

FOR IMMEDIATE RELEASE
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Justice of the Peace Court launches new Online Dispute Resolution program

New secure online portal allows for quick, equitable resolution of disputes without ever going into a courthouse – saving litigants and the court both time, money

The Justice of the Peace Court this month launched a new Online Dispute Resolution (ODR) system aimed at helping litigants in the state’s busiest court resolve their disputes more quickly and without going to a courthouse. Parties in residential landlord-tenant cases filed on or after July 1, 2020 are required to go through this process before a judge hears their case.

“We are excited to offer this new service. We have been working on developing this since before the pandemic struck – similar to other alternative dispute/mediation programs in other courts – but as it turns out, this is the perfect tool to help people resolve their differences without having to come to court and the potential exposure of being at a courthouse,” said Chief Magistrate Alan Davis.

This new program, which went live on Monday, Nov. 2, 2020, initially focuses on residential landlord-tenant disputes but will soon expand to debt cases in the Justice of the Peace Court. Ultimately all civil matters in the Justice of the Peace Court – which handles around 35,000 civil cases a year – will move through this process before going to trial.

The way the new ODR process works is the Court instructs the parties in a dispute to log into the online system after filing a case. They exchange messages through a secure system to give the parties a chance to reach an agreement on their own out of court. If they reach an agreement, they can create and send an electronically signed agreement to the Court through the system to resolve the case. It is up to the Court to accept the agreement.

If parties are unable to reach a resolution, an online mediator joins the online conversation to help each side find an acceptable compromise or resolution. If, however, the parties are unable to reach a resolution, even with the assistance of a mediator, the matter goes to trial before a judge.

At this time there is no charge for using ODR or a mediator. Mediators are trained Justice of the Peace Court judges and Delaware Bar volunteers. A judge assigned as a mediator does not preside over the case if it goes to trial.

The messages between the parties and between the parties and the mediator are confidential and not available to the trial judge, the same way that discussions or negotiation in mediation in other courts are not presented to the judge if mediation fails and the matter goes to trial.

The Justice of the Peace Court started with landlord-tenant matters in this new process to help clear out a backlog of cases created during the pandemic. While various state and federal actions continue to affect or freeze many eviction cases, parties can still use this service to resolve their cases during this period.

For additional information about this program, please visit the Justice of the Peace Court's ODR web page at <https://www.courts.delaware.gov/jpcourt/odr.aspx>.