Resolved, That the Louisiana Notary Association does hereby adopt the following code of ethics and professionalism for Louisiana civil law notaries public:

ARTICLE I: DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

Section 1. Professionalism

The notary must support every measure likely to improve the quality and professionalism of the services he renders in the field in which he practices.

Section 2. Education

A notary must promote measures of education and information pertinent to the field in which he practices. Except for serious reasons, he must also perform the necessary acts to ensure such education and information in the field in which he practices.

Section 3. Integrity

A. A notary must act with dignity and must refrain from using methods or from adopting attitudes that may detract from the good name of the office of notary or from the notary’s ability to serve the public interest. A notary’s conduct in this context must in no way be influenced by pecuniary or commercial consideration.

B. A notary must promptly report to competent authority the fact that he has reason to believe that a notary has used sums of money or other securities for purposes other than those for which they were entrusted to him in his notarial practice.

ARTICLE II: DUTIES AND OBLIGATIONS TOWARDS CONSTITUENTS AND CLIENTS

Section 1. General Provisions

A. Before accepting engagement to provide notarial services, a notary must bear in mind the extent of his proficiency and the means at his disposal to carry out the tasks for which he is contracted.

B. A notary must at all times acknowledge the constituent or client’s right to consult another notary or another competent person.

C. A notary must not practice under conditions or in situations likely to impair the quality of his services.

D. A notary must try to establish a mutual trust relationship between himself and the constituent or client. For that purpose, he must, in particular:

1) refrain from conducting the public office of notary in an impersonal manner;

2) conduct his interviews in such a way as to respect the constituent or client’s scale of values and personal convictions.

E. A notary may give no advice or counsel that he is not qualified to give or is prohibited by law from giving. When providing information and assistance in matters concerning a notarial transaction, he must give disinterested, frank and honest information to all of the constituents, clients, or parties to the transaction.

F. A non-attorney notary shall refrain from intervening in a constituent or clients’ personal affairs concerning matters not within the scope generally acknowledged to the public office of notary.

G. A non-attorney notary shall prepare no pleading or petition to the courts except when acting as a commissioner of the court, or when acting on his own behalf in a court proceeding involving his own affairs.

H. A notary must be familiar with the standards of professionalism provided for in this code and apply them to the services he renders.
Section 2. Integrity

A. A notary must discharge his public duties with integrity and in a professional manner.

B. A notary must avoid any false representation with respect to his level of competence or the efficiency of his own services or of those generally provided by the members of his profession and public office. If the constituent or client’s best interests so require, he must, upon the latter’s authorization, consult a colleague, a member of another profession, such as an attorney-at-law or certified public accountant, or another competent person, or refer him to one of these persons.

C. A notary must inform the constituent or client as early as possible of the extent and the terms and conditions of the engagement to provide notarial services entrusted to him by the latter and obtain his agreement in that respect.

D. A notary must inform the parties of the nature of an act arising out of the engagement to provide notarial services entrusted to him and, depending upon the circumstances, refer them to a person who is competent in such matter.

E. A notary must ascertain the facts essential to the support of an act, instrument or agreement and inform the constituent or client on the formalities required for the validity and efficacy of such act or such agreement.

F. A notary may not use, for his purposes, the securities of which he has custody. He shall not, in particular:

(1) use as a personal loan the monies entrusted to him for investment;

(2) invest to his advantage, either in his own name, or through an intermediary, the funds received in trust.

G. A notary must refrain from endorsing a check made to the order of a client unless he has received the latter’s authorization to that effect and provided that the endorsement is made solely for deposit in a trust account.

H. A notary must refuse to loan his services for improper or fraudulent transactions.

I. A notary, who enters upon or participates in matters that are not connected with notarial practice must exercise prudence in order not to jeopardize his independence or his obligations.

Section 3. Availability and Diligence

A. A notary must show, in all matters entrusted to him, reasonable availability and diligence. He must provide a constituent or client with any explanations necessary for the understanding and evaluation of the services rendered to him.

B. A notary must give an account to a constituent or client when so requested by the latter.

C. Unless he has sound and reasonable grounds therefore, a notary may not cease to act for the account of a constituent or client. The following shall, in particular, constitute sound and reasonable grounds:

(1) loss of the constituent or client’s confidence;

(2) the fact that the notary is in a situation of conflict of interest or in a situation such that his independence could be called in question;

(3) inducement by the constituent or client to perform illegal, unfair and fraudulent acts.

