

**MINORITY REPORT OF SUB-COMMITTEE No. 2
MANDATORY CONTINUING EDUCATION**

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**I.
BACKGROUND**

On February 27, 2002, at the second meeting of the Notary Study Committee convened under the authority of House Concurrent Resolution 81, this sub-committee was appointed by chairperson Cynthia Cotten to hold regional public meetings to gather information from the public on the issues with which this committee is concerned, i.e., Standardized Testing, System for Monitoring and Enforcement of Standards, and Mandatory Continuing Education, to report that information to the full committee and to return recommendations to the full committee with respect to Mandatory Continuing Education.

The meetings were publicized by the several notary associations of this state in their publications, newsletters and web-sites, by public notice announcements in newspapers, by independent notary publications and newsletters and on independent notary internet fora.

Glenn Stallings offered to serve as chair of our Sub-Committee, and there having been no objections, he assumed the chair.

Public meetings were held in all areas of the State. These meetings were held on May 21, 2002, in Bossier City, May 28, 2002 in Alexandria, June 5, 2002 in Monroe, June 8, 2002 in Baton Rouge, June 20, 2002 in Lafayette and in Metairie for the Greater New Orleans area.

**II.
GENERAL INFORMATION ON BROAD MISSION OF SUBCOMMITTEE No. 2**

As a result of these meetings, the following observations may confidently be made:

1. Overwhelming support exists for a single, standardized state-wide notary examination;
2. Most notaries favor continuing education.

3. Support for a mandatory program of continuing education is strongest among notaries actively engaged in the profession, and weakest among notaries with little or no activity in the profession.
4. In rural areas particularly, there is the need to insure that any mandatory program provide continuing education courses which are inexpensive and do not require travel to urban areas far from home parishes and that are of sufficient variety to allow notaries to take only courses which interest them, or which address only areas of limited notary practice.
5. The majority of notaries believe at least a minimum of monitoring and enforcement is necessary in order to safeguard the profession and maintain standards, and are generally willing to pay a small annual fee, as is done presently in Orleans Parish, to ensure that notaries are properly bonded and otherwise meet the minimum requirements to maintain *de jure* notary status;

III. POLLS AND SURVEYS

The first known poll of notaries on this issue occurred in 1999 when the Louisiana Notary Association polled its general membership on the question of whether continuing education should be required of notaries by the legislature and returns of that poll indicated that 55.5% of respondents favored mandatory continuing education for civil law notaries, and, further, that respondents to said poll comprised 42% of the general membership, a percentage surpassing the percentage of ballots cast in 1998 at the Annual Meeting to elect members to the Board of Directors, attesting to the keen interest on this particular issue.

Two surveys conducted in March and May of 2002 and released on July 12, 2002 by the Louisiana Notary, a notary journal published and edited by C. Alan Jennings, returned nearly unanimous, mostly unqualified support for Mandatory Continuing Education.

It should be noted that the Louisiana Bankers Association, which has interest in maintaining notary competence in mortgage lending, supports Mandatory Continuing Education.

Letters, telephone calls and e-mails from notaries in support of Mandatory Continuing Education from around the state lend anecdotal evidence that consideration of this issue is widely known, support is generally favored and increasingly popular.

From 1999 to date, responses to surveys, polls and other communications support the contention that most notaries are in favor of Mandatory Continuing Education, and that

support has been and continues to spread across the entire Louisiana Civil Law Notariat.

IV.

SPECIFIC RECOMMENDATIONS REGARDING CONTINUING EDUCATION

Based upon the information received from the regional meetings and from comparative studies of other trades and professions, it is recommended that Continuing Education be made mandatory for non-attorney notaries public, and that the establishment of a mandatory program of continuing legal education for notaries should be predicated upon the availability of reasonably priced, easily accessible courses which make use of traditional classroom techniques as well as correspondence, distance and internet courses in order to ensure that rural notaries, small office notaries, and disabled notaries all have the opportunity to continue their education without creating undue burden and hardship.

V.

