

**CODE OF ETHICS AND PROFESSIONALISM**

**LOUISIANA CIVIL LAW NOTARY CODE OF ETHICS AND PROFESSIONALISM**

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

1 **ARTICLE I: DUTIES AND OBLIGATIONS**  
2 **TOWARDS THE PUBLIC**

3  
4 **Section 1. Professionalism**

5  
6 The notary must support every measure likely to improve  
7 the quality and professionalism of the services he renders  
8 in the field in which he practices.

9  
10 **Section 2. Education**

11  
12 A notary must promote measures of education and  
13 information pertinent to the field in which he practices.  
14 Except for serious reasons, he must also perform the  
15 necessary acts to ensure such education and information in  
16 the field in which he practices.

17  
18 **Section 3. Integrity**

19  
20 A. A notary must act with dignity and must refrain from  
21 using methods or from adopting attitudes that may detract  
22 from the good name of the office of notary or from the  
23 notary's ability to serve the public interest. A notary's  
24 conduct in this context must in no way be influenced by  
25 pecuniary or commercial consideration.

26  
27 B. A notary must promptly report to competent authority  
28 the fact that he has reason to believe that a notary has used  
29 sums of money or other securities for purposes other than  
30 those for which they were entrusted to him in his notarial  
31 practice.

32  
33 **ARTICLE II: DUTIES AND OBLIGATIONS**  
34 **TOWARDS CONSTITUENTS AND CLIENTS**

35  
36 **Section 1. General Provisions**

37  
38 A. Before accepting engagement to provide notarial  
39 services, a notary must bear in mind the extent of his  
40 proficiency and the means at his disposal to carry out the

41 tasks for which he is contracted.

42

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

46

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

49

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

53

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

56

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

60

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

67

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

72

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

77

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

81

82

83 **Section 2. Integrity**  
84  
85 A. A notary must discharge his public duties with integrity  
86 and in a professional manner.  
87  
88 B. A notary must avoid any false representation with respect  
89 to his level of competence or the efficiency of his own  
90 services or of those generally provided by the members of  
91 his profession and public office. If the constituent or client's  
92 best interests so require, he must, upon the latter's  
93 authorization, consult a colleague, a member of another  
94 profession, such as an attorney-at-law or certified public  
95 accountant, or another competent person, or refer him to one  
96 of these persons.  
97  
98 C. A notary must inform the constituent or client as early as  
99 possible of the extent and the terms and conditions of the  
100 engagement to provide notarial services entrusted to him by  
101 the latter and obtain his agreement in that respect.  
102  
103 D. A notary must inform the parties of the nature of an act  
104 arising out of the engagement to provide notarial services  
105 entrusted to him and, depending upon the circumstances,  
106 refer them to a person who is competent in such matter.  
107  
108 E. A notary must ascertain the facts essential to the support  
109 of an act, instrument or agreement and inform the  
110 constituent or client on the formalities required for the  
111 validity and efficacy of such act of such agreement.  
112  
113 F. A notary may not use, for his purposes, the securities of  
114 which he has custody. He shall not, in particular:  
115  
116 (1) use as a personal loan the monies entrusted to him for  
117 investment;  
118  
119 (2) invest to his advantage, either in his own name, or  
120 through an intermediary, the funds received in trust.  
121  
122 G. A notary must refrain from endorsing a check made to  
123 the order of a client unless he has received the latter's  
124 authorization to that effect and provided that the  
125 endorsement is made solely for deposit in a trust account.  
126  
127 H. A notary must refuse to loan his services for improper or  
128 fraudulent transactions.  
129  
130 I. A notary, who enters upon or participates in matters that  
131 are not connected with notarial practice must exercise  
132 prudence in order not to jeopardize his independence or his  
133 obligations.  
134  
135  
136

137 **Section 3. Availability and Diligence**  
138  
139 A. A notary must show, in all matters entrusted to him,  
140 reasonable availability and diligence. He must provide a  
141 constituent or client with any explanations necessary  
142 for the understanding and evaluation of the services  
143 rendered to him.  
144  
145 B. A notary must give an account to a constituent or  
146 client  
147 when so requested by the latter.  
148  
149 C. Unless he has sound and reasonable grounds  
150 therefore, a notary may not cease to act for the account  
151 of a constituent or client. The following shall, in  
152 particular, constitute sound and reasonable grounds:  
153  
154 (1) loss of the constituent or client's confidence;  
155  
156 (2) the fact that the notary is in a situation of conflict of  
157 interest or in a situation such that his independence  
158 could be called in question;  
159  
160 (3) inducement by the constituent or client to perform  
161 illegal, unfair and fraudulent acts.  
162  
163 D. Before he ceases to exercise his functions for the  
164 account of a constituent or client, the notary must  
165 forward an advance notice of withdrawal within a  
166 reasonable time.  
167  
168 **Section 4. Independence and Impartiality**  
169  
170 A. A notary must subordinate his personal interest to  
171 that of a constituent or client. A notary may, however,  
172 decline to exercise his functions when the result would  
173 be in furtherance of any cause the notary considers  
174 morally corrupt or reprehensible.  
175  
176 B. A notary must ignore any intervention by a third  
177 party that could influence the performance of his  
178 professional duties to the detriment of his client.  
179  
180 C. A notary must at all times safeguard his  
181 independence and avoid any situation in which he  
182 would be in conflict of interest. Without restricting the  
183 generality of the foregoing, a notary:  
184  
185 (1) shall not constitute himself, in any capacity  
186 whatsoever, the surety of a constituent or client;  
187  
188 (2) must refrain from paying advances to his constituent  
189 or clients, except in the form of regular disbursements;

