



LAW OFFICE OF

**Matthew J.
Van Den Hooven**

Basic Service Terms (the "Terms")

Exceptions

Exceptions to these Terms to accommodate any special needs may be requested by email to me at:

- matthew@vandenhooven.ca (my "Email").

Identification

Before I begin work on your behalf, I require information from you concerning your identity. Lawyers are required by the Law Society of British Columbia to follow client identification and verification procedures when retained by a client to provide legal services.

Time

It can take several years or more for family law matters to be settled. Factors which determine the time required may include: your spouse's or co-parent's frankness and cooperation in disclosing information and producing supporting documents; the need for appraisals of property including real

estate, businesses, and pensions; the number of interim and/or urgent applications made; the number and complexity of issues involved; the degree of hostility between the parties; the wait for an available court date and the possibility that your case may be rescheduled; and, the availability of legal counsel and/or witnesses. As a result, I may have little or no ability to assist you with an early resolution of your legal matters. I will keep you fully informed of all important events as they develop in your case, but there may be periods of unavoidable delay. I will do what I can to minimize any delay.

Your role as client

You agree to do your best to provide me all the facts and to be totally honest with me. The information that you provide to me is confidential and privileged and will only be disclosed if required. I can only do my best job if I have your confidence and am fully informed. You must provide me with any documents, evidence, or information that I request or complete any documents that I ask you to complete in a timely manner. If you require my help, then you can Email me to ask for assistance.

I ask you to give me all information you have, or have access to, which could help me in working on your case. If your case involves the division of family property and debts, then please begin writing down a list of all your property and debts and gather current your income and expense information and provide this to me as soon as possible.

Financial statement preparation

Most cases will require a financial statement to be prepared and filed. Unless I send you an Email stating that it is not required, within fifteen (15) days of signing my Agreement, you agree to provide me with proof of your past three (3) months of income, pay slips, or statements and online access to your CRA account or copies of your three most recent income tax returns and the related notices of assessment and reassessment. You must ensure that all your tax filings are complete and correct, that you have online access to your CRA account, and that your information is up to date with the CRA. If you cannot do so, then you must provide an explanation in writing to me by Email within fifteen (15) days of signing my Agreement.

Unless I provided an exemption by Email, within twenty (20) days of signing my Agreement, you agree to provide me with a completed draft financial statement which includes your monthly income and expenses. If the form has not been provided to you within one (1) day, then you agree to send an Email requesting a copy of the form to me. If you cannot do so, then you must provide an explanation in writing to me by Email within fifteen (15) days of signing my Agreement.

If applicable, within forty-five (45) days of signing my Agreement, you agree to provide me with your most recent BC Assessment Authority Notice, if any real estate is owned in whole or in part by either you or your spouse or co-parent, or a detailed explanation as to why you cannot provide this to me in writing by Email.

If your or your spouse's or co-parent's property or financial circumstances change, then please inform me immediately by Email.

If your relationship difficulties include problems of harassment or abuse by your spouse or co-parent, then please keep a daily written record of such problems and provide me with a copy monthly. I will confirm receipt of this by Email.

Failure to take the actions listed above may result in me withdrawing as your lawyer without prior notice to you. For more information on working with me, your family lawyer, please see: <https://www.lawsociety.bc.ca/working-with-lawyers/>.

Documents and other physical evidence

Please provide me with any documents related to your case as soon as possible. You must provide me with copies of all important documents in a timely manner. Providing me with relevant document disclosure is an ongoing responsibility. You should retain the original paper or electronic documents or other physical evidence that you wish to rely on for use in court. When you provide me with documents or other physical evidence, I will scan it electronically into my system, confirm receipt by Email, and return it promptly to you.

With respect to documents shared by you with me, unless otherwise agreed to by Email, you agree to:

1. provide me with, or allow me to make, high-quality copies of documents in a timely manner;
2. provide me with copies of documents in a pdf or paper format only;
3. redact any important personal private or confidential information before providing me with a copy of the documents;
4. not redact or alter original documents; and,

5. retain the original or the best available copy of all documents.

Electronic copies of documents allow me, opposing counsel, and the courts to more easily work with the information related to your case. If your case proceeds to trial or hearing, then you must ensure that you bring all original documents or other evidence with you. The judge may wish to examine the original documents or other evidence.

