

Committee Opinion  
May 1, 1986

LEGAL ETHICS OPINION 788

CONFLICT OF INTEREST – ATTORNEY  
AS NOTARY PUBLIC – DIVORCE  
DEPOSITIONS.

It is improper for an attorney who represents the plaintiff in a divorce case, even an uncontested divorce, to also serve as notary public before whom the depositions are taken. It is the opinion of the committee that an attorney is an advocate for his client during litigation and that an attorney who notarizes deposition testimony is a witness to the authenticity of the testimony. Therefore, it would be inconsistent with the function of a notary public as an independent agent of the Commonwealth to allow an attorney in a divorce case to serve as notary public before whom deposition is taken. [ LE Op. 742]

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