



VIRTUAL FAMILY MEDIATION USER GUIDE

CLIENTS

We are happy to help you with your family law matter. This user guide will explain the Virtual Family Mediation Program (the VFM).

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PROGRAM 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 can be emotionally damaging to all parties involved. Our Program seeks to provide access to mediation and legal advice services for families facing family law issues, in an effort to resolve matters through cooperation and agreement.

DEFINITIONS OF ROLES

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

- **Independent Legal Advice “ILA” Lawyer:** The ILA Lawyer will provide you with independent legal advice before and after your mediation. The ILA Lawyer 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.
- **Program Manager:** The Program Manager of the VFM will connect clients with mediators and ILA lawyers. The Program Manager can also assist you to get in touch with your Mediator or ILA if you are having trouble doing so.

TECHNOLOGY REQUIREMENTS

For the mediation, please ensure you have:

- 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.
- 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 household income)
- 4+ person household, up to \$84,000 (gross annual household income)
- Average income, assets, and debts are considered on a case by case basis.



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

1. At least one party must be eligible for pro bono legal services.
2. Both parties agree to participate in mediation.

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

- The non pro bono party will not receive pro bono Independent Legal Advice through the VFM. They are required to seek out their own ILA lawyer or receive a referral through Access Pro Bono's Lawyer Referral Service.
- The pro bono party will still be eligible for pro bono Independent Legal Advice through the Program.
- The mediation will be provided on a pro bono basis to both parties.

VIRTUAL MEDIATION PROCESS:

1 – Referral & First Appointment with Mediator

The Program Manager will seek an available volunteer Mediator for your case and put you in contact with the Mediator to arrange the initial meeting (a pre-mediation meeting). This appointment is just for you and the Mediator so they can conduct their “pre-mediation” screening process with you. It is not the mediation itself, and the other party will not attend this first appointment. This appointment will be approximately 30-60 minutes.

2– First Appointment with Independent Legal Advice Lawyer

Parties are required to seek ILA prior to scheduling their mediation.

After your pre-mediation appointment with the Mediator, you will contact the Program Manager to advise that you have completed this step. The Program Manager will find a volunteer lawyer to provide you with independent legal advice if you meet the pro bono eligibility criteria. This appointment will be approximately 30 minutes (please note that it may go longer).

If you are not eligible for legal advice through the VFM, you will arrange for your own legal advice.

If both parties are eligible for legal advice through the VFM, each will receive legal advice from a different lawyer.



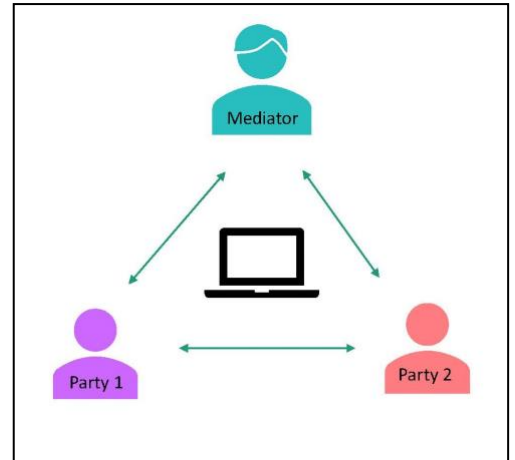
3 - The Mediation

After both you and the other party (if applicable) have had your initial appointments with the Mediator and your ILA Lawyers, you will schedule the mediation at a mutually convenient time. The Mediator will confirm with you what software they wish to use for the mediation (such as Zoom).

- During the mediation, the Mediator may ask to speak with each party separately or to speak to the parties together. You can speak with the Mediator about communications during the mediation at your pre-mediation appointment.
- 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.

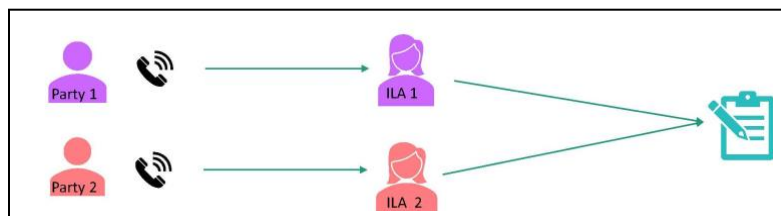
- Make sure to have a stable internet connection, as well as an outlet or external battery to keep your computer or tablet charged for duration of the mediation.



4 - After the Mediation

The mediation will end in one of two ways:

- **Agreement has been reached:** If you and the other party are able to come to an agreement during the mediation, the Mediator will prepare a draft of the agreement (not on the same day, but at a later time).
- After you receive the draft agreement, you can contact your ILA Lawyer to book a follow up meeting to review the agreement. In this meeting, your ILA Lawyer will review the terms of the agreement with you and provide you with independent legal advice. If both parties accept the terms of the agreement, both parties will sign the agreement and the mediation process will be complete.
- If you are not eligible for ILA through the VFM, you can make your own arrangements for legal advice about the draft agreement.





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

CANCELLATION/RESCHEDULING POLICIES

To maintain the best possible user experience for Program 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 Program

Access Pro Bono senior staff retain the right to remove clients, from the Program 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).
- Program participant exhibits violence or expresses derogatory remarks toward Program staff or participants (zero tolerance).
- Case is deemed ineligible for pro bono services (at least one client must meet the financial criteria outlined on page 3)

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 program manager may assign a new ILA Lawyer or mediator for the party(s), at the sole discretion of the program manager. In some cases, depending on the reasons for the withdrawal, the program manager may decide not to assign a new Mediator or ILA Lawyer.

QUESTIONS?

If you are having issues connecting with your ILA Lawyer or Mediator please contact the Virtual Family Mediation Program Manager directly at familymediation@accessprobono.ca.

Please note that the Program Manager will only be able to assist you with questions or concerns about connecting you with your ILA Lawyer and Mediator. Legal questions about the specifics of your dispute and mediation can only be answered by the ILA Lawyer or Mediator.