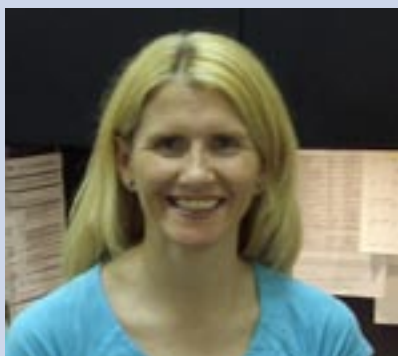


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**Joanne Wingate** is one of our Customer Support Specialists. As a part of our support team, her job includes training clients on LawyerDoneDeal web programs and answering any questions about LDD web applications. Joanne brings over 15 years of experience working in the real estate area of a law firm together with detailed knowledge of the web applications to assist you with your questions. Her column, **Ask Jo** will appear regularly in our e.Newsletter and will focus on questions frequently asked and issues you encounter. You can e-mail Joanne at [support@ladd.ca](mailto:support@ladd.ca) with any specific questions.

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## Ask Jo

### RealtiPLUSWeb FAQs

LawyerDoneDeal® support specialists are available from 8am to 7pm EST. We are continually welcoming new clients and some questions asked about using RealtiPLUSWeb™ (RPW) are:

*Question: Can I create documents in Teraview® using RPW?*

*Answer:* Yes, you can! Complete some information under the Basic button and click the dropdown menu beside the Basic button. From the menu select the link "Export to e-reg™". A pop-up window will confirm the docket name and the Land Registry Office number. Select the documents you want to create and press the "Export" button. RPW will open up Teraview for you. After you have typed in your password, RPW will create or select your docket, load the information into Teraview and provide you with a confirmation number ensuring that the information has been received. Import the information through the "Project" button in Teraview.

*Question: How do I create master documents that meet my firm's requirements in RPW?*

*Answer:* Document masters are located under the "Tools" tab, under the heading "Documents". To select a document simply click on it. You can change the document by selecting different options from the drop down menus and you can edit, change or add new text within the document body or change the font and document margins.

*Question: Can I attach a bank mortgage schedule in RPW?*

We've been working with the 5 major banks and they've permitted us to use their mortgage schedules within the RPW program. Once you have selected lender under the "Mortgages" button, you can access the schedules by scrolling down the screen until you see the "Additional Terms" or "Click here to go to Lender Schedules".

If you have questions about using any of our products, please call us at 416-367-0600 or 1-800-363-2253 ext 0 or e-mail us at [support@ladd.ca](mailto:support@ladd.ca).

### Mastering the Web

RPW provides you with a complete set of documentation to complete a purchase, sale or mortgage transaction. You also have the capability to amend the documentation to meet your firm requirements. Here's how you can change your masters:

1. Go to the "Tools" tab and click on the heading "Documents".
2. From the Document List select the document you want to amend by clicking on it one time.
3. Click the "Duplicate" key and create a copy of the master document. It is a good idea to keep the master copy of the document, in case you want to refer to the original for coding or wording purposes.
4. Rename the document by clicking on the "Edit Attributes" button.
5. Change the Document Setup by selecting new choices from the dropdown menus.
6. The text of the document or the "Document Body" is broken down by paragraph. Each paragraph is delineated by alternate shading. To make a change to a paragraph you must surround it by a text box. A double click on a paragraph

or a right click, one time, and select "Edit Text" from the menu will show the text box.

7. Once the text is surrounded by the text box, you can make any changes you require. Use the tools bars to bold, underline, indent, insert tables and change font colours just to name a few features.

8. If you have precedent documents in your word processor (i.e. Word or WordPerfect) copy them from the word processor and paste them into the text box. (Note: Some text from word processors may have to be pasted into Notepad before pasting it into RPW.)

9. Once you have completed the changes, click anywhere, outside of the text box, to remove it.

**10. Always remember to save your changes.**

If you have questions about making RPW integrate seamlessly into your busy practice, do not hesitate to contact our support line at 416-367-0600 or 1-800-363-2253 extension 0 and speak to our support specialists.

