



## **VIRTUAL FAMILY MEDIATION USER GUIDE**

### **CLIENTS**

We are happy to help you with your family law matter. The below user guide will explain the Virtual Family Mediation Project (the “Project”) and will help you get to know the Qase platform.

The Qase dashboard has been developed with your comfort and ease in mind. Once you have familiarized yourself on the Qase website we trust you will find it easy to find your way around.

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## PROJECT BACKGROUND

Divorce and separation are time-consuming and costly for families and the justice system. In addition to the financial burden, resolving family issues in court is emotionally damaging to all parties involved. The COVID-19 pandemic has increased the barriers to access to justice by increasing delays within an already overburdened justice system.

Access Pro Bono has partnered with the provincial Justice Access Centres and a technology start-up, Qase, to create a pilot program to enable remote, on-line family mediations for low and modest-income families mainly engaging in the Early Resolution Process through the BC Provincial Courts. The Project will use a technology-enabled process to facilitate early resolution of family law matters, saving families money and improving access to justice.

## DEFINITIONS OF ROLES

Below are the definitions of the various roles involved in the Project who will help you along the way:

- **Family Justice Counsellor “FJC”:** FJCs work out of the Justice Access Centre and are your first point of contact in the virtual mediation process. Your FJC will refer you and the other party to enter the virtual mediation process and will set up your initial appointment requests with your Independent Legal Advisor and Mediator.<sup>1</sup>
- **Independent Legal Advisor “ILA”:** The ILA will provide you with independent legal advice before and after your mediation. The ILA does not attend the mediation with you.
- **Mediator:** The Mediator will assist you to settle the dispute. During the mediation, the Mediator will seek to facilitate an agreement between you and the other party.
- **Project Manager:** The Project Manager for the virtual mediation project will reassign you with a new ILA or Mediator in the event that either one of the initial booking requests is declined. The Project Manager can also assist you to get in touch with your Mediator or ILA if you are having trouble doing so.

## TECHNOLOGY REQUIREMENTS

To optimize your virtual mediation experience, please use one of the following browsers below when using Qase:

- Chrome
- Mozilla Firefox
- Safari

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<sup>1</sup> *Justice Interviewers* and *Child Support Officers* are additional Justice Access Centre **Family Justice Referral Sources** who also may refer clients into the project.



For the mediation, please ensure you have the below:

- A computer with a webcam and microphone. Alternatively, you are welcome to use a tablet or smart phone, however, please make sure that you can keep the battery charged as the mediation may take several hours.
- Stable internet connection.
- Lastly, a quiet private location where you are not likely to be interrupted or disturbed.

Your initial ILA and Mediator appointments (before the mediation) may be done via telephone or videoconferencing tools.

### ELIGIBILITY FOR CLIENTS TO RECEIVE PRO BONO LEGAL SERVICES

**Access Pro Bono's financial eligibility criteria is as follows:**

- 1–3-person household, up to \$60,000 (gross annual income)
- 4+ person household, up to \$84,000 (gross annual income)
- No asset test.

**To be eligible for the Virtual Family Mediation Project, the following criteria applies:**

1. At least one party must be eligible for pro bono legal services.
2. The parties must be participating in the Early Resolution and Case Management Process and/or referred by a Family Justice Referral Source at a Justice Access Centre or Access Pro Bono staff.
3. Both parties must be agreeable to mediation.
4. Alternatively, if only one party ("Party 1") has expressed interested to mediate and has been referred through the Justice Access Centre, the project will arrange consultations with an ILA Lawyer and Mediator for Party 1. It will be Party 1's responsibility to contact Party 2 to encourage participation in mediation process.

