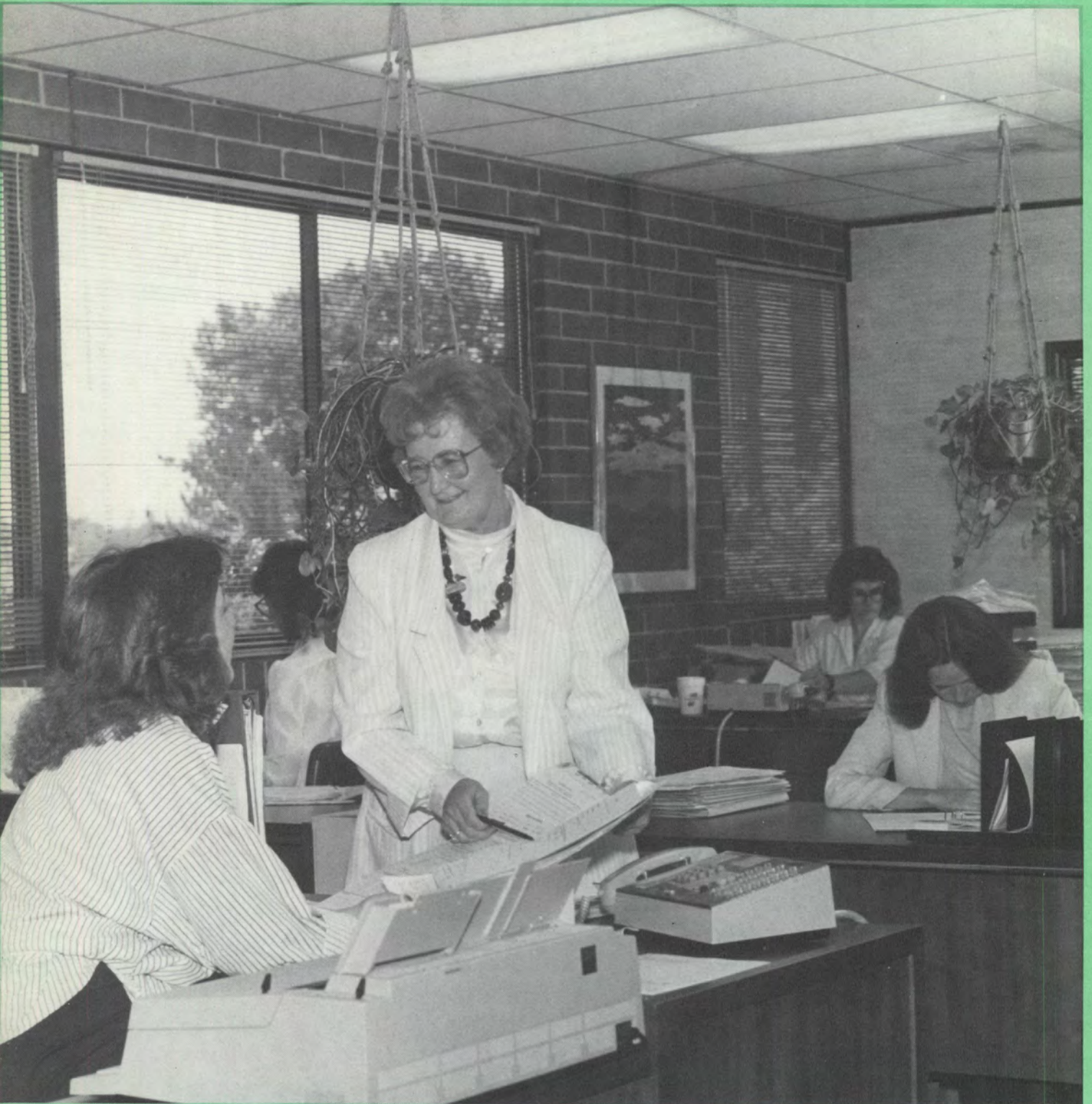


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Title News

JULY/AUGUST, 1986





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Contents

Volume 65, Number 3

A Message from the President	5
Indianapolis, Jantzen Beach Seminar Programs Completed	6
Employee Productivity, Training (Cara Detring, Elizabeth Carlisle, Lois O'Leary)	10
Employee Rights, Employer Responsibility (Robert Miller)	13
Around the Nation	17
Calendar of Meetings	29
Names in the News	33

Front Cover: Lois T. O'Leary, shown at work as office manager for Security Title Guaranty Company in Denver, is joined by ALTA Education Committee Chairman Cara L. Detring and Committee Member Elizabeth J. Carlisle for a discussion of land title employee productivity and training that begins on page 10 of this issue.



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Editor: Gary L. Garrity

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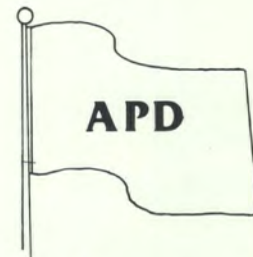
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A Message from the President



As I near the completion of my term as your president, I cannot help but recall some of the experiences which Mary Lee and I have had over the last four years. Some were extremely delightful, others less so. Some were humorous, others were tragic. I don't know what memories we will have five years from now. But today, if we were all to recall some of the things that happened, certainly these experiences would be on the top of the list.

First, we remember with gratitude the warmth of your hospitality at the many state conventions which we attended. The repeated glow produced when you leave a state meeting and sense the aura of good feelings from ALTA members who were strangers to you when you arrived, is a memory which we will retain for many years to come. As we traveled across America, there were so many new friendships made and so many old acquaintances renewed.

I don't know how many times we flew away from Los Angeles to some remote city with silent prayers that our luggage would arrive with us. Thank God it always did—well, maybe with one exception. Even then, it arrived three hours later. Mary Lee spent these three hours in absolute terror and my feeble attempts to console her made matters worse.

Once we went to a convention and I forgot to bring my speech—I had left it at home on the den desk. What would I do, what would I say. Somehow, in absolute panic, I got through it although I omitted many of the points and much of the material I had previously used in my prepared remarks. Someone who had been traveling the circuit with me, and who had heard the “speech” several times, came up to me and said, “Don't you get tired of always saying

the same thing?” He had just heard something I made up as I went along. I would never be able to repeat it. I couldn't bring myself to tell him.

Speaking of forgetting things. As we were boarding the plane on one trip, I realized that my carry-on suit bag felt light—and then it dawned on me that my tuxedo which I needed for the banquet was still hanging in my closet at home. Needless to say, we missed the ice breaker.

Or, once I arrived at a convention late one evening with a 40-minute speech, only to discover the next morning that I was first on the program and scheduled to speak for 20 minutes. Panic time again. Later, someone commented within ear-shot of Mary Lee that my speech would have been so much better if I had slowed my delivery.

We have literally littered our way across the country. Shampoo in the hotel bathroom, pajamas behind the closet door, the travel alarm on the night stand, books on the seats of taxi cabs. Whatever we could leave behind, I think we did. A seemingly endless trail of personal odds and ends of little value except to us. Why? I guess subconsciously we left things because we wanted to come back, and we will hopefully come back some day. But, in the meanwhile, we will remember all of you in our hearts.

And, if anyone finds a pair of size 10½ D brown loafers under the bed in a hotel room in South Dakota, they are mine!

A handwritten signature in black ink that reads "Gerald L. Ippel". The signature is written in a cursive style with a long, sweeping underline.

Gerald L. Ippel

Regional Seminar Programs Completed For Indianapolis, Jantzen Beach Events

After consultation with industry leaders in locales concerned, members of the ALTA Education Committee have completed work on programs for owner-manager regional seminars to be held October 17-18 at the Adams Mark Hotel, Indianapolis Airport, and October 31-November 1 at the Red Lion Inn, Jantzen Beach Oregon (near the Portland Airport).

Both seminars will begin early Friday afternoon and will conclude during the noon hour

on Saturday, following a format that has proved popular for previous events of this type.

The Indianapolis program will begin with a discussion of safe handling of funds at closing, led by P. C. Templeton, past president of the New Mexico Land Title Association and member of its Education Committee, who also has served on the ALTA Education Committee. His presentations on this subject have been well received at recent ALTA Regional Semi-

nars in Denver and Kansas City, and his written commentary, "Escrow Obligations and Liabilities," appears in the March-April, 1986, *Title News*.

Templeton, who is president of First American Title Company of New Mexico, Albuquerque, is asking attendees to review the aforementioned article, which he will use as a starting point in discussion at Indianapolis and at Jantzen Beach, where he will lead off the Saturday morning agenda.

Next on the Friday afternoon program at Indianapolis will be a discussion of employee productivity and training, which also has proved to be a popular feature at previous seminars. Moderator will be Robert J. Ewbank, current Indiana Land Title Association president, who is vice president, Ewbank Land Title, Inc., Lawrenceburg, Indiana, and panelists will be ALTA Education Committee Chairman Cara L. Detring, vice president, The St. Francois County Abstract Company, Farmington, Missouri, and Elizabeth J. Carlisle, vice president-training, Ticor Title Insurance Company, Los Angeles, who is a member of the committee.

The Saturday morning program in Indianapolis will be devoted to an extensive discussion of abstractor-agent liability and claims. Individual commentaries by James D. McKinney, state counsel, Lawyers Title Insurance Corporation, Indianapolis; David W. Womer, office counsel, Morgan & Associates, Inc., Noblesville, Indiana; and by Albert F. Rush, vice president and claims counsel, First American Title Insurance Company, Santa Ana, California, will open the agenda and will be followed by a discussion period.

Leading off the Friday afternoon lineup in Jantzen Beach will be a discussion centering on selected problems in bankruptcy. The presentation will be moderated by Thomas G.

ALTA Title Industry Regional Seminar Indianapolis, Indiana

Friday, October 17

- 1:00 p.m. *Opening Remarks*
1:15 p.m. *Safe Handling of Funds at Closing*
P. C. Templeton
2:45 p.m. *Break*
3:00 p.m. *Employee Productivity and Training*
Robert J. Ewbank, Moderator
Cara L. Detring
Elizabeth J. Carlisle
5:00 p.m. *Adjourn for Cash Bar Reception*

Saturday, October 18

- 9:00 a.m. *How To Stay Out of Trouble*
(Panel Discussion on Abstractor-Agent Liability and Claims)
James D. McKinney
David W. Womer
Albert F. Rush
10:30 a.m. *Break*
10:45 a.m. *Discussion Continues*
12:00 noon *Seminar Feedback*
12:15 p.m. *Adjournment*

Continued on page 8

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Stapleton, vice president and senior associate title counsel, Ticor Title Insurance Company, Portland, Oregon. Serving as panelists will be Michael G. Magnus, secretary and general counsel, Oregon Title Insurance Company, Portland, and Betty J. Schall, Assistant Regional Counsel, Chicago Title Insurance Company, Seattle.

Next on Friday will be a discussion entitled, "Extra Money, Extra Problems, Extra Coverage," which will be moderated by ALTA Education Committee Member Timothy J. McFarlane, vice president and manager, Idaho Title & Trust Company, Idaho Falls. Panelists and their topics will include John W. Tagge, current Washington Land Title Association president and vice president, Chicago Title Insurance Company, Seattle, *rights of parties in possession*; Stapleton, *mechanic's liens*; and Robert C. Mitchell, vice president and regional counsel, SAFECO Title Insurance Company, Boise, Idaho, *surveys*.

Rounding out the Saturday morning program in Oregon will be a discussion on improving employee productivity, which will be led by Darrel C. Truby, vice president and director of administration, SAFECO Title, Los An-

geles, whose presentation on the same subject was well received during an ALTA Regional Seminar at Jantzen Beach two years earlier.