Legal services not covered

If your case goes to trial and either you or your spouse or co-parent is unhappy with the court's decision, then in most cases you or your spouse or co-parent can apply to appeal the decision of the court to get a higher court to change that decision. I will tell you what I think the likely outcome of an appeal would be, but this contract does not cover the work that would be involved in such an appeal. If you want me to be your lawyer for an appeal, then I will ask you to sign another agreement to cover those new legal services and fees.

Electronic communications

Please note that all electronic communications including recordings may be stored. All electronic and other information is stored securely, but it may not be securely transmitted. If you wish to establish secure electronic communications with me, then please send me an Email with the subject line: "Request for secure electronic communications".

Most cases will not require the establishment of secure electronic communications for all communications, but they are recommended when electronically sending or receiving sensitive documents that include government identification and social insurance numbers.

In most cases, there is no significant cause for concern when information is sent insecurely by email. It is important to remember that your communications with me are privileged and confidential. If you are sending me electronic information which contains sensitive information related to your identity like a social insurance number, driver's licence number, and/or medical services plan number, then I encourage you to use a secure method of communication. In most cases, the secure file sharing methods offered by Microsoft 365, free or paid, are an excellent choice. I encourage my clients to create or use a Microsoft or Google account and to enable two (2) step authorization to prevent unauthorized access to your account. If there is another service you prefer, then please let me know.

All clients must use an email account to communicate with me. I recommend consistently using only one email account to avoid confusion and the loss of information. If you do not wish to do so, then please let me know and I will consider whether an exception can be made. To create a free email account, please see: <https://account.microsoft.com/> or <https://accounts.google.com/>.

Data storage

Your data will be stored privately, securely, and confidentially on secure and encrypted servers located in Canada. While your file is open, your data may be sent securely and encrypted to secure and encrypted servers located in Canada, the Netherlands, the United Kingdom including Ireland, the United States of America, and Australia. I use only the most secure and best protected services available to me on the market. I take data privacy, protection, and confidentiality very seriously. If

you have any questions or concerns related to data storage and protection, then please let me know.

Limitations

The general limitation period for family law is two (2) years less a day from the date of separation or divorce. Other limitation periods may be shorter or longer. You should identify and verify any applicable limitation dates with myself or another lawyer in writing as soon as possible. Filing a family claim with the court can help protect against the expiration of a limitation period, but you also need to ensure that the file remains active.

Please note that limitations in law will apply to all family law cases in some way and operate to limit your legal options at any given time. The expiry of limitations can affect you financially and, as time passes, whether days, months or years, you will become more limited in your options for a fair and reasonable outcome. Eventually you may be unable to seek an order in court. In special circumstances, an improperly resolved or unresolved family related issue of significant importance can be heard after the expiry of the general two (2) year limitation period. It is advisable to file a family claim in provincial and/or supreme court as soon as possible to protect yourself from the expiry of a limitation period, minimize losses, and maximize your negotiating position.

Choice of court

It is also important to choose the correct court, provincial and/or supreme court, for resolution. It is sometimes advisable and necessary to try and divide the issues up between provincial and supreme court. If in doubt, you will be able to seek resolution for all family related issues in

supreme court. If you have property related issues and/or require a divorce, then you will need to pursue a claim in supreme court. Filing a family claim with the courts does not mean that you must go to trial. On the contrary, the vast majority, some say over 95% of cases, are resolved before a trial. It is important to seek sufficient case specific legal advice on the law as it relates to the facts, limitation periods, and the choice of court before any claim is fully or partially resolved.

Creating agreements, mediation, and negotiation

Agreements, mediation, and negotiation are encouraged, but with caution, and after obtaining legal advice and filing a family claim. It is worth noting that if you make an agreement, with or without a lawyer, then you may limit your options to pursue complete or partial resolution in court.

Get help from other professionals as required

Get help from as many people as you can, not just a lawyer! Remember that your friends and family are not the best people to turn for reliable and reasonable advice in an often emotional and financially stressful time. In many circumstances, it will be at least helpful, if not necessary, to consult an accountant, banker, counsellor, doctor, medical professionals, pension manager, social workers, and speak with other family professionals about your related family issues.