

**Excerpt: 2024 LIANS Annual Report, on the subject, authored by LIANS Director**

**Lawrence Rubin:**

When I did my initial draft of this report a few weeks back, I wrote that we have seen a decline in matters pursued by Organized Pseudolegal Commercial Argument (“OPCA”) litigants, a good thing. But, between then and this final version, we became aware that there are lawyers here who, despite our repeated advisories in LIANSwers not to do so, are notarizing documents for an OPCPA litigant. When we published our advisories, one of the comments we received was that the only responsibility of the notary is to confirm the person’s ID and there is no obligation or requirement to look at or read the document being notarized or commissioned. We fundamentally disagreed with that position then, we still do and we are not alone in our opinion. In **R. v. Ayyazi, 2025 ABCA 47 (summarized here)**, an OPCPA case, the Alberta Court of Appeal dealt with a matter where the lawyer simply confirmed the person’s ID but did not read the materials before notarizing them. In setting aside a financial penalty imposed by the lower Court on the lawyer who notarized the OPCPA materials, the Court stated :

[11] [The lawyer] understood that her role was to confirm Mr Ayyazi’s identity and that he was “the actual person signing the letter”...[The lawyer] had argued that her obligation as a notary “is to treat all persons equally and with respect,” and that required her to notarize Mr Ayyazi’s documents....

[12] This suggests [the lawyer] harbours a fundamental misunderstanding of her role. The documents in question were clearly irregular on their face and [the Lawyer] should have refused to notarize them. In our view, this points to a gap in education rather than an intention to participate in any nefarious scheme Mr Ayyazi attempted to perpetrate.

[13] We accept that [the Lawyer] has been significantly impacted as a result of her uninformed decision to notarize these documents.... Her professional reputation has been impacted...[The lawyer] conveyed her sincere apologies to the court below, its staff, and anyone who may have been harmed in any way by her conduct. In the circumstances, we are of the view that the Rule 10.49(1) [financial] penalty imposed on [the lawyer] is not warranted.

Lawyers should always take the time to read what they are asked to notarize or commission. As the Court in Ayyazi stated, not doing so is a fundamental misunderstanding of the role. And if what you are being asked to notarize or commission is for an OPCPA document or is otherwise irregular, give serious consideration to not adding your name. This is especially so if the person seeking your notarization is not otherwise

your client. Because if they are your client, the likelihood that you will sign off on something you cannot defend is lower. More generally, we recommend that you read LIANSwers when it is published. In addition to a wellness item and some reminders, each issue contains items on what is on our minds from a practice and risk management perspective. In our opinion, each issue is worth 15 minutes of your time (but we publish it so we are biased).

(full text: <https://lians.ca/wp-content/uploads/2025/08/2025-08-22-Annual-Report-2024-Final-00239392xC22B8.pdf>).