

# **ALTO and Change Management**

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## **ALTO AND CHANGE MANAGEMENT**

### **INTRODUCTION, HISTORY AND CONTEXT**

I have been involved with the ALTO project since before it was possible to apply a digital signature. I have seen several iterative improvements over the course of the project and I expect that there are still some more to come.

Over 95% of the submissions we now make to Land Titles are done electronically, and we intend to get to 100%. At this point, the only documents that we do not submit digitally are documents that for one reason or another we cannot submit digitally.

The following suggestions represent lessons learned from our transition as well as other general lessons that were learned in other similar technological and workflow transitions I have directed or participated in.

### **ASSUMPTIONS**

The following assumes that the lawyer applying their digital signature will need to have physical possession of the documents when they apply their digital signature.

The Land Titles Act says “possession” which for the purposes of this paper I have interpreted it as actual physical possession at the time of the application of the digital signature. If “possession” is ultimately interpreted more liberally then other processes become possibilities, but for the purpose of my presentation I have assumed the most conservative interpretation.

### **TIP NUMBER ONE – PILOT PROJECT**

Consider implementing a pilot project of your planned process before rolling it out as one big change. When making organizational or technical changes often the consequences of seemingly small decisions are very difficult to fully appreciate until the consequences can be observed. There will likely be a dozen little things you couldn't have thought of that will become immediately apparent as you work through your first few files. Don't waste your time trying to think of every little thing; run a pilot and see what problems you have.

As lawyers, we are often trained not to think this way. In general, you don't get a do-over in litigation. If you don't think things through, you can't easily amend your position or your behaviour later. Don't let that thinking affect your project planning and implementation.

The worst-case scenario for poorly thought out process in a residential real estate context is that you waste some time. I expect you will waste significantly less time than you would spend trying to think through all the little details.

When you do start your internal pilot of the new system, you would ideally start with files where time is not a significant factor and where the staff is very comfortable with the old process.

A pilot of this nature has two primary goals. The first goal is to allow the people involved to learn the process to a sufficient degree that they can assist in training other staff. The second goal is to determine whether any of the processes that your firm uses will need to change as a result of the new way of doing things. It will be much easier, as well as cost-effective, to spend a little time thinking about how you're going to revise your processes to work with the new system but to spend most of your time actually using it.

In order to learn as much as possible from your pilot files, I believe it's important to keep them simple and separate so that the individuals doing the pilot have the time to reflect and record what needs to change.

A complicated file with a short closing causes additional stress and therefore the staff, and yourself, are more likely to see the new process as an obstacle rather than as an object of study.

## **TIP NUMBER TWO – CHANGE MANAGEMENT**

If you are dealing with the situation where your firm has either a large number of staff members who will be using the new system, or your firm has a few stubborn or change-resistant individuals, then you need to be very careful about whom you introduce the new system, and how you introduce them, or you risk getting pushback.

Undoubtedly, some may think that staff is paid to do what they are told and that push back is not a real concern. I would suggest to you that there are a million little ways that displeased staff can make your life difficult that you won't be able to trace back to them. They often won't even do it on purpose, but resentment over forced change can become grit in the gears of an otherwise well performing machine.

For example, although it may seem counterintuitive, you may consider choosing either one of the stubborn individuals, or a friend of one of the stubborn individuals, as the first people to implement the project. Often times, people are resistant to change because they are worried that a change in circumstances will make things worse, they fear lack control over how the change is implemented,

and they worry about appearing not to know the answer or appearing vulnerable. Making one of the people for whom this fear is greatest one of the advocates of the new system helps alleviate these issues. The stubborn individual then has the time to learn in a slower paced more relaxed environment which makes it less intimidating. They get to control over how some of the new processes are developed which alleviate fear and allows them to save face by remaining knowledgeable and may even turn them into one of the biggest advocates of the new process.

It also helps to convince other people to approach it with an open mind if someone with a reputation for resisting change is embracing it, or at least not openly hostile.

### **TIP NUMBER THREE – PLAN FOR LAWYER INVOLVEMENT**

The new process will require more lawyer attention than was previously necessary. For example, in our office under the old process, when a discharge came in the responsible assistant would submit it and update the notes on the file but the discharge itself would not usually be examined by the responsible lawyer unless there was some concern. Under the new process, every digital signature applied by a lawyer will require the lawyer to review and confirm that the paper documents are the same as the scanned version. This means that where previously the lawyer did not need to know that a discharge had arrived, they will now need to review it.

One way to deal with this is to work it into an existing process if possible. If your firm's process is that the responsible lawyer would review files that have been closed but that are awaiting some other item, what my firm refers to as files in the "follow-up" stage, then once you have the discharge in hand you may not need to submit it immediately. Perhaps, you wait to digitally sign the scanned discharge until you review the whole file. This may help keep you from looking at a file more than necessary.

### **TIP NUMBER FOUR – PLANNING IN ADVANCE**

As the new process will allow a digital signature to be applied well in advance of closing, I would strongly recommend that your office policy be to do so. If you wait until the closing date to digitally sign the documents, you add additional stress on closing day and you have additional tasks that might get in the way of negotiating the closure of the deal.

Our firm's policy is to digitally sign the documents shortly after the client sign-up meeting, including creating the RR if possible so that all that remains on closing day is actual submission.