190 (3) shall not advise a constituent or client to make  
191 investments in a corporation, firm or property in which the  
192 notary holds, directly or indirectly, majority interest or an  
193 interest that permits him to act significantly upon the  
194 decisions.  
195  
196 D. As soon as he ascertains that he is in a situation of  
197 conflict of interest, the notary must notify his constituent or  
198 client thereof and ask for authorization to continue his  
199 engagement to provide notarial services.  
200  
201 E. A notary must not share his fees with a person who is not  
202 a notary or remit such fees to him.  
203  
204 F. A notary shall share his fees with a colleague only to the  
205 extent that such sharing corresponds to a distribution of  
206 services and responsibilities.  
207  
208 G. Save for the remuneration to which he is entitled, a  
209 notary shall not pay or receive any rebate or commission  
210 relative to his notarial practice or public office.

211  
212 **Section 5. Confidentiality**  
213

214 A. A notary has a duty to hold in strict confidence all  
215 confidential information acquired in his notarial practice.  
216  
217 B. A notary must ensure that his employees do not disclose  
218 to other persons the confidential information of which they  
219 may have taken cognizance.  
220  
221 C. A notary may be released from the obligation of  
222 confidentiality only with the authorization of his client or  
223 whenever so ordered by law.  
224  
225 D. A notary shall not disclose that a person retained his  
226 services when such disclosure might cause prejudice to that  
227 person.  
228  
229 E. A notary must avoid indiscreet conversations concerning  
230 a constituent or client and the services rendered him.  
231  
232 F. A notary shall not make use of confidential information  
233 that may be prejudicial to a constituent or client or with a  
234 view to obtaining a direct or indirect benefit for himself or  
235 for another person.

236  
237 **Section 6. Accessibility of Records**  
238

239 A. A notary must respect the right of a constituent or client  
240 to take cognizance of the documents that concern him in any  
241 file drawn up in his regard and, subject to inconsistent

242 legislative provisions, to obtain a copy or photocopy of  
243 such documents.  
244  
245 B. A notary shall not unduly retain a file or document  
246 that belongs to a client.  
247  
248 C. A notary must provide his client with all the  
249 explanations necessary to the understanding of his  
250 statement of fees.  
251  
252 D. A notary must not determine the amount of his fees  
253 without knowing all the elements essential to  
254 establishing the said amount. He must, however, ensure  
255 that the constituent or client is notified of the  
256 approximate and foreseeable cost of his services. If he  
257 foresees that the actual cost will exceed the  
258 approximate cost he has determined, he must so inform  
259 the constituent or client as soon as possible.  
260  
261 E. A notary must refrain from demanding advance  
262 payment of his fees; he may, however, demand  
263 retainers on his fees and costs.  
264  
265 F. A notary may not charge interest on outstanding  
266 accounts unless there is an agreement to the contrary or  
267 a notice of putting in default has been given.  
268  
269 G. A notary shall not, without the constituent or client's  
270 authorization, deduct his fees or costs, or both from the  
271 latter's funds, no matter the reason for his holding  
272 them.  
273

274 **Section 7. Determination and payment of fees**  
275

276 A. The fees demanded by a notary must be fair and  
277 reasonable. Fees are fair and reasonable if they are  
278 warranted under the circumstances and proportional to  
279 the services rendered in accordance with the standards  
280 of professional practice.  
281  
282 B. In determining his fees, a notary must take the  
283 following factors into account:  
284  
285 (1) the time and effort devoted to the matter;  
286  
287 (2) the complexity of the matter;  
288  
289 (3) the importance of the matter;  
290  
291 (4) his experience and expertise;  
292  
293 (5) the performance of services requiring particular  
294 competence or exceptional celerity;

- 295 (6) the degree of responsibility assumed;  
296  
297 (7) the result obtained where the matter involved special  
298 difficulties or where its outcome was uncertain.  
299

### 300 **Section 8. Advertising**

301  
302 A. A notary may not engage in or allow, through any means  
303 whatsoever, advertising that is false, deceitful, incomplete or  
304 liable to be misleading.  
305

306 B. All the associates in an office are jointly and severally  
307 responsible for complying with the rules that govern  
308 advertising, unless the advertising clearly indicates the name  
309 of one or more persons who are responsible.  
310

311 C. A notary may not claim to possess specific qualifications  
312 or skills, particularly with respect to his level of competence  
313 or to the range and efficiency of his services, unless he is  
314 able to substantiate his claims on request.  
315

316 D. A notary who announces his fees in an advertisement  
317 must do so in a manner that can be understood by persons  
318 having no particular knowledge of notarial law. The notary  
319 must:  
320

