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# Automating the commercial lending process

A new, secure, web-based offering from Ventext Corporation reduces administrative errors and eliminates the need to constantly type in duplicate information when processing lending agreements.

BY MICHAEL CRAWFORD

There was a time when creating legal documentation for a commercial loan followed a tortuous path of repetitious data entry and cutting-and-pasting. Typically, the lender drafted the initial loan commitment, often from templates or precedents. Depending on the nature of the parties and loans, terms were drawn from other documents as needed. With luck, among other potential drafting pitfalls, a lender would remember a change on page six impacted a clause on page 42, certain credit provisions required specific language, and plurals and singulars matched.

That agreement would then be bundled up and sent to legal counsel and the cutting-and-pasting would begin again. In many cases, lenders' lawyers had to enter the same information in a variety of places and documents, increasing the likelihood of errors and omissions. Document changes, because of specific circumstances, had to be remembered by each lawyer for each transaction. Finally, precedents and standard form documentation had to be examined carefully and amended to ensure they properly reflected the particular situation.

For a growing number of lenders and lawyers, that monotonous cycle has now ended with the launch of LoanTransact, the first product of Toronto-based Ventext Corporation. "Our goal was to create a secure online work environment," says executive vice president Dan McCormack, "enabling all parties to a lending transac-



tion to interact. By allowing parties to enter their own information and selections in a user-friendly format, we eliminated the need to type the same information into each document required."

LoanTransact — [www.loantransact.com](http://www.loantransact.com) — examines a series of documents, determines the information required, and presents a logical set of questions in an interactive format. All parties access their own secure, password-protected section or deal site to complete the information and retrieve generated documents. Answering the questions is made easy with pull-down menus, check boxes, and other time-saving tools. Any data, such as the borrower's name, is

typed only once and then appears in the proper places in correspondence, documents, searches, reports, and even the final account.

LoanTransact has been used in more than 2,000 transactions to date and is in use by several financial institutions and their counsel. Organizations use their own documents and forms with so-called "SmartTemplate" tags added to the text, which drive the interactive questions. "The system is smart enough to ask questions based on knowledge of previous answers," says McCormack. "For example, if the borrower is not married, the application would not ask for the name of the spouse."

Mel Rubinoff, name partner of Fogler Rubinoff LLP, was among the first to recognize the power and potential of the web application. “We are now able to provide our lending clients with consistently uniform and complete documentation without the cost or errors that can arise with repeated data entries or changes to documents. This has resulted in our firm being able to provide our lending clients with a highly effective and efficient service offering.”

Through Ventext’s joint venture with Dye & Durham, LoanTransact also recommends and automatically submits searches to be conducted based on the nature of the documents selected and parties and jurisdictions involved. Results are electronically returned to LoanTransact, enabling users to use the information without re-keying. Among the first products out of this joint venture is Enhanced Search Report (ESR) — Canada’s first automated summary of search results, conducted through Dye & Durham’s *eservicedd.ca* site.

ESR is automatically completed with the results of corporate, business names, bankruptcy, litigation, executions, Bank Act, and Ontario Personal Property Security Act searches. Corporate law clerks and lawyers, says McCormack, quickly recognize the value of an automatic results summary without the need for transposition and the ability to sort by various criteria, including dates, debtors, and secured parties. As with all documents created in LoanTransact, layouts can be customized with an organization’s logo or particular formats — suitable for submission by a firm directly to its clients.

Ventext is also in discussions with a national title insurance company to add its products to the web site, allowing users to select and apply for title insurance products without entering data already submitted. If approved, the title insurance policy will then be available for “pick up” on the LoanTransact site.

“Our aim is to make LoanTransact the focal point for most small and medium-sized lending transactions,” says

McCormack. “Users quickly appreciate its advantages and their ability to code, present, and generate their own documentation in a way that can effectively eliminate drafting and transposition errors. Preparation time has been cut dramatically and the incidence of errors is greatly reduced.”

Brian Rogers, assistant vice president responsible for small and medium-sized banking at HSBC Bank Canada, says, “Products such as LoanTransact and ESR provide our customers with improved document delivery, both in terms of its quality and consistency as well as the time of delivery and its cost-effectiveness.”

