



Managing Your Risk as a Notary

As a notary, your first step in protecting yourself against potential liabilities is obtaining insurance for your professional activities. Once you have an insurance policy in place, you should remain proactive in protecting yourself by staying up to date on trends and practicing sound notary operations.

According to notary associations, state and federal governing bodies, handbooks and councils, the following are ways you can control the risk of errors and lawsuits.

Don't Skip the Verbal Ceremony

Through a verbal ceremony, the notary takes the acknowledgment of the signer that their signature was made freely for the purpose stated in the document, or the signer swears that the statements within the document are true. This is the most important step in the notarization process, and it should never be bypassed. Without the verbal ceremony, the certificate is false.



Communication Is Key

It is imperative that the notary speaks the same language as their client to ensure the legality of the notarization. Many states do not allow the use of an interpreter for notarial acts.

Clients Must Be Present

The number one claim of misconduct against notaries is their failure to require signers to be physically present at the notarization. Online notarizations can be done via a videoconference, but the rules vary by state.

Verify Identities to Avoid Impostors

Always verify an ID is real. Never allow the use of a photocopy of an ID.

Be Wary of Friends and Family

Don't break rules or agree to an improper act because you are notarizing for a friend, a family member or an acquaintance. Document fraud for these individuals is still fraud.

Stop Suspicious Activity Before It Happens

If something seems suspicious, don't complete the notarization. Contact a trusted source, such as the secretary of state's notary division or state notary commissioner.

Always Keep a Journal

Most states require a notary journal. If your state does not, keep one anyway to record your acts. Doing so can help you out of legal trouble.

- ▶ Keep the journal in a locked, secure place
- ▶ Do not allow anyone else to complete journal entries
- ▶ Avoid abbreviations, as the journal could be surrendered at a moment's notice for a criminal investigation related to a notarized document
- ▶ Some state laws specify the exact items needed on each line — record accordingly



Create a Notary Checklist of Procedures

Make a list of the methods you use to manage your risk. Review this list at every signing to ensure you never miss a step.

Fix Mistakes the Right Way

When fixing an error, use a new, blank document or strike out the error with one line, adding your initials and the date next to it. Then, make a notation in your journal entry. Do not use a correction fluid, such as Wite-Out, as this can be viewed as tampering and be rejected by the receiving agent. Follow state laws as to when mistakes can be fixed; some states do not allow any correction or amendment of a certificate once notarized, while others may be more lenient.

Things to Consider When Notarizing

- All clients are physically present.
- All parties speak the same language.
- All appropriate identifications have been personally verified.
- Any documents needing notarization are original documents (not faxes or copies).
- The document is complete (no blanks, missing pages, fill-in areas for later).
- The document displays clear notarial language.
- A verbal ceremony was completed.
- A notarial certification was completed in full.
- The notary seal was placed in a clear area where there is no wording.
- A detailed record was made in a notary journal.

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