321 (1) keep the fees in force for the period of time indicated in  
322 the advertisement, with that period lasting no less than 90  
323 days following the last authorized broadcasting or  
324 publication of the advertisement;  
325

326 (2) indicate the services covered by the fees;  
327

328 (3) indicate whether or not costs are included.  
329

330 E. A notary must keep a true copy of an advertisement for  
331 one full year from the last authorized broadcasting or  
332 publication of the advertisement.  
333

334 F. Where a notary uses the coat of arms or the graphic  
335 symbol of a notary association or notary organization, or the  
336 state seal, for advertising that will be broadcast through a  
337 print or an electronic medium, the following notice must be  
338 included in the advertisement: "This advertisement is not  
339 paid for by (notary association or notary organization and/or  
340 the state of Louisiana) and it/they is/are in no way  
341 responsible for its content."  
342

### 343 **ARTICLE III: DUTIES AND OBLIGATIONS** 344 **TOWARDS THE OFFICE OF NOTARY PUBLIC** 345 346

### 347 **Section 1. Acts derogatory to the dignity of the office**

348  
349 A. In addition to those crimes, misdemeanors and  
350 delicts referred to elsewhere in the Louisiana Civil  
351 Code, The Louisiana Criminal Code, the Louisiana  
352 Code of Civil Procedure and the Louisiana Revised  
353 Statutes, as amended, the following acts are derogatory  
354 to the dignity of the profession:  
355

356 (1) Pressing or repeated inducement to retain his own  
357 services;

358  
359 (2) Misappropriating or using for purposes other than  
360 those authorized by the client the monies or securities  
361 entrusted to the notary in his notarial practice;  
362

363 (3) Giving authenticity to illegal or fraudulent acts;  
364

365 (4) Committing or participating in the commission of an  
366 illegal act;  
367

368 (5) An understanding or agreement with a person other  
369 than a practicing notary the purpose of which is to  
370 divide or remit fees;  
371

372 (6) The habitual use of drugs and habitual drunkenness;  
373

374 (7) Refusal by the notary to submit to the procedure of  
375 conciliation and arbitration as well as to the arbitrators'  
376 decisions in accordance with the regulation respecting  
377 the procedure for conciliation and arbitration of  
378 disputes among notaries;  
379

380 (8) Taking legal action against a colleague in  
381 connection with a matter related to notarial practice and  
382 public office without having previously referred the  
383 dispute to mediation and or arbitration.  
384

385 B. The notary shall not, for any reason whatsoever, loan  
386 his services or collaboration to a notary who is  
387 suspended or whose commission has been revoked in  
388 allowing him to use his name to draw up a document or  
389 notarial act or to practice the profession and public  
390 office. He shall not hire or keep in his employ a notary  
391 who is suspended or whose commission has been  
392 revoked, nor tolerate, without valid reason, the latter's  
393 presence in his office.  
394  
395  
396  
397  
398

399 **Section 2. Relations with oversight authority and**  
400 **colleagues**  
401  
402 A. The notary whose participation on a committee for  
403 mediation and/or arbitration of a dispute between colleagues  
404 is requested by a colleague or colleagues, or by any person  
405 appointed to assist them, or whose participation on a  
406 committee on notarial examination or discipline for a single  
407 term is requested by competent authority must accept that  
408 duty unless he has exceptional reasons for refusing it.  
409  
410 B. A notary must reply promptly to all correspondence  
411 addressed to him by the officers of competent authority or  
412 by any person appointed to assist them.  
413  
414 C. A notary must, when requested by a client, transmit to  
415 that client the files and documents which belong to the client  
416 which were deposited with the notary.  
417  
418 D. A notary shall not abuse a colleague's good faith or be  
419 guilty of breach of trust or disloyal practices towards him.  
420  
421 E. A notary who requests a colleague to execute an act  
422 which he has himself drawn up must discharge him in  
423 writing from all responsibility in respect of the content of  
424 that act.  
425  
426 F. The notary who is consulted by a colleague must give the  
427 latter his opinion and recommendations as promptly as  
428 possible.  
429  
430 G. A notary who is called upon to cooperate with a  
431 colleague must maintain his professional independence. If a  
432 task entrusted to him is in conflict with his conscience or his  
433 principles, he may ask to be excused from doing it.

434  
435 **Section 3. Contribution to the advancement of**  
436 **knowledge and professionalism**  
437

438 A. A notary must, as far as he is able, maintain current his  
439 knowledge of the laws and jurisprudence affecting his office  
440 and the exercise of notarial functions, and of the and ethical  
441 and professionalism standards relevant to his office. He  
442 must always keep himself abreast of the evolution of law in  
443 the different fields of his activity, in particular by following  
444 the continuing education, upgrading and retraining courses  
445 recommended by the several notary associations and  
446 organizations of this state.  
447  
448 B. A notary must, as far as he is able, contribute to the  
449 development of notarial professionalism through the  
450 exchange of his knowledge and experience with his  
451 colleagues or students, by collaborating in vocational

452 training programs, by assisting in the work of  
453 universities and notary associations, and by  
454 contributing to publications.

455  
456