

You wish to know whether it is improper for an attorney who represents a party in a divorce case, which attorney is also a notary public, to witness and notarize the signature of the client to a separation agreement.

LE Op. 742 is dispositive of your inquiry. That opinion states, in pertinent part, that "it is not unethical per se for a lawyer to notarize his client's signature so long as there is no probability that the lawyer will be a witness in regard to the notarized signature." (emphasis added).

Committee Opinion  
November 24, 1987