ALTA has reserved a block of sleeping rooms (\$77 single, \$89 double) at the Indianapolis Adams Mark for Thursday and Friday nights, October 16 and 17. Reservations may be confirmed and extended if desired by calling the hotel at 317-248-2481 and identifying as part of the ALTA group. *The hotel will release all rooms not confirmed by Thursday, September 18, 1986.*

Similarly, the Association has reserved a block of sleeping rooms (\$72 single, \$82 double) at the Red Lion Inn for Thursday and Friday nights, October 30 and 31. Reservations may be confirmed and extended if desired by calling the hotel at 503-283-4466 or 206-892-7684 and identifying as part of the ALTA group. *The hotel will release all rooms not confirmed by October 9, 1986.*

Registration for both the seminars is \$70 for ALTA members and \$110 for non-members, which does not include meal or lodging expense. Registration checks made payable to the Association may be sent to ALTA Vice President-Public Affairs Gary L. Garrity in the organization's office, Suite 705, 1828 L Street, N.W., Washington, DC 20036 (telephone 202-296-3671).

Besides those previously mentioned, other members of the ALTA Education Committee are Joseph M. Parker, Jr., vice president and counsel, Lawyers Title of North Carolina, Inc., Winston-Salem, N.C., and Joseph F. Seabeck, president, Land Title Company, Chelan-Douglas County, Inc., Wenatchee, Washington.

LTI Course Study Information Available

Ramona Chergoski, executive vice president of the Land Title Institute, will be at the registration desk during the 1986 ALTA Annual Convention in Los Angeles to answer questions about LTI and enroll subscribers.

LTI is a non-profit subsidiary of the Association. It offers two wide-ranging correspondence courses, one basic and the other advanced, on the business of land title evidencing. A company subscribes for the courses and then enrolls its employees. As of July 1, 1986, the Institute had 94 subscribing companies and 1,706 persons enrolled.

LTI was created in 1970 by Hart McKillop. In 1980, he donated LTI to ALTA. The Institute is under the authority of a board of directors appointed by the ALTA Board of Governors. Presently, ALTA Immediate Past President Jack Rattikin, Jr., Rattikin Title Company, is chairman of LTI. Glenn Graff, Lawyers Title Insurance Corporation, is president of the Institute and ALTA Senior Vice President William J. McAuliffe, Jr., is secretary. Other directors are Ray D. Martin, Jr., The Title Insurance Company of Minnesota; John S. Thornton, Ticor Title Insurance Company; and McKillop.

For information on the LTI courses, contact Ms. Chergoski at The Land Title Institute, Inc., P.O. Box 9125, Winter Haven, Florida 33883-9125, telephone (813) 294-6424.

Lynn Antilety New ALTA Staff Member



Antilety

Lynn Antilety has joined ALTA staff as executive assistant to Executive Vice President Michael B. Goodin, Senior Vice President William J. McAuliffe, Jr., and Director of Meetings and Conferences Susan E. Perry.

Lynn is originally from Southampton, New York. She received a degree in fashion merchandising from the University of Delaware. Prior to joining ALTA, she was a department manager for Raleighs, a specialty store in the Washington metropolitan area.

ALTA Title Industry Regional Seminar Jantzen Beach, Oregon

Friday, October 31

- 1:00 p.m. *Opening Remarks*
1:15 p.m. *Selected Problems in Bankruptcy*
Thomas G. Stapleton, Moderator
Michael G. Magnus
Betty J. Schall
- 2:30 p.m. *Break*
2:45 p.m. *Extra Money, Extra Problems, Extra Coverage*
Timothy J. McFarlane, Moderator
Rights of Parties in Possession—John W. Tagge
Mechanic's Liens—Thomas G. Stapleton
Surveys—Robert C. Mitchell
- 4:45 p.m. *Adjourn for Cash Bar Reception*

Saturday, November 1

- 9:00 a.m. *Safe Handling of Funds at Closing*
P. C. Templeton
- 10:30 a.m. *Break*
10:45 a.m. *Improving Employee Productivity*
Darrel C. Truby
- 12:15 p.m. *Seminar Feedback*
12:30 p.m. *Adjournment*

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Perspective:

Employee Productivity, Training

Cara L. Detring

Elizabeth J. Carlisle

Lois T. O'Leary

MS. DETRING: Lois, you have a program that you call APPTQ. Can you tell us about all of that?

MS. O'LEARY: First of all, I would like to read what I start out most of my seminars with. We talk about what is a customer.

"A customer is the most important person in any business.

"A customer is not dependent upon us; we are dependent upon him.

"A customer is not an interruption of the work we are doing; he is the purpose of it.

"We do not do the customer a favor by serving him; he did us a favor by calling us.

"The customer is not someone outside our business; he is a vital insider.

"A customer is part of our sales statistic; he is flesh and blood and needs to be treated like

any human being . . . only better, because he is helping us.

"A customer is not one to match wits with; he is someone to understand.

"A customer has a need or he would not be coming to us, and it is our job to fill these needs.

"There is no need for any of us to be a negative factor in our own life, the lives of the people we deal with, or the life of the company we work for. We should work to make ourselves valuable to others."

We're going to do a little audience participation right at the very beginning. What happens when you go into a restaurant. What do you expect?

AUDIENCE: Service.

MS. O'LEARY: What happens when you take your car to a garage? What do you expect?

AUDIENCE: Service.

MS. O'LEARY: What happens if you don't get it?

AUDIENCE: Lose a customer.

MS. O'LEARY: That's the reason I felt a necessity for APPTQ. And APPTQ is an acronym just to keep me on my toes and only gives me five letters of the alphabet that I have to remember and one is a duplication. That's A for attitude, P for production, P for procrastination—lack of, T for time management and Q for quality of work.

Let's talk about attitude. Tardiness. That's a bad attitude. Absenteeism. That's a bad attitude. And management, if you tolerate it, then you have a bad attitude. The main thing you need is to spearhead a movement in your office to the point where people want to do what they do best, and that's to produce title insurance. Service is our business, our product, is title insurance.

A bad attitude can ruin a whole office. A good, direct, personal attitude can absolutely make you number one. Because it is an atti-

tude that communicates the very definite and positive attitude—that we are willing to help you get what you need as a customer.

We're going to get into more of this as we move further into the program, so I'm just touching on these very lightly at this point.

Remember that the paycheck starts with the title order. If you have a bad attitude about how long it's going to take to get that order out, it's going to influence what your financial statement looks like at the end of the month. To me, there are many tools in this business that we give our people to work with. But I do believe that, with a good, positive attitude and understanding that management is responsible to your people. Delegating is one of the strongest tools in business. Delegating responsibilities to your people. If you feel you have to do it all, that's a bad attitude.

Let's talk a little about production. Production starts when the title order comes in the door. I like to equate this with building a house. The architectural drawing is the very beginning—and that's the title order. The requirements are the tools that you set up on your title insurance commitment. The recordings are the materials that produce the final structure and your title policy happens to be the finished product. I want my people, as far as the product is concerned, to be the "buggor," not the "buggee." I want them to call the customer to be sure that they are getting what they need to produce the product that they are going to put out. I don't want the customers to be sitting and wondering why they don't have the title commitments. I'd like to tell you a little story about what happened recently in our office.

A lady had stopped doing business with our office because we were too demanding, we asked too much. We expected her to do her job. And so she decided she would go to another competitor. Afterward, I walked back into my closing department one day and there

Cara L. Detring is chairman of the ALTA Education Committee and is secretary of the Association Abstracters and Title Insurance Agents Section and a member of its Executive Committee; she is vice president, St. Francois County Abstract Company, Farmington, Missouri. Elizabeth J. Carlisle is a member of the Education Committee and is vice president-training, Tigor Title Insurance Company, Los Angeles. Lois T. O'Leary is office manager for Security Title Guaranty Company, a Denver operation with some 55 employees. The accompanying article is adapted from their panel discussion during the April, 1986, ALTA Regional Seminar held in Denver.

she was.

I went up and said, "How nice to see you back."

She looked a little sheepish and she said, "You know, I learned a hard lesson."

This was a commercial transaction she was closing. She had ordered her title commitment three weeks ago from our competitor. She did not have it in her hand yet.

And she said, "I, in turn, called your department. We were on the phone almost constantly, day after day. I had my title commitment in five days for this large commercial transaction."

And, she said, "You know, I still haven't received the other one."

I said, "Are you going to cancel it?"

She said, "No. I'm just going to wait and see how long it takes them to get it done."

That's so sad. Think of all the effort that other company is going to have to go through and they are not going to receive a premium. I landed the business because we paid attention.

In paying attention, we do a lot as far as cross training is concerned.

MS. DETRING: Betty, you have done so many training programs—what is training in a title company as far as you're concerned?

MS. CARLISLE: I think people look at training and feel overwhelmed because this is a very, very technical business. The way to get control of training and really break it down into small pieces is to look at it as the use of time, money, and people, to change behavior. In order to change behavior, you need to know what you have and what you want.

One of your handouts is entitled, "Organizational Needs Analysis." As with Lois, this is a little audience participation. I'd like for you to look at the first side, which is headed, Organization Performance Achievement. One of the ways to find out what you have in your office is to do what we in training call a needs analysis. This organization needs analysis is a very quick kind of a tool. You can include any items you want to look at to determine whether the performance in your office is acceptable or not acceptable. For example, are you meeting schedule commitments? Lois just gave you a beautiful example of how to get the business by meeting the customer's expectations in terms of your schedules. Is your office performance acceptable or not acceptable?

Quality of work is your error rate. Is the quality of work, the error rate, acceptable or not acceptable?

Quantity of work, market share, utilization of your plant and equipment, total cost, profitability are all items to consider.

Efficient accounting systems. A lot of times customers have problems with billing. Can they really get their problems straightened out? Can they figure out their bills?

What about effective communication systems? Clear corporate objectives?

You can formulate any kind of organizational performance achievement items you want, and you can constantly monitor yourself to determine whether your performance is acceptable or not acceptable.

Now, Lois is going to talk about the other side of this, also, and that is utilizing human resources. Turn to the other side of the page and you can see there are 16 items. These are items that I thought would be of primary concern to you. You can conduct a needs analysis looking at promotion rate, turnover, absenteeism, overtime costs, tardiness, accidents, stress levels, stress related illness, substance abuse, disciplinary action, grievance, general job satisfaction, recognition and awards, employee participation plans, clear company culture, open channels of communication.

You probably checked off areas where you could use some improvement. Those are the areas that you concentrate on first. This is one approach in which you are looking at your entire organization.

You might choose to use the other item that we have for assessment, which is called a competency model. Those of you who are technically oriented will find some very familiar items here. This is a competency model we use in my company at the local operations level to determine performance of the basic duties of a title officer. So, if you are working on the title side," interpret and act on instructions from customers in connection with taking, processing, and closing title orders," would be a basic duty. The assessment would help you determine whether performance is acceptable, or not acceptable.

Now, to determine performance, you determine what people are supposed to do in that job, and then you evaluate on an on going basis whether they're doing it or not. If they're not doing it, you take a look at whether they can do it, whether they know how to do it, and whether they are willing to do it. Then you ask, "Do we need to train them?"

This is how you can use the tools of an organizational assessment and a competency model by job categories to see whether or not you need training. And remember, the bottom line is that training is for the purpose of changing behavior. So you have to know what the behavior is and then you have to plan for the kinds of changes that you want. Does that sound like a logical approach? Sure.

People frequently think training is really difficult, and they have such small offices that they don't have the time or the resources. My question to people (we have a lot of small, five and six-person offices in my company as well as the very large ones) is always, "Can you afford not to train?" In a business that is so highly technical, can you afford for people to do it wrong because they don't know and they haven't had the training? That becomes a question of whether you can afford the losses.

MS. DETRING: One of the things that Lois mentioned is that they do cross training in their office. Do you advocate cross training?

MS. CARLISLE: Absolutely. I think cross training is the way to really support this business. I would like to believe that everybody in the title insurance business can take an order. In very larger offices, sometimes you get so narrow and specialized that people are only doing a small part of this very big picture. But there are some basics that people really need to know so that they understand how their little part fits into the big picture. I think cross training is really essential so people understand how they fit in, so they understand the big picture, and so their lives are exciting and interesting because of varied tasks. I think it's the way to go.

MS. DETRING: Lois, how far do you take cross training in your office? Does everyone learn everybody's job? How do you handle the cross training in your office?

