
Glenn-Peter Ahlers Sr.
NOTARIES PUBLIC: A PATHFINDER

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I. OVERVIEW

A pathfinder is a research tool that points the way to information resources on a given topic by exploring research paths to the information. When a pathfinder is used to explore legal information, it does not exhaustively identify every pertinent statute, regulation, appellate case or law journal article. Rather, the pathfinder illuminates appropriate sources of information and punctuates the search process by selectively providing appropriate examples of what is found, such as model statutes, important legislation and major cases.

Today's pathfinder should serve as a beacon for tomorrow's researcher, adrift in the endless changing sea of legal information. This pathfinder will show researchers how to locate appropriate statutes, court cases, regulations, newsletters, journals, books, web pages, associations and human experts. It will also provide examples of search results.

However, this pathfinder is limited to traditional American notarial functions. Therefore, digital signatures and other realms of cybernotaries will be left for another day, as will the international dimensions of notaries. All those interested in information about notaries public will find this pathfinder useful.

The most common function of notaries public today is to identify someone who signs a document. Some states require that notaries personally know the person signing a document or that they at least see positive identification. Statutes identify the various powers of notaries from acknowledging signatures, to giving oaths, to performing marriages—so they are a good place to begin our journey along the research path.

II. FEDERAL & STATE LEGISLATION

Federal and state codes are available in print and in databases available on the Internet. Many individual states have their codes available online. Legal information vendors such as Lexis-Nexis, Westlaw, and Law Office Information Services (LOIS) provide access to statutes for a fee. We begin our exploration of statutes with paper copies of state and federal codes, and then we will explore printed finding aids before exploring electronic sources of statutes.

A. Paper Sources For State And Federal Statutes

1. State Codes

State codes are readily available in law school, university, and larger public libraries. Today most law schools have paper copies of the fifty state codes and now with Internet access gaining popularity they can also be found online. Most college, university,
and large public libraries still keep a copy of their state code available for use. The local library catalog or a reference librarian can help you locate the items.

Libraries using the Library of Congress system classify their codes from KFA to KFW. The KFA shelves hold Alaska, Arizona, Arkansas, and Alabama statutes, for example, while Wyoming's statutes are found under KFW. Library of Congress subject Headings for state statutes include the state name, a dash and the word "law": Arkansas—law, California—law and Wyoming—law, for example. Libraries using Dewey decimal numbers classify state statutes in the 300's.¹

Librarians in law school libraries will be more familiar with using the codes and instructing users on how to find pertinent materials than their counterparts in public or university libraries. I have selected four codes to search in print: Arkansas, Illinois, Nevada and Texas.

a. Arkansas Code Of 1987 Annotated
Publisher: Lexis Law Publishing, Charlottesville, Virginia
Phone: (800) 446-3410
Internet: markd@michie.com

Arkansas has eleven statute laws pertaining to notaries public. They are codified in Title 21 (Public Officers and Employees), Chapter 14 (Notaries Public), Sections 101 to 111.² Coincidentally, they also appear in Volume 21. I found the statutes by searching the General Index under "Notaries Public."³ The eleven sections are entitled: Appointment and commission; Change of residence; Death, resignation, or removal; Power and authority generally; Administration of oaths; Acknowledgments and authentications; Signature—Seal; Expiration date of commission; Performance of duties for corporation; Admissibility of acknowledged instruments; Unlawful act—Penalty.⁴

Most codes are annotated, meaning they provide the statutes plus additional information such as cases, legislature, and attorney general opinions. Cross reference notes in the Arkansas Code point out additional Arkansas statutes. One, Section 23-38-

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1. The Author included Dewey decimal numbers to aid readers in finding appropriate sources. However, the Dewey Decimal system is seldom used in law libraries to categorize legal sources. Interview with Anne Abramson, Reference Librarian, The John Marshall Law School, Chicago, Illinois (July 12, 1999). As a result, the Lead Article Editors of The John Marshall Law Review eliminated all references to Dewey Decimal classifications.
2. ARK. CODE ANN. § 21-14-101 to § 21-14-111 (Michie 1997).
3. Id. at General Index N to Z.
4. Id. § 21-14-101 to § 21-14-111.
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207, states that notaries who are members or employees of building and loan associations may act as notaries for the association.\(^5\) Another, Section 23-32-226, states that officers of banks who are notaries may acknowledge mortgages for the bank.\(^6\) Neither provision showed up in the Index to the code under "Notaries Public," although the Index did cite to Section 23-48-324 for bank officers, a 1997 Act that seems to replicate, at least in part, Section 23-32-226.\(^7\)

Additional citations listed in the Index include Section 16-47-103, which authorizes notaries to take proofs or acknowledgments in real estate transactions\(^8\) and Section 21-6-309 pertaining to fees allowed to be charged by notaries.\(^9\) Notary protests, anachronisms little used today,\(^10\) are discussed in Section 16-46-211.\(^11\) Section 26-24-114 allows the Arkansas Public Service Commission to appoint an agent who has the same powers as a notary public, with regard to taking depositions.\(^12\)

Annotated codes are also useful because they often cite to legal encyclopedia entries, Annotations, books and law review articles. The Arkansas Code of 1987 Annotated provides general cites to two national legal encyclopedias: American Jurisprudence (Am. Jur.) and Corpus Juris Secundum (C.J.S.).\(^13\) Discussions of notaries can be found under the topic "Notaries" in Volume 58 of Am. Jur.\(^14\) and in Volume 66 of C.J.S.\(^15\) The annotated code also cites a few Arkansas cases, including Lanier v. Norfleet.\(^16\)

b. West's Smith-Hurd Illinois Compiled Statutes Annotated

Publisher: West Publishing Company, St. Paul, Minnesota
Phone: (800) 328-4880

Illinois notary statutes are located in Chapter 5 of the Illinois Compiled Statutes Annotated, Act 312, Section 1.\(^17\) I located them

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5. Id. § 23-38-207.
6. Id. § 23-32-226.
7. ARK. CODE ANN. at General Index N to Z (Michie 1997).
8. Id. § 16-47-103.
9. Id. § 21-6-309.
11. ARK. CODE ANN. § 16-46-211 (Michie 1997).
12. Id. § 26-24-114.
13. See, e.g., id. § 21-1-104 (citing to AM. JUR. and C.J.S. under Research References).
16. 245 S.W. 498 (Ark. 1922) (holding that a notary must be a resident of the county in which he is appointed a notary).
17. 5 ILL. COMP. STAT. ANN. 312/1-101 to 8-104 (West 1993).
by searching the three-volume paperback General Index under the topic "Notaries Public." While Arkansas only had eleven statutes on point, Illinois had thirty-seven sections, including three that repealed older sections and one that is the short title.

The Index to the Illinois statutes lists sixty-two topics plus subheadings. The terms "Notarization" and "Notary Public Act" also appear as major topic headings in the Index. The bound volume containing Chapter 5, Act 312 was printed in 1993. While the 1998 pocket supplement in the back of the volume listed no new statutes, it did identify several law review articles, and one reference to Chapter 815 of the Illinois Compiled Statutes Annotated, Act 505, Section 2AA, pertaining to notarizing documents and appropriate fees for immigration services. The pocket parts are replaced annually, and the date stamp on one reviewed showed that it arrived at the library in May 1998. Three law review articles repeatedly cited in the supplement under notes to the Notary Act were: Notaries Public From the Time of the Roman Empire to the United States Today, and Tomorrow, Notaries Public lost in Cyberspace, or Key business Professionals of the Future and Notary Law Practice for the 21st Century: Suggested Modifications For the Model Notary Act. I note the articles here because they are repeatedly referenced to, and because one author, Professor Michael L. Closen, wrote more than one. We'll keep these titles and his name in mind when we check law review articles later.

18. General Index G to Q, ILL. COMP. STAT. ANN. 1051-52 (West 1999).
19. The sections are: Short title; Purposes and rules of construction; Prospective effect of Act; Notary public and notarization defined; Appointment; Application; Appointment fee; Oath; Bond; Appointment recorded by county clerk; Official seal; Official signature; Notice; Maximum fee; Certificate of Authority; Change of name or move from country; Reapportionment; Solicitation to purchase bond; Definitions; Notarial acts; Certificate of notarial acts; Acts prohibited; Short forms; Liability of notary and surety; Liability of employee of notary; Cause of damages; Official misconduct defined; Official misconduct; Willful impersonation; Wrongful possession; Revocation of commission; Action for injunction- Unauthorized practice of law. Id. 312/1-102 to 7-109.
20. Id. at General Index G to Q, 1051-52.
21. Id. at General Index G to Q, 1052.
22. Id. 312/1-101 to 8-104 (West 1993).
23. 815 ILL. COMP. STAT. ANN. 505/2AA (West 1993).
Finally, because the statutes are published by West Group, the citations to West's C.J.S. are more precise than were the broad cites listed in the Arkansas Code of 1987 Annotated. The Illinois Code published by West does not presently give citations to the other national legal encyclopedia, Am. Jur. However, this may change. While historically, West's competitor, Lawyers' Cooperative Publishing, published Am. Jur., Thompson Corporation has since bought both companies, and now West Group publishes both encyclopedias.

c. Nevada Revised Statutes
Publisher: Legislative Counsel, State of Nevada, Carson City
Nevada
Phone: (702) 687-6830
Library of Congress call #: KFN 630

The Nevada Revised Statutes are different because they come in thirty-one loose-leaf binders instead of the more familiar bound volumes. Published by the State's Legislative Counsel, the statutes are printed separate from the Annotations that appear in five more binders. Nevada statutes are cited by chapter numbers, and Chapter 240 pertains to "Notaries Public." Notaries Public was the topic listed in the Index. Chapter 240 contains five sections dealing with notaries public, and these are broken into broad categories of General Provisions; Appointment and Practice; Uniform Law on Notarial Acts; and two other offices commissioned to provide notarial-like services out of state (Commissioners Of Deeds) and in state (Commissioned Abstracters). The statutes and the Index both provide cross-references to other statutes where notaries are mentioned.

Nevada's Annotations to the statutes about notaries are sparse. Only one court case is listed, and it appears four times. In addition to these two cases, fifteen

31. See, e.g., id. § 73.015 (discussing affidavits in small claims actions); Id. § 111.265 (discussing authority to take acknowledgments); Id. § 53.010 (dealing with affidavits); Id. § 171.102 (dealing with criminal complaints); Id. § 281.030, § 281.250 (dealing with authority to administer oaths); Id. § 281.180 (addressing the requirement that notaries keep records of official acts); N.R.C.P. 28(a) (noting the rule of civil procedure dealing with persons before whom depositions may be taken); J.C.R.C.P. 28(a) (examining the rule of criminal procedure dealing with persons whom depositions may be taken).
33. State ex rel. Summerfield v. Clark, 31 P. 545 (Nev. 1892).
attorney general opinions are also identified. The most recent opinion is dated 1985, and states that a notary is prohibited from notarizing an instrument involved in a transaction from which he will or expects to receive a direct financial benefit in excess of the authorized notarial fee. The earliest attorney general opinion goes back to 1905 and states that "county officers are justified in refusing payment of notary fees exceeding statutory amount.

d. Vernon's Texas Codes Annotated
Publisher: West Group, St. Paul, Minnesota
Phone: (800) 328-4880
Library of Congress call #: KFT 1230.5.V4 A37

The two-volume paperback General Index to Vernon's Texas Statutes and Codes Annotated contains a full page listing of subheadings under the heading "Notaries Public," including a citation to the Texas Constitution. Article IV of the Texas Constitution provides:

Sec. 26. (a) The Secretary of State shall appoint a convenient number of Notaries Public for the state who shall perform such duties as now are or may be prescribed by law. The qualifications of Notaries Public shall be prescribed by law.

(b) The terms of office of Notaries Public shall be not less than two years nor more than four years as provided by law.

