

The Law Society of British Columbia



November 16, 2022

CONFIDENTIAL

Sent via email to rebecca@divii.ca

Divii
201 - 1842 Oak Bay Avenue
Victoria, BC Canada

Donald J. Avison, KC
Executive Director/Chief Executive Officer

Attention: Rebecca F. Alleyne

Dear Divii:

Re: Innovation Sandbox Proposal

Thank you for your proposal to participate in the Law Society of British Columbia's ("LSBC") Innovation Sandbox.

Through the Innovation Sandbox, LSBC is seeking to expand access to legal services by enabling innovative solutions that address areas of unmet legal need but which would otherwise contravene the *Legal Profession Act*, the Law Society Rules or the Code of Professional Conduct.

The LSBC Executive Committee has reviewed your proposal to provide services and has agreed to issue to you this "no action" letter.

1. Services

Divii proposes to offer services in the area of family law (the "Services") through an online platform at www.divii.ca, which automates the creation of Separation Agreements, and enables users of the platform to collaborate on aspects of separation including document disclosure, decision making, and finalizing the language of a Separation Agreement.

2. No Action

Based on your proposal (copy attached) and any additional information you provided or LSBC obtained in relation to your proposal, LSBC will not initiate action to prevent Divii from providing the Services (“no-action”) provided the following conditions are met:

- 2.1 The information you have provided in support of Divii’s proposal is accurate and complete in all respects.
- 2.2 Only Divii provides the Services.
- 2.3 Divii’s provision of the Services does not present a risk of harm to the public or undermine the integrity of the administration of justice.
- 2.4 Divii provides information to LSBC regarding Divii’s provision of the Services on the first business day of each month in the approved form and more frequently if requested.
- 2.5 Divii includes the following disclosure on any website, social media and other mediums used to promote the Services and Divii provides this disclosure in written form to each client prior to commencing any engagement:

My/our services to you are not provided by a lawyer regulated by the Law Society of British Columbia. As a result: (a) I/we could be required to disclose to third parties your communications with me/us and any documents you provide in relation to my/our advice and assistance as such communications will not be subject to solicitor-client privilege; and (b) I/we am/are not required to have professional liability insurance. (c) There is no statutory complaint process in relation to the services that I/we provide and (d) the Law Society of British Columbia has not evaluated or verified my/our competence, character, and/or fitness to provide the services. For more information about the Law Society’s innovation sandbox visit <https://lawsociety.bc.ca/sandbox>.

- 2.6 Divii is expected to deliver the Services in a manner consistent with our expectations of lawyers under the *Legal Profession Act*, the LSBC

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Rules and the LSBC Code of Professional Conduct to the extent they are applicable.

- 2.7 You consent to the disclosure by the Law Society of information about your business including your business name, address, website address, and the scope of Services which you may provide, this no-action letter, and the modification or rescission of the no-action letter, generally on its website and in response to inquiries from the public or regulatory bodies and for the purpose of informing the public about you and the Services you may provide in conjunction with your participation in the Innovation Sandbox
- 2.8 Divii cooperates fully with any investigation into any complaint LSBC receives about the Services and/or your conduct in relation to the provision of the Service and Divii responds promptly to requests from the LSBC for any information and/or documents in relation to the provision of Services.
- 2.9 Divii indemnifies and save harmless LSBC, its Benchers, officers, agents and employees from all claims, demands, losses, damages, costs, fines, penalties and expenses that LSBC, its Benchers, officers, agents or employees may sustain, incur, suffer, or be put to at any time, either before or after this Agreement ends, which are based upon, arise out of or occur, directly or indirectly, by reason of any act or omission in your provision of the Services.
- 2.10 Divii does not assert, imply or otherwise suggest in any way that the no-action letter is an approval, endorsement or certification of the quality of Divii's Services or of Divii's qualifications, competence or fitness to provide the Services.

3. Rescission

The Law Society may rescind this no-action letter at any time on written notice if

- 3.1 Divii fails to meet any of the conditions set out in Part 2 of this letter.

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- 3.2 Divii provides services beyond the scope of your proposal that constitute the practice of law as defined in the *Legal Profession Act*.
- 3.3 Divii engages in, or proposes to engage in, conduct in relation to the provision of the Services that presents a risk of harm to the public or undermines the integrity of the administration of justice.
- 3.4 Material information that you failed to disclose comes to our attention or misinformation is discovered.

4. Acknowledgement

By acceptance of this letter, you acknowledge that:

- 4.1 This no-action letter is not an endorsement of the quality of the Services Divii provides or of Divii's qualifications, competence or fitness to provide the Services.
- 4.2 The issuance of this no-action letter is not an agreement on the part of LSBC, its Benchers, officers, agents and employees, to insure or indemnify Divii or your clients for any claims, demands, losses, damages, costs, fines, penalties and/or expenses that may arise in relation to Divii's Services and Divii will remain solely responsible.
- 4.3 This no-action letter will take effect from the date of this letter and remain in effect until LSBC provides written notice of modification or rescission or otherwise determines that other regulatory measures are appropriate in relation to the Services.
- 4.4 If the LSBC determines that some or all of your Services require a licence, Divii agrees to submit an application in that licensing process if Divii wishes to continue providing the Services.

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Thank you again for your proposal and we trust that Divii will be successful in providing the Services to the public.

Sincerely,

A handwritten signature in black ink, appearing to be 'Don Avison', with a stylized, cursive script.

Don Avison, KC (*he/him*)

Executive Director/Chief Executive Officer