MS. O'LEARY: They start out right on square one with the very menial tasks. To me, that is the only way that a company can function effectively. If people are ill, if people are on vacation and you don't train your people to follow through so they understand what they're doing, if I have a clerk sitting on the recording desk, that's all she knows, how is she ever going to relate to losses, to liabilities, to the endorsements that go into the full final product? How is she ever going to relate to the customer's needs or our own needs? The title order starts the paycheck and everyone in our office, all 63 of them from closers, processors, right on down the line, even to my receptionist, knows how to take that title order. And if they don't know how to take it, then I think you're missing a bet. Why transfer them? That gives your competition a great edge. In our office, everybody has a job and that job is to take care of the customer.

I'd like to talk about procrastination at this point. Procrastination is a killer. I don't care what kind of an office you come from, whether it is a big office or a small office. We've got file collectors, we have those that are only comfortable if they have mountains of files sitting everywhere. But, did you ever stop to think that makes them feel important—because they have all those files sitting around.

What does it do to our customers? What does it do to the person who is out there, and called three days ago, and doesn't have that endorsement yet—who doesn't have the picture of an exception that is needed to send to an attorney? It's procrastination and it will kill you.

Lenders do not want to do business with title insurance companies who do not get their title policies out. That is a form of procrastina-

Continued on page 25

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Employee Rights, Employer Responsibility



Robert R. Miller is a partner in the Denver management-labor law firm of Stettner, Miller and Cohn, P. C. The accompanying text is adapted from his commentary presented during the April, 1986, ALTA Regional Seminar held in Denver.

Robert R. Miller

There are various rights that employees have and various accompanying responsibilities for employers beyond union involvement and specific employment contracts. The underlying basic concept, which we have had for over 100 years in this country, is employment-at-will. That means, and has meant in the past, that employees who are hired have the right to quit if they don't like working for you. By the same token, employees may be fired if you are dissatisfied with their performance, and the basic tenant that has come through the law is that you could fire an employee for good reason or for bad reason or, frankly, for no reason at all. This has changed a lot, although that basic tenant has been in written court cases since about 1895.

The risk factors that have been associated with terminating employees have come about because of the courts and the legislature and we can blame lawyers for that. We call this legislation full employment acts for lawyers.

There is a daily publication called, *The Daily Labor Report*, published by the Bureau of National Affairs in Washington. It provides a breakdown of current labor issues. Recently, in a report on federal courts who differ on arbitration awards, the publication noted that federal court said, in an airline case, the mere fact that employees were involved in the smuggling of cocaine was not just cause for termination. There followed in the next paragraph a report that the United States Mail Service won a case in district court. They lost at the arbitrator level but won in a case where a postal employee had thrown away, that they could account for, 3,500 pieces of mail. The arbitrator ordered him reinstated because it was unfair not to give him his job back. The courts said that was too outrageous even for them to cope with.

The next topic in the *Labor Report* is on sexual harassment at a police academy where an employee was terminated for such harassment but, because he was improperly denied an opportunity to present his case, is going to get his job back.

Then, there is the new age discrimination law that was just passed. This was signed into law by President Reagan and we lawyers thank him for that. As of May 1, 1986, what it says is that, for health benefits for older employees, it had been that—because of Medicare—you could have different health benefits for employees 65 years and older. Well, now you can't. As of May 1, health benefits will be the same for all employees.

Also, AIDS in Florida was found to be unlawful handicap discrimination. You can't terminate people who have AIDS because it is a handicap in Florida.

Then, finally, there has been a pay equity case around for a long time. The concept of discrimination in comparable worth in Washington State ended up in the courts of appeals, and has finally been overturned. The State of Washington in a settlement agreed to pay \$482.4 million.

All of these are somewhat interesting, but the point is that these happen every day. We are overwhelmed with this kind of information and, of course, nobody tells employers about it. We just expect you to operate in the dark.

There are some pending Supreme Court cases that can be important to various employers. And, most employers probably are not up to date on them. Yet, they are making necessary employment decisions every day.

There are risk factors when legislatures look at public policy exceptions to the employment-at-will doctrine. For example, in the State of Colorado, there is in the statutes that you can't fire an employee because of being on jury duty; that's an exception to employment-at-will. If they go on jury duty, you don't pay them, but you can't fire them for it. If an

employee files a workmen's compensation claim, by statute you can't fire a person for doing that. That's a right of employees that has been given to them by the legislature.

If they file an OSHA complaint, a safety complaint of some kind, the same thing. If an unfair labor practice charge is filed with the National Labor Relations Board, you can't terminate an employee for that. You can be mad about it, but don't tell anybody; and, certainly you can't discharge an employee because of it. The Fair Labor Standards Act: of course, employees can go to the Department of Labor and ask for enforcement and you can't do anything. ERISA—and it goes on and on. These are all legislative exceptions to employment-at-will.

Courts Create Exceptions

The courts have created numerous exceptions also. You can't force an employee to go in and commit perjury. The courts take exception to that. In fact, if an employee refuses to commit perjury and you fire him, the court will be prone to reinstate the employee. Similar cases have occurred, where an employer tried to force employees to engage in price fixing. There was a case with delivery of spoiled milk; the employee refused to do it and was terminated. Fraudulent pollution reports. The basic concept of a whistle blower, where an employee recognizes there is a statute on something and reports that issue. You can't terminate that employee. The court's won't let you do it.

There now is even stronger contract protection as part of the concept change in at-will employment. We know about actual contracts, where you enter into an oral or written contract for employment. What is new and has really come about in the last 10 years is the implied contract, where you have a contract imposed upon you based upon an employment application because the application has language in it such as "Application for Permanent Employment." You probably didn't mean employment to be permanent in the concept of forever. You mean permanent as opposed to part time. You didn't say that. You said permanent employment and that could be construed to be an employment contract. Or, in statements which were made at hiring; for example, the person doing the interviewing and the hiring says to the employee, "Well, as long as you do a good job, keep your nose clean, work hard, you've got a job here forever." People have said that. A lot of people have said that. Those are contracts or at least they are being considered to be contracts, and they may well be enforceable as such.

Company manuals. If you put things in manuals anymore, you can be expected to live by them. Also employee handbooks, where you pass information out to employees and say this is what we expect you to do—you can be

expected to live by that.

Employee evaluations. That's probably the area where I have the most problem because supervisors don't do a good job on employee evaluations. Because they don't like to do them. They don't like to sit down and have what can be a confrontational meeting with an employee and say, "You're not doing a very good job. You know, we have these problems with you because you don't come to work on time and you take a lot of sick leave and your work is a little sloppy."

They really are reluctant to have what often is a confrontation. It doesn't have to be if it's done properly. But they're reluctant to do it. So instead, where there are evaluations, they all come back—on a scale of 1 to 10—with 5's and 6's or 7's or 8's, if the employee has been there for a while. Because they don't want to hurt anybody's feelings. Well, that happened on Monday and then, on Friday, you terminate the employee. Then on the following Monday, the employee sues and you talk to me on Tuesday. I say, "I sure wish you hadn't done that because you made this a whole lot harder to defend."

So, employee evaluations are a serious issue and they are the kind of thing that can be looked at as portions of or maybe by themselves as implied contracts.

There also can be, although we have not seen very much of this, the thought that there is kind of an implied covenant of good faith and fair dealing with an employee. The same as you would have with any other contract. The kind of case, outrageous case really, where this came up, is where an employee who had been 19 years and 9 months with the company and was going to vest his pension at the 20th year, was terminated. Then, the terminated employee's lawyer could prove at a later date the reason behind it was just so that the pension didn't vest. That is such outrageous conduct that this implied covenant of good faith and fair dealing can be brought to bear.

Guaranteed Employment

This is the trend that you are going to have to cope with because when you are dealing with employment, you are going to have to find a reason for terminating employees. Not just because you don't like the employee. The trend is toward lifetime employment, where an employee who comes on and does what he or she is supposed to do, who doesn't really do anything wrong, is going to be, in essence, guaranteed employment as time goes by. I don't think the courts ever say that, but it certainly is a practical effect of what we see happening.

You can reduce the risks that are associated with employment. By the way, we used to call it employment-at-will. Now it is known as wrongful discharge. The whole concept of what we're dealing with has changed. You

need to make sure that termination decisions are based on actual employee abilities. Evaluate your employees honestly and look at it on that basis when you're talking about termination of an employee, promotion of an employee or hiring of applicants. You need solid business reasons. Not just whims.

A case that recently came in is one of those in which we were fortunate that it arrived early. A long-term employee who had been borderline for many years, in a company that was going through a cutback in personnel, was the subject in a decision to terminate him. At the time, he had been there for 11 years. It was not a pension issue.

I went through all the possible things that could be wrong or where there could be an action. There wasn't a contract. There wasn't anything else. The employee was 48 years old, meaning the possibility of discrimination.

I asked the employer, "Why are you terminating him?"

"He's not as good as others."

"Well, how do you know?"

"We just know."

"Have you evaluated him?"

"No."

"Have you ever sat down and talked to him?"

"No."

"Have you ever told him he wasn't doing a good job?"

"No, we don't do that."

There wasn't anything at all to go on, other than their subjective evaluation, one person's subjective evaluation, that, of all the employees, they were going to get rid of one, the worst one.

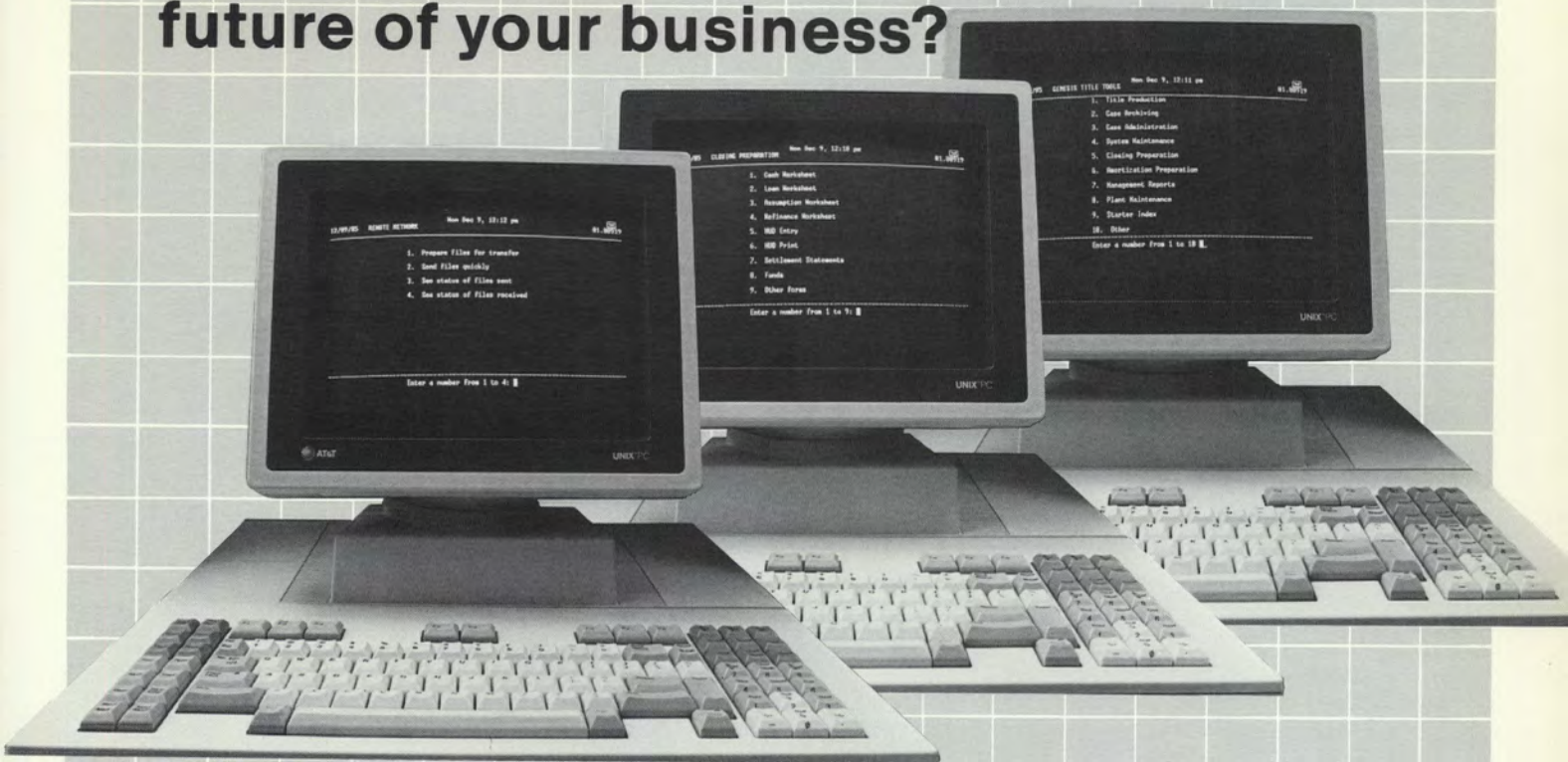
So, I sent them back and they formed a group, which was easy to do. We actually had a foreman and a warehouse manager and the district manager sit down and without—hopefully, at least as I'm told—any input from above, made a determination, an independent evaluation, with reasons of the supervisors who were involved, that this person really was the least desired employee for a number of reasons.

