

Online Dispute Resolution

-Frequently Asked Questions-

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What is Online Dispute Resolution?

Online Dispute Resolution is an alternative to court. It provides you a chance to communicate with the other party and try to come to an agreement instead of going to court.

How it starts: Communicating with the Other Party

Online dispute resolution starts with communication between the parties. You must communicate respectfully and civilly. The other party and the facilitator can see everything you type in the message screen. Nothing you type will be used in your court case without your permission.

Any party can post a message at any time. A message from the plaintiff may be waiting when the defendant logs in, or the plaintiff may wait to respond to the defendant's first message. The first message from the defendant is a guided response to the plaintiff's claim. It may be more information about the claim, or it may contain a settlement offer.

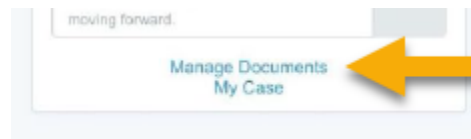
Anytime a message is posted, an email or text (if elected) notification is sent to the other party.


After both parties have signed into ODR, a neutral party called a facilitator will join the communication. The facilitator is provided by the court at no-cost to assist in either settling the case or preparing for a court date.

The facilitator will move the discussion forward. Keep in mind this is not real time chat. The facilitator will typically check messages and respond on weekdays.

If you come to an agreement, you may create a settlement agreement.

You can create a settlement agreement on your own, or you can ask the facilitator to help. To create a settlement agreement, select Manage Documents>Settlement Agreement.



Both parties must agree with the settlement by signing the agreement before it's submitted to the court. To review the settlement agreement, select Manage Documents. Select  next to the document you want to sign. Additionally, if the settlement agreement was prepared by the other party or the facilitator, you can click on the link to the settlement agreement that shows up in your chat. The document will display these options.



When both parties have signed the settlement agreement, and the facilitator has submitted it to the court, ODR is over.

If you signed a settlement agreement that is to be entered as a judgment, the court will send you a judgment to the email address associated with your ODR account.

If you signed a settlement agreement that is not going to be entered as a judgment, you will not receive anything from the court. If the settlement agreement is not followed, the judgment creditor may ask the court to enter a judgment on the unpaid amount.

If the dispute isn't settled in 2 weeks, the facilitator will assist in preparing for court.

If you can't come to an agreement, you prepare for court

The facilitator will create a Trial Preparation Document that states both parties' positions on the issues in the case. After both parties sign this document, the facilitator will submit the document to the court. After receiving the Trial Preparation Document, the court will email the date, time and location of the trial to all parties.

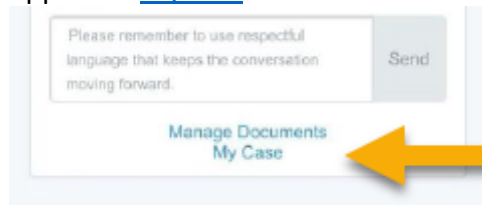
The trial will be scheduled about 1 to 3 weeks after the Trial Preparation Document is submitted. You will need to appear at the courthouse on the day and time of the trial. Bring 3 copies of any evidence you have with you unless you have provided them

electronically as directed by the court..

After the dispute resolution process.

When the facilitator submits a Settlement Agreement or Trial Preparation Document to the court, the online dispute resolution process has ended. You will no longer be able to access the messages or documents you created in ODR. Future activity will happen only in the court case.

Your court case can be viewed by selecting [MyCase](#). Your signed documents will appear in [MyCase](#).



What if the plaintiff doesn't participate in the online process? If the plaintiff fails to register for an ODR account within 7 days of filing a claim, the court will dismiss the plaintiff's claim without prejudice.

If, after registering for an ODR account, the plaintiff fails to respond to the facilitator for 10 days, the facilitator will inform the defendant of the ability to ask the court to dismiss the case without prejudice.


What if the defendant doesn't participate in the online process? If the defendant does not register for ODR or request an exemption from ODR within the required timeframe, the plaintiff may ask the court to enter a default judgment for the full amount of the plaintiff's claim.

I'm the defendant, but the person suing me owes me money. I want to sue them back. What do I do?

If you believe the plaintiff owes you money, you can raise your claims during the facilitation process without filing a formal counterclaim. If you reach a settlement agreement, you will not need to file a formal counterclaim, even if the plaintiff ends up paying you money under the agreement. If you are unable to reach a settlement agreement and are going to trial, you must file a Counter Affidavit and Summons at least 5 days before trial if you want to present your counterclaim. [The form is here \(https://www.utcourts.gov/howto/smallclaims/docs/04_Counter_Affidavit_and_Summons.pdf\)](https://www.utcourts.gov/howto/smallclaims/docs/04_Counter_Affidavit_and_Summons.pdf). You will need to complete the form and file it at the court. [The filing fee is here \(http://www.utcourts.gov/resources/fees.htm\)](http://www.utcourts.gov/resources/fees.htm).

What is a judgment? How will it affect me? A judgment entitles the plaintiff to the money amount in the judgment. If the defendant does not pay the judgment, the plaintiff can ask the court to have the defendant's non-exempt property seized and

sold or can garnish the defendant's earnings. See www.utcourts.gov/howto/judgment/debt_collection/

The settlement agreement looks good. How do I sign it? Select Manage Documents. Select  next to the document you want to sign. Additionally, if the settlement agreement was prepared by the other party or the facilitator, you can click on the link to the settlement agreement that shows up in your chat. The document will display with these options.



The settlement agreement says “The parties agree that a judgment shall be entered upon filing of this settlement agreement with the court.” What does this mean? If this statement is checked, a judgment for the total money amount in the settlement agreement is entered when the agreement is filed.

www.utcourts.gov/howto/judgment/debt_collection/

What if the defendant doesn't follow through on the settlement agreement? If a defendant doesn't comply with the settlement agreement, the plaintiff can ask the court for a judgment if one is not already entered. A judgment entitles the plaintiff to the money amount in the judgment. The plaintiff can ask the court to have the defendant's non-exempt property seized and sold or can garnish the defendant's earnings. See www.utcourts.gov/howto/judgment/debt_collection/