## Seminar in a Box A tool for lawyers to educate public

*By Ray Leclair & Clare Brunetta  
Co-chairs, Working Group on Lawyers and Real Estate*

Critical to the future of the real estate bar is the need to educate the public on the value that lawyers add to the transaction. To that end, the Working Group on Lawyers and Real Estate in Ontario has created "Seminar in a Box" -- a complete presentation and information package for lawyers to use in a public presentation on the work they do in a residential real estate deal.

The package -- **available at no cost to lawyers** -- includes: a PowerPoint presentation, key messages, task checklists (for example, book a room, confirm a date, arrange audio/visual equipment), ideas for other speakers who could be invited to present (for example a banker or home inspector), a mission statement, a draft budget and correspondence templates for invitations, thank you notes and more.

Audience reaction to "Seminar in a Box," which was developed over the winter and tested by volunteers over the past few months, has been positive. Lawyers say they like the opportunity to get out in front of the message with a user friendly tool that helps them talk to consumers about the importance of legal services and the critical role lawyers play in real estate transactions. This tool reinforces that real estate conveyancing is much more than just document processing.

We encourage anyone in real estate practice to request a package, get out into the community and make sure the public understands the importance of having a lawyer involved in their real estate transactions.

Interested lawyers can request information or the "Seminar in a Box" by contacting Ray Leclair at: ray.leclair@krpc.net or Clare Brunetta at cbrunetta@nwonet.net.

## Confirmed Lenders' Update

**LDD is happy to congratulate LawPRO on the following new TitlePLUS® Confirmed Lenders:**

### ONTARIO

Kenora District Credit Union Limited  
Lambton Financial Credit Union Limited  
Innisfil Shelburne Credit Union Limited  
Northern Lights Credit Union Limited  
Community Savings and Credit Union Limited  
Ubiquity Bank of Canada  
Southwest Regional Credit Union Limited  
Ukrainian (St. Catharines) Credit Union Limited  
Cataract Savings & Credit Union Limited

### NATIONAL

Peoples Trust Company  
Bridgewater Financial Services Ltd.

## Look Who's Joined LDD's WebDocumentRetrieval Lender Platform

Superior Credit Union is the next lender to post its mortgage documentation and processing to the LDD WebDocumentRetrieval™ site. On the LDD WebDocumentRetrieval site, mortgage instructions are posted by participating mortgage lenders where information contained in these documents can be seamlessly migrated into other capabilities, such as Web-based mortgage document production, electronic Request for Funds, Online Mortgage Reporting and Web-based TitlePLUS application/distribution channels.

***Look for other lenders to follow suit shortly!***



**Suzi Gayne** is the Manager of Client Support at LawyerDoneDeal. In the **Enhancement Buzz** column of each e.Newsletter, Suzi will bring you a recap of new features recently released in LawyerDoneDeal's product offerings, and give you the scoop on exciting new features and products to come.

## Coming Soon to RPW

Watch for the following new exciting features within the next quarter:

- Improved document editing capabilities
- Downloadable Word Processor for modifying fonts and margins after merging
- Bilingual and French POLARIS® forms

*If you have questions about any of these features, call the Support hotline.*

### Subdivisions Coming to the Web Soon!

LDD will soon be adding to its online real estate product roster the subdivision program for law firms who handle residential subdivisions on behalf of builders. This program will allow you to quickly enter all the information for the project, mass produce the documentation, and then post it to the LDD website for purchasers' lawyers to retrieve, and if desired, bring the data into RealtiPLUSWeb to complete the entire purchase transaction.

*This product will be going into testing shortly and is due for a fall release.*

## Enhancement Buzz

### Enhancements Have Been Made to RealtiPLUSWeb

RealtiPLUSWeb – our online real estate conveyancing system – has many new forms and new and updated features! Included are forms such as:

- TD Schedule for CMHC Fixed Closed Mortgage
- TD Bank – Additional Information form
- Thunder Bay Tax Arrears and Tax Current clearance search form
- North Bay Fire Department clearance search form
- Ottawa Planning Department – Report on Compliance with Agreement and Report on Compliance
- Hamilton Zoning form
- Maple Trust Interim and Final Report on Title
- Search Letter to Technical Standards and Safety Authority
- Schedules for MCAP Service Corporation
- MCAP Interim Report on Title

The following features are among the many enhancements to the system:

- The Calendar is now user customizable with 18 preset dates from which you can choose and unlimited dates which can be added. See the Help page for further details.
- The Archive feature is available now. Automatically, 90 days after closing, your files will automatically be archived, ie, placed into an area for files that are not currently active. You will have the ability to archive files earlier, if you choose, or to bring any file back to the Active list at any time. Active files are always available for searching and reporting on.

