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Foreword: Issues Affecting Notarial Law and Policy, 31 J. Marshall L. Rev. 647 (1998)

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SYMPOSIUM:
ISSUES AFFECTING NOTARIAL LAW AND
POLICY

FOREWORD

DEAN R. GILBERT JOHNSTON*

On behalf of The John Marshall Law School and *The John Marshall Law Review*, we are proud to present this symposium on the law of notarization. This symposium edition of the *Law Review* is significant in a number of respects.

First, we are especially delighted to have the participation of several of the nation's leading authorities on the law and policy surrounding the office of notaries public. Never before have so many recognized authorities on the subject joined together in a single publication to address the wide range of subjects included in our symposium edition.

Second, no other law review in the history of legal education has ever published a symposium on the subject of notarial law and policy. Indeed, the subject of notary law has been largely overlooked by the law reviews, until now. The John Marshall Law School takes pride in the leadership role we have established in the field of notarial law in this country. One of our faculty and a contributing author in this symposium issue, Professor Michael Closen, co-authored and edited the only law school casebook on notary law and practice.¹ Professor Closen also serves as a member of the blue ribbon commission drafting a Notary Public Code of Ethics for the National Notary Association. As well, we have incorporated two distinct notary courses into our curriculum—a course entitled Domestic and Transnational Notarial Law and Practice in our J.D. program, and a course entitled Electronic Document Certification in our LL.M. program in Information

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1. See MICHAEL CLOSEN, ET AL., NOTARY LAW AND PRACTICE (1997).

Technology Law. In 1996 and 1997, *The John Marshall Law Review* and *The John Marshall Journal of Computer and Information Law* published influential articles on notarial law and policy. Several of our alumni are to be counted among the leading legal authorities on notarial practice. In fact, our alumni and faculty have served as presenters at each of the last six annual meetings of the *American Society of Notaries* and the *National Notary Association*. About one-half of the symposium pieces herein were authored by our faculty, alumni and students.

Those first two points bring me to the important third distinguishing feature about this symposium—its unique and comprehensive content. You will find twenty articles in the pages that follow, which means twenty pieces on topics never before considered in law review publications. In fact, most of the subjects covered are not addressed in any of the literature on notary law and policy. By way of example, no one has previously written an article on prisoners' access to notarial services. No one has written a law review article discussing whether notaries have the legal duty to judge the competence and willingness of document signers. No other legal publication has included an article on notary bonds, the feminization of the office, administrative oversight of notaries or the public official role of the notary. Virtually every piece that follows is an article of first impression.

I should point out that we asked our authors to prepare thought pieces, rather than the more traditional research pieces. We directed the authors to focus their coverage on subjects that will foster understanding of the office of notary public and the attendant legal features of that ancient office. Additionally, we urged our authors to suggest ways to heighten the scrutiny of notarial practice and to improve adherence to legal standards of notarial practice, thereby promoting both the performance of notaries public and the functioning of government and commerce. Although we asked a great deal from our authors, we believe they accomplished these objectives. We extend our heartfelt thanks to the authors for their exemplary contributions.

We also acknowledge our sincere appreciation to the American Society of Notaries and the National Notary Association for their cooperation in this symposium. They suggested some of our topics, recommended some of our authors and supplied pieces prepared by their expert staffs. This symposium has been significantly enhanced by their involvement.

It is fair to say—with great pride, but without exaggeration—that this symposium of *The John Marshall Law Review* is a truly historic achievement. It will have a lasting impact for many years to come. We hope it will inspire other authors to select, research and write upon topics within the field of notarial law and policy, for many worthwhile notary subjects remain unconsidered. We

also hope this issue will inspire other law reviews and legal journals to undertake symposia on this field of law. Notarial law and policy is simply too important to be overlooked by legal journals.