There were a lot of reasons. I felt much better about it. There still may be a lawsuit that comes out of it. We can't stop that. But, at least the employer has done it in a manner where they have reduced the risk of losing later on.

All that comes down to proper documentation and keeping records on employees and what they do. You need to be truthful with employees when you tell them why you are letting them go. It is not helpful to tell employees that you do not have enough work anymore and so somebody has to go—you then hire somebody new on Monday. That doesn't work very well. Yet, people who don't want to

Continued on page 30

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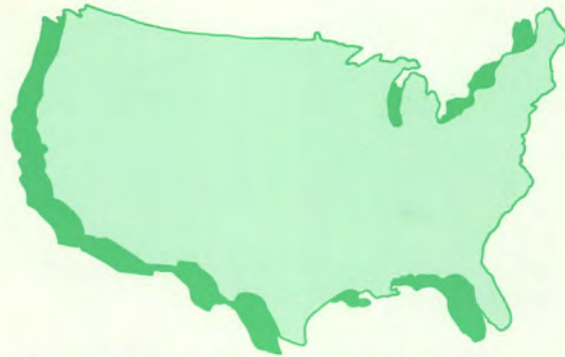
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Around the Nation

PLTA Recognizes Designees for 1986

Introduction of professional designation awards was a major highlight of the sixty-fifth annual convention of the Pennsylvania Land Title Association held at Hershey Pocono in Whitehaven.

Among these, the highest achievement is Certified Land Title Professional. This honor was presented in recognition of extraordinary knowledge of the industry, contribution to the association, and involvement in civic and business organizations. Receiving the Certified Land Title Professional award were Marvin H. New, Commonwealth Land Title Insurance Company vice president and a past president of PLTA; Albert E. Pentecost, PLTA executive vice president; James G. Schmidt, retired Commonwealth Land Title president, a past president of PLTA, past treasurer and board member of ALTA and president of Pennsylvania Land Title Institute; and Edward S. Schmidt, retired Commonwealth Land Title vice president and secretary, past chairman of the ALTA Public Relations Committee and PLTI administrator.

The other designation is Associate Land Title Professional, an interim designation that recognizes those of considerable accomplishments, which is also a stepping stone for the aforementioned and highest honor. Commonwealth's Frank J. Cozzo, Jr., and James E. Kilgallon were recipients of the Associate award.

In addition, PLTA Executive Vice President Pentecost also was named the association's "Distinguished Titleman, 1986," in recognition of his contributions to the industry.

The convention's educational program included a variety of speakers. Sam Ferguson Musser, Conestoga Title, spoke on "Agency and Underwriter Involvement"; Oscar Beasley, First American Title, talked about "Recent Developments in the Title Industry";

"Municipal Liens and Assessments" were discussed by Edward Hayes, Esquire, (Fox, Rothchild, O'Brien and Frankel); Francis P. Newell, Esquire, (Montgomery, McCracken, Walker and Rhoads) spoke on "Functions of Title Associations in Light of Antitrust Ac-

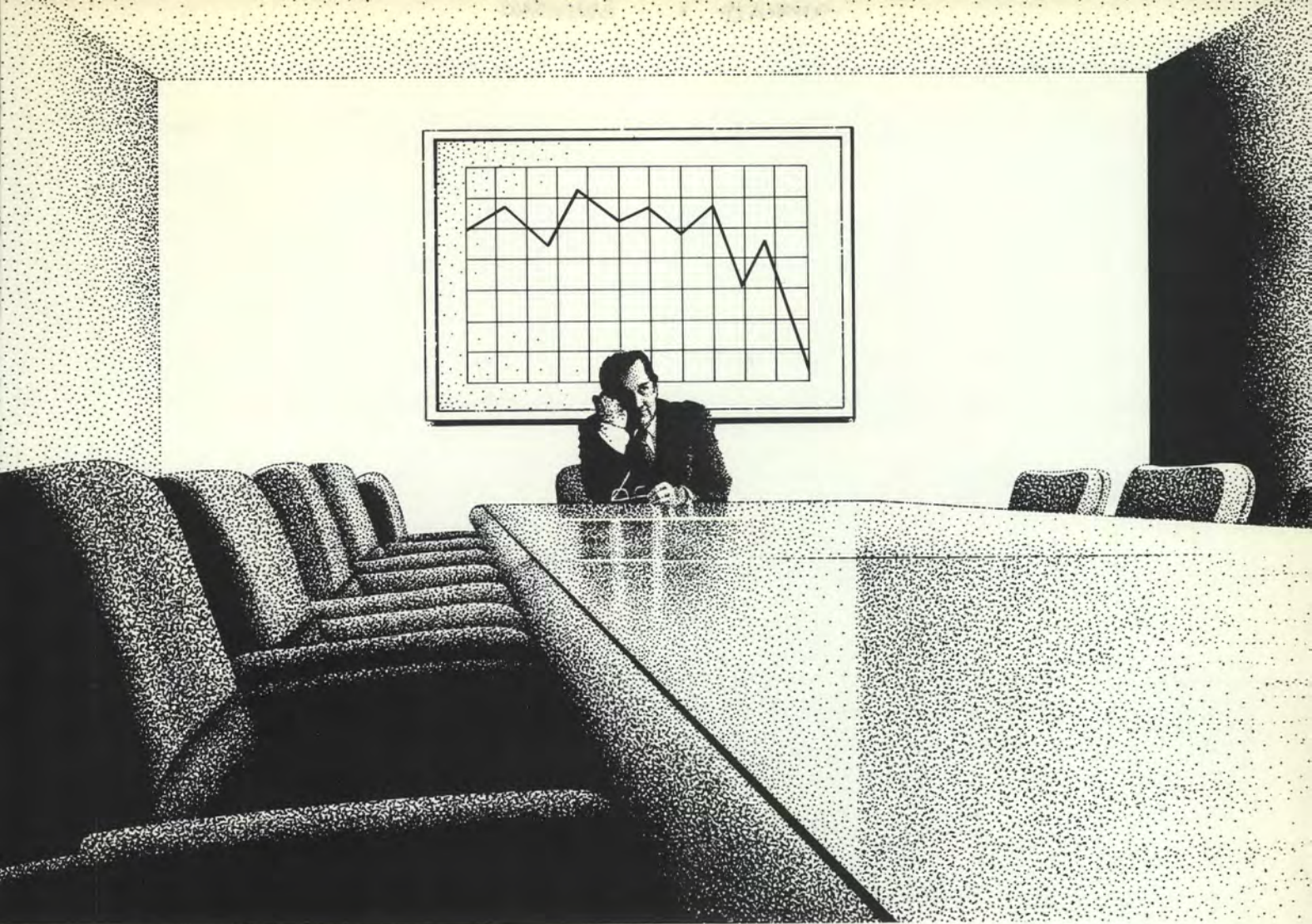


Pennsylvania Land Title Association officers elected for 1986-87 are, from left, Gerald Shelpman, president; Herbert Walton, vice president; Albert Gibboni, treasurer; Sam Ferguson Musser, secretary; and Albert Pentecost, executive vice president.



Inaugural recipients of professional designations at the 1986 Pennsylvania Land Title Association Convention are, from left, Edward S. Schmidt, James G. Schmidt, Albert E. Pentecost, and Marvin H. New, all Certified Land Title Professionals, and James E. Kilgallon and Frank J. Cozzo, both Associate Land Title Professionals.

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tions," and "Discharge of Liens by Judicial Sale, Bankruptcy and Divorce," was covered by Joan C. Rosoff, Esquire.

Newly-elected officers of PLTA are: President Gerald Shelpman, Commonwealth Land Title; Vice President Herbert Walton, Ticor Title Insurance Company; Treasurer Albert Gibboni, Title USA Corporation of New York; and Secretary Musser. Executive Vice President Pentecost was re-elected to that position.

Space Exploration ILTA Meeting Theme

An imaginative theme, "Reach for the Stars," was set for the recent Illinois Land Title Association convention in St. Louis, saluting the American exploration of space from the 1950s through the present. Each night of the event reflected space adventures of the 50s, 60s, and 70s, and the 80s and the future were highlighted on the last night.

Featured speakers included ALTA President Gerald L. Ippel, president, Ticor Title Insurance Company, Los Angeles; Robert Jackson Wood, an astronaut "payload specialist" with McDonnell Douglas Corporation; and U.S. Senator Alan J. Dixon (D-Ill.). Two panel discussion groups focused on automation, and on courthouse procedure and protocol.

An ILTA Lifetime Honorary Membership was presented to T.C. Bennett during the convention. He was president of the association during 1959-60, was president of Sangamon County Abstract Company, Springfield, and is currently president of Menard County Abstract Company, Petersburg. His wife, Marjorie, was secretary of ILTA for 17 years before retiring in 1980. The Lifetime Honorary Membership is awarded by ILTA's board of directors.

Newly-elected officers include Herbert J. Schiller, president, Northern Land Title Corporation, Woodstock; Philip M. Mangiaracina, first vice president, Ticor Title Insurance,

Chicago; Duane L. Serck, second vice president, Mid-Illinois Title Services, Inc., Bloomington; and Ann B. Mennenoh, re-elected secretary/treasurer, H.B. Wilkinson Co., Morrison. James M. Costello, First American Title Insurance Company, Bolingbrook, and John D. Newman, Tupper Title Company, Galesburg, are the newly-elected directors.

High CLTA Honors For Reyburn, Staves

Over 300 attendees, highest number in a decade, participated in the seventy-ninth annual convention of the California Land Title Association at the Hotel del Coronado, Coronado, California, according to CLTA Vice President-Public Affairs Derrick Young.

In recognition of their leadership, CLTA named Robert Reyburn (Ticor Title Insurance Company) and Clark Staves (SAFECO Title Insurance Company) as co-"Title Persons of the Year," acknowledging their years on the association Forms and Practices Committee.

Among program highlights were an update on ALTA activity presented by ALTA President Gerald L. Ippel, Ticor Title Insurance Company, Los Angeles; a commentary on federal tax reform legislation by Congressman Richard Lehman (D-California); a presentation on tort reform and the liability insurance crisis by State Senator John Foran; and a discussion on the evolving relationship between insurers and underwritten companies in California, led by ALTA Treasurer and CLTA Past President William H. Little, SAFECO Title, and the 1985-86 CLTA President Joseph D. Gottwald, California Counties Title Company.

Vice President Young also reported that CLTA for the first time is offering its Video Basic Education package for sale to companies outside California. The package includes eight videocassettes featuring industry leaders speaking on 18 topics for a total of 11½ hours of employee instruction; a quiz for each video session; a Basic Education Binder with over 300 pages of information; and a guide on how to use the package.

