

FAQ

SMALL CLAIMS ONLINE DISPUTE RESOLUTION

1. WHAT IS ONLINE DISPUTE RESOLUTION (ODR)?

ODR is an electronic communication over cell phones, computers, tablets, or other electronic devices. ODR begins with individuals communicating directly with each other. If needed, mediation can also be requested.

Implementing ODR satisfies two long-term goals of the Florida Supreme Court:

- 1) to promote the use of innovative and effective problem-solving courts and alternative dispute resolution processes; and
- 2) to modernize court processes through automation and expanded self-service options for court users.

ODR furthers the judicial branch's vision that justice in Florida will be accessible, fair, effective, responsive, and accountable. ODR gives courts an opportunity to provide a variety of dispute resolution methods in a convenient process where the dignity of every person is respected while simultaneously resolving their case in a timely and effective manner. As a result, ODR is able to utilize public resources efficiently and in a way the public can understand.

2. HOW DOES ODR WORK?

When a small claims case is filed, the plaintiff (the person who brings the lawsuit) and the defendant (the person being sued) will receive information on their eligibility to voluntarily select ODR. When both parties (the plaintiff and defendant) join the ODR platform, negotiation is the first step. Negotiation is a give and take process between two people, each with their own needs and viewpoints and who are trying to find common ground to reach an agreement to settle a matter that concerns them or resolve a conflict. If the parties do not reach an agreement in this stage, they can request the assistance of a mediator. If a resolution is reached at either the negotiation or mediation stage, an agreement will be automatically generated, to be signed by both parties, and filed with the court. If no agreement is reached, the parties are given information for the next step in the court process.

3. AM I REQUIRED TO USE ODR?

No, the use of ODR is optional.

4. IS THERE A FEE FOR PARTICIPATION?

No, there is no fee for ODR or for the services of a mediator if you request mediation services in a small claims case.

5. DO I NEED AN EMAIL ACCOUNT TO PARTICIPATE?

Yes, you do. If you do not have an email account, free accounts are available at:



6. WHAT HAPPENS IF I DO NOT HAVE A COMPUTER OR PHONE WITH INTERNET ACCESS?

ODR works on any mobile device that can access the internet. If you do not have a computer, it is possible to complete the process from your mobile device. Computers with internet access are usually available at your local public library.

7. DO I NEED A LAWYER TO PARTICIPATE?

No, you do not need a lawyer to participate in ODR. If you have a lawyer, the lawyer can participate in ODR for you or with you, whichever you choose.

8. HOW DOES THE ODR PROCESS START ONCE I AGREE TO USE IT?

Once you have accessed the ODR platform and agreed to participate, follow the prompts on the screen to make offers to and receive offers from the other party.

9. WHAT HAPPENS IF I AGREE TO USE ODR AND THE OTHER PARTY DOES NOT?

Both parties must agree to use ODR. If one party does not agree to use ODR, you will need to follow the procedures that the court has provided to you.

10. IF I AGREE TO USE ODR AND DO NOT LIKE IT, CAN I STOP THE PROCESS?

Yes, ODR is a voluntary process at every stage. You can choose to conclude your participation without penalty from the court.

11. AM I PENALIZED FOR OPTING OUT OF ODR AFTER AGREEING TO TRY IT?

No, the court does not penalize you if ODR is unsuccessful.

12. IS ODR CONFIDENTIAL?

ODR communications will not be shared with the court. However, there is only statutory confidentiality for the communications made in mediation.

13. WHO PARTICIPATES IN ODR?

Only the parties listed in the lawsuit and their attorneys, if any.

14. CAN I REJECT AN OFFER I DO NOT THINK IS FAIR?

Yes, you can. You are under no obligation to accept any offer.

15. WHAT IS MEDIATION?

Mediation is a process in which a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives. The mediator must remain neutral and impartial and will not take any sides of the dispute.

16. WHAT HAPPENS IF WE REACH AN AGREEMENT?

If an agreement is reached, the agreement is automatically generated, signed by both parties, and filed with the court. The agreement is not confidential.

17. IS THE AGREEMENT LEGALLY ENFORCEABLE?

Yes, the agreement is legally enforceable. Enforcement language is contained in the agreement with provisions for what happens in case of non-performance.

18. WHAT HAPPENS IF SOMEONE VIOLATES THE AGREEMENT, FOR EXAMPLE, DOES NOT MAKE PAYMENTS AS PROMISED?

Consequences and enforcement language are included in the agreement. The terms of the agreement will dictate what happens if parties do not fulfill their obligations.

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