

From the desk of Attorney General Bob Cooper



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Notary Publics and Suspended Lawyers Must Halt Improper Activities

In recent weeks, the office of the Attorney General has taken action against companies and individuals misrepresenting themselves as lawyers and against a lawyer who continued to practice law even after his license was suspended. The Attorney General is charged with enforcing laws against unlicensed practice of law and misleading advertising of legal services. Diligent enforcement of these laws is essential to maintaining confidence in our legal system.

Unfortunately, some businesses are targeting Spanish-speaking Tennessee residents by advertising themselves as “notarios publicos”. Under Tennessee law, a notary public who is not licensed to practice law in Tennessee and who advertises services as a notary public must include in all advertisements the following disclaimer in English and the language used in the ad: “I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TENNESSEE, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.”

The basis for this law is that the Spanish translation of “notary public” is “notario publico,” or in the plural “notarios publicos.” In many Spanish speaking civil law countries, a notario publico is an attorney who has been specially appointed with the power to record certain common legal transactions and perform tasks that, in this country, require an attorney. As a result, some consumers, especially those from Spanish speaking countries, often believe these individuals have the same authority in our legal system. Of course, this is not the case, and notaries in Tennessee who are not attorneys cannot provide legal services.

As part of this enforcement effort, this Office recently filed three settlements and two lawsuits involving companies allegedly using misleading advertisements promoting themselves as a “notario publico” in Tennessee. The cases were filed across the state, in Nashville, Chattanooga, Memphis, and we even took action against a Northern Mississippi firm doing business in Memphis. The State is seeking an injunction, restitution, civil penalties and attorneys’ fees in the two lawsuits. The settling businesses, which advertised in Tennessee without the required disclaimer, have agreed to modify their advertisements to comply with state law and to pay civil penalties and attorneys’ fees.

In a separate case, we filed a lawsuit in Davidson County Chancery Court against a lawyer, Michael Sneed, whose license to practice law was suspended by the Tennessee Supreme Court for neglecting client files, failing to communicate with clients, and not keeping adequate records for his trust accounts. In spite of his suspension, we allege that the suspended attorney took on new clients and was still the attorney of record for several cases. We also contend that Mr. Sneed, who advertised his services in Spanish language ads before his suspension, has continued to advertise and misled clients regarding his

ability to practice law. To see a copy of the State's filings, go to <http://www.tn.gov/attorneygeneral/> and then click on Office Information and Cases of Interest.

Tennessee law protects consumers and clients from being misled. We hope our enforcement of these laws sends a message to all communities in Tennessee that the law in our state serves everyone and that the vulnerable among us should not be easy victims of misleading business practices or inadequate professional services. Actions such as these by the office of the Attorney General help build confidence in the legal system and encourage cooperation with law enforcement. It is important that victims and other witnesses come forward, not only in similar cases, but also in cases of financial fraud and other crimes.

Tennesseans in need of a lawyer should confirm the attorney is in good standing and licensed to practice law in the state of Tennessee by contacting the Board of Professional Responsibility at (615) 361-7500 or going to the website at <http://www.tbpr.org>.

Consumers who have complaints about individuals or businesses advertising as a "notario publico" without the required disclaimer or otherwise engaged in unfair or deceptive trade practices should contact the Division of Consumer Affairs at 1-800-342-8385 (toll-free inside Tennessee) or (615) 741-4737.

If you know of an individual or company that may be practicing law without a license, please file a complaint with this Office by downloading a complaint form from <http://www.tn.gov/attorneygeneral/cpro/upl.htm> and mailing it back to this Office at: Tennessee Attorney General's Office Consumer Advocate and Protection Division, Attn: UPL Complaint, P.O. Box 20207, Nashville, TN 37202-0207