized to engage new counsel to assist in prosecution of complaints filed against W. T. Shore, attorney of Charlotte, trial of which was ordered at a former meeting.

The terms of Judge L. R. Varser and Mr. H. G. Hedrick of the Board of Law Examiners having expired, the committee appointed to make nominations, consisting of Messrs. Perry, Bland, and Hastings, nominated Judge Varser and Wm. T. Pope for one vacancy, and Mr. Hedrick and W. C. Lassiter for the other vacancy. Upon ballot, Judge Varser and Mr. Hedrick were reelected for an additional term of three years.

The President recommended, and the Council elected, the following regular standing committees of members of the Council to conduct the routine duties of the Council:

Executive Committee

Dickson McLean, Chairman
Junius D. Grimes
Louis J. Poisson
A. Turner Grant
J. F. Milliken

Grievance Committee

J. B. Cheshire, Chairman
K. D. Battle
R. P. Reade
D. H. Bland
L. P. McLendon
Geo. W. McAnally

*Legal Ethics and Professional
Conduct*

G. H. Hastings, Chairman
J. Laurence Jones
Albion Dunn
Julius Martin, II
Dover Fouts

Legislation and Law Reform

Hayden Clement, Chairman
B. F. Williams
R. L. Phillips
P. W. Glidewell
J. D. Warlick

Unauthorized Practice of Law

B. H. Perry, Chairman
Albion Dunn
R. P. Reade

The President read the appointment of the following special committees of members of the bar to prosecute various activities looking to the improvement of the science of jurisprudence and of the administration of justice.

<i>Law Libraries</i>	<i>Pre-Trial Practice</i>	<i>Trial by Jury</i>
Dillard Gardner	L. P. McLendon	C. W. Tillett
Norman Block	Victor S. Bryant	C. W. Weathers
J. G. Merrimon	Julius Smith	Buxton Midyette
Clayton L. Burwell	Thomas W. Davis	Stahle Linn
C. W. Bagby	D. E. Henderson	Stuart Smith
<i>Trial Practice</i>	<i>Law of Evidence</i>	<i>Appellate Practice</i>
W. T. Joyner	Kingsland Van Winkle	L. R. Varser
Frank H. Kennedy	W. S. Lockhart	Murray Allen
Marshall T. Spears	W. A. Lucas	J. K. Wilson
C. L. Shuping	J. Elmer Long	H. G. Connor, Jr.
T. Spruill Thornton	F. S. Spruill	Burton Craig
<i>Administrative Agencies and Tribunals</i>		<i>Legal Institutes</i>
R. H. Wettach		Louis J. Poisson
E. M. Land		Fred S. Hutchins
C. H. Gover		Malcolm McDermott
Julius Banzet		Dail F. Stansbury
John H. Anderson, Jr.		Albert Coates

A committee of Councillors Grimes, Battle, and Perry was appointed to present a memorial resolution in memory of former secretary Henry M. London, deceased.

It was reported that the Secretary was experiencing great difficulty in determining what members of the bar in North Carolina are required to be active members of the State Bar and thereby subject to mandatory payment of dues. The Council had previously instructed the Secretary to make no effort to collect dues from lawyers who by reason of physical or mental incapacity have discontinued the practice of law. A number of members of the bar who hold license but who are not engaged in the regular practice have objected to the payment of dues. Among such are salaried employees of trust companies, officers of state and local governments and persons temporarily residing in other states. The matter is not free of difficulty. For instance, the Attorney General of North Carolina must practice law in order to fulfill the duties of his office. Should he or should he not be required to pay dues to the State Bar? (This officer is used for illustration only. Attorney General McMullan would raise no such question.) A lawyer working on full time basis for a trust company is doing legal work, but he does not hold himself out to the public for the practice of his profession. Should he or should he not be required to pay dues to the State Bar? On the one hand, he has doubtless gained his position because of his license to practice law. On the other, when the state authorizes a trust company to act as a fiduciary it contemplates that the trust company's

salaried employees shall engage in probate practice. Many trust companies perform their fiduciary activities with trust officers who do not hold licenses to practice law. It would seem that if a trust officer can perform probate activities without a license then the licensed trust officer of a competing bank is not practicing law.

Upon the request of the Secretary that the Council instruct him as to his duties in these matters, discussion revealed a problem of such complexity that a committee composed of Councillors Poisson, Dunn, and next meeting.