



Notary or Attorney?
Competing or complementary roles in non-contentious matters

The added value of notarial involvement

December 5, 2024

Program

9 - 9.30 am: **Opening**

UINL President, Lionel Galliez

President of the Notarial Chamber of Puerto Rico, Arsenio Comas Rodón

Jueza Presidenta del Tribunal Supremo de Puerto Rico, Maite Oronoz Rodríguez

9.30 - 9.40 am: **Introduction**

Overview - General presentation of the theme:

Civil Law notary mission confronted with Common Law: The role of the notary, the judge and the attorney

PART. 1. COMPARATIVE APPROACH OF THE LEGAL SYSTEMS

Comparative discussion on non-contentious matters proceedings in common-law and civil-law jurisdictions

9.40-12.30 am

A. Two practical examples: Successions and Real estate

Comparative discussion

Moderator: to be confirmed

• **Round table 1 : SUCCESSIONS** 9.40-10.25

- **Inheritance proceedings in civil law** (*Not. Thierry Vachon – France*) 15 min
- **Inheritance proceedings in common law** (*speaker to be confirmed*) 15 min
- **Closing & Discussion**

Coffee break (20 min)

• **Round table 2 : REAL ESTATE** 10.45-11.45

- **Real estate transactions in civil law** (*speaker to be confirmed*) 15 min
- **Real estate transactions in common law** (*speaker to be confirmed*) 15 min
- **Behavioural Economics and the Protection of Consumers** (*Philip M. Bender, German Federal Chamber of Notaries*) 10 min
- **Proof of property rights after naturel disasters: specific role of notaries** (*Pr. Annie Rivera Cruz, Puerto Rico*) 10 min
- **Closing & Discussion**

B. Analytical approach: *The added value of notarial involvement*

11.45-12.45

- **The added value of notarial involvement – Comparative observations** (*Professor Peter L. Murray, Harvard Law School & Professor Rolf Stürner, University of Freiburg*)

Lunch Break (12.45 – 2.30 pm)

PART. 2. COMPARATIVE ANALYSIS OF THE PROFESSIONS

Reflections on the role of notaries, attorneys and judges in common-law and civil-law jurisdictions

2.30-5.40 pm

Moderator: *to be confirmed*

Introduction *(2.30-2.40)*

A. Notary / Attorney

2.40-3.25

- **Similarities and differences between the professions of notary and lawyer** (*speaker to be confirmed*) *15 min*
- **Is the dual role (notary/attorney) compatible with the notarial status?** (*Dennis D. Martínez Colón, UINL Vice President for North, Central, and Caribbean*) *15 min*
- **Debate – Q&A**

Coffee break (20 min)

B. Notary / “out-of-court magistrate”

3.45-5.20

- **Proximity of the professions** (*Humberto Antonio Siera Porto, Judge, Vicepresidente de la Corte Interamericana de Derechos Humanos – to be confirmed*) 15 min
- **The notary as Ex-ante judge** (*Professor Jens Bormann, UINL Vice-President for Europe and President of the German Federal Notary Chamber*) 15 min
- **The notary as Judge's collaborator** (*Professor João Otávio de Noronha, Ministro do Superior Tribunal de Justiça (Brazil)*) 15 min
- **The notary as an alternative to the judge in non-contentious matters** (*Professor-Notary Cristina Armella*) 15 min
- **Debate – Q&A**

Closing 5.20-5.40

Synthesis & Closing

Dennis D. Martínez Colón, UINL Vice President for North, Central, and Caribbean America

UINL President, Lionel Galliez