

HCR 81 Notary Study Committee
Report of the Standardized Testing Subcommittee
July 12, 2002

1 The Standardized Testing subcommittee of the HCR 81 Notary Study Committee reports its majority
2 concurrence in the proposition that all candidates for a notary commission in any parish should be tested
3 using a uniform statewide *standard* for examination.

4 This is *not* a recommendation that the "same test" be given to all candidates. Rather, it is a statement
5 that our sense of "uniform statewide standard for examinations" be adopted as the operative condition for
6 any test administered.

7 We specifically propose that there be developed a very large¹ and comprehensive² bank of
8 examination questions³ (and answers) which would be *published by the state*⁴ and from which any
9 particular examination administered to a candidate for a notary commission would be drawn.

10 This committee believes that it would be beneficial to maintain the current parish examining committee
11 structure, and envisions continued administration of examinations by the parish committees which should
12 remain free to determine the composition of its examination from this bank of questions, and which would
13 be permitted to include questions relating to local custom and rules of court as some defined percentage
14 of the examination.

15 Under the present system, there are 64 authorized examining committees each preparing its local

¹The total number of questions commonly used when discussing this concept being between 1000-2000.

²There is a vast amount of information for which notaries in Louisiana may be held accountable depending on their area of practice. In addition to providing for minimum standards for areas of transactional practice to be covered, the statewide standard should be developed in such a manner to assure that notaries are required to demonstrate knowledge not only of the more common statutes, but also of the body of case law, attorney general opinions, the nature of the office, the nature of the public official, his duties responsibility to the public trust, and the crimes with which he can be charged. etc.

³) In addition to the common testing methods currently used (objective and subjective questions, forms-from-scratch, transactional problems) we consider that the use of open-book research questions (here's the quote, find the citation) might be included.

⁴*Publication of the questions and answers* of a sufficiently large database would effectively eliminate the ability of examiners to hold the notary candidates to an unknown standard. The volume and quality of the published questions should be such that any candidate who could memorize *all* the questions would be obviously qualified to hold a commission. In practice, a comprehensive exam could be drawn from a fixed number as a percentage of the total questions; Rules for administration could be easily established to eliminate concerns that a candidate would know which questions would appear on his exam.

16 examinations and administering an exam at least twice a year. This means that there is already large body
17 of material which could be combined into such a bank of questions.

18 There are a number of parishes which have taken steps toward such a system because it saves them
19 time and effort. Among the parishes currently sharing their questions with other committees for use on
20 exams are East Carroll, Richland, Franklin, Terrebonne, East Baton Rouge,⁵ and Orleans. There are
21 probably other cooperating groups, but we have no information about them at this time.

22 It is our consensus that the state should retain the current parish examination committee structure and
23 that no change is necessary in that regard. It is a good and workable structure that can take into account
24 the nature of the office of notary in the local area when drawing from the question bank for its competency
25 exam. We consider there is no need to re-invent the wheel; a thorough, good and useful question bank that
26 would cover the vast area of knowledge required to be in some portion known to every notary already
27 exists. It is just stored piecemeal in 64 filing cabinets across our state. It is our observation that a selected
28 group⁶ of these local committee members could come together and establish the details for a standard that
29 would serve the state very well, and would indeed reduce the considerable duplication of effort currently
30 involved in drafting 64 examinations at least twice a year.

31 We are in the process of requesting more information from the parish notary examiners to supplement
32 this report, and it is our intent to report that information and any additional information that may become
33 available, at a later date.

34 This report is for the information of the members of the full committee without recommendation for
35 specific action at this time. We invite input from the members of the study committee and we will render
36 a final report and any recommendations for action at the appropriate future meeting of the study committee.

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⁵The most recent EBR committee appointees have not yet elected to continue the policy of its predecessor committee and share its exams with the other parishes

⁶Perhaps two members (one non-attorney and one attorney) from each of the supreme court districts, or from each state judicial district could convene biennially to revise questions. (This committee does not really wish to speak formally at this time to the means of assembling the questions, except to state that we believe the current authority over examination content is vested in the state courts, and that is where it should remain.)