

# **Risk Management in the "Paper" World and Dealing with "Clients from Hell"**

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Ken Lord

“The profession of the Notary is at a cross roads. The Notary operates in a world of paper-based transactions where the use of traditional signatures and seals are mandatory. The practices and procedures which have evolved over centuries simply cannot be applied in a digital environment”

(Leslie Smith, iii).

# Princes of paperwork



# Invention of paper

- around 100 BC in China
- “first papermakers were Chinese workmen, who as early as 649 to 683 could make paper from the inner bark of certain plants and trees”



“Softest and richest to the eye and to the touch are still some of the hand-made productions of the Japanese, the Chinese, the Dutch, French, and English, the delight of the connoisseur in book-making ...

# The invention of paper

- changed the world
- enabled spread of knowledge
- easier to use than wood or animal skins
- became widespread in Europe due to Gutenberg's Press, one of humanity's defining inventions

- “growing international connections
- progress in medical care and hygienics ...
- development of air transport, labour-movement, and standard of living”
- “looking glass in which our modern civilization is reflected”

(Voorn, 106)

Paper “collected rapidly in the studios of notaries and lawyers, in the cells of scholars and in the repositories of governments”

(Lyons, 61)



“Old technologies have a habit of enduring. We still use pencils and candles and the world still produces more bicycles than cars”

(Harford)

# Notaries

- “crucial cogs in the apparatus of the state and ... organization of people’s lives”

# Notaries

- “truth’s alchemists, mixing the singular into the formulaic in accordance with prescribed recipes to produce the written, duly witnessed, and certified truth ... truth by template”

# Notaries

- “present at the scene, a trustworthy eyewitness – properly equipped to register what mattered”
- e.g., Columbus

- The security of the notarial act (whether paper-based or electronic) should be backed up by notarial records, to which prompt recourse must be possible if any doubt should arise as to the genuineness, integrity or contents of the notarial act or the circumstances in which it was issued”

# Risks of paper

- catastrophic events
- mismanaged information
- forgery
- improper document disposal

# Catastrophic events

- earthquakes
- fire
- floods
- war
- chemical spills
- ...

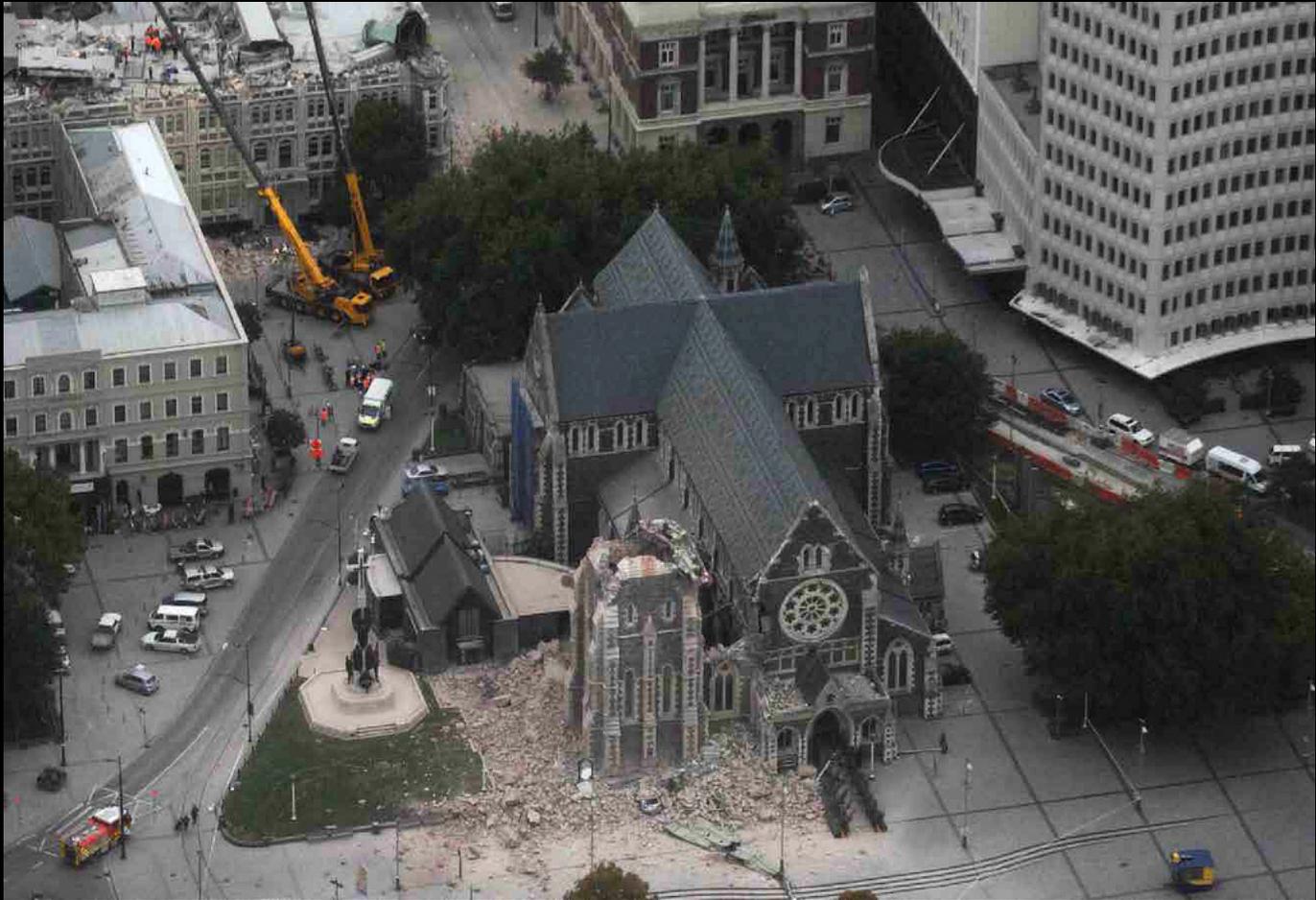












[https://www.youtube.com/watch?  
v=a1C7JpUuDMI](https://www.youtube.com/watch?v=a1C7JpUuDMI)















# Clients from hell

[https://www.youtube.com/watch?v=x-m4\\_DyQKU8](https://www.youtube.com/watch?v=x-m4_DyQKU8)

# Abel Donner

"This is the worst goddam outrage I've ever known! Making me come down here to swear before some two-bit notary! There isn't a law firm in this city that wouldn't perform so minor a service for an important client."

The pleasant scene was Neuchatel; the pleasant month was April; the pleasant place was a notary's office; the pleasant person in it was the notary; a rosy, hearty, handsome old man, chief notary of Neuchatel, known far and wide in the canton as Maitre Voigt ... there was another person in the notary's office, not so pleasant as the notary.

- Be polite
- Be straightforward
- Be free...
  - to delegate
  - to suggest a fellow notary
- Be flexible
- Be sure to collect the fee
- Be clear in recording work

# ... and remember

- a notary's job for the "public" is never done!