

ATTORNEYS RISK MANAGEMENT



Lawyers Who Are Notaries, Beware of Emerging Scam

Some states automatically commission attorneys as notaries. An exploit involving notary seals is spreading through the country, and lawyers who use their notarial seals as part of their practice should be vigilant and on their guard. The exploit isn't necessarily new – it's a twist on an existing exploit, and it's gaining momentum, as demonstrated by a recent fraudulent claim on Elvis Presley's Graceland estate involving a fake notary stamp. Most of us have never had our physical seal lost or stolen, but now physical possession is not required to have your seal misused.

Bad actors access online documents that have been notarized (by lawyers or other notaries), and copy the image of the notary stamp and accompanying signature. The bad actors then superimpose that image on whatever fraudulent documents they choose, or use the stolen image to 3D print a new notarial stamp for fraudulent use. A falsely notarized document (think deeds of trust, quit claim deeds, advance directives, powers of attorney, etc.) can cause all sorts of damage and problems for all involved, including the original notary.

Here are some steps you can take to avoid possible theft or misuse of your notary seal or seal's image:

1. Change the style of stamp you use regularly. Many states offer several different styles of stamps.
2. Change the version of your name used on the stamp. For instance, use a middle initial, or a full middle name, or no middle initial or name.
3. Track your use of stamp style and name style so, if necessary, you can demonstrate at what points you were using which stamps/names.
4. If you become aware that your notary seal has been used illicitly, report it to the local police and state notary regulating agency.

Of course, if you're a notary, you should also take steps to protect and secure your physical stamp. All of these actions can help you prevent damage arising from the illegitimate use of the image of your notary stamp.

If you need a risk management consultation, just log in to [Attorneys Risk Management](https://www.attorneyriskmanagement.com), and click on the "Request a Risk Management Consultation" button.



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