Most Texas statutory law is divided into broad topics or codes. Texas notary laws are codified in Chapter 406 of the Government Code. The volume was published in 1998 and does not contain a pocket part. The Library References direct readers again to specific sections of the C.J.S. The notes also alert readers to appropriate key numbers which we will use later to find court

34. NEV. REV. STAT. § 240.010 to § 240.320 (1997).
37. TEX. CODE ANN. General Index L to Z (West 1998).
38. TEX. CONST. art. IV., § 26.
39. TEX. GOV'T CODE ANN. § 406.001 to § 406.055 (West 1998). The chapter has 31 sections entitled: Appointments; Term; Jurisdiction; Eligibility; Appointment Procedure- statement; Qualification; Fees Paid to Secretary of State; Commission, Notary Materials; Rejection of Appointment, Suspension or Revocation of Commission; Bond, Oath; Reappointment; Inspection of Records; Seal; Notary Records; Copies Certified by County Clerk; Authority; Signing Document for Individual With Disability; Representation as Attorney; Removal From Office; Change of Address; Removal From State; Removal From Precinct; Effect of Vacancy; Administration and Enforcement; Fees Charged by Notary Public; Signature on Commissions After Change in Office; Appointment; Term; Oath; Seal; Authority. Id.
41. West Group uses key numbers to group similar cases together.
cases. The key numbers all appear under the topic "Notaries," which is Westlaw\textsuperscript{42} topic number 276. The Notes of Decisions following several of the sections listed the United States Supreme Court case \textit{Bernal v. Fainter}.\textsuperscript{43} \textit{Bernal} held that Texas could not require notaries to be United States citizens.\textsuperscript{44} Code section 406.016, which sets out the authority of notaries, generated more cases than any other section.\textsuperscript{45} Under this section, the Notes of Decisions are divided into ten categories.\textsuperscript{46}

While there was no pocket supplement to the Code volume containing the notary statutes, most states have interim session law services that may be more current than the pocket parts. These paperback, and often slim and flimsy, volumes will no doubt disappear before long. More and more states are publishing legislative materials on the web, and there will continue to be less of a need to update statutes more frequently than beyond the annual pocket supplements. Even the cover of the \textit{Vernon's Texas Session Law Service} pamphlet contains a box that alerts researchers to use the TX-LEGIS database on Westlaw to update Texas State legislation.\textsuperscript{47}

The four state codes sampled above illustrate the indexing and notes a researcher will typically encounter as he or she searches state codes. It is now time to turn our attention to finding federal legislation.

2. \textit{Federal Codes}

Federal statutes appear in print in three places. The official version is the \textit{United States Code (U.S.C.)} and the two annotated versions are \textit{United States Code Annotated (U.S.C.A.)} and \textit{United States Code Service (U.S.C.S.)}. All three sets use identical citations. The official code is cited by title number followed by \textit{U.S.C.}, a section symbol and a section number. Title 30, Section 31 of the \textit{U.S.C.}, for example, gives notaries the authority to administer oaths for adverse claimants of mining lands.\textsuperscript{48}

One advantage of using either of the two commercial sets is easier updating. Cumulative annual supplements are filed in the back of each volume or in separate paper supplements shelved next to the bound volumes. Subscriptions to both sets also include monthly paperback supplements. The official version in comparison is slow to appear, and is augmented with annual

\textsuperscript{42} Westlaw is West Group's electronic research service. For further discussion of electronic research services, see infra Part II.B.
\textsuperscript{43} 467 U.S. 216 (1984).
\textsuperscript{44} \textit{Id.} at 228.
\textsuperscript{45} TEX. GOV'T CODE ANN. § 406.016 (West 1998).
\textsuperscript{46} \textit{Id.}
\textsuperscript{47} 1999 TEX. SESS. LAW SERV. at front cover (West).
supplements that do not cumulate, and that appear in libraries at glacial speed. While finalizing this pathfinder in spring 1999, for example, just two volumes of Supplement III, the supplement for 1997, had arrived in the library; the latest arrived February 12, 1999. Another great advantage to the commercial versions is the publisher's comments and Annotations. The official code gives the law and historical notes, but commercial vendors augment the statutes with notes on case law, regulations, law review articles and books.

a. United States Code
Phone #: (202) 512-1800

The U.S.C. is reissued every six years, the current edition being 1994. The multi-volume General Index lists the topics "Notary Public" and "Notaries Public Expense Act of 1955." The Notary Public Expense Act is codified at Title 5, Government Organization and Employees, Section 5945. It provides:

[an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia who is required to serve as a notary public in connection with the performance of official business is entitled to an allowance, established by the agency concerned, not in excess of the expense required to obtain the commission. Funds available to an agency concerned for personal services or general administrative expenses are available to carry out this section.]

The Index identifies twenty-nine statutes under the topic "Notary Public." Under each of these code sections, the U.S.C. gives only a history of the enactment and any amendments. The commercial codes offer a bit more information, and will be discussed later.

b. United States Code Annotated
Publisher: West Publishing Co., St. Paul, Minnesota
Phone: (800) 328-4880

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West Group's General Index to U.S.C.A. is broken into six paper-backed volumes. The term “Notary Public” is listed, as well as the “Notaries Public Expense Act of 1955.” In fact, the entire listing of entries under those two topics is identical to the U.S.C.'s General Index. One index entry in Title 33 empowers officers of the National Oceanic and Atmospheric Administration to act as notaries. Section 875 of that title provides:

[i]n places where the National Oceanic and Atmospheric Administration is serving which are not within the jurisdiction of any one of the States of the continental United States, excluding Alaska, commanding officers of National Oceanic and Atmospheric Administration vessels, and such other officers of the National Oceanic and Atmospheric Administration as the Secretary of Commerce may designate, may exercise the general powers of the notary public in the administration of oaths for the execution, acknowledgment, and attestation of instruments and papers, and the performance of all other notarial acts. The powers hereby conferred shall be limited to acts performed in behalf of the personnel of the National Oceanic and Atmospheric Administration or in connection with the proper execution of the functions of that agency.

The notes following show that the statute became law in 1956, giving the citations to the first act and subsequent recommendations. Those familiar with the law know that updating is crucial, and those unfamiliar with the law should seek the advice of an attorney before relying on any statute, case or regulation. The notes also contain a citation to West's Federal Forms topic “Jurat” where copies of jurats can be found. The volume containing Title 33 U.S.C.A. was published in 1986; the 1997 pocket supplement provides no additional information or citations pertaining to Title 33.

c. United States Code Service
Publisher: Lexis Law Publishing, Charlottesville, Virginia
Phone: (800) 562-1197

54. Id.
55. This pathfinder does not delve into the legislative history of the laws, nor does it dwell upon finding the latest up-to-the-minute laws, regulations and statutes.
57. A jurat is a “[c]ertificate of officer or person before whom writing was sworn to. In common use term is employed to designate certificate of competent administering officer that writing was sworn to by person who signed it. The clause written at the foot of an affidavit, stating when, where and before whom such affidavit was sworn.” BLACK'S LAW DICTIONARY 852 (6th ed. 1990).
The General Index to the U.S.C.S. is not as robust as the others. In less than one third of a page, it contains only sixteen entries. The Notaries Public Expense Act is one of these entries, along with the Military Justice Code. The Uniform Military Justice Code establishes who has authority to administer oaths and to act as notaries:

(a) The following persons on active duty or performing inactive-duty training may administer oaths for the purposes of military administration, including military justice:

(1) All judge advocates.

(2) All summary courts-martial.

(3) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(4) All commanding officers of the Navy, Marine Corps, and Coast Guard.

(5) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.

(6) All other persons designated by regulations of the armed forces or by statute.

(a) The following persons on active duty or performing inactive-duty training may administer oaths necessary in the performance of their duties:

(1) The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial.

(2) The president and the counsel for the court of any court of inquiry.

(3) All officers designated to take a deposition.

(4) All persons detailed to conduct an investigation.

(5) All recruiting officers.


(6) All other persons designated by regulations of the armed forces or by statute.\textsuperscript{60}

The text of the law printed in the main volume is outdated, since the volume was published in 1985 and Section 936 was last amended in 1990.\textsuperscript{61} Researchers would only learn about the update by using the pocket supplement in the back of the volume. The pocket part arrived in the library in June 1998. If we needed to find the latest amendment, we would follow the citation given to us in the notes, Public Law No. 101-510, which then would tell us that the amendment was part of the 510th public law to come out of the 101st Congress.\textsuperscript{62}

d. Statutes At Large
Phone: (888) 293-6498
Library of Congress call #: KF50 .U52

e. United States Code, Congressional, and Administrative News
Publisher: West Publishing Co., St. Paul, Minnesota
Phone: (800) 328-4880
Library of Congress call #: KF48 .U54

United States Statutes at Large is the first place that congressional acts are published after appearing as slip laws. It is published by the U.S. Government Printing Office and its commercial cousin, United States Code, Congressional, and Administrative News (USCCAN) (pronounced “you-scan”) is published by West Group. Both are rich sources of information about the laws as they pass in the United States Congress. Statutes at Large is the official version of federal laws, and until specific titles have been enacted in their entirety, the U.S.C., U.S.C.A. and U.S.C.S. are only prima facie evidence of the law.\textsuperscript{63} Statutes at Large gives marginalia to show how complex laws are divided up among the fifty titles of the U.S.C., and it shows bill numbers and dates to help researchers explore legislative history. In other words, the U.S.C. explores the “sausage-making” part of the statutory process which no one “should ever watch being made.”\textsuperscript{64}

\textsuperscript{60} 10 U.S.C.S. § 936 (Law. Co-op. 1998).
\textsuperscript{61} Id.
\textsuperscript{64} The quote in its entirety, “[i]f you like laws and sausages, you should never watch either one being made,” is widely attributed to Otto Von
The commercial version, USCCAN, not only reprints the public laws, but also reprints selective House and Senate Committee reports to give a sense of what went on during the "sausage" making. USCCAN uses the same pagination as Statutes at Large to facilitate locating the laws. It then lists what U.S. House or Senate reports are reprinted within its volumes and where. There are other sources of legislative history, such as a microfiche set of documents published and indexed by Congressional Information Service, Nancy Johnson's Sources of Compiled Legislative Histories or Bernard Reams' Federal Legislative Histories. This pathfinder only briefly mentions such tools: first, because so little of notarial practice is federal in nature, and second, because researching state legislative histories would require fifty individual pathfinders. Let us continue searching ways to find current laws.

Several useful tools exist to help researchers identify statutes without going state-by-state through the various codes. One favorite is Carol Boast's and Cheryl Nyberg's Subject Compilations of State Laws.

f. Subject Compilations Of State Laws
Publisher: Carol Boast and Cheryl Rae Nyberg, Twin Falls, Idaho
Phone: (208) 734-8349
Internet: carolr@cyberhighway.net
Library of Congress Call #: KF 1 .N93

Subject Compilations was originally prepared by Lynn Foster and Carol Boast, and published by Greenwood Press covering 1960-79. Subject Compilations is now published annually, with the latest edition covering 1996-97. The two subject headings chosen by the Library of Congress to help identify this set are: "Law-United States-States-Bibliography," and "Legal-research-United States-States." The original preface sums up the usefulness of the work.

Bismarck. RESPECTFULLY QUOTED 190 (Suzy Platt ed., Congressional Reference Division 1989).

65. The documents are microformed on CIS (Congressional Info. Serv.).
69. Id. at title page.
This book grew out of the frustration of being asked simple-sounding questions and having to give long, involved answers. Every week at least one person approaches the reference desk . . . and asks, "What are all the states' laws on ________?" Whether the patron needs really current information straight from the primary sources or could do with a somewhat out-of-date list of citations or summaries, or a table compiled by someone else, the ensuing instructions on how to do the search are lengthy and complicated, and the search itself can take several days. Frequently adding to the frustration are the feeling that a compilation on the patron's topic has been done and even published, and the knowledge that present cataloging and indexing practices leave most compilations buried.

To save ourselves and patrons time and tedium, a pile was started (scraps of paper with citations scribbled on them and thrown in a drawer), and those of us who examined new books and government documents kept an eye out for the treasured but elusive compilations. Anyone who has gathered information in this way can well appreciate how quickly the pile grew. It soon required some arranging in a box; then it became a file, and the vague feeling that a relevant compilation had been done could be verified. We enjoyed watching patrons who were thrilled by the time they could save with our scraps of paper . . . .

The original Guide was listed alphabetically by topic, and each entry had a unique identification number. The topic "Notaries Public" produced five entries and two "see also" references. The latest volume of Subject Compilations only has three entries (numbered 3175.01, .02 and .03), two of which we have seen before. We first ran into these journal articles when they appeared in the notes to West's Smith-Hurd Illinois Compiled

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71. Id. 69-422.
72. The five compilations noted were: Comparison of State Notary Provisions, THE NATIONAL NOTARY, May 1999, at 23; WESLEY, GILMER, JR., ANDERSON'S MANUAL FOR NOTARIES PUBLIC (5th ed. 1976); LAWRENCE G. GREEN, LAW OF NOTARIES PUBLIC (2d rev. ed. 1967); Guide to Notary Fees, THE NATIONAL NOTARY, May 1999, at 22; RAYMOND C. ROTHMAN, CUSTOMS AND PRACTICES OF NOTARIES PUBLIC AND DIGEST OF NOTARY LAWS IN THE UNITED STATES (1968). The two see also references were to generic research tools, MARTINDALE-HUBBELL LAW DIRECTORY and HENRY BAILEY, ENCYCLOPEDIA OF COMMERCIAL LAWS (John R. Fonseca ed., 1971). MARTINDALE-HUBBELL can be found in law school and large firm libraries. It is primarily a national listing of practicing lawyers, but also contains brief discussions of state laws. "Notaries Public" would be the topic to look under in the MARTINDALE-HUBBELL digest volumes. The Encyclopedia of Commercial Laws is a useful but expensive tool, and therefore, not all libraries carry it.
73. Closen & Richards supra note 25, at 703-58; Gnoffo supra note 26, at 1063-97.
Statutes Annotated. The last entry refers us to our first website: How to Become a Notary. Several of the compilations over time refer researchers to the topic “Occupations” which only has one or more entries listed.