D. Before he ceases to exercise his functions for the account of a constituent or client, the notary must forward an advance notice of withdrawal within a reasonable time.

Section 4. Independence and Impartiality

A. A notary must subordinate his personal interest to that of a constituent or client. A notary may, however, decline to exercise his functions when the result would be in furtherance of any cause the notary considers morally corrupt or reprehensible.

B. A notary must ignore any intervention by a third party that could influence the performance of his professional duties to the detriment of his client.

C. A notary must at all times safeguard his independence and avoid any situation in which he would be in conflict of interest. Without restricting the generality of the foregoing, a notary:

(1) shall not constitute himself, in any capacity whatsoever, the surety of a constituent or client;

(2) must refrain from paying advances to his constituent or clients, except in the form of regular disbursements;
(3) shall not advise a constituent or client to make investments in a corporation, firm or property in which the notary holds, directly or indirectly, majority interest or an interest that permits him to act significantly upon the decisions.

D. As soon as he ascertains that he is in a situation of conflict of interest, the notary must notify his constituent or client thereof and ask for authorization to continue his engagement to provide notarial services.

E. A notary must not share his fees with a person who is not a notary or remit such fees to him.

F. A notary shall share his fees with a colleague only to the extent that such sharing corresponds to a distribution of services and responsibilities.

G. Save for the remuneration to which he is entitled, a notary shall not pay or receive any rebate or commission relative to his notarial practice or public office.

Section 5. Confidentiality

A. A notary has a duty to hold in strict confidence all confidential information acquired in his notarial practice.

B. A notary must ensure that his employees do not disclose to other persons the confidential information of which they may have taken cognizance.

C. A notary may be released from the obligation of confidentiality only with the authorization of his client or whenever so ordered by law.

D. A notary shall not disclose that a person retained his services when such disclosure might cause prejudice to that person.

E. A notary must avoid indiscreet conversations concerning a constituent or client and the services rendered him.

F. A notary shall not make use of confidential information that may be prejudicial to a constituent or client or with a view to obtaining a direct or indirect benefit for himself or for another person.

Section 6. Accessibility of Records

A. A notary must respect the right of a constituent or client to take cognizance of the documents that concern him in any file drawn up in his regard and, subject to inconsistent legislative provisions, to obtain a copy or photocopy of such documents.

B. A notary shall not unduly retain a file or document that belongs to a client.

C. A notary must provide his client with all the explanations necessary to the understanding of his statement of fees.

D. A notary must not determine the amount of his fees without knowing all the elements essential to establishing the said amount. He must, however, ensure that the constituent or client is notified of the approximate and foreseeable cost of his services. If he foresees that the actual cost will exceed the approximate cost he has determined, he must so inform the constituent or client as soon as possible.

E. A notary must refrain from demanding advance payment of his fees; he may, however, demand retainers on his fees and costs.

F. A notary may not charge interest on outstanding accounts unless there is an agreement to the contrary or a notice of putting in default has been given.

G. A notary shall not, without the constituent or client’s authorization, deduct his fees or costs, or both from the latter’s funds, no matter the reason for his holding them.

Section 7. Determination and payment of fees

A. The fees demanded by a notary must be fair and reasonable. Fees are fair and reasonable if they are warranted under the circumstances and proportional to the services rendered in accordance with the standards of professional practice.

B. In determining his fees, a notary must take the following factors into account:

1. the time and effort devoted to the matter;
2. the complexity of the matter;
3. the importance of the matter;
4. his experience and expertise;
5. the performance of services requiring particular competence or exceptional celerity;
(6) the degree of responsibility assumed;
(7) the result obtained where the matter involved special
difficulties or where its outcome was uncertain.

Section 8. Advertising

A. A notary may not engage in or allow, through any means
whatsoever, advertising that is false, deceitful, incomplete or
liable to be misleading.

B. All the associates in an office are jointly and severally
responsible for complying with the rules that govern
advertising, unless the advertising clearly indicates the name
of one or more persons who are responsible.

C. A notary may not claim to possess specific qualifications
or skills, particularly with respect to his level of competence
or to the range and efficiency of his services, unless he is
able to substantiate his claims on request.