Cost for the package is \$500 to companies with CLTA membership and California offices, and \$750 to non-member companies; \$250 of the higher figure is for enrollment as an Affiliate Member of CLTA. Questions may be directed to Young in the CLTA office, P.O. Box 13968, Sacramento, CA 95853.

Newly elected CLTA officers are President John C. Collopy, Founders Title Group, San Francisco; First Vice President Jerrel L. Guerino, Transamerica Title Insurance Company, San Francisco; Second Vice President William B. Morrish, First American Title Guaranty Company, Oakland; and Treasurer, Gary J. Pitts, Ticor Title.



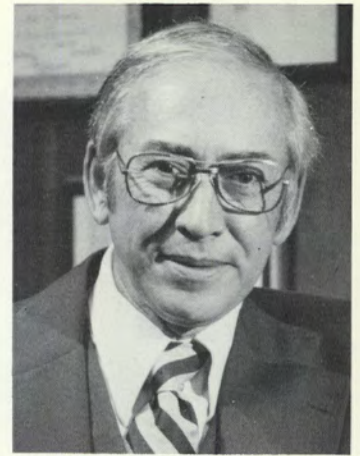
Officers of the Iowa Land Title Association for 1986-87, elected at its convention in Ames, and shown from left are, front row, Jeanne Virtue, regional vice president; Ada Miller, immediate past president; and Elsie Huber, regional vice president. Second row, Tom Brennan, secretary; Donna L. Leonard, regional vice president; Mark Goulson, regional vice president; Chuck Juhl, Iowa Land Title News editor; Wenc Kadrlík, treasurer. Third row, Don Cook, president; Tex R. Heyer, president-elect; and Darwin Koele and Jay Stewart, regional vice presidents.



California Land Title Association officers for 1986-87 are, from left, Jerrel L. Guerino, first vice president; William B. Morrish, second vice president; Joseph D. Gottwald, immediate past president; and John C. Collopy, president. Not pictured: Gary J. Pitts, treasurer.

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John Ruskin (1819-1900)



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Historical Heritage Saluted by Texans

Under a theme, "Salute Our Texas Heritage," the seventy-sixth annual convention of the Texas Land Title Association was attended by some 500 persons in Austin. The theme was featured in some 30 convention exhibits depicting activity in the 1986 ALTA public relations program that interfaces with the Texas Sesquicentennial.

Guest speakers included one of the nation's leading defense lawyers, F. Lee Bailey, and ALTA President Gerald L. Ippel, president, Tigor Title Insurance Company, Los Angeles.

Educational topics included, "How to Avoid Claims," discussed by Walter S. Fortney; "Significant Legal Developments in the Title Industry," presented by G. Bickford Shaw, and "Computers in the Title Industry—Current Trends," presented by Ken Braly.

Newly-elected TLTA officers are R.C. (Chris) von Doenhoff, Aldrich Abstract Company, Crockett, president (his late father, Robert A. von Doenhoff, was president of the association in 1973-74); Don H. Still, Southern Title Guaranty Co., Inc., Austin, president-elect; David C. Young, Trinity-Western Title Company, Fort Worth, vice president; Haywood W. Moseley III, Moseley Abstract Company, Marshall and Marion County Abstract Company, Jefferson, secretary; and

Lloyd Draper, Commonwealth Land Title Insurance Company, Dallas, treasurer.

TLTA high honors went to John A. Coselli, named "Honorary Member for Sustained Meritorious Service," the highest honor given by the TLTA Board of Governors. Coselli is only the tenth recipient of this award. He is a past president of TLTA and was named "Title Man of the Year" in 1978. Recently retired, he continues to work with Chicago Title Insurance Company as a Texas agency counsel.

Vice President Young was honored as 1985-86 TLTA "Titleman of the Year." He

New Mexico Posts Record Attendance

There was a record attendance at the New Mexico Land Title Association annual convention held in Ruidoso, New Mexico, according to NMLTA Secretary David K. Lanier, Lawyers Title Insurance Corporation.

Highlights included addresses by state Insurance Superintendent Vincente B. Jasso and ALTA Abstractors and Title Insurance Chairman Charles O. Hon, III, The Title Guaranty and Trust Co. of Chattanooga, Tennessee, and escrow and real estate law course sessions.

Newly-elected NMLTA officers are Walter S. Duran, president; James W. Cabbell, president-elect; Randall Owensby, vice-president; and George Keyser, Lowell D. Stevens, and Bob Copen, all directors.

has 13 years title industry experience, and is a past president of the Fort Worth Land Title Association. The award is based on nominations solicited from the entire membership; the recipient is selected on the basis of outstanding leadership and contributions to the title industry and his community.

Other members of the 1986-87 TLTA board of directors include Mark C. Greek, Alamo Title Insurance of Texas, San Antonio; Glenna W. Yates, Central Texas Land Titles, Inc., Marble Falls; C.E. (Kim) Seal, II, TLTA immediate past president, Hexter Fair Title Company, Dallas; Lorrie Cornett-Cotten, Chicago Title, Dallas; Tom Giesenschlag, Brazos County Abstract Company, College Station; Malcolm S. Morris, Stewart Title Guaranty Company, Houston; Larry Molinare, Gracy Title Company, Austin; William A. Kramer, Title Resources Corporation, Plano; Shaw, who is with Nueces Title Company; and Celia Stallings, University Title Company, College Station.

Realty Title Opens As New Business

Realty Title Company has announced its opening as a new business in Independence, Missouri.

The concern is affiliated with Hogan Land Title Company and Real Property Information Management Company, Springfield, Missouri, and Hawkins Title Company, Joplin, Missouri.

Realty Title offers complete title and closing services and is operated by Jack Hogan, Lee Belcher, Wes Ashcroft and Steve Owens.

NAHB Merchandising Honor to Tigor Title

The prestigious gold "MIRM" award was presented to Tigor Title Insurance Company by the Institute of Residential Marketing of the National Association of Home Builders.

Tigor Title was honored for best merchandising program.



ALTA Abstractors and Title Insurance Agents Section Chairman Charles O. Hon, III, left, installs newly-elected officers of the New Mexico Land Title Association, who are, beginning at his left and from left, Walter S. Duran, president; James W. Cabbell, president-elect; Randall Owensby, vice president; and George Keyser, Lowell D. Stephens, and Bob Copen, all directors.



Members of the 1986-87 Texas Land Title Association board of directors shown here are, from left, Lloyd Draper, treasurer; Mark C. Greek, director; Dave Ginger (who subsequently resigned from the board); Don H. Still, president-elect; Glenna W. Yates, director; C. E. (Kim) Seal, II, immediate past presi-

dent; R. C. (Chris) von Doenhoff, president; Haywood W. Moseley, III, secretary; Lorrie Cornett-Cotten, director; Tom Giesenschlag, director; David C. Young, vice president; Malcolm Morris, director; and Larry Molinare, director. Not pictured: William A. Kramer, G. Bickford Shaw, and Celia Stallings.

ALTA Announces Membership Sale

ALTA is offering a membership sale effective August 1, 1986.

Any company or person who submits a membership application on or after that date, together with payment of 1986 dues, will have their 1986 dues credited toward 1987 dues.

The purpose of the sale is to stimulate recruitment and to encourage membership within the Association, according to Membership and Organization Committee Chairman Melvin H. John, Ticor Title Insurance Company, Dallas, Texas.

An objective in the sale is to help the Association achieve its goal of recruiting more than 222 members by October 1, 1986, in order to top 1985.

Information on the sale has been sent to members of the ALTA Recruitment and Retention Sub-committee, to the Membership and Organization Committee, and to affiliated title associations.

McKinnon Honored



Carla R. McKinnon, Texarkana, Arkansas, has been named Young Title Person of the Year by the Arkansas Land Title Association in recognition of outstanding contributions to the title business and to her community. She is employed by Miller County Abstract Company, Inc., where she supervises all title work involved in issuing title insurance, and is a qualified and licensed abstractor.

American Title's First Employee Succumbs

Services were in Coral Gables, Florida, for Bernice T. Allen, retired American Title Insurance Company vice president who was the first employee of that organization, who died in her sleep at home.

Mrs. Allen began her career in 1936 as secretary to Joseph Weintraub, an attorney who founded the company that same year, and was involved in the issuance of American Title's first policy, which insured a vacant lot in Miami Beach.

Adams Scholarship Offered in Oklahoma

The Oklahoma Land Title Association will offer an academic scholarship to a 1987 graduating high school senior in Wewoka, in memory of the late Earl P. Adams.

Adams died earlier this year after 60 years as an abstractor in that community. He was president of OLTA in 1961-62 and remained active in the association.

APPRAISALS AND BUSINESS VALUATIONS

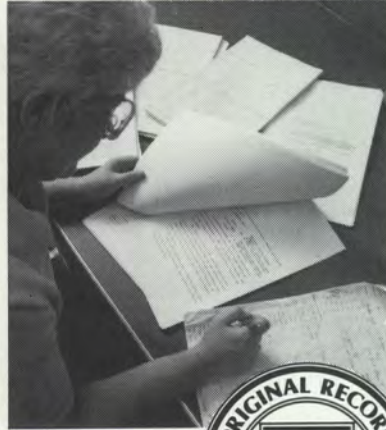
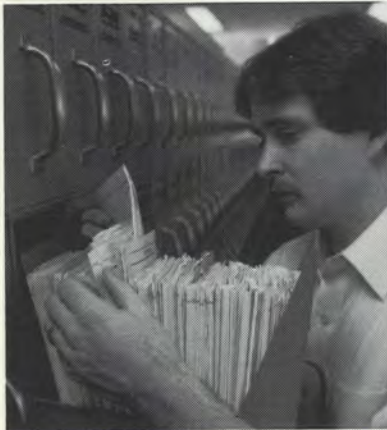
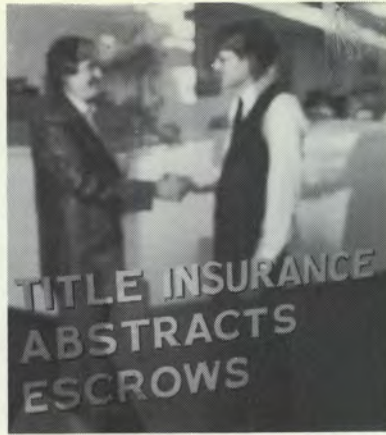
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Toney D. Foster is the 1986-87 president of the Oklahoma Land Title Association.

OLTA Members Elect Foster to Presidency

Oklahoma Land Title Association members elected Toney D. Foster 1986-87 president during their recent convention in Tulsa. He is president of Rogers County Abstract Co. in Claremore, and previously spent eight years as vice-president-title operations for a title insurer.

Ken McBride, American-First Abstract Co., Norman, was chosen as president-elect; vice-president is Bob Luttrull of Pioneer Abstract & Title Company, Muskogee; secretary is Wynona Cathey of Bryan County Abstract Company, Durant, and Keith Camerer of Jelsma Abstract Company, Guthrie, is the newly-elected treasurer. Gary Boatright of Vinita Title Company is immediate past president.

Convention speakers included ALTA President Gerald L. Ippel, president, Ticor Title Insurance Company, Los Angeles.

Millard New Virginia Land Title President

Preston S. Millard, Ticor Title Insurance Company, was elected president of the Virginia Land Title Association during its annual convention in Williamsburg. Other officers elected are Carl E. Ergenbright, Southern Title Insurance Corporation, vice president; Douglas E. Beaman, Colonial Title Company, treasurer, and Judith G. Vlad, Professional Title Services, secretary.

The following were elected directors-at-large: Thomas Klein, Virginia Title and Escrow; Ronald Critzer, Lawyers Title Insur-



Preston S. Millard has been elected president of the Virginia Land Title Association for 1986-87.

ance Corporation; Donald C. Wells, Jr., Tigor Title Insurance Company; and Susan Gordon, Gordon Title Agency.

ALTA President-Elect John R. Cathey, Bryan County, Oklahoma, Abstract Company, addressed the membership on industry concerns.

