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M E M O R A N D U M

To: File
 From: Todd Kocourek
 Re: Civil-law Notary-Translation & Advertisement Issues
 Date: March 12, 2002

May the term "Florida Civil-law Notary" 1) be translated into other languages and 2) used in advertisement as translated.

1) Statutory prohibition against translation into other languages of the term "notary public"¹ by notaries public does not apply to Florida Civil-law Notaries. The prohibition is designed to protect the public from harm due to confusion of Florida notaries public with similarly-named officials in non-U.S. jurisdictions.² The non-U.S. "notary" is generally a highly trained legal professional (lawyer) with extensive legal authority under local and/or national law. The U.S. notary public, of course, does not share these qualities, and may not offer legal advice to the public by virtue of the notary public commission.

Unlike the U.S. notary public, a Florida Civil-law Notary is part of a "Latin" notarial system whose outlines have been defined by the International Union of the Latin Notariat³, the worldwide body uniting "Latin" notaries. A Florida Civil-law Notary is a licensed, experienced and specially trained and tested attorney,⁴ who has powers and functions similar to notaries in non-U.S. (particularly civil-law) jurisdictions. Therefore, there is no danger of the public

¹ Chapter 117.05(11) F.S (2001).

² Florida Governor's Study Commission on Notaries Public (1989) (Translation of the term "notary public" as "Notario Publico" is misleading to the Hispanic community and leads to fraud); Gail Appleson, *Unscrupulous Notaries Spur Chicago Probe*, 68 A.B.A. J. 1357, 1357 (1982). The article lists instances of immigrants being defrauded by U.S. notaries who mislead them into believing that they are the same type of legal professionals as notaries in the immigrants' countries of origin.

³ Principes du Notariat Latin, tit. 1, art. 1, Atlas du Notariat 321-22 (1989).

⁴ Chapter 118.10(1)(b), F.S (2001).

being misled through translation of "Notary Public" by a Civil-law Notary. To the contrary, one might be well-advised to do so.

2) Although the statutory prohibition against translation does not apply to Civil-law Notaries, they must as attorneys observe Rule 4-7.2, Rules Regulating the Florida Bar, which imposes other restrictions on such activity, and particularly prohibits the use of the translated title in a false or misleading manner.