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How to settle a dispute with a notary?

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You have a **dispute with a notary** ? You must **first** to make a **complaint** to the **president of the regional or interregional council of notaries**. If you're not **dissatisfied** of the decision taken by the local authority of the profession, you can enter the **disciplinary jurisdiction of notaries** or the **civil or criminal justice**.

You may be in conflict with your notary, for example on one of the following topics:

- Charging too high
- Delay in case processing
- Negligence in handling the case
- Refusal of appointment
- Error in writing an act
- Defending your own interests at the expense of yours
- Lack of impartiality between the different parties in a case
- Disclosure of confidential file information to third parties
- Bad legal advice

Referral to the Regional Council of Notaries ^

A dated and signed complaint must be sent to the president of the regional or interregional notaries' council to which the practitioner was subject at the time of the events.

You can have a lawyer assist you.

Who shall I contact

Regional Chamber of Notaries [↗ \(https://csn.notaires.fr/fr/organisation-du-notariat-les-instances-regionales\)](https://csn.notaires.fr/fr/organisation-du-notariat-les-instances-regionales)

The claim must contain the following elements:

- Identification elements (natural person): surname, forename, occupation, domicile, date and place of birth
- Identification elements (legal person): form, name, registered office, legally representative body
- Identification of the notary in question: surname, first name, contact details of his notary office
- Facts behind the claim (what you criticize the notary)
- Documents relevant to the examination of the complaint (if necessary)

The president of the regional council or departmental council must give you an acknowledgement of receipt.

It must also inform the notary concerned and ask him to submit his observations. The President of the Regional Council of Notaries may decide to close the case without further action, to open a conciliation with the notary in question or to transmit the file to the disciplinary jurisdiction of the notaries

No follow-up ranking

The President of the Regional Council of Notaries may decide to dismiss the case if he considers that the complaint is abusive or manifestly unfounded.

He must inform you as soon as possible of this decision and inform you that you have the possibility of directly bringing proceedings before the disciplinary court of notaries and the Attorney General.

Opening of conciliation

If the President of the Regional Council of Notaries considers that the complaint is not abusive or manifestly unfounded, the President of the Regional Council of Notaries may open a conciliation between you and the notary concerned.

If the conciliation results in an amicable solution, the dispute shall be settled.

If conciliation fails, the President of the Regional Council of Notaries must inform you that you have the possibility of bringing the matter directly before the disciplinary jurisdiction of the notaries and the Attorney General.

Referral to the disciplinary court of notaries

If he considers that the complaint is not abusive or manifestly unfounded and that the nature of the facts reported allows it, the President of the Regional Council of Notaries may transmit the file to the disciplinary jurisdiction of the notaries. He must inform you and the notary in question.

Bring proceedings before the disciplinary court of notaries ^

The disciplinary jurisdiction of notaries has the task of penalizing notaries for non-compliance with their professional rules.

It is composed of a court of first instance, the regional or interregional disciplinary chamber, and an appeal court, the national disciplinary court.

The disciplinary jurisdiction of notaries may be brought by the President of the Regional or Interregional Council of Notaries and by the Attorney General. In the event of failure by the President of the Regional or Interregional Council of Notaries, the President of the Board of Governors of the Notary may refer the matter to the court in his place.

You may also bring an action before that court if your complaint has been dismissed by the President of the Regional Council of Notaries or if the attempt at conciliation has not been successful.

You must address the request to the disciplinary chamber located at the relevant regional or interregional notary council at the time of the facts. You can have a lawyer assist you.

Who shall I contact

Regional Chamber of Notaries [↗ \(https://csn.notaires.fr/fr/organisation-du-notariat-les-instances-regionales\)](https://csn.notaires.fr/fr/organisation-du-notariat-les-instances-regionales)

In case of emergency or the need to protect public or private interests, the President of the Regional Disciplinary Court may temporarily suspend a notary who is the subject of a disciplinary or criminal investigation or prosecution. However, it must first obtain its comments after a debate in which the parties are not satisfied.

The duration of the suspension is up to 6 months. It may be renewed once.

The notary may appeal to the national disciplinary court.

Outside of emergencies, the Regional Disciplinary Court may impose the following disciplinary penalties:

- Warning
- Blame
- Temporary ban for up to 10 years
- Impeachment (resulting in permanent ban)
- Loss of Honorary Notary Status
- Laundering penalties
- Maximum fine **€10,000** or **5%** of the current year's duty-free turnover

The decisions of the Regional Disciplinary Chamber may be appealed to the National Disciplinary Court, which is located at the Supreme Council of the Notarial Office.

Judgments of the National Disciplinary Court may be appealed to the Court of Cassation.

Seek justice ^

You can sue the notary not only before the disciplinary jurisdiction of notaries, but also before ordinary courts.

Indeed, the notary is personally responsible for all his professional activity.

Such liability may be civil or criminal.

Criminal liability

The criminal liability of the notary may be called into question for the following reasons:

- Violation of the professional rules of notaries (drafting of false documents, violation of professional secrecy etc.)
- Violation of criminal law (fraud, abuse of weakness etc...)

In order to lodge a complaint against the notary for failure to comply with a disciplinary or penal rule, a complaint must be submitted to the public prosecutor.

File a complaint with the public prosecutor (<https://www.service-public.gouv.fr/particuliers/vosdroits/R11469>)

Civil liability

The Civil liability of the notary may be challenged for his acts that caused you harm. For example:

- Failure to comply with an administrative time-limit which entails penalties (taxes)
- Forgetting an easement in a real estate sale
- Proposal for a legal arrangement questioned by the tax authorities
- Charging excessive rates

Proceedings relating to the civil liability of the notary must be brought before the civil judge. The court of competent jurisdiction depends on the amount of money that is the subject of the dispute.

The competent court depends on the sums involved in the dispute.

- For a case less than or equal to **€10,000**, it is the local court or the judicial court.
- For a case greater than **€10,000**, it's the court.

Who shall I contact

Judicial Tribunal [⌄ \(http://www.annuaires.justice.gouv.fr/\)](http://www.annuaires.justice.gouv.fr/)

FYI

The civil challenge may be brought before the public prosecutor if the criminal case has already been referred to him. Then you have to do a civil party constitution (<https://www.service-public.gouv.fr/particuliers/vosdroits/F20798?lang=en>) .

Who can help me?

Find who can answer your questions in your region

Notaries news

<https://www.notaires.fr/fr/notairesinfos> (<https://www.notaires.fr/fr/notairesinfos>)

Statute and miscellaneous references



Ordinance No. 2022-544 of 13 April 2022 on the conduct and discipline of ministerial officers

(<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045570925?lang=en>)

Ethics review of notaries

Decree No. 2022-900 of 17 June 2022 on the conduct and discipline of ministerial officers

(<https://www.legifrance.gouv.fr/loda/id/LEGIARTI000045933556?lang=en>)

Ethics review of notaries

National Notaries Regulation (<https://csn.notaires.fr/fr/reglement-national-reglement-inter-cours?lang=en>)

Professional rules for notaries

FAQ

How to settle a dispute with a bailiff (now called a commissioner of justice)?

(<https://www.service-public.gouv.fr/particuliers/vosdroits/F14728?lang=en>)

Notary fees: what is it? (<https://www.service-public.gouv.fr/particuliers/vosdroits/F17701?lang=en>)

Additional topics



Notary (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2164?lang=en>)

Service Public

Lawyer (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2153?lang=en>)

Service Public

Commissioner of Justice (former bailiff and auctioneer) (<https://www.service-public.gouv.fr/particuliers/vosdroits/F2158?lang=en>)

Service Public