

LOUIS J. POISSON, PRESIDENT
WILMINGTON, N. C.

DON A. WALSER, 1ST VICE-PRESIDENT
LEXINGTON, N. C.

Z. V. NORMAN, 2ND VICE-PRES.
PLYMOUTH, N. C.

EDWARD L. CANNON, SEC.-TREAS.
RALEIGH, N. C.

THE NORTH CAROLINA STATE BAR

JUSTICE BUILDING
RALEIGH, NORTH CAROLINA

OFFICE OF THE SECRETARY

September 19, 1952

TO MEMBERS OF THE NORTH CAROLINA STATE BAR:

The Council and officers of the North Carolina State Bar became interested in the growing tendency by laymen to appear before the Utilities Commission and through a special committee of the Council took the matter up with the Commission. As a result thereof, the Commission issued an Order establishing General Rule A-100, a copy of which is enclosed.

The whole question of unauthorized practice of law is being studied by your Council and it is hoped that other progress may be made in situations involving trust companies, accountants, etc. Suggestions in this field would be most helpful to the Councillor from your District and at meetings of your District Bar.

The Annual Meeting of the State Bar will be held in Raleigh on Friday, October 24. You are urged to mark this date on your calendar and attend if possible. Announcement of program will be made by your President in the near future.

Sincerely yours,

Edward L. Cannon
Secretary

ELC:HS

Enclosure

LOUIS J. POISSON, PRESIDENT
WILMINGTON, N. C.

DON A. WALSER, 1ST VICE-PRESIDENT
LEXINGTON, N. C.

Z. V. NORMAN, 2ND VICE-PRES.
PLYMOUTH, N. C.

EDWARD L. CANNON, SEC.-TREAS.
RALEIGH, N. C.

THE NORTH CAROLINA STATE BAR

JUSTICE BUILDING

RALEIGH, NORTH CAROLINA

OFFICE OF THE SECRETARY

GENERAL RULE A-100

Before the
North Carolina Utilities Commission
In the Matter of

Practice before the Commission by :
persons not authorized to practice :
law in North Carolina. :

ORDER

Whereas the North Carolina State Bar has questioned the legality of appearances and practice before the North Carolina Utilities Commission by persons not authorized to practice law in North Carolina, and has submitted a written opinion of the Attorney General of North Carolina in support of its contentions that the North Carolina Utilities Commission is a judicial body as defined in Section 84-4 of the General Statutes of North Carolina, and that the practice of law as defined in Section 84-2.1, 84-4 and 84-5 of the General Statutes of North Carolina applies to the preparation of applications, petitions, protests and other legal documents for use in proceedings before said Commission, and to appearances before the Commission by persons not authorized to practice law in this State, and upon careful consideration to the Statutes of North Carolina, and the opinion of the Attorney General with respect to the rights to practice law in this State, the Commission has carefully prepared, read, considered and hereby adopts the following rule to be in full force and effect from and after the first day of September, 1952:

* * * * *

PRACTICE BEFORE THE COMMISSION. In all proceedings wherein pleadings are filed and a formal hearing is held involving the taking of testimony and the formulation of a record subject to review by the courts, no person may appear in a representative capacity other than an attorney at law, duly qualified and entitled to practice before the Supreme Court of the State of North Carolina. (See G. S. Ch. 84)

NOTE: This rule does not limit the right of any individual to plead his own cause before the Commission and to call and examine witnesses in his own behalf, and to cross-examine the opposing witnesses. Neither does this rule limit the right of any individual, whether called as a witness or not, to testify in any hearing or investigation before the Commission with respect to facts pertinent to the issues involved.

* * * * *

And it is ordered, That a correct and true copy of the foregoing rule be forthwith filed with the Secretary of State, and pending a revision of the Commission's Rules of Practice and Procedure, all Calendars and Notices of Hearings issued by the Commission make reference to this rule.

Issued by Order of the Commission.
This the 23rd. day of July, 1952.

NORTH CAROLINA UTILITIES COMMISSION

By _____
Myrtha Fleming, Chief Clerk

(SEAL)