The latest Subject Compilations contained a see also reference to the topic “Living Wills.” Upon turning to the entry, it is not immediately clear why the researcher is sent there because there is no mention of notaries public. Perhaps we should assume that living wills and right to die statutes might include provisions of having the wills notarized, or otherwise properly authorized.

Another tool frequently used to identify state statutes by topic is Richard Leiter’s National Survey of State Laws.

g. National Survey Of State Laws
Publisher: Gale Group, Detroit, New York, Toronto and London
Editor: Richard A. Leiter
Phone: (800) 877-GALE
Internet: www.galegroup.com

Experienced researchers know that the research path meanders about and sometimes provides dead ends. Unfortunately, Leiter’s National Survey of State Laws is one such wrong turn on this topic. While quite useful at the reference desk for many other purposes, information about notaries public is not among them. The Table of Contents divides the entries among several topics, including “Business and Consumer Laws,” and “General Civil Laws,” but notaries were not mentioned in either of these two sections.

Many state statutes borrow or adopt provisions for model acts or uniform laws, so called because they are touted either as being model acts for jurisdictions to adopt, or a manner in which to adopt uniform laws across the country. Model laws appear in paper, often printed by interested groups, and can be found in library catalogs using the same search strategies that a researcher would use to find any book on a given subject. Uniform Laws, however, are gathered in print in the Uniform Laws Annotated (ULA) and are discussed in the following section.

74. See discussion supra Part II.A.1.b.
76. NYBERG & BOAST, supra note 68, at 178.
77. Id. at 157-59.
79. Id. at vii.
h. Uniform Laws Annotated
Publisher: West Publishing Co., St. Paul, Minnesota
Phone: (800) 328-4880
Library of Congress call #: KF165 .A5

ULA is available in print, as well as on Westlaw in the ULA database. Searching ULA, either in print, or on Westlaw, identifies several uniform acts, including the Uniform Acknowledgment Act. A second Uniform Law to note is the Uniform Facsimile Signatures of Public Officials Act. Its prefatory note tells us that

The Investment Bankers Association likewise has urged the passage of acts in various states permitting the use of facsimile signatures by imprint, engraving or by some other mechanical means. When this act came into the Conference, it was determined, as a matter of policy, that the act should be broadened in its scope to include not only the issuance of securities, such as bonds, by the states, permitting the use of facsimile signatures, but should also be broadened to cover checks, drafts, and warrants issued by the states, as well as by all of the political subdivisions of the states, counties, school districts, cities, etc.; hence the present draft of the act is all inclusive and, if adopted, would permit the use of facsimile signatures by the various disbursing and fiscal officers of the governmental units and agencies involved. It would be a tremendous time saver in the operation of these various state offices. The act makes it a felony to copy or improperly use any facsimile signature or facility for making a facsimile signature.

The third Uniform Act identified, and undoubtedly the most

80. UNIFORM ACKNOWLEDGMENT ACT §§ 1-15, 12 U.L.A. 6-22 (1990). It contains the following 15 sections: Acknowledgment of Instruments; Acknowledgment Within the State; Acknowledgment Within the United States; Acknowledgment Without the United States; Requisites of Acknowledgment; Acknowledgment by a Married Woman; Forms of Certificates; Execution of Certificate; Authentication of Acknowledgments; Acknowledgments Under Laws Of Other States; Acknowledgment by Persons Serving in or with the Armed Forces of the United States or their Dependents, within or without the United States; Acknowledgments Not Affected by this Act; Uniformity of Interpretation; Short Title; Time of Taking Effect. Id.

pertinent, is the *Uniform Law on Notarial Acts*.\(^2\) This Act is set out in its entirety to bring a sense of what one complete statute on notaries public might look like. Material appearing in square brackets ([ ]) indicates options for legislators.

Uniform Law On Notarial Acts

§ 1. Definitions.

As used in this [Act]:

(1) "Notarial act" means any act that a notary public of this State is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

(2) "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

(3) "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.

(4) "In a representative capacity" means:

(i) for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;

(ii) as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;

(iii) as an attorney in fact for a principal; or

(iv) in any other capacity as an authorized representative of another.

(5) "Notarial officer" means a notary public or other officer authorized to perform notarial acts.


(a) In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making

the acknowledgment is the person whose true signature is on the instrument.

(b) In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

(c) In witnessing or attesting a signature the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

(d) In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

(e) In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in [Section 3-509, Uniform Commercial Code].

(f) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person (i) is personally known to the notarial officer, (ii) is identified upon the oath or affirmation of a credible witness personally known to the notarial officer or (iii) is identified on the basis of identification documents.

§ 3. Notarial Acts in This State.

(a) A notarial act may be performed within this state by the following persons:

   (1) a notary public of this State,
   (2) a judge, clerk or deputy clerk of any court of this State,
   (3) a person licensed to practice law in this State,
   (4) a person authorized by the law of this State to administer oaths,
   (5) any other person authorized to perform the specific act by the law of this State.

(b) Notarial acts performed within this State under federal authority as provided in section 5 have the same effect as if performed by a notarial officer of this State.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the

(a) A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State, if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:

(1) a notary public of that jurisdiction;

(2) a judge, clerk, or deputy clerk of a court of that jurisdiction; or

(3) any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in section 5 have the same effect as if performed by a notarial officer of this State.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(d) The signature and indicated title of an officer listed in subsection (a)(1) or (a)(2) conclusively establish the authority of a holder of that title to perform a notarial act.


(a) A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed anywhere by any of the following persons under authority granted by the law of the United States:

(1) a judge, clerk, or deputy clerk of a court;

(2) a commissioned officer on active duty in the military service of the United States;

(3) an officer of the foreign service or consular officer of the United States; or

(4) any other person authorized by federal law to perform notarial acts.

(b) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
(c) The signature and indicated title of an officer listed in subsection (a)(1), (a)(2), or (a)(3) conclusively establish the authority of a holder of that title to perform a notarial act.


(a) A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:

(1) a notary public or notary;

(2) a judge, clerk, or deputy clerk of a court of record; or

(3) any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) An "Apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(c) A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

(d) An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

(e) An official stamp or seal of an officer listed in subsection (a)(1) or (a)(2) is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

(f) If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.


(a) A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if
any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) and it:

(1) is in the short form set forth in Section 8;

(2) is in a form otherwise prescribed by the law of this State;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by Section 2.

§ 8. Short Forms.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by Section 7(a):

(1) For an acknowledgment in an individual capacity:

State of __________________________
(County) of __________________________

This instrument was acknowledged before me on ___(date)___ by (name(s) of person(s))

____________________________
(Signature of notarial officer)

(Seal, if any)

____________________________
Title (and Rank)
[My commission expires: ___]

(2) For an acknowledgment in a representative capacity:

State of __________________________
(County) of __________________________

This instrument was acknowledged before me on ___(date)___ by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed.)

____________________________
(Signature of notarial officer)

(Seal, if any)
(3) For a verification upon oath or affirmation:

State of __________________________
(County) of __________________________

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

________________________________________
(Signature of notarial officer)

(Seal, if any)

(4) For witnessing or attesting a signature:

State of __________________________
(County) of __________________________

Signed or attested before me on (date) by (name(s) of person(s)).

________________________________________
(Signature of notarial officer)

(Seal, if any)

(5) For attestation of a copy of a document:

State of __________________________
(County) of __________________________

I certify that this is a true and correct copy of a document in the possession of __________________________.
Dated __________________________

________________________________________
(Signature of notarial officer)

(Seal, if any)


This [Act] applies to notarial acts performed on or after its effective date.
§ 10. Uniformity of Application and Construction.

This [Act] shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this [Act] among states enacting it.

§ 11. Short Title.

This [Act] may be cited as the Uniform Law on Notarial Acts.

§ 12. Repeals.

The following acts and parts of acts are repealed:

(1) [The Uniform Acknowledgment Act (As Amended)]

(2) [The Uniform Recognition of Acknowledgments Act]

(3) 


This [Act] takes effect _______.

Another Uniform Law is the Uniform Recognition of Acknowledgments Act. It too, is sought to be repealed by the Uniform Law on Notarial Acts.

The Model Notary Act was published in 1984 by the National Notary Association. It is more comprehensive than the Uniform Law on Notarial Acts. The Preface to the Model Notary Act addresses its need:

[b]ecause the original justification for differing notarial laws has long since disappeared in our highly integrated and interdependent national society, there is a need to modernize and make uniform the various state codes for notaries.

Responding to this need is the Model Notary Act (MNA), a revision of the Uniform Notary Act (UNA), which was drafted in 1973 by a national committee of officials and attorneys, with the assistance of Yale Law School. The MNA, a prototype for modernizing and standardizing diverse notarial laws, is a resource for lawmakers seeking to draft effective statutes that are in step with modern commerce.

Following the UNA, the first model for revising antiquated notarial laws, the MNA further heightens protection for the public by

83. For further discussion, see UNIFORM FACSIMILE SIGNATURES OF PUBLIC OFFICIALS ACT §§ 1-9, 13 U.L.A. 251-59 (1986).
86. § 1-101 to § 8-102 (National Notary Ass’n 1984).
reflecting the most modern techniques for detecting and deterring fraud, whether in screening applicants for a commission or in performing a notarial act.

The MNA, like its predecessor, is a comprehensive draft of legislation that encompasses all important facets of regulating notaries and executing notarial acts. Significantly, it addresses vital matters not often covered in existing notarial statutes, including revocation and suspension powers, record keeping, and seals.

Special care was devoted to the language of the MNA, which is modern, simple English. Whenever possible, legalistic terms and phrases were eliminated. Care was also taken to use pronouns applicable to both male and female genders.

Both in content and format, the MNA was designed to assist state legislators and other officials in drafting modern, understandable, and, above all workable notarial laws.

This concludes our foray into locating pertinent state and federal legislation pertaining to notaries. Let's now turn to electronic resources.

B. Electronic Sources For State and Federal Statutes

Electronic versions of many state codes are available today on compact discs and through dedicated databases. This Section will only explore Internet resources, since compact disc technology on the cusp of the new century is like the eight-track tape technology of a quarter century ago. Since the Internet is more accessible and cost efficient than compact discs, publishing will increasingly go to the web. State governments that mount their statutes, regulations and cases, for example, go directly to the net. Three major commercial Internet sources for statutes are Lexis-Nexis, Westlaw and Law Office Information Services (LOIS). Each of the three companies also offer compact discs, and law school libraries are likely to at least have the resident state's compact disc.

88. Publisher: Lexis-Nexis, Miamisburg, OH
   Phone: (800) 227-9597
   Internet: www.lexis-nexis.com
89. Publisher: Westlaw, St. Paul, Minnesota
   Phone: (800) 937-8529
   Internet: www.westlaw.com
90. Publisher: LOIS, Van Buren, AR
   Phone: (800) 364-2512
   Internet: http://www.loislaw.com
1. Law Office Information Services

Law Office Information Services (LOIS) was started in Van Buren, Arkansas by an attorney who was annoyed at the high prices of legal information and the take-it-or-leave-it attitude of the prominent publishers.\(^9\) He decided to do something about the prices.\(^9\) Now in its third iteration, that “something” is LOIS. LOIS operates as a personnel gatherer or it can create digital copies of the law and make them available for a fee to subscribers. For years, the service was available only on compact discs, but today it is also available on the Internet.

LOIS has two methods of searching: (1) Classic LOIS Law; and (2) Enhanced LOIS Law. We will explore Enhanced LOIS Law, since the word from Van Buren is that the Classic version will become obsolete during 1999. LOIS does not yet contain the statutes from all fifty states, but it is on schedule to have them by July 1999. The codes available on LOIS are unannotated; the codes contain what the state legislatures enacted, but there are no additional notes or commentary.

To begin searching LOIS on the web, researchers need access to the web, a browser such as Netscape and a password to the site. Passwords can be obtained for as much or as little of the product as is needed. The pricing given on the web in spring 1999 was as follows.