Future applications of the Ventext technology are limited only by a user’s imagination, says McCormack. “So long as documents are tagged to ask the right questions, LoanTransact can assemble any package of documents, ranging from commercial leases to new employee orientation documents to even selecting recipes.”

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Premium estate administration software including all forms under Rules 74 and 75, estate asset reports, proposed distribution of funds and task-based document production for both solicitor's and executor's duties. Available on pay-per-use or traditional licensing.

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### Corporate Management System ◆

Current Release Year: 2005  
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Current Release Year: 2005  
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### PolarisPlus v.2.1 ■

Current Release Year: 2004

Starting Cost: \$615

Contains 5 Polaris Forms, Land Transfer Tax Affidavit, Refund Affidavit, Statement of Adjustment Form for Resale Homes and newly constructed homes plus 18 common schedules.

### Ontario Corporation v.2.2

Current Release Year: 2004  
Starting Cost: \$440

Contains 9 OBCA Article Forms, 2 OCA Forms, 2 CIA Forms, 5 Minute Book Registers and Share Certificate Template using HotDocs® technology.

Canada Corporation v.1.3  
Starting Cost: \$185

Contains 11 CBCA Forms using HotDocs® technology.

### Estate v. 3.5 ▲

Current Release Year: 2005  
Starting Cost: \$450

Contains 85 Forms under Rule 74 & Rule 75, Election under the Family Law Act (Form1) using HotDocs® technology.

### Civil Litigation v.5.8 ■

Current Release Year: 2005  
Starting Cost: \$390

Contains 126 Forms using HotDocs® technology.

### Small Claims Court v.1.2 ■

Current Release Year: 2002  
Starting Cost: \$330

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# Charting the next wave of legal technology

BY GERRY BLACKWELL

BELKIN WI-FI PHONE



## Skyping with a Wi-Fi phone

It amazes me that more people in business (and the law) don't take advantage of Skype, the free or nearly free internet-based phone service. Calls made between two registered Skype users from headset-equipped computers, or Skype "appliances" such as Belkin's Wi-Fi Phone (\$180 from Dell Canada), are free. Unlimited SkypeOut calling to regular phones in North America costs about \$35 a year. Overseas calls cost about 2.5 cents a minute.

The cell-phone-like Belkin product doesn't require a computer. It connects to the internet over a Wi-Fi network. Once connected, it automatically logs into Skype and displays Skype contact names on its small colour LCD. With a good Wi-Fi connection, it works brilliantly. The catch is, it can't connect to all Wi-Fi networks.

You can use it on your own network and any network where you're a trusted user and the administrator will either give you the encryption key to enter on your phone, or add your phone's unique hardware address to its configuration files. But where it's potentially most useful is when you're in transit, and there, it's hit and miss.

The Belkin phone won't work at many free Wi-Fi hotspots, or even ones that you've paid to use, because they require you to enter a name, e-mail address or user name, and password at a web page and the Belkin phone has no way to let you do this. You can try to connect to unsecured private networks — ethically a bit dicey — or pay US\$10 a month to Boingo Wireless Inc. for access to some 21,000 Boingo Mobile Wi-Fi hot spots in cafes, hotels, and airports around the world.

I used it at a hot spot in LaGuardia airport in New York on my way home from LegalTech. It worked like a charm.

LegalTech, the annual schmooze fest for lawyers, tool vendors, and geeks of all stripes, was another head-spinning marathon in Manhattan this year. If you're anxious to glimpse the state of the art in legal technology, this is the place to come. The 2007 edition saw more than 200 exhibitors hawking their wares on three packed floors. The aisles were choked with often dazed-looking attendees — almost 12,000 over the three days, says ALM Events, the company that puts the show together.

Not many seemed as interested in the giveaways operators use to lure people into their booths as in the technology itself. Not me, of course. (Although I did score a very cool yo-yo from Bridge-way that lights up when you let it roll. I think there's a tiny generator in there or something.)

Tools for litigation support, especially e-discovery, and compliance management dominated the show floor, even more so than last year. Telling them apart was sometimes a challenge. On the other hand, some of the most distinctive technology fell into this category too — including innovative tools for searching and indexing all kinds of digital content.