For more details on these and other changes, go to the What's New section of our Web site at [www.lawyerdonedeal.com/news.asp](http://www.lawyerdonedeal.com/news.asp). Watch for additional features coming soon!

**Further information on RPW including how to sign up:**

[www.lawyerdonedeal.com/rpwinfo.asp](http://www.lawyerdonedeal.com/rpwinfo.asp).

## Did you know?

If you are new to RPW or have been using it but don't know all of its features, you may not know that RPW will let you:

- Export e-reg™ documents to Teraview
- Initiate Title Searching in Teraview
- Process and issue TitlePLUS® policy applications
- Process your New Home and WebDocumentRetrieval transactions directly
- Use document packages to process and print groups of documents, such as Closing Documents. Use our packages or assemble your own!
- Produce e-reg™ related documents such as Document Registration Agreements, Acknowledgement and Direction
- Easily customize your own master documents!
- Use our Reports to view and print file lists or create your own customized reports
- Use the Template feature to set up one or more file templates
- Produce many jurisdiction specific closing documents and search forms

## The Future of Real Estate Practice?

*Residential real estate practice has changed over the past decade with the introduction of title insurance, the creation of the TitlePLUS program, mortgage outsourcing initiatives and competition from non-lawyers. At TitlePLUS conferences across Ontario, and in follow up interviews, we asked panels of regional real estate practitioners their views on the changing role of lawyers in residential real estate transactions. Following is a selection of their comments.*

Lender outsourcing became a major issue in 2003 when a number of outsourcing companies, working with major financial institutions, piloted mortgage processing programs in selected areas in Ontario. Among the concerns these programs raised were: potential conflict of interest issues; liability issues surrounding trust accounts; a de-emphasis on the role of the lawyer; putting third part intermediaries between the lender and the lawyer; and the fact that additional costs were being carried by the consumer without corresponding benefit. A joint OBA-CDLPA-ORELA working group was formed to raise awareness of the issue among lawyers, and to advocate on lawyers' behalf with the lenders and title insurers. At the same time the County of Carleton Law Association mobilized lawyers in the Ottawa Valley against a local mortgage outsourcing initiative.

While these groups were successful in stopping these pilot programs from expanding, the real estate bar has not been completely successful at getting lenders to understand the value of lawyers in conveyancing. Why not?

**Jerry Udell:** More and more lenders are using TitlePLUS instead of U.S. title insurance companies. They (commercial title insurers) are making many mistakes that lawyers generally don't make: I've heard of discharged mortgages that should have been assigned and mortgages put under wrong names or wrong properties. Lenders are starting to realize what lawyers do; the dotting the i's and crossing the t's is time consuming. We clear their desks so they can do what they do best: selling products to clients. What other title insurers have done with these low-cost arrangements is download work on to the desk of the lender. The cost is their time and delays, and to everybody, cost is money. As word filters up to those in administration and they realize that lawyers can do it at or close to the same cost, they realize the value. Their bottom line is being met.

**Ray Leclair:** We've forgotten to maintain the communication with clients, in particular, our biggest clients: the banks. We must ensure the communication to and from banks to maintain our role in the transaction. We shouldn't be waiting to hear from them on new initiatives, we should be proactive in going to them with new ideas.

*Traditionally, bar-related organizations work toward specific purposes that are often not shared goals: At times they can even work at cross-purposes to each other. Does the real estate bar need one voice to represent it, and if so, how can that be accomplished?*

**Ray:** Our success in fighting mortgage outsourcing demonstrates the strength of our profession when we work together as a group. ORELA, the OBA and CDLPA worked together, their lobbying shut down what the other title insurers were trying to do, and we're continuing to push on lender outsourcing. Other initiatives are the "Seminar in a Box" program to promote ourselves to the community, and we're working together on ideas for standards and a suggested fee schedule to be presented to the Law Society for consideration.