D. A notary who announces his fees in an advertisement
must do so in a manner that can be understood by persons
having no particular knowledge of notarial law. The notary
must:
(1) keep the fees in force for the period of time indicated in
the advertisement, with that period lasting no less than 90
days following the last authorized broadcasting or
publication of the advertisement;
(2) indicate the services covered by the fees;
(3) indicate whether or not costs are included.

E. A notary must keep a true copy of an advertisement for
one full year from the last authorized broadcasting or
publication of the advertisement.

F. Where a notary uses the coat of arms or the graphic
symbol of a notary association or notary organization, or the
state seal, for advertising that will be broadcast through a
print or an electronic medium, the following notice must be
included in the advertisement: “This advertisement is not
paid for by (notary association or notary organization and/or
the state of Louisiana) and it/they is/are in no way
responsible for its content.”

ARTICLE III: DUTIES AND OBLIGATIONS
TOWARDS THE OFFICE OF NOTARY PUBLIC

Section 1. Acts derogatory to the dignity of the office

A. In addition to those crimes, misdemeanors and
delicts referred to elsewhere in the Louisiana Civil
Code, The Louisiana Criminal Code, the Louisiana
Code of Civil Procedure and the Louisiana Revised
Statutes, as amended, the following acts are derogatory
to the dignity of the profession:
(1) Pressing or repeated inducement to retain his own
services;
(2) Misappropriating or using for purposes other than
those authorized by the client the monies or securities
entrusted to the notary in his notarial practice;
(3) Giving authenticity to illegal or fraudulent acts;
(4) Committing or participating in the commission of an
illegal act;
(5) An understanding or agreement with a person other
than a practicing notary the purpose of which is to
divide or remit fees;
(6) The habitual use of drugs and habitual drunkenness;
(7) Refusal by the notary to submit to the procedure of
conciliation and arbitration as well as to the arbitrators’
decisions in accordance with the regulation respecting
the procedure for conciliation and arbitration of
disputes among notaries;
(8) Taking legal action against a colleague in
connection with a matter related to notarial practice and
public office without having previously referred the
dispute to mediation and or arbitration.

B. The notary shall not, for any reason whatsoever, loan
his services or collaboration to a notary who is
suspended or whose commission has been revoked in
allowing him to use his name to draw up a document or
notarial act or to practice the profession and public
office. He shall not hire or keep in his employ a notary
who is suspended or whose commission has been
revoked, nor tolerate, without valid reason, the latter’s
presence in his office.
Section 2. Relations with oversight authority and colleagues

A. The notary whose participation on a committee for mediation and/or arbitration of a dispute between colleagues is requested by a colleague or colleagues, or by any person appointed to assist them, or whose participation on a committee on notarial examination or discipline for a single term is requested by competent authority must accept that duty unless he has exceptional reasons for refusing it.

B. A notary must reply promptly to all correspondence addressed to him by the officers of competent authority or by any person appointed to assist them.

C. A notary must, when requested by a client, transmit to that client the files and documents which belong to the client which were deposited with the notary.

D. A notary shall not abuse a colleague’s good faith or be guilty of breach of trust or disloyal practices towards him.

E. A notary who requests a colleague to execute an act which he has himself drawn up must discharge him in writing from all responsibility in respect of the content of that act.

F. The notary who is consulted by a colleague must give the latter his opinion and recommendations as promptly as possible.

G. A notary who is called upon to cooperate with a colleague must maintain his professional independence. If a task entrusted to him is in conflict with his conscience or his principles, he may ask to be excused from doing it.

Section 3. Contribution to the advancement of knowledge and professionalism

A. A notary must, as far as he is able, maintain current his knowledge of the laws and jurisprudence affecting his office and the exercise of notarial functions, and of the and ethical and professionalism standards relevant to his office. He must always keep himself abreast of the evolution of law in the different fields of his activity, in particular by following the continuing education, upgrading and retraining courses recommended by the several notary associations and organizations of this state.

B. A notary must, as far as he is able, contribute to the development of notarial professionalism through the exchange of his knowledge and experience with his colleagues or students, by collaborating in vocational training programs, by assisting in the work of universities and notary associations, and by contributing to publications.