



JAGMAN CHANGE 3 CHAPTER 9, AUTHORITY TO PERFORM NOTARIAL ACTS

Purpose. This Practice Advisory explains Change 3 of JAGINST 5800.7F (JAGMAN), as it effects who may perform notarial services in the Marine Corps.

Background.

1. Chapter 9 of the JAGMAN implements 10 U.S.C. § 1044a, Authority to Act as a Notary. On 30 March 2020, Change 3 was published. It added persons to the list of those eligible to notarize in the Department of the Navy and, as discussed below, persons notarizing for the Marine Corps.
2. 10 U.S.C. § 1044a grants general powers of a notary public and of a consul of the United States to the individuals below:
 - a. All judge advocates, including reserve judge advocates when not in a duty status,
 - b. All civilian legal assistance attorneys,
 - c. All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel,
 - d. All adjutants, assistant adjutants, and personnel adjutants, including reserve members when not in a duty status,
 - e. For the performance of notarial acts at locations outside the U.S., all employees of a military Department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the U.S., and
 - f. All other members of the armed forces, including reserve members when not in a duty status, designated by regulations of the armed forces or by statute to have those powers.

Discussion.

1. In addition to the list in 10 U.S.C. § 1044a, JAGMAN, Chapter 9, added the following persons to those authorized to perform notarial acts. Change 3 increased the categories of authorized persons as shown below.
 - a. All civilian attorneys serving as legal assistance attorneys and all civilian legal assistance attorney volunteers¹ when authorized by the SJA to CMC for the Marine Corps (*JAGMAN, Change 3*),
 - b. All officers in the grade of 0-4 and above,
 - c. All COs, XO's and commissioned admin officers,
 - d. All commissioned legal officers and commissioned or enlisted assistant legal officers,
 - e. All Marine Corps officers with an MOS of 4430 while assigned as legal administrative officers,

¹ Legal assistance attorney volunteers will be authorized to perform notarial acts when their service is approved by JAD (JLA).

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- f. All civilian paralegals² serving at military legal assistance offices, supervised by a military or civilian legal assistance counsel (*JAGMAN, Change 3*),
 - g. All (Navy) legalmen,
 - h. All Marine Corps legal services specialists while serving in legal billets under the direct supervision of a judge advocate or a civilian legal assistance attorney when authorized by the SJA to CMC³ (*JAGMAN, Change 3*), and
 - i. For performance of notarial acts outside the U.S., all DON civilians supporting legal assistance offices.

2. Change 3 also directs persons who will provide notarizations for the Marine Corps under authority of 10 U.S.C. § 1044a and the JAGMAN to take notary training as directed by the SJA to CMC. MARADMIN 546/18 directs that training, which can be found on the SJA to CMC website: <https://www.hqmc.marines.mil/sja/>. Training slides are being updated to reflect Change 3. Persons otherwise authorized but who do not perform notarial acts are exempt from the training.

3. State notaries act pursuant to state law requirements.

References: (a) 10 U.S.C. § 1044a
(b) JAGINST 5800.7F, Change 3 (JAGMAN)
(c) MARADMIN 546/18, TRAINING REQUIREMENTS FOR PERSONNEL EXERCISING FEDERAL NOTARIAL AUTHORITY

Point of Contact: Questions should be directed to Ms. Mary Hostetter, Head, Legal Assistance Branch (JLA), Judge Advocate Division (JAD), at mary.hostetter@usmc.mil or (703) 692-7442.

² This includes civilian paralegal volunteers in legal assistance offices when their service is approved by JAD (JLA).

³ JAD (JLA) provides authorization herein.