

LAWYERS VERSUS NOTARIES PUBLIC

There is a considerable difference between lawyers and notaries. Lawyers are automatically notaries public but the reverse is not true. Without putting too fine a point on it, the difference between lawyers and notaries is something like the difference between doctors and nurses.

Lawyers are obviously more educated, especially since British Columbia recognizes notaries without any formal legal training. Say what you will about lawyers (and I've heard it all before), you cannot deny that, individually and as a group, they are, if nothing else, very well educated.

Virtually every lawyer has an undergraduate degree and a law degree from a recognized university. This is followed by a full year spent as an articling student. Finally, each lawyer must receive a passing grade on the Law Society's Bar Admission examination.

Even then, this training is usually followed by years of on-the-job training from more experienced barristers and solicitors, many of whom are on the other side. As every lawyer who has ever gone to court will tell you, there's really nothing like a good whipping in court to bring a lesson home.

Contrast this, then, with the training of a Notary Public. While they must have matriculated from high school, their training consists of anywhere from a six-month correspondence course to a two-year correspondence course. Once the correspondence course is over they have to write an examination, the standards for which are not disclosed by their society.

After passing the exam set by their society they are licensed and, presumably, qualified to do such things as real estate conveyancing, the preparation of "simple" wills, swearing of affidavits and such things. There is no formal "articling" or "on the job training" period after the theoretical training.

You are probably saying, "What's the big deal? Most real estate deals are simple and the secretaries do most of the work anyways." You would, in many cases, be right. Nine out of ten residential real estate deals are fairly straightforward and most lawyers just supervise the preparation of documents. Keep in mind, however, that the notaries usually don't do their own typing, either.

What if you are the odd man out, that unlucky tenth deal? Does the person handling your deal know for sure that the easement for the 1910 irrigation ditch will never be reactivated? Did he or she read and understand the significance of all the encumbrances on the title? What if you have to get a court order to remove an encumbrance?

Did the lawyer on the other side of the deal slip in a trust condition that will end up costing

you thousands of dollars? If the notary screws up, does their insurance cover it? Do you really think any transaction involving hundreds of thousands of dollars can be described as "simple"?

One of the strangest aspects about the notary - solicitor division involves the perception that notaries are somehow cheaper than lawyers. Sometimes that is true but often it isn't. Some notaries are more expensive than some lawyers and, of course, prices may vary from lawyer to lawyer and notary to notary. It is fairly safe to say, however, that you tend to get what you pay for, whether it be a cheap notary or a cheap lawyer.

Buying any type of real estate is an expensive proposition. For most people it represents a very high percentage of their net worth. It just doesn't make sense to take chances, either with a cheap notary or with a cheap lawyer who pays no attention to real estate files or has reduced his price so much that he cannot afford to spend the time necessary to properly supervise your file.

Picking a lawyer or a notary on the basis of price is about as sensible as picking a heart surgeon solely because he is willing to knock a couple of hundred off the cost of the pacemaker.