All Libraries: For $2,595 per year, you have unlimited access to all LOIS state and federal libraries. As we add new libraries, you will automatically gain access to them.

Your State and Your Federal: For $1,195 per year, you have unlimited access to all LOIS libraries for your state, plus your Federal Circuit, the U.S. Reports and the U.S. Code.

Your State: For $500 to $700 per year, you have unlimited access to all LOIS libraries for your state.

State Statutes and Regulations: For $300 per year, you have unlimited access to your state Statutes, Acts, and Regulations.

All Federal Libraries: For $1,995 per year, you have unlimited access to all LOIS federal libraries.

CFR and FR: For $995 per year, you have unlimited access to all LOIS Code of Federal Regulations libraries.


\(^{92}\) Id.
CLE Bar Books: For $600 per year, you have unlimited access to your state's Bar Libraries.\textsuperscript{93}

LOIS offers a four-step process to search its databases. The first step is to select a library. The researcher may choose a library based upon either the type of law being sought or by jurisdiction. Since we are exploring statutory materials on notaries public, I chose Type of Law, and from the subsequent list of five options, I chose Statutes.\textsuperscript{94} At this point a researcher can choose one or more statutes to search. LOIS calls each state statute subsection a book. I chose three books: Tennessee, Missouri and Arizona. I then continued to the second step: construct a search. I asked LOIS to search all parts of the documents (all fields) for the term "notaries public." The result was forty-six hits.

Some of the results, as you will see below, only mention notaries public, while others are right on point. This is because our search was quite broad. LOIS displays at least a paragraph of each section and provides a hypertext link to the complete text. Steps three and four in the LOIS research methodology are to evaluate the results and to view the documents in their entirety. At this point, we will review a few of the results and then narrow our search. The first results from Tennessee, which is Section 18-6-114, addresses who may give oaths and take affidavits:

\begin{quote}
(a)(1) The county clerks are authorized and empowered to take affidavits and administer oaths for general purposes to the same extent as judges of the courts of general sessions and notaries public.

(2) They shall attest the same under their official seals or the seals of their respective courts.
\end{quote}

(b)(1) As compensation for their services in taking any such affidavit or oath and so attesting the same, they shall be entitled to receive the sum of twenty-five cents (25 cents), to be paid by the party whose affidavit or oath is so taken.

\textsuperscript{93} \textit{Products & Pricing} (visited July 6, 1999) <http://www.loislaw.com/Doors.html>. Lexis-Nexis and Westlaw have modified their pricing structures in recent years, and now offer more pricing options as well. However, their prices are steeper and harder to estimate unless one is willing to sign up for the services. Westlaw did quote a flat rate pricing for solo practitioners in Arkansas at $160 per month for up to three attorneys. This would include Arkansas cases, statutes and special materials. Lexis-Nexis did not quote a price.

\textsuperscript{94} The five options are: Statutes/Codes and Legislative Acts; Administrative Rules or Regulations; Case Law; Attorney General Opinions; Jury Instructions. \textit{Choose A Type of Law} <http://www.loislaw.com/Doors.html>.
(2) This section shall not affect the fees provided by law for such clerks incident to their duties in their respective courts.\textsuperscript{95}

Section 8-18-106 includes notaries in a litany of commissioned officers:

[t]he following officers are commissioned, namely: senators and representatives in congress, judges of the several courts, the district attorney general of each district, judges of courts of general sessions and notaries public, and the executive officers of the state, except the governor.\textsuperscript{96}

Section 8-16-309 addresses depositions taken by notaries in other states:

[a] notary public, duly and lawfully commissioned by the proper authorities of another state and empowered by the law of such state to take depositions, is authorized to take depositions to be used in the courts of this state, upon the same terms that are provided for the taking of depositions by other officials in such states. But the certificate of such notary shall show the date of the commencement and expiration of the Commission under which the notary may be acting.\textsuperscript{97}

Section 8-16-303 addresses how the expiration date of commissions must be indicated on instruments:

(a) All notaries public within this state are required to have written, stamped, or printed on every certificate of acknowledgment, officially attached and affixed to any instrument, the true date of the expiration of their several commissions, when the same is attached and affixed to the instrument; provided, that the failure so to do shall not render void or invalidate such certificate of acknowledgment, but shall subject such notary public to the penalty below prescribed.\textsuperscript{98}

Qualifications of Tennessee notaries are addressed in Section 8-16-201:

[a] notary public who has been duly elected by the county legislative body of any county and who has otherwise qualified shall be issued a certificate authorizing that notary public to exercise the functions of a notary public in all the counties in Tennessee. The notary at large shall pay in to the secretary of state a fee of two dollars ($2.00) for such certificate and the name of the notary at large shall be registered in a book kept in the office of the secretary of state for that purpose. The fees so collected by the secretary of state shall go into the same fund and be used for the same purposes that other fees in connection with the qualification of notaries public are

\textsuperscript{95} TENN. CODE ANN. § 8-16-114 (1998).
\textsuperscript{96} Id. § 8-18-106.
\textsuperscript{97} Id. § 8-16-309.
\textsuperscript{98} Id. § 8-16-303.
used.99

Section 8-16-103 sets the Tennessee notary’s term at four years:

[t]he term of office of notaries public shall be four (4) years, such term to begin on the date of the issuance of their commissions by the governor.100

Arizona Code 41-324 provides an exemption for court reporters:

A. Court reporters who administer oaths and affirmations in judicial proceedings are exempt from the provisions of this chapter other than section 41-315. Court reporters who are commissioned as notaries and who perform notarial acts outside of judicial proceedings are subject to all provisions of this chapter and of other laws of this state that regulate notaries public.

B. A court reporter who prepares a transcript of a judicial proceeding shall attach a certificate page to the transcript. On the certification page, the court reporter shall attest to the fact that the reporter administered an oath or affirmation to each witness whose testimony appears in the transcript.

C. An affidavit of nonappearance that is prepared by a court reporter does not need to be witnessed by a notary.101

Section 41-316 establishes fees:

Notaries public may receive the following fees:

1. For acknowledgments, no more than two dollars per signature.

2. For oaths and affirmations without a signature, no more than two dollars.

4. For certified copies, no more than two dollars per page certified.102

The above entry might catch the reader’s eye because of the omission of the third item in the list. When I compared the section as it appears on Lexis-Nexis, I found that Lexis provided the missing part of the section:

3. For jurat, no more than two dollars per signature.103

Like Tennessee, Arizona establishes appointments, terms,
oaths, and bonds; Section 41-312(B) comprises this, by providing:

B. The secretary of state shall transmit the commission of the person appointed as notary public to the clerk of the superior court in the county for which the notary was appointed. The clerk shall give notice thereof to the person appointed, who shall, within twenty days after receiving such notice, take the oath prescribed by law, and give a bond to the state, with sureties approved by the clerk, in the amount of five thousand dollars, and file it with the clerk. Upon filing the official oath and bond the clerk shall deliver the commission to such person, and give notice to the secretary of state of the time and filing of the oath and bond.104

Similar to Tennessee, Arizona addresses the recognition of notarial acts performed out of state in Section 33-501, which provides:

[for the purposes of this article, “notarial acts” means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state....]105

Section 12-2222 lists notaries among the officers authorized to administer oaths:

every executive and judicial officer, clerk or deputy clerk of courts of record, those clerks of a justice or municipal court as authorized by the court and all notaries public may administer and certify oaths required to be administered or taken under any law of this state. Other officers or deputies may administer oaths which pertain to the duties of their office.106

Missouri statutes, specifically Section 492.010 (addressing who may administer oaths) showed up in the search as well:

ev[e]ry court and judge, justice and clerk thereof, notaries public, certified court reporters and certified shorthand reporters, shall respectively have power to administer oaths and affirmations to witnesses and others concerning any thing or proceeding pending [FN1] before them, respectively, and to administer oaths and take affidavits and depositions within their respective jurisdictions, in all cases where oaths and affirmations are required by law to be taken.107

104. Id. § 41-312.
105. Id. § 33-501.
106. ARIZ. REV. STAT. ANN. § 12-2222 (West 1999).
Clicking on the hypertext link to the full statute reveals the text of the footnote, indicated by [FN1]. There we learn that the word “depending” appears in original rolls, apparently a typographical error. Section 486.205 of the Missouri Statutes address how notaries are appointed. This time, the footnote explanation appears with the original snippet:

[u]pon application, the secretary of state may appoint and commission individual persons as notaries public [FN1] in each of the several counties in this state. The secretary of state may not appoint and commission as a notary public any person who submits an application containing substantial and material misstatement or omission of fact. [FN1] Revisor’s note: Words “notary publics” appear in enrolled bill.108

The statutes noted above were found by conducting a broad search for the term “notaries public.” As a result, some of the statutes did mention notaries, but really did not pertain to them. In an attempt to lessen extraneous hits, we can narrow our search on LOIS. We’ll search Tennessee, Missouri and Arizona statutes, or books, as LOIS calls them, again, but this time we will narrow the search by searching just the statute number and heading portion of the laws. Ooops! Perhaps we were a bit too restrictive; LOIS only found three statutes on point, all from Tennessee.109 In fact, when I searched “notaries public” and “notarize” in all fields, LOIS found no documents. After three searches, I would keep the results from our first search and quickly review them. We may be including a few additional laws, but they can be culled more quickly than trying further to perfect the search. We found enough hits to direct us to the appropriate state statutes in each of the three jurisdictions.

Searching as we did, by type of law, we were given four options to search: Search All Fields; State Constitution; Statute Number/Heading; Statute Text. These four options were available when we search a State code by selecting jurisdiction first. However, additional options are also available to the researcher here: Search Entire Document; U.S. Constitution; Tennessee Constitution; Title Number/Heading; Article Number/Heading; Chapter Number/Heading; Part Number/Heading; Table of Contents; Statute Number/Heading; Statute Text; Statute History; Appendix Number/Heading. It is curious that researchers have more options to search when searching by jurisdiction, than when searching by type of law. When searching by jurisdiction, however, one cannot search several states at once, as we did when

108. Id. § 486.205.
109. Notaries public, TENN. CODE ANN. § 8-21-1201 (1998). “Depositions taken by notaries public of other states” may be found at id. § 8-16-309. “Notaries public holding commissions as of July 1, 1993” may be found at id. § 8-16-208.
we searched by type of law. The next section will look at Lexis-Nexis, Westlaw and a few other Internet resources.

2. Lexis-Nexis, Westlaw, & The Internet

Lexis-Nexis and Westlaw are traditional mainstays in electronic legal publishing. Instead of searching “books” as we did in LOIS, researchers scan databases in Westlaw and libraries and files in Lexis-Nexis. One great advantage of having these tremendous search engines migrate to the Internet is that they now let you use your own Internet browser. Until 1998, each service used its own proprietary software, and lessons learned in one did not always translate into learning the other. Now that Internet browsing software has leveled the field, the two behemoths can compete head-to-head on providing appropriate resources and pricing.

Both services provide access to all state codes, most of which are annotated, and allow researchers to construct traditional searches using “boolean logic connectors” or “natural language searches.” Both Lexis-Nexis and Westlaw are far more powerful than LOIS at this time. They have been in the business longer and have invested greater sums of money over a quarter of a century. One possible search, though usually impractical, on the two older services is a simultaneous scan through all fifty state statutes. I searched, “notaries public” through all fifty codes, constitutions, and court rules on Lexis-Nexis and received the following message.

This search has been interrupted because it will return more than 1000 results. Please edit your search request and try again. To edit your search request, use the back button on your browser to return to your search form.

Go back to the search form and modify the search request in 1 or more of the following ways:

$ Add more search terms.

$ Use less common search terms.

$ Use a more specific date.

When I searched “notaries public” and “notarized,” Lexis-Nexis found 245 documents, Westlaw found eighty-three in the annotated codes and forty-four in the unannotated codes. Lexis

110. For example, a query may be stated as “term and term” or “term /5 term.”

111. For example, a query may be stated as “what laws are there dealing with notaries public?”

delivered 119 more hits. For natural language searches I entered
the following in both search engines: “Find all the statutes dealing
with notaries public.” Lexis’ Freestyle suggests when to use a
natural language search.

The FREESTYLE feature works best when you

- Need to research general or conceptual issues, rather than very
  specific topics
- Don’t know much about an issue except for a few basic terms
- Are researching a complex issue and can’t construct an effective
  search using Boolean connectors
- Don’t feel comfortable writing Boolean search requests
- Want to supplement a Boolean search to ensure thorough
  results.  