### Index Engines Inc.

Index Engines of Holmdel, N.J., showed a unique e-discovery tool that can create a search index from backup tapes without having to first restore the contents from the tape. In the past, if a litigation team needed to search tape archives, they had to first reconstitute the documents, transfer them to a hard drive, and then index them — a time-consuming, expensive process.

Court e-discovery guidelines stipulate that parties in a dispute cannot make unreasonable requests for discovery — such as restoration of backup tapes — without good cause. The Index Engines technology should make it easier for litigators to justify requesting discovery of tape archives.

The company's hardware/software

product can spin eight tapes simultaneously — virtually any type, including 8mm, 4mm and DAT. Because it understands the storage protocols used, such as Tivoli, it can pull off index words as the tape winds past the machine's read/write heads. "As fast as the tapes spin, that's how fast we're indexing them," vice president of marketing Jim McGann told me.

### Deepdive Technologies

Deepdive Technologies of Tempe, Ariz., was showing its "automated network discovery appliances" — patent-pending text search tools that let in-house legal departments automatically sift through employees' communications in real time, including e-mails and instant messaging, looking for tell-tale keywords that might indicate workers are contravening regulations — health care workers disclosing patient information, for example — or revealing trade secrets. It could also be used for proactive e-discovery.

Users don't necessarily have to be looking for malicious contraventions, noted Jeff Curtin, the company's director of sales. But in a litigious and highly regulated society, any digitally archived indiscretion can come back to bite you. Nipping such communications in the bud will save headaches down the road.

### Nexidia

After last year's LegalTech, I wrote glowingly about Nexidia, a little company from Atlanta with a unique audio search tool. The Nexidia technology doesn't use traditional speech recognition. Instead it creates an index of phonemes or distinct word sounds it finds in digital audio stored on a hard drive. There are about 40 phonemes in North American English.

A user can enter a phrase, including proper names, and the search engine will find all instances in which the same string of phonemes appears, and go instantly to that passage in the recording. The company claims the technology is significantly more accurate than tradi-

Gadget Watch

tional speech recognition, which is in fact not accurate enough for use in discovery at all, and far cheaper than transcription.

David Fishel, senior director and technology counsel, a former litigator, told me the market for his company's product is growing "exponentially," at least in the United States. Highly regulated industries such as commodity and energy trading are now required to save traders' phone conversations. Some are archiving tens of thousands of hours of audio, which could be requested in discovery or required by government auditors.

Call centre operators also need the technology. In a pharmaceutical product liability case, for example, litigators might want to know how many times customers phoned a call centre to report that they'd had a heart attack while using the product — and what the call centre operators said to them.

Nexidia is mainly selling to e-discovery service providers and large corporations, but law firms that deal with target industries may be able to justify bringing it in-house.

The company has a somewhat unusual business model, however. Customers cannot buy an outright licence for unlimited use of the software. They pay annual licence fees based on the number of hours of audio they process using the technology.

Using the Nexidia technology still costs less than half of what transcription would cost — which Fishel estimated at an average of \$100 per hour of audio.

#### Cognition Technologies Inc.

More than one company was showing concept or meaning-based search tools that use "linguistic science" rather than conventional text string searches. Mike Reid, vice president of sales and business development at Cognition Technologies Inc. of Santa Monica, Calif., explained that compared to conventional pattern-matching search tools, his company's product can increase both precision (less of the stuff you don't want) and recall (more of the stuff you do). It better understands the meaning of the query — that "energy bill" doesn't mean an invoice for electricity services, for example, and that "senate bill" and "senate initiative" might also be relevant.

#### Bighand Inc.

The show wasn't *all* about e-discovery. I noticed a few companies this year showing digital dictation systems, including Bighand Inc., a London, England, firm that entered the North American market last September. These systems let lawyers dictate wherever they have access to a digital recorder, and then automate the process of downloading audio files to a computer (if they're not actually made right on a computer), encrypting and

routing them to a secretary over an internal network or the internet.

The benefits? In the past, lawyers often saved up dictation tapes (or recordings on a stand-alone digital recorder) and dumped them on their secretary's desk when they got back to the office, or after a night of working late. It created peaks in transcription work that might even require hiring temps. Now secretaries get a steady stream of dictation files sent to them electronically. 

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