**What happens when one party is not eligible for pro bono service?**

- The non pro bono client will receive a maximum of two pro bono 30-minute consultations with the ILA Lawyer provided through the Project. The first 30-minute consultation will occur prior to the mediation so that the ILA Lawyer can provide advice before the mediation, and the second 30-minute consultation will occur after the mediation to discuss the agreement.
- If the client wishes to have more time, the ILA Lawyer and client can come to an agreement about the cost for those additional services. This agreement will be between the client and ILA Lawyer, and will be outside the scope of the Project.
- Alternatively, the non-eligible party is welcome to seek and retain their own ILA Lawyer.
- The above time constraints will not apply to the pro bono client working with their ILA Lawyer.
- The mediation will be provided on a pro bono basis.

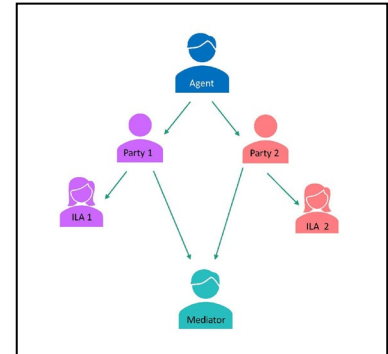


### VIRTUAL MEDIATION PROCESS:

By now, you have met with your Family Justice Counsellor (“FJC”) or another Family Justice Referral Source and they have referred you for the Project. Below is a step-by-step explanation of how the virtual mediation process will work.

#### 1 - Set Up

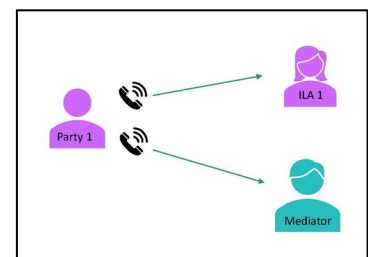
The Family Justice Referral Source has registered you in the **Qase** platform and arranged for your first meeting with your Independent Legal Advisor (“ILA”), as well as the Mediator.



1. You will receive an email confirmation from Qase to confirm your email address. Please make sure to verify your email within 24 hours of receiving this email. **(Go to [www.qase.ca](http://www.qase.ca) to log into your account)**
2. Once you have confirmed your email, you will be able to log into Qase and view your upcoming appointments. **([Click here for instructions on how to view your upcoming appointments](#))**
3. You will receive an email from Qase once your ILA and Mediator have accepted the appointment request.
  - The ILA or Mediator may request a new appointment date if they are no longer available at the initial time that was requested. You will receive an email notification to log in and accept this new appointment date.
  - If the ILA or Mediator must decline your case, you will receive an email from the Virtual Family Mediation Project Manager to reschedule.
4. Once your appointments are confirmed, you will be able to communicate with both your ILA and the Mediator through the Qase platform. **([Click here for instructions on how to meet with your ILA or mediator in the Qase platform](#))**

#### 2 - Before the Mediation

1. Your first appointment will be with your ILA Lawyer. During this time, the ILA will hear the details of your specific case and provide you with legal advice before the mediation. This appointment will be approximately 30 minutes.
2. You will then meet with the Mediator, independently from the other party. This initial meeting is for the Mediator to conduct their initial screening before the mediation takes place. This appointment will be approximately 30 minutes.

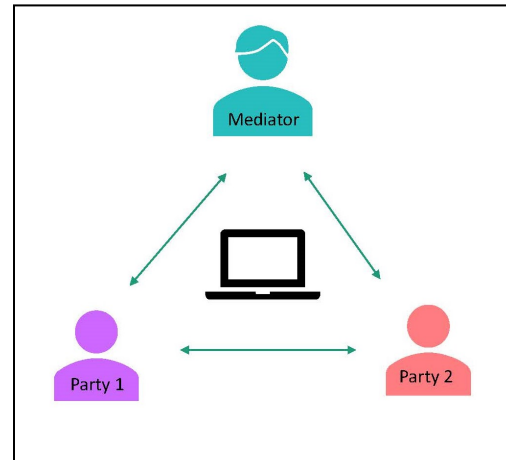




### 3 - The Mediation

After both you and the other party have had your initial appointments with your ILAs and the Mediator, you will proceed to the mediation at a mutually convenient time. The Mediator will confirm with you what software they wish to use for the mediation.