Lexis’s Freestyle yielded 100 hits, Westlaw delivered the
default twenty hits in both the annotated (ST-ANN-ALL) and
unannotated (STAT-ALL) databases. One advantage to
researching in annotated codes, of course, is the serendipity of
finding research kernels. One such find nestled among the
Westlaw hits was a citation to an A.L.R. Annotation:
Admissibility, In Action Against Notary Public, Of Evidence As To
Usual Business Practice Of Notary Public Identifying Person
Seeking Certificate Of Acknowledgment.  

3. State Web Pages

Another place to look for state statutes dealing with notaries
public are on the individual state web pages on the Internet. Not
all states list their statutes, but many do. One example is the
Arkansas web page. The web page contains a link to the
Arkansas Code of 1987. One frame on the Code page lists the
Titles of the Arkansas Code, and we know from earlier, that Title
21, “Public Officers and Employees”, contains Arkansas’ notary
statutes. Indeed, when we click on Title 21, another window
containing a listing of Chapters within Title 21 appears. Chapter

113. This is taken from the natural language section of Lexis’ help screen.
The link is useless because it is temporary, but one can access it by going to
Lexis-Nexis Xchange <http://www.lexis.com/research> and clicking on the
FREESTYLE™ natural language link.
114. John D. Perovich, Annotation, Admissibility, In Action Against Notary
Public, of Evidence As To Usual Business Practice Of Notary Public Of
Identifying Person Seeking Certificate Of Acknowledgment, 59 A.L.R. 3D 1327
(1975).
14, "Notaries Public," is among those listed. Many law school libraries list state web pages. In addition, searches conducted on any of the popular web search engines such as Yahoo, Netscape, or Web Crawler will quickly yield appropriate state government pages.

III. CASE LAW

Cases at the Court of Appeals level and higher are usually located by using digests, which are index tools that identify cases according to subject matter. The idea is that once the appropriate topic is located, then all pertinent cases can be found within the same pigeon hole. The largest publisher of American case law is West Group, and it is the most familiar digest. The three different digests this section will explore are the United States Supreme Court Digest, Digest of United States Supreme Court Reports and American Law Reports (A.L.R.).

A. United States Supreme Court Digest

Publisher: West Publishing Co., St. Paul, Minnesota
Phone: (800) 328-4880
Library of Congress call #: KF 101.1 .W47

Digests, regardless of publisher, share common attributes. They have indexes that lead researchers to pertinent sections. They are arranged like encyclopedias, with alphabetical topics printed on the spines of the volumes. Volume 10A, published in 1984 and labeled Mortgages-Party Walls, contains one page devoted to the topic of "Notaries," but it does not list any cases. Subjects listed under the topic include: Notaries public; Their appointment, qualification, and tenure of office; Their rights, powers, duties, and liabilities in general. Subjects excluded and covered elsewhere include: Acknowledgment; Affidavits; Bills and notes. The topic "Notaries" is subdivided into ten additional sections, or key numbers, which

120. See generally BLACK'S LAW DICTIONARY 456 (6th ed. 1990) (defining digest as, "[a] collection of compilation, embodying the chief matter of numerous books, articles, court decisions, etc. in one, disposed under proper heads or titles, and usually by an alphabetical arrangement, for facility in reference").
121. See BLACK'S LAW DICTIONARY 1122 (6th ed. 1990) (defining party wall as, "[a] wall built partly on the land of one owner, and partly on the land of another, for the common benefit of both in supporting the construction of contiguous buildings . . . ").
is West Group's copyrighted term for their subject headings.\textsuperscript{123} In the slim, 21-page supplement, two cases are listed: one under key number two (Appointment, qualification, and tenure) and one under key number six (Acts and proceedings in general). The case listed under key number two, \textit{Bernal v. Fainter},\textsuperscript{124} is a familiar one which this pathfinder identified earlier under the section for state and federal codes (the \textit{Texas Code}).

Another case listed, \textit{United States v. Hall},\textsuperscript{125} held that a notary did not have the authority to administer an oath and to take and certify an affidavit of a deputy surveyor of the United States. It is curious that this 110-year-old case first shows up in the supplement to the volume published in 1984. The supplement also notes that in order to search by key number on Westlaw, we need to translate the topic "notaries" into the numerical value 276. For example, to find the Texas case mentioned above on Westlaw, we would search the United States Supreme Court case database (SCT) for topic 276, notaries, key number two. The resultant search would be 276k2.

Of all the subjects excluded and covered elsewhere listed under notaries, the topic "Acknowledgments" seems the most likely to yield cases. It appears in Volume two. Bingo! Subjects included are:

[formal declarations of the genuineness of an instrument in writing made by a person executing it, or proof of due execution of such an instrument, made by an attesting witness or other person, before a competent court or officer, to establish the validity of such instrument, or to entitle it to be admitted into evidence or to be recorded

\begin{itemize}
  \item Nature and necessity of making acknowledgment
  \item Making, taking, form, and requisites of such acknowledgments
  \item Form and requisites of certificates of acknowledgment
  \item Amendment of defects in certificates
\end{itemize}
Conclusiveness and effect of acknowledgments and of certificates of acknowledgment.\textsuperscript{126}

The topic "Acknowledgment" is broadly divided into four sections: Nature and Necessity,\textsuperscript{127} Taking and Certificate,\textsuperscript{128} Operation and Effect,\textsuperscript{129} Pleading and Evidence.\textsuperscript{130} Ninety-six entries appear on ten pages in the digest. No additional cases appear in the supplement. Two cases arose during the current century: four from the 1700's and the rest from the 1800's. The earliest case is \textit{Davey v. Turner},\textsuperscript{131} which appears under key number 37(1): Acknowledgments of married women. In \textit{Davey}, the Pennsylvania Supreme Court held valid a deed made by a woman and her husband, acknowledged by her before a judge.\textsuperscript{132}

The most recent case listed, \textit{United States v. Hiwassee Lumber Co.},\textsuperscript{133} held that deeds already registered when a curative statute was adopted could be cured. It was listed under key number 47: Curative statutes. A case handed down during the civil war listed under key number 22 (Ascertainment of identity of person making acknowledgment or proof) held that it was sufficient for a subscribing witness personally known by the officer (notary) to identify the grantor.\textsuperscript{134}

Another topic excluded from "Notaries," but perhaps pertinent, is "Affidavits." That topic appears in Volume 2, is broken into nineteen key numbers and lists a total of six cases, ranging from 1791 to 1939. No cases appeared in the supplement. The 1939 case, \textit{Rorick v. Devon Syndicate},\textsuperscript{135} is listed under key number 5: Authority to Take (Affidavits). The case held that affidavits were effective when sworn before a notary and attorney in the employ of the corporation of which the plaintiff was President, even though the cause of action alleged was personal to the plaintiff.\textsuperscript{136} Another case, \textit{United States v. Bailey},\textsuperscript{137} held that oaths and affidavits required by Congress may be administered by state officers empowered to administer oaths.

\textsuperscript{126} 2 U.S. SUP. CT. DIG. 70 (1998).
\textsuperscript{127} Key numbers 1-7. \textit{Id}.
\textsuperscript{128} Key numbers 8-48. \textit{Id}.
\textsuperscript{129} Key numbers 49-57. \textit{Id}.
\textsuperscript{130} Key numbers 58 to 62(4). \textit{Id}.
\textsuperscript{131} 1 U.S. 11 (Pa. 1764).
\textsuperscript{132} \textit{Id}. at 13.
\textsuperscript{133} 238 U.S. 553, 563 (1915).
\textsuperscript{134} Secrist v. Green, 70 U.S. 744, 750 (1865).
\textsuperscript{135} 307 U.S. 299 (1939).
\textsuperscript{136} \textit{Id}. at 304-07.
\textsuperscript{137} 34 U.S. 238, 246 (1835). See also United States v. Hall, 131 U.S. 50, 53 (1889) (holding that a notary is without authority to administer oath and take and certify affidavit of U.S. deputy surveyor). For further discussion, see \textit{supra} Part III.A.
B. *Digest of United States Supreme Court Reports Lawyer's Edition*

Publisher: Lexis Law Publishing, Charlottesville, Virginia  
Phone: (800) 446-3410  
Library of Congress call #: KF101.1 .L38

The Lawyers' Edition uses the singular "Notary," instead of West Group's plural, "Notaries," as the appropriate topic to search. The topic "Notary" appears in Volume 10A, which was published in 1998. On page 693, it is noted that the topic covers "the legal matters relating to notaries public, including their rights, powers, duties, liabilities, eligibility, appointment, tenure, and fees." Furthermore, "acknowledgments before notaries" is treated separately under the topic "Acknowledgments." Five cases are listed, including one of the two listed in West Group's digest. The most recent case, *Bernal v. Fainter*, holding that Texas may not require notaries to be citizens, does not appear under this topic. Using the Table of Cases, a standard feature of digests, we find that Lexis Law Publishing (LLP) placed *Bernal* under the topic "Constitutional law," Section 364, which deals generally with equal protection of the laws, discrimination, abridging immunities and privileges, etc. While the case does appear in one or more constitutional law case books used by law students, it is unfortunate that one of the few United States Supreme Court cases dealing with notaries public does not appear under the topic "Notaries" in the Digest.

Another standard feature of digests is an alphabetical topical index. The Index to West Group's digest differs from LLP's index. West Group's Index identifies various topic key numbers all within the topics "Acknowledgments" and "Notaries" for researchers to use. LLP's index points researchers to the topics of banks, bills and notes, evidence, and even specific court cases. Unfortunately, no case names were given. LLP listed only twenty-six entries in its index, while West Group listed thirty-one.

C. *American Law Reports*

Publisher: West Group St. Paul, Minnesota  
Phone: (800) 328-4880  

*A.L.R.* was the long time rival to West Group's reporters. Whereas West traditionally held that it was important to find all

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139. *Id.*  
140. *Hall*, 131 U.S. at 500.  
cases on point, its long time competitor, Lawyer's Cooperative Publishing Company (Lawyer's Co-op), felt that only selective cases were necessary. Lawyer's Co-op annotated selective cases, meaning they published selected opinions, and then produced thoroughly researched and well-written explanations of the legal issues involved in the case. If one can find an A.L.R. Annotation on point, then a great deal of research is already completed.

Thompson Publishing Company purchased both West Publishing Company and Lawyer's Co-op Publishing, so in a way, after more than one hundred years, West has embraced Lawyers Co-op's philosophy of selective reporting. The topic in A.L.R.'s digest for notaries is the singular, "notary," just as in the Lexis Law Publishing's Digest of United States Supreme Court Reports. The topic is further broken down into four sections: Generally; Eligibility, appointment, qualification, and tenure; Rights, powers, duties, and responsibilities; and Compensation, fees.

Under section one ("Generally"), several references are given to the legal encyclopedia, Am. Jur. In total, six Annotations are listed under section one. Most importantly, A.L.R. Annotation titles are almost brief summaries of the subject of the Annotations in and of themselves.

Perjury Conviction as Affected by Notary's Nonobservance of Formalities for Administration of Oath to Affiant

Admissibility, in Action Against Notary Public, of Evidence as to Usual Business Practice of Notary Public of Identifying Person Seeking Certificate of Acknowledgment.

Liability of Notary Public or His Bond for Negligence in Performance of Duties.

Disqualification of Attorney, Otherwise Qualified, to Take Oath or Acknowledgment from Client.

Measure of Damages for False or Incomplete Certificate by Notary Public.