Other guest speakers included Virginia Insurance Commissioner James M. Thomson, Deputy Insurance Commissioner Stephen J. Kaufman and Richard Rollins of the state insurance bureau staff, who discussed state legislative and regulatory matters.

PRODUCTIVITY—continued from page 11

tion, I think, to the Nth degree in this business.

The title policy shouldn't be a procrastination item. It is, again, the finished product. It's what we were paid to do. We accepted a fee, we have to perform. To me, it only damages an employee when you allow that person to get away with procrastination. So, when I see this happening, either the immediate supervisor or myself do what we call desk audits. We sit down and say we need to find out why you're so busy when other people have fin-

ished—have their files off their desk, back on the shelf so they're easily accessible and can be found by anybody in the office. It is absolutely crushing, the things you will find out at that time.

But this takes training, as Betty has asserted. You must train yourselves to be responsible. Management is the key tool, and if you are not making money and you are not successful, it is because there's something wrong in your approach to management. Management has the prime duty of success.

MS. DETRING: Betty, do you find that you have to train the manager before you can train employees?

MS. CARLISLE: What Lois just said is interesting because management theory tells us that 80 percent of the problems in business can only be solved by management. They are not solveable by people who produce the product. And I think Lois is absolutely right. A lot of managers believe they don't have time to train or time to do desk audits or time to initiate a quality control program. I think management is missing a bet because your job as a manager is, of course, to get the work done

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through others. If you don't develop a strategy that will help others do their work most effectively and most efficiently, then you're not doing your job as a manager.

I think that the big picture is management's job, and doing desk audits, planning for training, allocating time for training, allocating time for quality control, are all interlocking systems that a manager controls. Workers are only out of control in an office, it's only chaotic, and it's only crisis management if management lets that happen. So I would like to really encourage people to take control of their time, which is one of the most important resources that we have in our office and our business lives.

I have had very small offices in my company—offices with under 15 people—commit to an hour of training a week. This is really so much better than none at all. And, I mean formal training where people literally designate that time. They know that time is when they are going to have a new subject—whether it's a round table or formal presentation. They know they can count on that time. People want to do a good job. And, because people really want to do a good job, morale is increased tremendously when management makes a commitment to provide training, even if it is as little as one hour a week. People

feel the manager cares, wants them to do a good job. And, the company is helping employees do a good job. That commitment makes a difference.

If you really don't have the time, it can be a breakfast meeting. Treat your staff to breakfast or treat half the staff a week to breakfast and you can get an extra hour for training. Show them what the benefits are to their productivity and to the bottom line in your unit. And you will have something very special going on in your office.

MS. DETRING: What you're saying is focus on the positive and give them the tools.

MS. CARLISLE: Right.

MS. DETRING: Walking through Lois's office recently, I was impressed that there is nothing but positive thinking. All of your signs, notes, things that you have up. How does that, as far as you see it, work into the time management? We have this positive attitude, we have this wonderful place to work, we have all the tools in place, we have training. How do you know that your people are doing what they're supposed to do in managing their time properly and not procrastinating, as you say, and that the quality of their work is good? How do you keep in touch with all of the various departments and all of the tasks everyone is doing?

MS. O'LEARY: We use a lot of control logs. When you expand to the degree we have, and we have written 4,600 title orders from the first of January through mid-April, that's a lot—4,600 people put their confidence in us to deliver the product to them in a timely fashion, in order for them to complete the frenzy that they're in as far as the lender end of it is concerned.

I'd like to use a little audience participation again. What has only 24 hours in it?

AUDIENCE: One day.

MS. O'LEARY: What becomes tomorrow before you are finished with it?

AUDIENCE: Today.

MS. O'LEARY: What can you not recall once wasted?

AUDIENCE: Time.

MS. O'LEARY: Time is of the essence, time is money, time is our beginning, time is our future, time is our history. Once you've lost it, you may never regain it. I don't know, yet, of any customer who has ever said thank you when I missed a commitment date. So, you need to plan every day what you are going to do with your work load.

Now, I know in our office that we have to get out a minimum of 85 commitments a day to keep up with the flow. And I have a yardstick on what comes in goes out. Sometimes

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we fall behind because there are just too many due dates on one day for the needs. So that's overtime. But it is not just random overtime. It must be approved and the supervisors must be shown exactly what is necessary to accomplish the goal for that day.

We believe in goals. We believe in accountability. And, to me, that's the only way that you grant yourself the time. But, again, it's not allowing your people to get off on spurts. That's time wasted. When you do not take an employee to task for something that person is doing wrong, do you know what you're wasting? You're wasting the talent, you're wasting the training, you're wasting time. And that is something that we cannot afford to do in this industry if we are going to continue to perform the vital functions that we all do every day.

MS. DETRING: I have a question about training. You have a training program in position and you developed it so that your people can learn the big picture, I assume, as well as the details of the work. How do you get people to go through this training? I mean, there's always some resistance to training. How do you handle that?

MS. CARLISLE: Well, I think the first step is gaining management commitment. In any organization or business, but particularly in one as technical as ours, I think the second step is involvement. For example, when we were designing a training program on probates, which is very detailed and technical, we searched around to locate the best person to write on the subject of probates. And we found that person. We received that person's commitment. We received the commitment of that person's manager because it has to go up the line through the organization. And then, that person received a lot of recognition in the organization, a lot of satisfaction from having a book on probates published, and a lot of satisfaction from creating something that his own people needed in order to do their work effectively.

So I think that two keys are management commitment and involvement, especially when you are working in as technical a business as this. You have to have people in your organization who are able to write technical training programs because they are doing the technical side of the business. What you need to do is ask them to please document what they do in writing and then have a reviewer look at it. A reviewer typically is somebody from a higher level. The reviewer's responsibility is to be sure the material is technically accurate and that it is legally correct in terms of your business decisions. Then you have a training program.

It is possible to document technical material and I think it is absolutely essential if you're going to get things done accurately and consistently.

You all know that, in an escrow closing office, you can have four escrow officers creating files in different ways. When one of them goes on vacation, nobody can track that person's files. Nobody can pick up that person's files and follow them. So, part of training is also retraining. This involves getting people to understand there is a system and a systematic way of doing things in your office. And this is the way you need to have it done. A lot of coaching can occur, too, where you have the person who is doing it correctly teamed with a person who is not doing it quite the way you want it. That is training. Coaching, on-the-job training, instructor-led training programs, and self-instructional programs are the four kinds of training that you ought to be utilizing or thinking about developing on an ongoing basis.

MS. DETRING: You've worked with all sizes of offices and my office is 15 people or so. Are there any offices here that are under that size? Three, four-person offices? There are four people in one of the offices indicated. How are they going to develop a training program?

MS. CARLISLE: One of the fabulous things about very small offices is that there is so much cross training. Everybody literally has to learn how to do everything. The key person who knows how to do one particular job needs to be able to train all of the other people to do that job. I think the basis for being able to train people effectively is to sit down and think about what you do, how you do it, and write it down. If you can't write it down, you probably aren't thinking logically, you probably aren't thinking systematically, and you're probably working somewhat inconsistently. If you can document what you do, you can develop a training program. Everybody who is doing one job or two jobs can document those jobs. Suddenly, you have a procedures manual and the basis for effective training.

MS. DETRING: Lois, how do you handle getting people to learn these other jobs? There is a definite reluctance to learn another job because you may have to do a lot more. If I have to do two jobs and I'm only going to get paid for one, I'm not going to do two. How do you overcome that?

MS. O'LEARY: First of all, I tell them, "You mean to tell me you want to be pigeon-holed? You just want to sit on that one little stool and not ever grow?" I also have a little sign that I would like to show you. I brought it up here with me. I always have it handy. That little sign says—"When you stop getting better, you stop being good." How can you get better if you don't want to learn any other job? How exciting it is to further the education that you cannot get out of textbooks. This comes under the quality control factor. I can sit you down and let you gather mothballs right on that little seat there, and you never move. But, how boring. Most people come to us

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when we hire them out for jobs and say, "I want to learn."

I recently hired two people from a local company who were in the same job for six years—bright, young, intelligent, skilled young ladies. The reason they left this company is there was no place for them to go. It was a dead end. They know they can do better.

So many of us forget to challenge our people. We forget that they really want an education on the job. They want us to give them everything. There isn't an employee who comes into our office that I don't tell, "I want you to want my job. I want you to learn. You're going to have to scramble to get it, but I want you to want my job." And I'm sincere about that. There are no secrets in that office. We will teach them anything they want to learn. Sometimes we press them to learn. If they don't learn, they don't stay.

MS. DETRING: Lois, what I'm getting is that you know every single job in your office.

MS. O'LEARY: Correct.

MS. DETRING: On any given day, if it came to it, you would go do that job.

MS. O'LEARY: Absolutely.

MS. DETRING: I wonder how many managers here know every single detail of every job that's done in their offices—and could do them. Seriously, there are details to what's done that managers lose track of, which is getting back to procedures. And not letting people deviate from the procedures.

MS. CARLISLE: One of the ways that we incur heavy losses is when people either don't know, or they don't do it our way. Occasionally, a business decision, which is your best business judgment, doesn't work out the way you wanted it to. But, for the most part, we have found in studying through our quality control audits that a lot of losses are very, very preventable.

It isn't even necessarily that people don't know, but that people sometimes deviate from the procedure. They want to take a short cut. You know, when you're in a crunch and you have to get 80 orders out today, you want people to hustle and hurry. But, if they start taking short cuts that start causing you losses two years down the pike, you haven't gained anything because you're going to take your losses later. And that's a problem.

So, I'm not sure what to do, Lois, in your

office, but I think it's a real issue that people in the title insurance business need to face on an office-by-office basis

Are people really following the procedures? Your quality control program and your training to follow up on your quality control are exactly what will help you determine if you are becoming vulnerable because of short cuts that people are taking.

When you do a desk audit, you find out what's going on, what a person doesn't necessarily know, and how the person is procrastinating. When a person doesn't want to make a decision because of unfamiliarity with the latest legislation, it is easy to plan to "do it tomorrow." Well, tomorrow never comes and the files just keep stacking up. So your quality control program or your desk audit will show you where people feel insecure technically.

Also, when you go straight into an auditing mode and take a random sampling of, say, 50 files over a three-month period, you have a clear picture of production. You then can do a needs analysis and find out what your people don't know or where they aren't following

Continued on page 30

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Calendar of Meetings

1986

July 10-12

Utah Land Title Association
Sun Valley, Idaho

July 13-15

Michigan Land Title Association
Schuss Mountain Lodge
Moncelona, Michigan

July 24-26

Wyoming Land Title Association
King's Inn
Torrington, Wyoming

July 31-August 2

North Carolina Land Title Association
Greenpark Inn
Blowing Rock, North Carolina

August 7-9

Montana Land Title Association
Colonial Inn
Helena, Montana

August 14-16

Minnesota Land Title Association
Holiday Inn
Burnsville, Minnesota

August 14-17

Idaho Land Title Association
North Shore Resort
Coeur d'Alene, Idaho

August 27-30

Washington Land Title Association
Holiday Inn
Bellingham, Washington

September 4-7

Missouri Land Title Association
Omni International
St. Louis, Missouri

September 5-7

Kansas Land Title Association
Hilton Inn East
Wichita, Kansas

September 6-9

Indiana Land Title Association
Embassy Suites
Indianapolis, Indiana

September 7-9

Ohio Land Title Association
Deer Creek Lodge
Mt. Sterling, Ohio

September 10-12

Dixie Land Title Association
Sandestin Hilton
Sandestin Beach, Florida

September 10-12

Nebraska Land Title Association
Holiday Inn
Columbus, Nebraska

September 11-13

North Dakota Land Title Association
Holiday Inn
Minot, North Dakota

September 14-17

New York State Land Title Association
The Sagamore
Bolton Landing, New York

September 24-27

ALTA Annual Convention
Century Plaza
Los Angeles, California

October 16-17

Wisconsin Land Title Association
Inn on the Park
Madison, Wisconsin

November 13-15

Land Title Association of Arizona
Doubletree Inn
Tucson, Arizona

November 19-22

Florida Land Title Association
Sandpiper Bay Resort
Port St. Lucie, Florida

December 2

Nevada Land Title Association
Alexis Park Hotel
Las Vegas, Nevada

December 3

Louisiana Land Title Association
Iberville Hotel
New Orleans, Louisiana

1987

March 25-27

ALTA Mid-Year Convention
Albuquerque Hilton Inn
Albuquerque, New Mexico

April 26-28

Eastern Regional Title
Insurance Executives
Hotel Hershey
Hershey, Pennsylvania

June 11-12

Western Regional Title
Insurance Executives
The Broadmoor
Colorado Springs, Colorado

October 18-21

ALTA Annual Convention
Westin Hotel
Seattle, Washington

1988

March 11-13

ALTA Mid-Year Convention
Westin La Paloma Resort
Tucson, Arizona

October 16-19

ALTA Annual Convention
Toronto Hilton Harbor Castle
Toronto, Canada

procedure. That's one of the best ways to zero in and really focus limited training time so that it will be effective in changing performance in your office in production.