**Jerry:** The problem is that each group has its own agenda. I think OBA has taken positive steps to put more practitioners on its council. To be able to contribute in a significant way to any of those groups, you have to make the sacrifice of not being in your office: that's really part of the issue. We all get involved in our own lives and don't see the bigger picture. The voice of the bar outside of Toronto has to be heard, so you have to subsidize the cost. Then it becomes a matter of conscience. Everyone has to make concessions to benefit the bar and public. Everyone would benefit from a merger. Ultimately, the OBA, CDLPA and Law Society has to come to the conclusion that without the real estate bar, the whole bar is in trouble.

*In real estate transactions, the work of lawyers is often time consuming and highly specialized. While the fees that real estate agents collect have increased exponentially in the last fifty years, lawyers' fees have not witnessed corresponding increases. What can lawyers do to ensure they receive a reasonable fee necessary for a viable real estate practice? How can we ensure...*

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## The Future of Real Estate Practice (continued)

*...that standards are met? With the amount of competition and reported undercutting of fees in the real estate bar in jurisdictions across Ontario, are lawyers their own worst enemies?*

**Ian Kirby:** It's wrong that consumers are willing to pay much more to their real estate agent than to their lawyer. We need to be able to charge reasonable fees so others are drawn to our profession. In 1950, the real estate agent got a six percent commission on a listing, - Today, it's still six per cent, but look at selling prices today -- it works out to 4,000 per cent or more increase in fees for agents -- while lawyers are working for less and less.

The problem is that real estate groups have not been effective in advancing their cause. Groups that represent real estate agents have been more effective than lawyers. A good example is the Mortgage Brokering Act: the proposed changes would restrict activities lawyers can engage in. The OBA view is that rather than limit range of activities, we need to have lawyers more involved in more aspects of real estate, so we're making a submission to ensure lawyers' practice is protected and expanded. The CBA has also been advertising on behalf of the profession.

We're all afraid of the word 'tariff' - but we should be taking cue from litigation lawyers who have set up a cost grid based on the types of work they do.

**Bob Tchegus:** What we've done at our firm is to work on a percentage, just like the real estate agent: 0.5 per cent of a purchase and 0.4 per cent on a sale (with minimum fees between \$650-750). Since

the average real estate lawyers' fees are \$650 to \$750, it works out for houses in the \$150,000 market and, heaven forbid, we actually can make some money on the higher end properties. We've probably lost a lot of price sensitive shoppers, but they're the ones we don't want. Our clients want more than just our registering the deed. They want to meet the lawyers. The people who are most cost-sensitive are often and ironically the most demanding. The lawyers who cater to them are perhaps more likely to get sued. You can't just bang these deals out without applying any kind of effort to them, and yet a low fee doesn't justify any effort!

Set percentages work for the real estate agents. I don't understand where the fear comes from at the Bar. Perhaps a standard fee across the board would be appropriate, but the problem is one of enforcement. Even if you could get the real estate Bar in unison, you're always going to have the general practitioner who dabbles in real estate or the criminal lawyer who does so when times are tough.

**Brenda Bell:** Some lawyers feel it won't be easily received, but I think the fee schedule is a good idea; it can calm people's fears that we're charging too much. It works for realtors because everyone knows they get six per cent. If it's just acknowledged this is how much lawyers charge, it will make us all work to the same standard. If the fees are the same, you have to provide good service to stay in business.

**Kathleen Yeoman:** We are our own worst enemies -- It's harder than ever to do business because the issues in closing

are often more complex, clients are more difficult to deal with, more litigious -- yet we have lawyers willing to undercut each other, we're competitive, litigious and argumentative -- it's crazy.

As consumers shop for the lowest quote they can get on legal fees, it becomes clear that the real estate bar has not done enough to make clear the value they bring to real estate transactions. What can real estate lawyers do to change public perception?

**Ray:** We need to keep educating -- both lawyer and consumer -- about the value the lawyer adds to a real estate transaction. We say we quarterback -- when in reality we're only at the tail end. We need to get out in front of the transaction. Can we expand where we're involved? We have to. We are professionals and we cannot forget that: We have to maintain a certain level of professionalism.