142. 3 AM. JUR. 2D Affidavits §§ 11, 16 (1986); 58 AM. JUR. 2D Notaries Public §§ 1, 2, 4, 27-30, 33-37, 73 (1989); 58 AM. JUR. 2D Oath and Affirmation §§ 18, 19, 22-25 (1989); 60A AM. JUR. 2D Perjury §§ 1, 2, 4, 14 (1988).
144. Perovich, supra note 114, at 1327.
No Annotations were listed under section two ("Eligibility, appointment, qualification, and tenure"); just more citations to Am. Jur. One additional annotation was cited under section three: "Rights, powers, duties, and liabilities": Liability of Notary Public or His Bond for Willful or Deliberate Misconduct in Performance of Duties.\textsuperscript{149} In addition, three cases are cited: Transamerica Title Insurance Co. v. Green,\textsuperscript{150} Lewis v. Agricultural Insurance Co.,\textsuperscript{151} and Meyers v. Meyers.\textsuperscript{152}

Transamerica was the subject of the Annotation Liability of Notary Public or His Bond for Negligence in Performance of Duties; Lewis was the subject of Liability of Notary Public or His Bond for Willful or Deliberate Misconduct in Performance of Duties; and Meyers was the subject of Admissibility, in Action Against Notary Public, of Evidence as to Usual Business Practice of Notary Public of Identifying Person Seeking Certificate of Acknowledgment.\textsuperscript{153}

Section four ("Compensation, fees") did not list any additional cases or Annotations, and noting appeared in the 1998 Supplement. However, the supplement to 44 A.L.R. 3d was a gold mine of additional cases and Annotations. Section three of the Annotation (Liability of Notary Public or His Bond for Negligence in Performance of Duties) deals with a rule permitting recovery where the negligent act is the proximate cause of the plaintiff's loss. This section alone identifies seven additional cases: Common Wealth Insurance System, Inc. v. Kersten,\textsuperscript{154} Werner v. Werner,\textsuperscript{155} Peters v. Hyatt Legal Services,\textsuperscript{156} Bussman v. Krizoe,\textsuperscript{157} Succession of Killingsworth,\textsuperscript{158} Maloney v. Stone\textsuperscript{159} and Iselin-Jefferson

\textsuperscript{149} Perovich, supra note 145, at 1243 (1972). Actually, there were five Annotations listed. Three were cited earlier under section 1, and another is erroneous. It repeats the title of another annotation, but gives a wrong citation for it. See Notary, 7 A.L.R. DIGEST at 319 (1995) (Annotation, Liability of Notary Public or His Bond for Willful or Deliberate Misconduct In Performance of Duties, listed with two different citations).

\textsuperscript{150} 89 Cal. Rptr. 915 (Cal. Ct. App. 1970).

\textsuperscript{151} 82 Cal. Rptr. 509 (Cal. Ct. App. 1969).

\textsuperscript{152} 503 P.2d 59 (Wash. 1972).

\textsuperscript{153} Curiously, unlike the other two cases, Meyers was not noted as having been subject to an Annotation.

\textsuperscript{154} 115 Cal. Rptr. 653 (Cal. Ct. App. 1974) (holding that a notary who was negligent in notarizing a document, which was the proximate cause of injury, was liable for indemnification).

\textsuperscript{155} 526 P.2d 370 (Wash. 1974) (holding a notary will be liable when s/he does not take precautions to satisfy the identity of person signing).

\textsuperscript{156} 440 S.E.2d 222 (Ga. 1993) (holding that notary failed to perform her statutory duty with due care where it was undisputed that acknowledgment of service in prior divorce action was forged).

\textsuperscript{157} 520 N.E.2d 971 (Ill. App. Ct. 1988) (holding that a notary will be liable for certifying an acknowledgment by a person who the notary does not properly identify in accordance with the statutory requirements).

\textsuperscript{158} 270 So.2d 196 (La. Ct. App. 1972) (holding that heirs of notary were liable to legatees under a noncupative will which was invalid because not
Financial Co. v. United California Bank.\textsuperscript{160} Another topic on point in the A.L.R. Digest is "Acknowledgment."\textsuperscript{161} It has been further divided into twenty sections; it yields two additional Annotations and three new cases: Noncompliance with Statutory Requirements Concerning Form of Execution or Acknowledgments Affecting Validity or Enforceability of Written Antenuptial Agreement;\textsuperscript{162} Sufficiency of Testator's Acknowledgment of Signature From his Conduct and the Surrounding Circumstances;\textsuperscript{163} Thomas v. State;\textsuperscript{164} Midwest Federal Savings & Loan Association v. Kouba.\textsuperscript{165}

In addition to the Annotations, cases and Am. Jur. cites, the Digest repeatedly refers researchers to two form books: American Jurisprudence Pleading and Practice Forms\textsuperscript{166} and American Jurisprudence Legal Forms.\textsuperscript{167} Pleading and Practice uses the heading "Acknowledgments," while Legal Forms uses "Notaries public." Both are excellent sources for appropriate forms. These and other form books can be located in library catalogs by searching the subject of Forms (Law) United States, Pleading United States Forms and Civil procedure United States Forms. Note that state-specific subjects would work as well, such as Leading Arkansas Forms, for example, or Forms Law Wisconsin.

At this point, the researcher can look at the cases that were found under the digest topic "notary" to determine any personally typed by notary).

\textsuperscript{159} 195 A.D.2d 1065 (N.Y. 1993) (holding that notary who notarized forged signatures on authorizations obtained by fiduciary's attorney was liable to bank).

\textsuperscript{160} 129 Cal. Rptr. 670 (Cal. 1976) (holding that negligence of notary in acknowledging forged signature on guaranty agreement was the proximate cause damage incurred by plaintiff).

\textsuperscript{161} Acknowledgment, 1 A.L.R. DIG. 30-35 (1992). This topic generally covers: a person's formal declarations while executing an instrument in writing; the genuineness of such instrument; proof of due execution of an instrument in writing by the subscribing witnesses thereto made before a competent officer or court for the purpose of admitting such instrument to record or procuring its admission in evidence; the making and taking of acknowledgments; the necessity, sufficiency, and effect of such acknowledgments or proofs and certificates thereof; the correction of defects therein; and the liability of officers taking acknowledgments. \textit{Id.} at 30-31.


\textsuperscript{163} F.T. Chen, Annotation, 7 A.L.R. 3D 317 (1967).

\textsuperscript{164} 171 So.2d 303 (Miss. 1965) (holding that the use of "the" instead of "they" in notary's acknowledgment after noting presence of two people was merely a typographical error and neither invalidates the acknowledgment, nor relieves the notary from legal liability for making a false certificate).

\textsuperscript{165} 335 N.W.2d 780 (N.D. 1983) (holding that as acknowledged instruments, mortgage and note need no extrinsic evidence of authenticity to be admitted into evidence).

\textsuperscript{166} AM. JUR. PLEADING AND PRACTICE FORMS ANN. (1987).

\textsuperscript{167} AM. JUR. LEGAL FORMS (2d ed. 1994).
corresponding West Group Key numbers. The beauty of the digest system is that once pigeon holes have been identified, researchers can reach in and pull cases according to jurisdiction (and for federal cases, according to age). If we locate the cases in a West Group publication, either in print or on Westlaw, we will find appropriate key numbers to use to find cases from other courts. The following six Digest topics were used: Acknowledgment (key number 2); Affidavits (key number 12); Bills & Notes (key numbers 61 & 48); Notaries (key numbers 10, 11); Attorney & Client (key number 26); Principal & Agent (key number 193).

D. Decennial and General Digests

Publisher: West Group St. Paul, Minnesota
Phone: (800) 328-4880
Library of Congress call #: KF141 1991 and KF141 1996

West Group publishes the most comprehensive digests available today: the Decennial and General Digests. The Decennial Digests cover ten-year-spans and identify Appellate cases from all fifty states in addition to cases from the United States Supreme Court, Courts of Appeal and District Courts. The Decennial Digests currently are broken into two parts, representing the first and last five years in each decade. Until cases are cumulated into the five-year parts of the decennials, General Digests are published at the rate of about fourteen volumes per year.

For example, the Tenth Decennial Digest, Part 2, covering 1991-96, was completed in sixty-four volumes in December 1998. Using this research tool, we can look up every Appellate court case in the country during 1991-96. In contrast, in order to conduct a comprehensive search for cases since then, researchers need to open, scan and reshelve one volume from 1996, fourteen volumes each from 1997 and 1998, and two volumes from 1999, for a total of thirty-one volumes.

This exercise can be circumvented on Westlaw of course, by searching for the key numbers in case law databases. Lexis does not provide access to key numbers; but it is important to remember that the West Group’s United States Supreme Court Digest (the paper version of what is available on Westlaw) only identified two cases, whereas the Lexis Law Publishing’s Digest of United States Supreme Court Reports (the paper version of what’s on Lexis) identified five cases. Therefore, it is possible that key numbers may not identify all the pertinent cases. However, when we do search by key number, either electronically or in the paper volumes, for cases in the 1990s, we get the following results according to key numbers:

Ignoring the 626 cases found under “Attorney and Client,” we found 126 cases by using the key numbers that were used in the seven cases we located in the supplement to Section three of the A.L.R. Annotation, Liability of Notary Public or His Bond for Negligence in Performance of Duties.\textsuperscript{169} One case listed under “notaries,” key number 10,\textsuperscript{170} is also discussed in Notary Law & Practice: Cases & Materials.\textsuperscript{171}

The case, with the internal cites to additional cases, further illustrates how one kernel of information leads to others. Another case in our list is Means v. Clardy.\textsuperscript{172} Still another is Davis v. Adoption Auto, Inc.\textsuperscript{173} These are just three cases from our list of 126 dated in the 1990s. An excellent source of important cases is Notary Law & Practice’s Case Index.\textsuperscript{174} Additionally, recall that individual states are beginning to index their cases on the web. Although key numbers are not available on state web pages because they are copyrighted, search engines on the Internet are growing increasingly sophisticated and simple searches, such as searching for all cases with the word notary in them, are often possible.\textsuperscript{175}

\textsuperscript{169} Perovich, supra note 145.
\textsuperscript{171} CLOSEN ET AL., supra note 87, at 390-96.
\textsuperscript{172} 791 S.W.2d 433 (Mo. Ct. App. 1990) (holding that a notary and bonding company could not be held liable for false signature on note, in absence of evidence that note was part of notarized bill of sale).
\textsuperscript{173} 731 F. Supp. 1475 (D. Kan. 1990) (holding that a surety was not liable for notary’s failure to “faithfully perform notarial act” absent evidence of reliance, or that the notary’s certification proximately caused buyers’ injuries).
\textsuperscript{174} CLOSEN ET AL., supra note 87, at 603-07.
\textsuperscript{175} See web pages discussed supra Part II.B.3.
IV. ADMINISTRATIVE RULES AND REGULATIONS

A. Federal Register

Phone: (888) 293-6498
Internet: gpo.access@gpo.gov
Library of Congress call #: KF70 .A2

B. Code Of Federal Regulations

Publisher: The Office of the Federal Register National Archives & Records Administration, Washington, D.C.
Phone: (202) 523-5227
Internet: info@fedreg.nara.gov
Library of Congress call #: KF70 .A3

Federal rules and regulations appear first in the Federal Register (F.R.) and are later codified in the Code of Federal Regulations (C.F.R.). These two publications are also available on Lexis-Nexis, Westlaw, the Internet and on several commercial CD and Internet resources. A Lexis-Nexis search for the phrase “notary public” found 128 sections of the C.F.R. citing to the phrase. Every agency, from the Internal Revenue Service, the Marine Mammal Commission and the Department of State, mentions notaries public. Title 22 of the C.F.R. deals with Foreign Relations; Chapter I, with the Department of State, Subchapter J, with Legal and Related Services, and Part 92, with Notarial and Related Services.\(^\text{176}\)


(a) All notarizing officers are required, when application is made to them within the geographic limits of their consular district, to administer to and take from any person any oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States. The term “notarial act” as used herein shall not include the performance of extraordinary acts, such as marriages, that have not been traditionally regarded as notarial, notwithstanding that notary publics may be authorized to perform such acts in some of the states of the United States. If a request is made to perform an act that the notarizing officer believes is not properly regarded as notarial within the meaning of this regulation, the officer shall not perform the act unless expressly authorized by the Department upon its determination that the act is a notarial act within the meaning of 22 U.S.C. 4215 and 4221. The language “within the limits of the consulate” is construed to mean within the geographic limits of a consular district. With respect to notarial acts performed by notarizing officers away from their office, see § 92.7. Notarial acts shall be performed only if their performance is authorized by treaty provisions or is permitted by the laws or
State regulations of notaries are often more difficult to locate. This is because not all states publish the equivalent registers and codes, and even when states do publish their regulations, they often are not well distributed. One helpful tool is the William-Scott Guide to Administrative Regulations of the States & Territories. It is essentially a comprehensive listing of the table of contents of the different states’ and territories’ regulations. The Guide helps to identify sources of state regulations without having to look up the regulations in Section (d) of the C.F.R. In addition, some states have also begun to post their regulations on the Internet. Lexis and Westlaw also do an adequate job of gathering state regulations, and LOIS is in the process of adding state regulations to its databases.

C. Texas Administrative Code

Publisher: West Group St. Paul, Minnesota
Phone: (800) 328-4880

authorities of the country wherein the notarizing officer is stationed. (b) These acts may be performed for any person regardless of nationality so long as the document in connection with which the notarial service is required is for use within the jurisdiction of the Federal Government of the United States or within the jurisdiction of one of the States or Territories of the United States. (However, see also § 92.6.) Within the Federal jurisdiction of the United States, these acts, when certified under the hand and seal of office of the notarizing officer are valid and of like force and effect as if performed by any duly authorized and competent person within the United States. Documents bearing the seal and signature of a secretary of embassy or legation, consular officer (including consul general, vice consul or consular agent) are admissible in evidence within the Federal jurisdiction without proof of any such seal or signature being genuine or of the official character of the notarizing officer.