This is, after all, a production-oriented business. We are customer-service-oriented and the customer is king. But we're also a manufacturing plant. We're manufacturing title insurance policies and you have to get the product manufactured well or you're going to lose money. That's the bottom line.

MS. DETRING: Lois, let's hear about work dumping and what you do to prevent it.

MS. O'LEARY: I don't believe anybody has the right to put a file on any manager's desk without that manager's permission. The permission must be granted or else you do nothing but gather files on your desk and, generally, you don't have time to take care of those files. And, besides that, if they put it on your desk, the monkey's off their back and it's transferred to your shoulders and they feel great about it. They think that's wonderful because you're going to take care of that. After all, they put it on your desk. So, no one has the right to put a file on my desk without permission. Now, if they need the help, that's great. But I'm not going to solve their problems for them. I don't need the practice. They do. My responsibility is to see to it that they get the practice. You follow through step by step.

But, again, how are they going to learn if you're not willing to give this to them? Quality control, as Betty has said, is another very integral part. Bad quality, sloppy commitments,

sloppy policies, sloppy reporting of errors and omissions information, whatever information you're setting up, is bad public relations for our industry. It isn't just bad for a local office. It gives us all a bad name.

The one who pays attention is the one who is going to come out on top. So, we are totally committed to documentation on product. There is nothing more frustrating than to find a file where you know there's a problem, open it up, there's nothing on the documentation sheet. What are you going to do? You then have to ask the customer to repeat to you everything he said maybe once or twice to that employee who wasn't paying attention. How frustrating!

The frustration should be very minimal in all phases of our business. But, you have to pay attention to five things: attitude, production, procrastination—lack of, time management, and quality of work.

RESPONSIBILITY—continued from page 14

be confrontational or don't want to be truthful often make such mistakes. Those are very costly mistakes because when you're later under oath, if it should happen that there's a case that comes from it, then you have to say, "Well, I really was lying then, but I did it for the good of this employee. I just didn't want to tell him the truth, that he was a crummy employee and wasn't doing a good job."

The obvious question is. If you were lying then, how do we know you're not lying now. You have to cope with that. So, you need to be truthful with employees when you are letting

them go. That doesn't mean you have to sit down and give a whole list of reasons for termination. But you can say that they are being let go because the employer is dissatisfied with their performance—instead of, we're letting you go because we have one too many people and you are the one to be terminated.

A question that I think is going to come up is whether you give employees any kind of a warning, a chance to improve. I believe in basic employee relations—that, at a minimum, you need to initially have sat down with an employee and said, "This is what I expect of you. This is what I expect you to do." And then, at a later date, have sat down with them and good or bad said, "This is what you are doing right. This is what you are doing wrong. And I expect you to correct these things or you can't continue your employment here."

Then, if the correction isn't forthcoming, that you make the decision to cut your losses, terminate the employee, and go on about your business. But, at least you've given the employee the opportunity to correct whatever deficiency there was.

Finally, you need to be consistent. Not only with any written or verbal rules or regulations or policies that you might have, but also if you have employee handbooks. I don't know where employers come up with employee handbooks. My guess is that many of them were copied from a single source and they spread all over the country in a hurry.

The handbook I refer to said something like, as long as you do a good job, nothing is going to happen to you—but there are some grounds for termination. They then listed some things and concluded, in any event, you are entitled to a full and fair hearing. Well, no one does that, generally speaking. The handbook says there is going to be this full and fair hearing, but there isn't. There is a decision made in private and the termination occurs.

So, if you have a policy, you could be expected to live by it. Also, as far as consistency, it is not only your policy but how consistent you have been with other employees. If you have an employee you wish to terminate and the reason you terminate him, or one of the reasons, is because he is late all the time, and you have three other employees you happen to like better who are late all the time, much worse than this employee, and yet, you terminate employee A, so that you're not consistent, even within your own practices, you have a problem.

Consistency in your own internal practices is the hardest thing to do because, if you are consistent, invariably over time you are going to fire employees you don't want to fire. And you are going to do it for the sake of consistency. It's a hard thing to do but, with all the problems in employment law that are coming up, I think consistency is something that pretty much is required.

TIPAC Trustees Focus on Election Campaigns



Members of the Title Industry Political Action Committee Board of Trustees recently met in Kansas City, Missouri, to continue work on campaign support of 1986 Congressional candidates from both parties with views compatible to those of the title industry. Individual contributions from TIPAC members are used for financial support of appropriate candidates and money contributed by corporations is used for TIPAC administrative and operational costs. Trustees shown from left are Richard L. Pollay, C.J. McConville, Chairman Roger N. Bell, Billy Vaughn, Bert V. Massey, II, and Joseph D. Burke. Not pictured: Trustee D.P. Kennedy. More information about TIPAC is available from ALTA Director of Government Relations Robin E. Keeney in the Washington, D.C., office of the Association.

You can tell people who do consistent jobs that you really do fire people who are late or who do not call in three days running; on the fourth day you terminate them, and this employee had absolutely no excuse at all. She decided she was going to go skiing and just didn't call in. But she's really good and you don't want to do it, but there are all these other cases that are pending or could be pending. The answer is to be consistent. You are going to fire people you wouldn't otherwise want to fire.

You can limit much of this liability in a couple of ways. The best way is to train supervisors or do it yourself, so that you have good personnel policies. You need to document your decisions, obviously. Review your handbooks and your employee applications and any written policies that might exist, and delete them from anything that seems to imply or reference permanent employment, and, the concept of an annual salary (does that mean you are employing someone for at least a period of a year?) It seems so to me—and to several courts as well. So, you should remove from your employee manuals, and anything you might hand out, that kind of information.

Also, you need to add some at-will language. Language that says, okay, employees, we like you here, but this is an at-will employment situation. We recognize your right to quit. You should also recognize our right to terminate you—that there is no guarantee of employment here.

Probationary Periods Difficult

Probationary periods are difficult. Probationary periods mostly came out of union contracts of the 40's. I would say, and they became part of employer policies, while having nothing to do with probation. That's not really the concept of what you are trying to do—what you accomplish by having a probationary period of, say, 90 days, is that when the employee has then been there for nine months, does that person have a feeling or an understanding or a guarantee of permanent employment? He is not probationary any more. He is not something else, having grown to this other status, whatever it might be. So think about your policies. Is there a reason to have a probationary period? You may have a period where employees don't become insured for six months, but I wouldn't call it probationary. I would just say my policy on insurance is no insurance for six months.

Finally, I would have a disclaimer that says that this isn't a contract—that this is a unilateral document that has been written by the employer and there is no intention that it should become a contract. That it can be changed, at any time, at the discretion of the management.

If you have handbooks, if you have policies, be very careful about listing reasons for termi-

nation. Invariably, whenever you have a list, then, by definition, you are going to leave things out. If you have a list that says we are going to fire you if you are late three times and we are going to fire you if you slap somebody and we are going to fire you if you are drunk on the job, but you didn't say we were going to fire you if you shoot someone, you missed that one. Does that mean you can't do it? Probably not, but you ought to be careful about having lists. If you are going to have them, then they ought to say something like, these are *some* of the reasons that can lead to termination or can lead to discipline up to termination, but then, certainly, there are going to be *others*.

In 1935, Congress passed the National Labor Relations Act, which is the basic document allowing for the organization of employees. It's not something that applies only to organized labor. It's not something that gets applied only where unions are involved. The basic tenant of the National Labor Relations Act is in Section 7, where it says that an employee has the right to engage in concerted activity and it also says an employee has a right not to do that if that person chooses.

Concerted activity can be three employees in a non-union setting who come to you and say, "I can't work here any more. It's hot and the light is bad." And you're having a bad day and you say, "If you don't like it, out the door."

Well, they are acting in a concerted fashion. They are coming in with a problem that deals with wages, hours, or working conditions, which is essentially almost everything, by the way, and they have asked you to correct it and you responded by saying, I don't want to talk about it—you're fired. Since the title industry is understaffed right now, this won't happen this year. This is a problem for next year or the year after. But those employees have the right to go to the National Labor Relations Board and file unfair labor practice charges, and the remedy for that ultimately is going to be reinstatement and back pay.

Concept in Civil Rights Act

Now, the major statute that deals with this whole concept of changing the employment-at-will doctrine is Title 7 of the 1964 Civil Rights Act. For those who have never been through an EEOC, an Equal Employment Opportunity Commission, review, it is interesting and educational. The basic concept of Title 7 has been that, in recruitment, in the actual hiring process, in promotions, in discharge, termination, in job assignment, you can't discriminate against employees on the basis of race, or color, sex, national origin, or religion. As I said, EEOC is the organization that was established at that time to administer this act. Sex discrimination was expanded again in 1980 by the EEOC with guidelines which included sexual harassment for the first

time, as a type of sex discrimination.

Sexual harassment is one of those things where, if you think it might be wrong, chances are it probably is. It is easy to recognize. It's an unwelcome sexual advance, a request for sexual favors, physical conduct of a sexual nature. If you get a charge of sexual harassment that is valid, it won't come as a surprise to anyone. It will be obvious. It applies to either sex and has been enforced that way.

It's confusing but it is not illegal to discriminate on the basis of sexual preference, at least under the federal act and in Colorado, and anywhere that I am aware of in the Rocky Mountains area. It would be illegal in New York City and San Francisco by city ordinance, but not anywhere else that I'm aware of. However, harassment on the basis of sexual preference because of the changes in the law in 1980, I believe, would be actionable. That means that you can't harass persons based on sexual preference, but you could refuse to hire them or you could terminate them.

The EEOC guidelines certainly imply, which is difficult for employers sometimes to understand in dealing with sexual harassment, that the action of the supervisor, any supervisor, male or female, becomes the action of the employer. Even where there could be a policy against sexual harassment, as in a case that is currently pending in the Supreme Court, where a Meriter Savings Bank employee said that she quit because of sexual harassment. Now, her supervisor obviously knew but the bank claimed to have no knowledge. The bank had a policy against sexual harassment. The bank had a procedure where, if there was any sexual harassment, the employees had been notified to come to higher authority. It was—we'll get this settled. It is something that is absolutely inappropriate. None of that occurred. And so the arguments before the Supreme Court involve where the employee knows, and where the supervisor knows, is that knowledge necessarily going to be imputed to management. My guess is the answer is yes because, in other areas of discrimination, acts of supervisors have been held to be acts of the employer.

When you're talking about sexual harassment by a fellow employee, then you have to find the employer neither had knowledge nor should have had knowledge. But not in dealing with a supervisor.

