



Filip de Sagher

Allied Professionals, *Cooperating in* Distinct Roles



Societies in the world throughout history have always needed to put their trust in a specific person to take exact notes of what was happening, where, at what time.

The *jurat* on every Declaration we complete, sign, and Seal is still witness to that. That makes “Notary Public” one of the oldest professions in the world.

One of the many functions of Notaries in Roman times was note-taking in the court, keeping records of who said what. Here is an anecdote about the origin of the Notary Public. A type of shorthand writing was invented by Tiro, secretary to the famous orator Cicero. Tiro’s notes or *notae* were called *notae Tironinae*. The term *Notarius* was then later applied to a person who used that type of note-taking. In the meantime, Tiro’s employer won fame and renown in the courts as a lawyer. The two were truly Allied Professionals.

And so it goes throughout history. When Columbus arrived in Hispaniola or Cortez in Mexico, the second person to put foot on land was usually a priest, the third a Notary. Who else could be trusted to record the claims made in the name of the King of Spain?

Once a regular commute was established between the old and the new world, lawyers began to arrive, mainly to protect the interests of the Royal Family and wealthy traders.

From the very beginning, the professions of Notary and lawyer each acquired their own skill set; they each established their own unique role to play in societies.

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The profession of lawyer has almost never been defined in law in any country. Notaries, on the other hand, have almost always been defined and/or protected by statute, because of their public function. Here in British Columbia, we have emphasized our link with the public by putting the word “Public” into our title.

Notaries may be seen as more approachable and closer in touch with their local communities. This tradition goes back to the times where the four notables of a village were the mayor, the priest,

the Notary, and the teacher. The highs and lows in life and death—including the purchase of a home and the drawing of a Will—could be discussed and addressed with the help of those individuals.

The role of the lawyer was reserved for solving legal problems; the lawyer usually practised in the big city, used formal language, and dressed formally (the distance-creating robe!).

The preferred areas of practice of BC Notaries Public are conveyancing and Wills, formalized by the *Notaries Act* and widely recognized by the public.

Most countries have allowed their Notaries to fulfill their role and offer their skills and expertise separate from lawyers, and to provide non-contentious legal services for the communities and the clients they serve. As Allied Professionals, Notaries and lawyers in British Columbia should practise cooperation between the professions and allow for the distinction between the two roles. ▲

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