(c) Every notarizing officer may perform notarial acts for use in countries occupied by the United States or under its administrative jurisdiction, provided the officer has reason to believe that the notarial act will be recognized in the country where it is intended to be used. These acts may be performed for United States citizens and for nationals of the occupied or administered countries, who reside outside such countries, except in areas where another government is protecting the interests of the occupied or administered country.

(d) Chiefs of mission, that is, ambassadors and ministers, have no authority under Federal law to perform notarial acts except in connection with the authentication of extradition papers (see § 92.40).

(e) Consular agents have authority to perform notarial services but acting consular agents do not.

Id. 177. 1, 2 William-Scott Guide to the Administrative Regulations of the States & Territories (5th ed. 1996).
Texas regulations regarding notaries public appear in Title 1 of the *Texas Administrative Code*.\(^{178}\) A researcher can find the regulations by searching the General Index under "notaries public." While searching online sources, recall that entering a broad search like "notaries public" will yield a match every time the phrase is used in the text of a regulation.

A Lexis-Nexis search of the *Texas Administrative Code* using the phrase "notary public" yielded 184 matches. Many of the matches mentioned notaries basically every time some document or another needed to be notarized. The sections of the *Texas Administrative Code* addressing notaries public consist of: § 87.1. Application for a Commission as a Notary Public;\(^{179}\) § 87.4. Issuance of the Notary Public Commission by the Secretary of State;\(^{180}\) § 87.22. Completion and Execution of the Bond and

\(^{178}\) 1 TEX. ADMIN. CODE § 87.1 to § 87.54 (West 1999). “The exact location of Texas regulations regarding notaries public appear under Administration, Part 4, Office of the Secretary of State, Chapter 87, Subchapter A, Notary Public Qualifications.” *Id.*

\(^{179}\) 1 TEX. ADMIN. CODE § 87.1 (West 1999). Section 87.1 states:

(a) All persons applying for a commission as a notary public shall use the application form prescribed by the secretary of state.

(b) The application form may be obtained by writing the Office of the Secretary of State, Notary Public Unit, P.O. Box 12079, Austin, Texas 78711.

*Id.*

\(^{180}\) 1 TEX. ADMIN. CODE § 87.4 (West 1999). Section 87.4 states:

(a) The secretary of state shall commission each applicant if:

(1) the application is properly completed and executed;

(2) the applicant is a resident of the United States and of Texas, and is at least 18 years of age;

(3) the applicant is eligible and no good cause is known for rejection of the application as provided by law and hereafter by § 87.41 of this title (relating to Rejection of Application and Revocation of Commission);

(4) the fees specified in the Texas Government Code, § 406.007, are submitted with the application form; and

(5) If a renewal, the form is received by the secretary of state no later than the expiration date of the term for which the notary public is presently serving.

(b) The secretary of state shall not commission an applicant if he or she has had a prior application rejected or a commission revoked for a finding of ineligibility or good cause which still continues.

(c) If any application is received that is not properly completed and executed, the qualification of that particular applicant will be delayed. The secretary of state shall notify the applicant by means of a rejection notice stating why the commission was not issued, and the steps which should be taken to correct the errors or omissions. The applicant will have 30 days from the date of the notice to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.

(d) When an applicant states that he or she has been convicted of either a felony or a crime involving moral turpitude, or for the violation of any
law concerning the regulation of the conduct of notaries public, the secretary of state may request such additional facts or supporting documentation as may be deemed necessary for fair consideration of the application. Once a request for additional facts or supporting documentation is made, the applicant shall have 30 days from the date of the request to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.

Id.

181. 1 TEX. ADMIN. CODE § 87.22 (West 1999). Section 87.22 states:
The bond and statement of officer will be completed as follows.
(1) All information entered on the application will be legible.
(2) The name and social security number of the applicant will be entered in the space provided in the application.
(3) The complete name of the insurance or bonding company will be entered in the spaces provided in the bond.
(4) The name and address of the agent or agency will be entered in the space provided in the bond.
(5) The applicant will sign in the space provided for signature for the principal. The surety officer or an attorney-in-fact for an insurance or bonding company will sign in the space provided and give the surety company's Texas Department of Insurance license number.
(6) A bond form that is preprinted with a surety company's name may be used only by that surety for the issuance of a notary bond.
(7) The applicant's name to be used as a notary public will be entered in the space provided in the statement of officer.
(8) The applicant will execute the statement of officer before a notary public or other qualified officer and sign in the space provided for signature. Both the initial qualification as well as renewals require the referenced statement of officer.

Id.

182. 1 TEX. ADMIN. CODE § 87.23 (West 1999). Section 87.23 states:
(a) The bond and statement of officer shall be approved by the secretary of state if:
(1) the form is properly completed and executed as hereinabove provided in § 87.22(a) of this title (relating to Completion and Execution of the Bond and Statement of Officer); and
(2) the fees specified in the Notary Public Act, § 406.007, Texas Government Code Annotated, §§ 406.001-406.024 (Vernon 1990) are remitted with the form to the secretary of state.
(b) When all conditions for qualification have been met, the application form shall be approved, stamped "qualified" with the date of qualification, and filed. The secretary of state shall cause a commission to be issued and sent to each notary public who has qualified, which commission shall be effective as of the date of qualification for a term of office as provided by law.

Id.

183. 1 TEX. ADMIN. CODE § 87.41 (West 1999). Section 87.41 states:
The secretary of state by final decision and order may, for ineligibility or good cause, reject any application, suspend or revoke the commission of any notary public, or take other disciplinary action against a notary public. The other disciplinary action shall include, but not be limited to, those actions outlined in § 87.48 of this title (relating to Other
Disciplinary Acts). Rejection, revocation, and disciplinary proceedings will be held pursuant to the right of notice, hearing, and adjudication as set out in the rules of practice and procedure before the Office of the Secretary of State and the Administrative Procedure Act, Texas Government Code, §§ 2001.001-2001.902. Any party to a contested case has the right to be represented by legal counsel. Such action will be subject to the right of appeal to a district court of Travis County.

Id.

184. 1 TEX. ADMIN. CODE § 87.42 (West 1999). Section 87.42 states:
An application for appointment will be rejected if the applicant is not 18 years of age and a resident of the United States and Texas. A notary public commission will be revoked if the applicant was not at least 18 years of age at the time of appointment, or is no longer a resident of the United States and Texas. An applicant or notary public will no longer be eligible to hold the public office of notary public if convicted of a felony which has become final, and not set aside, for which no pardon or certificate of restoration of citizenship rights has been granted. The dismissal and discharge of proceedings under the adult probation, parole, and mandatory supervision law will not be considered a conviction for the purpose of determining a person's eligibility to be appointed or hold the office of notary public.

Id.

185. 1 TEX. ADMIN. CODE § 87.43 (West 1999). Section 87.43 states:
(a) Good cause as stated in §87.41 of this title (relating to Rejection of Application and Revocation of Commission) may include, but not be limited to, the following:
   (1) a final conviction for a crime involving moral turpitude;
   (2) any false statement knowingly made in an application for appointment or reappointment as a notary public;
   (3) a final conviction for the violation of any law concerning the regulation of the conduct of notaries public in this state or any other state;
   (4) the failure to comply with the Texas Government Code, § 406.017(b) or (c), concerning the restrictions imposed on the advertising of notary services in a foreign language and the prohibition against the literal translation of notary public into Spanish;
   (5) a failure to fully and faithfully discharge any of the duties or responsibilities required of a notary public;
   (6) the unauthorized practice of law;
   (7) a failure by the notary public to utilize a correct notary seal as described in the Notary Public Act, § 406.013;
   (8) a failure to administer an oath or affirmation as required by law;
   (9) the collection of a fee in excess of those authorized by the Texas Government Code, § 406.024;
   (10) the execution of any certificate as a notary public containing a statement known to the notary public to be false;
   (11) a failure to complete the acknowledgment at the time the notary public's signature and seal are affixed to the document;
   (12) the advertising in any manner whatsoever that the notary public is an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters;
   (13) the use of false or misleading advertising of either an oral or written nature, whereby the notary public has represented or
Qualification under New Name; Rejection; Issuance of Amended Commission.

§ 87.44. During the four-year term of office, a notary public may change the name on the notary commission by submitting the following to the secretary of state:

(a) a completed change of name form;

(b) a rider or endorsement to the bond on file with the secretary of state from the surety company or its agent or representative specifying the change of name;

(c) the current certificate of commission or a statement that the notary public will perform all future notarial acts under the name specified on the amended commission; and

(d) the statutory fees for the issuance of a commission and the filing of a bond.

§ 87.45. If the submission of the change of name does not comply with § 87.44(a) of this title (relating to Qualification under New Name), the secretary of state shall notify the notary public in writing of any deficiency. The notary public shall have 30 days from the date of the notice to respond; if no response is received, the request for the change of name will be considered abandoned and all fees paid will be forfeited.

§ 87.46. Issuance of Amended Commission; Rejection; Issuance of Amended Commission.

§ 87.47. The dismissal and discharge of proceedings under either the misdemeanor adult probation and supervision law or the adult probation, parole, and mandatory supervision law shall not be considered a conviction for the purposes of determining good cause.

§ 87.48. Final Class C type misdemeanor convictions shall not be considered in determining good cause.
Procedures; § 87.48. Other Disciplinary Action; § 87.49. Time

the name requested." Id.

189. 1 TEX. ADMIN. CODE § 87.47 (West 1999). Section 87.47 states:

(a) A person harmed by the actions of a notary public may file a complaint with the secretary of state. The complaint shall be filed on the form prescribed by the secretary of state for such purposes, shall be signed and verified by the person alleging misconduct on the part of the notary public, and shall substantially comply with the requirements set forth on the prescribed form.

(b) The complaint shall be reviewed by an employee of the secretary of state to determine if the complaint substantially complies with the requirements set forth on the prescribed form and if the actions complained of are sufficient to constitute good cause for suspension, revocation, or other disciplinary action.

(c) The secretary of state may determine that the actions of the notary public are not sufficiently egregious to warrant formal disciplinary action. The secretary may determine to take no action on the complaint, or the secretary may determine to informally advise the notary public of the appropriate conduct and the applicable statutes and rules governing the conduct. The secretary of state shall notify the complainant of the determination not to take further or formal action.

(d) If the secretary of state determines that the complaint alleges sufficient facts to constitute good cause for the suspension or revocation of the notary public's commission, or other disciplinary action against the notary public, the secretary of state shall notify the notary public of the filing of the complaint and send a copy of the complaint to the notary public.

(e) If the secretary of state determines to proceed on a complaint, the notary public shall be required to respond to the complaint within 20 days of mailing of the notice of complaint to the notary public. The response shall be in writing; the response should specify any disputed facts and provide such additional information as the notary public shall desire.

(f) The secretary of state shall review the response, and determine whether further administrative action is appropriate. If the secretary determines that no further action is appropriate, the secretary shall notify in writing the notary public and the complainant of the determination.

(g) If the secretary determines that further administrative action is appropriate, the secretary shall cause the initiation of a contested case under the rules of practice and procedure before the Office of the Secretary of State.

Id.

190. 1 TEX. ADMIN. CODE § 87.48 (West 1999). Section 87.48 states:

(a) The secretary of state may determine that the conduct which is the basis of a complaint against a notary public does not warrant the suspension or revocation of the commission of the notary public. In the discretion of the secretary of state and after the initiation of a contested case, the secretary of state may seek, but is not limited to, the following disciplinary actions:

(1) official reprimand to the public notary;
(2) a consent decree to cease and desist from engaging from any further misconduct;
(3) an agreement to voluntarily surrender the notary public commission;
for Action;¹⁹¹ § 87.50. Authority;¹⁹² § 87.52. Issuing;¹⁹³ and § 87.54. Governed by Other Law.¹⁹⁴

V. BOOKS

Books on notary law appear in library catalogs under the subject headings Notaries United States, Forms (Law) United States, and Notaries [State Name]. However, book shopping is

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¹⁹¹ 1 TEX. ADMIN. CODE § 87.49 (West 1999). Section 87.49 states: (a) A complaint which arises during the term of office of a notary public which is not disposed of prior to the end of the term may be pursued in a subsequent term of office. The secretary of state shall not be barred from seeking suspension or revocation of a notary public for acts or omissions which [sic] during a prior term of office. (b) In the discretion of the secretary of state, the secretary may determine to take other disciplinary action after the expiration of the term of office of a notary public regardless of whether the notary public has renewed or will seek to renew the notary public commission.