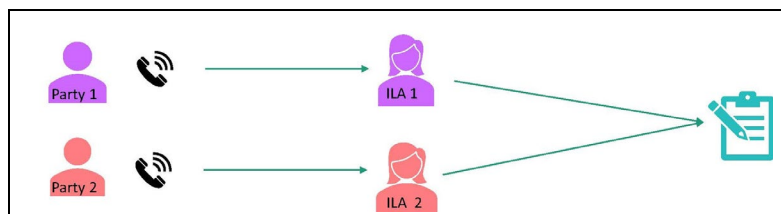
- During the mediation, the Mediator will want the opportunity to meet with you and the opposing party at the same time, as well as with each of you privately.
- Please note that mediations are private activities, and it is not permitted for another person to attend or listen to the conversation without the agreement of everyone involved. This means that you will need to find a private, quiet place with few distractions. If you need someone to attend with you for accessibility or other reasons, please raise this with the Mediator in advance.
- Make sure to have a stable internet connection, as well as an outlet or external battery to keep your computer or tablet charged for duration of the mediation.



### 4 - After the Mediation

The mediation will end one of two ways:

- **Agreement has been reached:** If you and the other party are able to come to an agreement during the mediation, you will each need to contact your ILA through Qase to book a follow up meeting to review the agreement. In this meeting, the ILA will review the terms of the agreement with you and provide you with independent legal advice. After each party has reviewed the agreement with their ILA, both parties will sign the agreement and the mediation process will be complete. ([Click here to see how to send an appointment request to your ILA](#))



- **Agreement has not been reached:** If you and the other party are not able to come to an agreement in the mediation, the mediation process is over. You will have to investigate other dispute resolution options.



### HOW TO NAVIGATE QASE:

The below links will bring you to helpful Qase support pages:

1. Go to [www.qase.ca](http://www.qase.ca) to log into your account.
2. [Forgot your password?](#)
3. [How to view your appointments](#)
4. [How to meet with your ILA or mediator via videoconference or audio in Qase.](#)
5. [How to upload and share documents in Qase](#)
6. [How to send a message to your ILA and mediator](#)

### CANCELLATION/RESCHEDULING POLICIES

To maintain the best possible user experience for Project clients, ILA Lawyers, and Mediators, we have established the following policies:

#### Cancellation/Reschedule Requests

- All requests to change the time and/or date of ILA appointments and initial consultations with a mediator require 24 hours' notice (one business day).
- All requests to change the time and/or date of a booked mediation require 72 hours' notice (three business days).

#### Reasons for Removal from the Project

Access Pro Bono senior staff retain the right to remove clients, from the Project at their exclusive discretion, including for the following reasons:

- Client misses more than 2 appointments without notice (and without good cause).
- Client misses the mediation with no notice (and without good cause).
- Project participant exhibits violence or expresses derogatory remarks toward another Project participant (zero tolerance).

#### ILA or Mediator Withdraws Mid-Case

In the unlikely event that an ILA Lawyer or Mediator cancels their participation in a case after the initial client meetings have taken place:

- The project manager will assign a new ILA or mediator for the party(s).
- The cancelling ILA Lawyer or Mediator will provide the project manager with any pertinent information deemed useful for the replacement ILA Lawyer or Mediator.



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### QUESTIONS?

If you are having issues connecting with your ILA or Mediator, or the Qase platform, please contact Erin Monahan – the Family Virtual Mediation Project Manager ([emonahan@accessprobono.ca](mailto:emonahan@accessprobono.ca)).

**Please note that Erin will only be able to assist you with questions or concerns about the Qase platform and connecting you with your ILA and mediator. Legal questions pertaining to the specifics of your dispute and mediation can only be answered by the Family Justice Counsellor/Family Justice Referral Source, Independent Legal Advisor, or Mediator.**