**Bob Aaron:** We need to reinforce that if a lawyer is not involved, there is no one there to protect the public -- that's where the interests of the Law Society dovetail with ours, as their mandate is to protect the public.

**Kathleen:** It's up to us to demonstrate value, and we can all do it with our own clients. When you hear that someone is offering a \$999 "all in" package to close a purchase you need to explain what that lawyer is likely not doing, all the searches he/she won't be doing if the fees are going to be capped. We also need to work together; we need the help of others in the real estate arena to come up with the money to help make education efforts successful.

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## The Future of Real Estate Practice (continued)

**Bob Tchegus:** The only marketing out there for lawyers at this time is for TitlePLUS. Real estate lawyers aren't really out there marketing themselves. Wherever I go, it's title insurers who are spending the money. It's all marketing: The lawyers have to have a presence, and that's how to do it. The ironic thing is that it is the lawyer who should really take pride in his/her work, compared to all the other parties involved. What lawyers have to do is stop selling themselves short and get their confidence and measure of self-value back. Real estate lawyers have knowledge that people want, and they tend to forget that and sell it too cheap, if not give it away.

You have independents fighting the cause. With more dollars, you're going to get a bigger bang for the buck. Politics have to be put aside. We need a one-shot effort with the money to do the advertising and take on the commercial title insurers. They haven't won yet. We need the resources to get people sitting down with the banks and selling lawyers and what we do in the real estate transaction/market.

**Brenda:** Lawyers really aren't good at marketing: for a long time we haven't been able to advertise. Meanwhile, realtors are on every channel telling people how important they are. Every time someone's rights are trampled on or he is being taken advantage of, he calls a lawyer. In real estate practice, we're preventing people from getting into trouble in the first place. We have an important role in society and real estate. We should be putting up more of a fight to make others realize that importance.

*With all the upheaval that the real estate bar has faced in the last decade, what*

*trends have you observed to be of major concern? What can lawyers do to ensure they remain an essential component of real estate conveyancing?*

**Bob Tchegus:** I recall in 1997, attending a seminar on title insurance and being told we have to tell people about title insurance. Back then, if the other title insurers had made a deal right off the bat to use Ontario solicitors, it wouldn't have been necessary to create the TitlePLUS program.

**Bob Aaron:** I have to give credit to the Law Society for creating TitlePLUS -- because the closing centres were out to put us out of business. The Law Society realized there would be a wholesale dislocation of lawyers as there was with the closing centres in the States so they created TitlePLUS.

**Bob Tchegus:** The American title insurers are flooding the market with low premiums; eventually they won't need lawyers. They are insulting us by asking us to work as brokers.

I know of a number of major builders with closing centres that refuse to execute the Planning Act statements. That's the first step in our losing control. We need to demand that there be law statements on all instruments. The one thing that everyone has to realize is that TitlePLUS is LAWPRO - TitlePLUS is us. I believe all lawyers should be buying TitlePLUS. It's self-insuring. Other title insurers have told us of their policy of not suing lawyers, but I believe that this policy will change. But TitlePLUS is the only company where that it is just common sense to not sue lawyers.

**Ray:** Is there a future? Yes, very much so. We need to seize the role. We've been letting it slide. We need to be a little more proactive in maintaining our role, educating the public, the lenders, the broker, the agents. We've been lax on doing that. The Working Group is working on those issues, and on a major marketing effort to the public. People don't think about all of the legal steps and the transactions we do in their deal. People don't hear about problems, because of all the good work we've done in the past. We're going to see a lot more of people getting the short end of the stick.

**Ian:** Real estate is the only butter left in the sandwich for many lawyers. Legislation has turned motor vehicle negligence work into files that no one wants to touch; provincial criminal work is being usurped by paralegals -- all that's left is real estate.

This has major implications for small communities where lawyers are active in local politics and often the pillars of the community. If they leave because they can't practise real estate law and they can't support a family, it creates major access to justice issues for these communities.

**Jerry:** Ten years ago I thought we'd be out of real estate practice by now. Fortunately the TitlePLUS program and the Law Society have made the playing field more level. The ability to computerize, openness to adapting to new technology and integrating it into your practice are essential: without them you're a dinosaur.