In all types of discrimination claims, the underlying issue is: Are employees in any being treated differently because of any illegal criteria and, if you can answer that and prove it, if it comes to it in the negative, then you are not going to have a problem with the whole concept of discrimination. You look at two basic kinds: first, the kind we would refer to as disparate treatment, that's overt discrimination, where you don't hire an employee be-

cause that person is black. Or, you don't hire or give a promotion to a woman because she's a woman. That kind of overt discrimination is easier to identify and easier for the courts to deal with. All the employee has to do, at least to make the initial case, for example, in a job applicant case, is prove that the employee is in a protected class. If you didn't hire an employee because she is a woman, she has to prove she is a woman. That's easy. She has to actually have applied for the job. She has to prove that she was qualified, prove that she was denied the position, whatever it was, and that the employer continued to search for other applicants. Now, that's pretty easy to do. The burden would then shift to the employer to prove that there was some legitimate business basis for making the decision.

Second, and harder for the courts to deal with, are the cases of adverse impact where the effect of the policy is the problem. The policy itself appears to be neutral. For example, you have a policy that you only hire employees for a certain position if they have a college degree. Let's assume that has an adverse impact on some protected class, and yet, the job duties are such that there is absolutely no recognizable need for a college degree. Or, in the police and fire cases where there had been lifting requirements; where all applicants had to be able to lift 120 pounds. The impact was that most women couldn't lift 120 pounds, yet, neither the police nor fire departments, when put to the task, could prove there was a necessity to be able to do that. So, while the policy on its face was legal, it applied to everybody, the impact of it was such that it was, when examined carefully, clearly discriminatory. That's a very difficult one for the courts to deal with. It's very difficult for employers because there's no intent involved. You don't have to mean to do it. You don't have to have bad motive. You just have to have a policy that has this type of impact. So, it becomes the consequences of the employment action that the courts would look to, not what you intended at all.

The defense, as I mentioned earlier on all these, is going to be based on whether there is a justifiable business reason, something that you can explain to the court, and whether it is nondiscriminatory and legitimate. To the extent that you can do that, you can get over most of these discriminatory problems.

Another change or another addition, if you will, to the law of sex discrimination came about because of a Supreme Court case. The court had held that pregnancy was not a portion of sex discrimination. In fact, in 1978, Congress didn't care for that and passed the Pregnancy Amendments Act of 1978—which contained amendments to Title 7 which said treat pregnancy as you would any other employee disability.

There is a confusing aspect in that state

laws in some of these areas can be stronger than federal laws and then you're responsible as an employer to live with and apply the more stringent requirement. California—and there are other states—California comes to mind as that state currently with a case pending in the Supreme Court. The basic understanding in treating pregnancy as you would any other potential disability is that you don't treat women who are pregnant any differently than you would others, you just recognize that you are going to treat them exactly the same. Well, in California, the statute came out and said you are going to treat pregnant employees differently in that you are going to guarantee them four months off after the birth of their children, within which time they can come back to work and not suffer any loss of seniority and they get their job back. That's different from saying you are going to treat employees the same.

Clearly, very few men have babies and so the likelihood of that statute ever applying to them is fairly remote. So that is pending right now, and the people who are in opposition to that law are interesting because it includes the Chamber of Commerce, a very conservative organization, and the National Organization of Women, which normally would not be on the same side as the Chamber of Commerce in very many issues.

What they are fearful of and what they have argued in the Supreme Court is that they are concerned that the whole concept of protectionist legislation that was around in the 20s and 30s, when we were afraid that women couldn't work an eight-hour day and it was going to hurt them, is going to come back. That's exactly what some people fear this type of legislation is; a vehicle for creating a new protected class for women in the work force. Probably in the fall term, the decision will come out. So, sometime this year we should have an answer on whether state laws can go beyond what the federal law requires. And the federal law requires that you treat pregnancy as you would any other disability. So, if have a policy that says, if an employee breaks his back, he is allowed as much time off as he needs, then your policy for pregnancy is going to be the same—employees who are absent because of childbirth are going to have as much time as they need. Or, if you have a policy that says we will allow sick leave for any reason for up to five weeks, then there will be pregnancy leave allowed for up to five weeks.

The issue of fringe benefits for employees in Colorado has been clear and I still think it is, but the Colorado Court of Appeals may have muddied the waters a little bit. The basic understanding under federal law has been the types of benefits that you apply; for example, if you have a disability benefit, then you're also going to have a pregnancy benefit as part of it, the concept being that you're going to treat

these the same. The State of Colorado had said that, under state law, that is not the case. I assume that that case will be appealed to the Supreme Court and that there may be a different ruling. I feel strongly there would have been a different ruling had it been filed in front of EEOC and had been determined under federal law. Instead, it was filed under state law and it came up through the courts that way. But it has made things a little confusing. The other aspect of that, which has been confusing until recently, has been what do you do as far as spousal benefits are concerned. The answer is if you provide, for example, long term disability coverage for employees then, part of that is going to be pregnancy coverage for their spouses.

Other Legislative Restrictions

There are numerous other legislative restrictions. Basically, these kinds of restrictions are in the Equal Employment Act of 1963, which says you can't discriminate on the basis of sex. The act requires that when we have men and women performing essentially the same tasks, if the skills are equal and the job responsibility and effort are equal, you are going to pay them equally. Perhaps, although it is a little hard to say, the concept of comparable worth has come out of that whole idea of pay.

Age discrimination, which I touched on earlier, has essentially said that, the protected class is a group from age 40 to 70, and if that becomes a basis for termination or an adverse employment decision, then you as an employer can be held accountable. There are different state laws which would vary that age group. Some would say any age you can't discriminate as a sole basis.

The Civil Rights Act of 1866, which came about right after the Civil War and everyone promptly forgot until about 15 years ago, has suddenly come back. What it said was that all persons in the nation have the same right to make and enforce contracts regardless of race. And that has been applied primarily in the employment arena. There are all kinds of different rights and remedies that an employee might have who claims he or she was discriminated against on the basis of race, and if that employee files under that statute instead of filing under Title 7.

There are the executive orders that involve affirmative action. The Fair Labor Standards Act has dramatically changed how people do things because it requires people to pay minimum wage, currently \$3.35 an hour. It requires non-exempt employees to be paid overtime for work after 40 hours in the work week.

The problem areas are there; one, it only

Continued on page 34

Names in the News



Ginger



Liedecke

First American Title Insurance Company of New York has announced the appointment of **Frank A. Brocco** as vice president and director of sales and marketing in the company's main office in Garden City, New York.

David H. Gabriel of SAFECO Title Insurance Company has been promoted to vice president, national marketing.

The following elections are announced by American Title Insurance Company: **C. Allen Foehl**, assistant vice president and New England Division counsel, Boston; **Cindy T. Darling**, corporate treasurer, Miami.

The following promotions are announced by Fidelity National Title Insurance Company: **Gregory A. Winters**, senior vice president and director of branch operations, Scottsdale, Arizona; **Regina A. Bishop**, title officer, San Diego; **Judith A. Price**, escrow officer, Tucson, Arizona; **Jeff Duns**, senior title officer, Highland, California; **Lenora A. Shealy**, branch manager, Tucson; **Jerald L. Bricker**, vice president and manager of electronic data processing, Scottsdale; **Jess D. Alcanter**, sales representative, commercial/industrial division, San Bernardino, California; **Anne E. Bailey**, escrow officer, Santa Rosa, California; **Willie Ray Bell**, office manager, Tucson; **Gordon Tinsley**, title officer, San Diego; **Judy Scheidel**, trust officer, Tucson; **Toni Carrocci**, escrow officer, Tucson.



Brocco



Gabriel

Ticor Title Insurance Company has announced the election of six new senior vice presidents. They are **William R. Barnes, Jr.**, St. Louis, Missouri, with responsibility as zone manager for Kansas, Nebraska, North Dakota, South Dakota and Missouri; **Floyd Cobb**, Winter Park, Florida, zone manager for Alabama, Florida, Mississippi, Puerto Rico and the Virgin Islands; **Dale Dow**, Washington state; **Michael E. Maguire**, recently appointed chief underwriting counsel, Los Angeles; **Stanton S. Roller**, New Jersey, Ohio, Pennsylvania and Delaware; and **G. Elwood Steckler**, Indiana, Michigan and Kentucky.

Also at Ticor Title **Bill Cave** has been named vice president and manager of a national title service office recently opened in Washington, D.C., and **Shelby Prather** has been appointed assistant vice president and district manager, Nashville, Tennessee.

Equity Title Company, Edina, Minnesota, has announced the following appointments: **Allen B. Grogan**, senior vice president and chief operating officer; **Harold P. Holmstrom**, operations manager; and **Irene B. McCarthy**, escrow manager.

Dave Ginger has joined Southern Title Guaranty Co. Inc. as executive vice president-marketing and national accounts. Southern Title Guaranty also has announced the recent appointment of **T.L. Liedecke** as vice president-national accounts.



Bricker



Holmes



Daniels



McQuiston

Norm Avilla, area manager is in charge of a recently-opened Fidelity Title escrow office in Almaden, California, where **Lynell Fraley** and **Simon Coyle**, account managers, assist in business development.

Security Title and Guaranty Company, New York City, has announced the appointment of **Paul Holmes** to executive vice president and secretary; **Harry Gold** to vice president and senior title counsel; and **Raymond J. Ludwicki**, to treasurer (remains comptroller).

American Pioneer Title Insurance Company, Orlando, Florida has announced that **George Daniels** has joined the concern as general counsel and state underwriter, and **Roger McQuiston** has joined as vice president, marketing.

California CAE Leader For Fall ALTA Seminar

Charles K. (Chuck) Smith, executive vice president, East Orange County Board of Realtors, Santa Ana, California, who holds the Certified Association Executive designation of the American Society of Association Executives, has accepted the assignment as discussion leader for the American Land Title Association affiliated association officer-executive seminar Tuesday afternoon, September 23, during the 1986 ALTA Annual Convention at the Century Plaza Hotel in Los Angeles.



Foehl



Darling



Winters



Duns

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applies to employees. So, immediately, many employers tried to say they have independent contractors. They are not really employees. I don't run across very many true independent contractors. Most of them are employees being hidden as independent contractors. But they can exist. The other areas involve employees who really are not exempt. There are only a couple of categories that apply: administrative exemption, and you have to be able to prove there is all of this discretion and responsibility involved and very often that can't be proved; and executive, where you have to be able to prove that there actually is some kind of supervisory function involved and often that can't be done.

Those are different statutes which have involved changes in this whole concept of employment-at-will and the understanding that employees and employers alone would set their employment standards. In fact, that doesn't happen anymore.

In the future, we're probably going to have immigration reform, which will have a dramatic impact on many employers.

The basis of age discrimination is probably going to change in that it is going to be you can't discriminate on age from 40 to any age. There won't be a top limit on that.

There's already been passed through the House that concept that you can't require people to take polygraph tests. That is currently pending in the Senate and, since the co-sponsors in the Senate are Orrin Hatch and Ted Kennedy—I can't imagine two senators who are more opposed philosophically—if they have agreed on the concept that there won't be polygraph tests, I think I can be fairly assured that's going to pass also.

Then, finally, the Pat Schroeder bill which involves parental leave. The parental leave concept is that employers of five or more employees are going to be required to give parental leave, for men or women, for childbirth, adoption, or serious illness of a child up to 18 weeks; and in that period of time as employers, you will be required to return the employee to the position that he or she left and you will be required to maintain the health benefits of the employee during the absence. A different part of it that you don't see much on is the medical leave aspect, which says if an employee becomes seriously ill, that employee is entitled to 26 weeks off under the same type of concept. Both of these are without pay. I assume, because of all the legislation and now all the court decisions that have come out, that will automatically begin to apply to pregnancy leave since pregnancy leave is going to be treated the same as any disability to include illness. I think that will take with it the pregnancy leave concept.

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Discussing Tax Reform Bill on Capitol Hill



Meeting on Capitol Hill in Washington recently to discuss the tax reform bill under consideration in House-Senate Conference were, from left, David R. Porter, ALTA governor and president and chief executive officer, Transamerica Title Insurance Company; House Conferee Fortney H. (Pete) Stark, Democratic Congressman from California's Ninth District; D. P. Kennedy, ALTA past president and president, First American Title Insurance Company; and Ellis Peter Miller, vice president and counsel, Ticor Title Insurance Company.

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