

Delaware Justice of the Peace Court
Pre-Eviction Dispute Resolution Services
Frequently Asked Questions

The Court provides a free **online dispute resolution program** for landlords and tenants to discuss the issues in the complaint and a potential resolution before resorting to a legal eviction.

1. How does the online dispute resolution (ODR) work?

ODR is an online messaging system designed to help you resolve your case.

Participation in ODR is voluntary at this time.

You and the other party register and log into ODR using any internet-connected device (computer, tablet, or smart phone).

- Go to <https://cii2.courtinnovations.com/DEJPCOURT> to register in ODR
- You will need the Civil Action Number listed on the notice or complaint
- Users only have to register the first time they log in
- Each case has its own negotiation space

You will communicate with the other party in writing using ODR.

- You receive and answer messages from the other party at your own convenience.
- Messages may be sent and read at a time of day when you are available.
- Documents and pictures may be uploaded into ODR to be shared with the other party.

Your ODR conversations are confidential.

If you reach an agreement on your own:

- You and the other party fill out and sign the Stipulated Agreement in ODR, or
- You ask for a mediator to be assigned to the case and the mediator can help in filling out the Stipulated Agreement.

If you and the other party cannot reach an agreement on your own, you can request help from a mediator.

- The Court will assign a mediator.
- The mediator will message the parties through ODR to work to resolve any issues.
- If you and the other party come to an agreement, the mediator will draft the Stipulated Agreement and forward it to the Court for approval.
- The mediator will not give any legal advice to either party.

If there is no agreement, you will go to trial.

2. What if there is a Protection from Abuse (PFA) or no contact order between me and the other party?

ODR will ask you if there is a PFA/no contact order when you register.

- You must check the box saying that there is a PFA/no contact order
- Your case will then be assigned to a mediator
- The mediator will pass messages between the parties
- The parties will not have any direct communication

3. Is there a cost to ODR?

There is no cost to Court users.

4. What if I do not have a computer?

If you are reading this online, you have everything you need to access ODR.

ODR works with any device (computer, tablet, or smart phone) with web access (internet or cell-phone connectivity)

ODR supports the latest browser versions of Chrome, Safari, Edge and Firefox

5. Who is a Mediator?

A mediator is a neutral third party trained to help landlords and tenants communicate and explore a fair solution to the dispute. Mediators are Delaware attorneys from the Alternative Dispute Resolution Section of the Delaware Bar Association who assist landlords and tenants in reaching mutually agreeable resolutions.

6. What Support Does a Mediator Provide?

Mediators support landlords and tenants in many ways:

Guidance and support: Mediators guide and support each party and help them navigate the challenges and explore potential resolutions. Mediators do not provide legal advice.

Online messaging: Mediators actively engage with landlords and tenants through the program's online system. The mediator facilitates online communication and helps the parties explore options.

Drafting agreements: Mediators assist the parties by drafting agreements reached during online negotiations or mediation conferences. The mediator helps by drafting the agreement that reflects the mutually agreed upon terms and ensures an understanding of the resolution reached.

Confidential discussions: Discussions with mediators are confidential to encourage open communication between the parties. A mediator cannot be called as a witness or testify in Court regarding the discussions that occur during mediation. A mediator's role is to assist with communication and resolution, and not to testify as a witness.

7. What if an Agreement is Reached?

Signed agreements can be legally binding and possibly resolve the eviction proceedings depending upon the terms of the agreement.

Make sure that you are satisfied with the agreement before signing it.

8. What if an Agreement is Not Reached?

If no agreement is reached, the eviction proceedings will continue through the Court's regular process. ODR is an opportunity for the parties to communicate but does not guarantee resolution in every case.

9. How do I access my case in ODR?

Log on to the ODR site to access your case using the Civil Action Number on your notice or complaint from the Court.

Once logged on you will see three tabs

- Click on the "Conversations" tab
- You are now in a conversation space where you can send a message to the other party

The only people who can see what is written in the conversation space are:

- You
- The other party
- The mediator if one is assigned to your case

No one else has the ability to view your conversation.

With very limited exceptions, such as threatening harm to another person, all discussions are confidential and cannot be used in trial. Mediators cannot be a witness and their notes cannot be subpoenaed in a court case.

10. How do I Prepare for ODR?

ODR is more successful when you prepare and have a plan that:

- Identifies your goals
- Assesses what the other party's goals might be

- Considers several possible settlement options that work for you and the other party

Thinking through these things in advance will help you and the other party reach an agreement that works for everyone.

11. How do I respond to an offer?

It is up to you to decide if you want to accept or reject an offer from the other party.

If the offer works for you, you can accept it and move on to the next screen.

If the offer does not work for you, reject it and reply with an explanation of why it does not work for you.

- Just saying “no” does not help find a solution and may end the conversation
- Offering some explanation is usually helpful
- You can make a counter-offer that you feel does meet your needs

12. How do we make sure our agreement works?

It is helpful to think through terms that might be important in carrying out your agreement.

Here are some terms that you might consider:

- General terms: address “who, what, when, where and how” considerations
- Future terms: if you are interacting with each other in the future, how will you do that?
- Monetary terms: when, how and to whom will you make payments?
- Future dispute resolution: what will you do if you have another dispute?
- Confidentiality: The agreement is not confidential, but the conversations are
- If there is a pending court case, who will dismiss the lawsuit or file a consent judgment and when?
- Any other terms you have agreed to

13. What happens if someone breaches the agreement?

If a party believes the agreement is breached and the agreement is entered by the Court as a stipulated agreement, the party can file an affidavit with the Court to enforce it.

14. Does the Program Provide Legal Representation?

No. The program does not provide legal advice or offer legal representation. The parties are encouraged to consult with their own legal counsel.

Certain tenants living in residential properties who are income-eligible may be able to have free legal representation if they are facing eviction pursuant 25 Del. C. § 5602. For more information about the program, call 1-302-478-8850. Or visit: bit.ly/EvictionHelpDE.

15. Contact us

If you have more questions about ODR, call the Justice of the Peace Court at 302-674-7090 or email: JPmeDEation@delaware.gov