COMPARATIVE SURVEY OF CONTINUING EDUCATION

A survey of other trades and professions demonstrates wide use of mandatory continuing education in order to maintain and renew licensing to remain active in a given trade or profession. The following trades and professions all require continuing education:

- Attorneys at Law
- Architects
- Audiologists
- Certified Public Accountants
- Collection Agents
- Counselors
- Day Care Center Staff
- Dental Hygienists
- Dentists
- Elementary and Secondary School Teachers
- Embalmers and Funeral Directors
- Engineers and Land Surveyors
- Massage Therapists
- Insurance Agents
- Interior Designers
- Real Estate Agents
- Social Workers
- Physicians
- Nurses
- Private Investigators

Psychiatrists
Psychologists
Real Estate Appraisers
Speech-Language Pathologists
Optometrists
Veterinarians

This list is not exhaustive, but illustrative of the wide popularity and application of Continuing Education as a tool to protect the public, to provide to the citizens the highest degree of ability, knowledge and professionalism possible in a given field, and to raise and maintain a high standard of practice.

The number of clock-hour credits vary from field to field, ranging from 6 credit hours to 50 credit hours annually.

VI. CREDIT REQUIREMENTS

We believe that 12 credit-hours of course work, including one credit-hour of Professionalism course work and 1 credit-hour of Ethics course work should be required annually.

This level will be sufficient for the notary to ensure his constituency of his continued ability and competency to practice over the course of his life term within the context of the ever changing laws of this state.

Engaging such a program would also increase the professionalism and general esteem of the public office of notary, increase the notary's confidence in his own abilities, and offer a hedge against the possibility of malpractice.

Though some may maintain that fewer, or others that more, hours should be required, we aver that fewer required hours would not be sufficient to provide a variety of course offerings that would allow notaries the freedom to choose courses from among their interests and actual notary activity. Conversely, requiring more courses would be unduly burdensome and increase time and money spent without, we believe, significantly increasing the protections and professionalism sought.

VII. COSTS OF CONTINUING EDUCATION

From a review of courses currently offered by certain notary associations around

the state given on a voluntary basis (which are attended by fewer than 5% of notaries), fees for 3 to 5 hours of credit range from \$79.00 to \$100.00.

Most of the courses reviewed are approved by the Louisiana Supreme Court for mandated Attorney Continuing Legal Education. This accreditation is provided by the notary associations for the benefit of attorney-notary members and non-members to allow them to comply with their separate licensing requirements.

At one notary association's annual convention last year, 18 hours to 20 hours of Supreme Court accredited courses, far in excess of what is recommended here, were offered for a total price of \$250.00, including meals. These courses covered a wide range of subjects, including motor vehicle transfer work, wills and estate planning, real estate transactions and contracts, recent changes in law, ethics and professionalism

We anticipate that the entire requirement recommended here would cost a notary between \$180.00 and \$225.00 annually to complete.

VIII. ACCREDITATION REQUIREMENTS

We recommend that all course work be accredited under the rules of the Louisiana Supreme Court, Part H, Rule XXX.

Under this rule, Continuing Legal Education courses are approved for credit by a committee of attorneys and law school professors appointed by the Louisiana Supreme Court. Notary Associations of this state currently are active and successful in seeking and obtaining accreditation for the voluntary courses which they offer each year.

This system works well, and we see no reason to create a new accreditation system to replace a system that is already in place and is currently being used to provide accredited course work to notary associations offering them.

It is also an advantage that this system is operated by the court, which, after commissioning, is the last and ultimate regulator of the Louisiana Civil Law Notary.

Attached is a full copy of the Rules of the Louisiana Supreme Court, Part H, Rule XXX.

IX. CONCLUSION

It is of primary importance to the members of the Louisiana Civil Law Notariat and to the public that Civil Law Notaries commissioned in Louisiana keep current on changes and

developments through continued legal education. We recommend that rules be established to set minimum requirements for continuing legal education for notaries and that the establishment of a mandatory program of continuing legal education for notaries should be predicated upon reasonably priced, easily accessible courses which make use of traditional classroom techniques as well as correspondence, distance and internet courses in order to ensure that rural notaries, small office notaries, and disabled notaries all have the opportunity to continue their education without creating undue burden and hardship.

Compliance with continuing legal education requirements of these rules should be easily acquirable and necessary to maintain a notary's commission to practice notarial law in this State.

Respectfully Submitted,

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