¹⁹² 1 TEX. ADMIN. CODE § 87.50 (West 1999). Section 87.50 states “[a] notary public is authorized to issue a subpoena or subpoena duces tecum for written depositions. This is a powerful authorization and should be exercised cautiously.” Id.

¹⁹³ 1 TEX. ADMIN. CODE § 87.52 (West 1999). Section 87.52 states: Prior to issuing a subpoena, the notary shall: (1) require proof of service of notice to take a deposition from the requesting party or attorney; or (2) personally execute service of the notice to take a deposition. Additionally, the notary shall confirm that there is no court or administrative order or procedure that precludes the issuance of the subpoena. The notary shall obtain an affidavit from the requesting party or attorney stating whether the party or attorney is aware of any such procedure or order.

¹⁹⁴ 1 TEX. ADMIN. CODE § 87.54 (West 1999). Section 87.54 states: These rules do not independently authorize a notary public to issue a subpoena. The issuance of a subpoena by a notary public must be authorized by other law, rule, or procedure and in conformity with such law, rule, or procedure. Failure of a notary public to conform to these administrative rules does not affect the validity of a subpoena but may subject the notary public to disciplinary proceedings by the Office of the Secretary of State.
made easier today with online shopping using Amazon.com or Barnes and Noble.

One book worth mentioning is *Notary Law & Practice: Cases and Materials* published in 1997. This book provides an excellent overview of issues currently facing notaries public today. It has fifteen chapters, each identifying a specific challenge faced by notaries today. While aimed primarily at law students and business school students, the book is a must for every notary public and for anyone who deals with notaries public. To search for similar titles at the Amazon.com website, use the following subjects: Professional & Technical, Law, and Reference.

**VI. LAW REVIEWS**

Lexis-Nexis and Westlaw both provide full-text access to numerous law reviews. Full-text access allows the researcher freedom from having to identify the correct subject heading to locate cases. Entering the phrase “notaries public” to conduct a search in all the journals online would be too broad. Instead, we can limit our search to just the titles of the cases. In doing so, Westlaw revealed seventy-seven documents in the TP-ALL (all texts and periodicals) database. The search in Westlaw was simply ATI (notary), which launches a search through only the titles in the text and periodicals database. Westlaw picked up every article in the spring 1998 *John Marshall Law Review*, a symposium issue dedicated to issues affecting notarial law and policy. The symposium contained eighteen articles and three student comments. One of the authors represented in the

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197. CLOSEN ET AL., supra note 87, at v-viii. The 15 chapters consist of: (1) History And Contemporary Status Of Notaries Public; (2) Nature Of The Notarial Office And Statutes Governing Notaries; (3) Notary Qualifications And Revocation; (4) Notarizing Documents; (5) Screening Document Signers; (6) Other Notarial Acts; (7) Interstate Recognition Of Notarial Acts; (8) Civil Liability For Notary Misconduct; (9) Criminal And Administrative Sanctions For Notary Misconduct; (10) Employer Accountability For Notary-Employees; (11) Notary Services And Ethical Concerns For Lawyers; (12) Attorney Liability For Notary Misconduct; (13) Recognition Of Foreign Country Notarial Acts; (14) Recognition Of United States Notarial Acts; and (15) The Future Of Notaries And Notary Practices. Id.
199. Lexis-Nexis has approximately 400 law reviews and journals and Westlaw has approximately 600 law reviews and journals. J. MYRON JACOBSTEIN ET AL., supra note 63, at 395.
symposium, and also a co-author of *Notary Law and Practice*, published another article in the Maine Law Review titled: *Taking Note of Notary Employees: Employer Liability For Employee Misconduct*, which was located by this Westlaw search. Nancy Perkins Spyke's article provides a solid overview of the topic. For example, below is the Table of Contents from her article:

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III. CASE LAW ..................................................................... 33

   A. Early Cases ................................................................. 33
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IV. STATUTES .................................................................. 47

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   A. The Shortcomings of Existing Common Law ................. 49
   B. A Common-Law Model ................................................... 54
   C. Statutory Protection and Proposed Revision ................. 55
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VI. CONCLUSION ................................................................ 59

Other articles found while conducting the Westlaw search included: *Important Information For Notaries;* *Nevada Notary Law Clarified;* *Notaries Public: a History and Unofficial Guide;*

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201. CLOSEN ET AL., supra note 87.
203. Id.
206. CLE Liaison Committee, *Notaries Public: A History and Unofficial
Reserve Judge Advocates’ Authority to Act as Notaries,207 Comment, the Absence of Signature Requirement in Mississippi Notary Law: Fraud Waiting to Happen;208 Trust Decisions: Notary Could Be “Attesting Witness”;209 Notaries Public from the Time of the Roman Empire to the United States Today, and Tomorrow210 and Trust Decisions: Notary Public Was Not Subscribing Witness.211 Therefore, it is serendipitous that the Westlaw database not only contains texts and periodicals, but also cites to state encyclopedias. Moreover, there were also cites to treatises such as Couch on Insurance212 and Witkins’ Summary of California Law.213 A similar search in Lexis-Nexis’ law reviews combined library yielded twenty-five hits. The Lexis-Nexis search revealed no additional cites than were located using Westlaw.

There are two major law review indexes separate from Lexis-Nexis and Westlaw used to conduct research for current articles. First, there is H.W. Wilson Company’s Index to Legal Periodicals,214 with its electronic progeny, Wilson Disc on CD ROM and Wilsonweb.215 WilsonLine is also available to commercial subscribers on Lexis-Nexis and Westlaw. The second index is Information Access Corporation’s Current Law Index, with its electronic progenies, LegalTrac on CD ROM and Legal Resource Index.216

In addition to theses companies, increasingly more electronic journals and newsletters are being published on the Internet. Professor Bernard Hibbits at the University of Miami has an excellent site titled Jurist, where authors can pre-publish articles,217 and request input prior to the final publication. After searching through Jurist under the topic “notaries public,” only one article was found pertaining to notaries. The article concerned cybernotaries and was subsequently published in the John

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207. Major Hostetter, Reserve Judge Advocates’ Authority To Act As Notaries, ARMY LAW, June 1993, at 46.
213. 4 B.E. WITKIN, SUMMARY OF CALIFORNIA LAW § 168 (9th ed. 1987).
Periodicals can also be found under the Library of Congress subject heading “Notaries United States Periodicals.” Notary researchers should be aware of following two entries under this heading:

1. National Notary
   Publisher: National Notary Association, Chatsworth, California
   Phone: (800) 876-6827
   Frequency: Bi-monthly

2. Notary Bulletin
   Publisher: National Notary Association, Chatsworth, California
   Phone: (800) 876-6827
   Frequency: Bi-monthly

In addition, articles about notaries public may appear in the popular press, and can be sought using indexes to local newspapers on the Internet, as well as the mainstays, such as the *Washington Post*, *New York Times* and *Reader's Guide to Periodical Literature*.

VII. ASSOCIATIONS

A. Encyclopedia Of Associations

Publisher: Gale Research, Farmington Hills, MI
Phone: (800) 877-GALE
Library of Congress call #: HS 17 .En 19

The *Encyclopedia of Associations* is:
[a] Guide to Nearly 23,000 National and International Organizations, Including: Trade, Business, and Commercial; Environmental and Agricultural; Legal, Governmental, Public Administration, and Military; Engineering, Technological, and Natural and Social Sciences; Educational, Cultural; Social Welfare; Health and Medical, Public Affairs; Fraternal, Nationality, and Ethnic; Religious; Veterans', Hereditary, and Patriotic; Hobby and Vocational; Athletic and Sports; Labor Unions, Associations, and Federations; Chambers of Commerce and Trade and Tourism; Greek Letter and Related Organizations; and Fan Clubs.

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218. Closen & Richards, supra note 25.
222. 1 ENCYCLOPEDIA OF ASSOCIATIONS: AN ASSOCIATIONS UNLIMITED REFERENCE iii (Christine Maurer & Tara E. Sheets eds., 34th ed. 1999)
The Encyclopedia contains a "Keyword List" and provides entry numbers for the organizations listed. Key words include titles or organizations and topics chosen by the editor. Under the topic "Notaries Public," two organizations were listed: the American Society of Notaries (ASN) and the National Notary Association (NNA).

B. American Society Of Notaries
Address: P.O. Box 5707, Tallahassee, FL 32314-5707
Contact: Lisa K. Fisher, Executive Director
Phone: (800) 522-3392
Fax: (904) 671-5165
Internet: www.notaries.org
E-mail: mail@notaries.org

C. National Notary Association
Address: 9350 De Soto Ave., P.O. Box 2402, Chatsworth, California 91313
Contact: Milton G. Valera, President
Phone: (800) 876-6827
Fax: (818) 700-0920
E-mail: nna@nationalnotary.org
Internet: www.nationalnotary.org

According to the Encyclopedia, the American Society of Notaries was founded in 1965. It has 20,000 members, a staff of five persons, and a yearly budget of $500,000. The ASN publishes a quarterly newsletter, the American Notary and holds annual meetings. The web page listed above does not appear in the Encyclopedia, and was still under construction at the time of this Article.

The National Notary Association, founded in 1957, has 150,000 members and a staff of sixty-six. The NNA annually awards the Notary Achievement Award to the individual who has done the most to improve standards, image, and quality of the notary office. In addition, the NNA awards the Notary of the Year Award, although no qualifications were offered in the Encyclopedia. The NNA also has a Model Notary Act Drafting Committee and publishes the National Notary (a bi-monthly

[hereinafter ENCYCLOPEDIA].
223. Id. at xxiii-xxx.
224. Id. at 596.
225. Id.
226. Id.
227. 1 ENCYCLOPEDIA, at 596.
228. Id.
229. Id. See MODEL NOTARY ACT (National Notary Ass'n 1984). A draft can
Another source to search for associations is on the Internet. A quick search on Excite for “Society for Notaries” yielded thirty-nine hits. In searching for associations, my query revealed a web page for ASN. My search also revealed a cite for the Intermountain Notary Institute. A separate search on Excite for the “Intermountain Notary Institute” yielded only the Wyoming page that listed it. Another search using Lycos as the search engine, yielded a link to the Notary Public Resource Network. It cited dozens of notary links including: North American Notary Services, American Notary Exchange and Notary Public Underwriters, Inc. It is evident that with the availability of Internet search engines like Excite and Lycos, it is easy to identify notary organizations on a worldwide basis.

VIII. HUMAN EXPERTS

There are three places to begin looking for experts on notary law: (1) from the list of authors of the books and articles discussed herein, (2) from the administrators and members of the associations identified in this Article or (3) from your own search.


230. 1 ENCYCLOPEDIA, at 596.
231. Id.
232. CLOSEN ET AL., supra note 87.
234. <http://soswy.state.wy.us/notary/organiza.html>. The Intermountain Notary Institute (INT) is located at 1306 Roxbury Road, P.O. Box 58595, Salt Lake City, UT 84158-0595. Id. The Wyoming web page states the INT is a “national service and education organization with many publications.” Id. No other information is given. id.
240. P.O. Box 5707, Tallahassee, FL 32314-5707, Phone: (800) 522-3392, Fax: (904) 671-5165, Email: mail@notaries.org, Internet: www.notaries.org.
241. 9350 De Soto Ave., P.O. Box 2402, Chatsworth, California 91313-2402, Phone: (800) 876-6827, Fax: (818) 700-0920, Email: nna@nationalnotary.org, Internet: www.nationalnotary.org.
243. Professor, Shepard Broad Law Center, Nova Southeastern University,
Nancy P. Spyke,\textsuperscript{245} co-authors of \textit{Notary Law & Practice}.\textsuperscript{246}

IX. CONCLUSION

The purpose of this Article is to illustrate to readers how to find information about notaries public quickly and easily. This Article identified statutes, cases, regulations, books, journals, newsletters, associations and human experts, including a few samples of what types of information can be found. It is my desire that researchers who read this Article years from now still find it useful to locate updated information about notaries public. The trick to legal research, or any research, is analogous to rock climbing. One needs to get a foot-hold, then a hand-hold, then another, and another, and another, and another. The process flows. A statute cites case law and reveals regulations. Experts wade in on the regulations and then they give rise to more cases. Journal articles appear, books are written, organizations start up and promulgate and promote model legislation. As a result, experts are born and hone their skills.

Happy Researching.

\textsuperscript{244} Professor, College of Law, Northern Illinois University; DeKalb, Illinois.
\textsuperscript{245} Assistant Professor, School of Law, Duquesne University, Pittsburgh, Pennsylvania.
\textsuperscript{246} CLOSEN ET AL., \textit{supra} note 87.