

NOTARIO PÚBLICO, THE PRACTICE OF LAW AND ADVERTISING

BACKGROUND

Notaries public in Pennsylvania are appointed and commissioned by the Secretary of Commonwealth. Notaries are held to the highest standards of integrity, honesty and trust. Notaries play a vital role in commerce by taking acknowledgments, administering oaths and affirmations, certifying copies and other notarial acts.

There has been some confusion in the marketplace when the term “notary public” is translated into a foreign language. For example, “notario público” is the literal translation of the English words “notary public” into Spanish and yet it has a different meaning that can impact the perception of the public.

In most Latin American and Spanish-speaking countries, “notario público” means that the individual with this title is an attorney authorized to practice law and give legal advice. However, in the United States, a notary public is not a licensed attorney authorized to practice law and therefore may not give legal advice (unless the notary public also happens to be an attorney).

COMPLIANCE

The Revised Uniform Law on Notarial Acts (RULONA) makes it clear that a commission as a notary public does not authorize the notary public to:

- (1) assist persons in drafting legal records, give legal advice or otherwise practice law;
- (2) act as an immigration consultant or an expert on immigration matters;
- (3) represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or
- (4) receive compensation for performing any of the activities listed in this subsection.

Under RULONA, a notary public may not use the term “notario” or “notario public” *unless* he or she is also a licensed attorney at law.

A notary public may not engage in false or deceptive advertising. Furthermore, RULONA provides that a notary public may not advertise or represent that the notary

public may assist persons in drafting legal records; give legal advice; or otherwise practice law.

If a notary public advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary public shall include the following statement in the advertisement or representation, prominently and in each language used in the advertisement or representation:

I am not an attorney licensed to practice law in this Commonwealth. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

If the form of advertisement or representation is not broadcast media, print media or the Internet and does not permit inclusion of the statement required because of size, it shall be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed. "Displayed prominently" means that the statement must be in at least 10-point type and that the entire "I am not an attorney" statement must be displayed in an area open and accessible to the public at the place of performance of the notarial act.