

**Justice of the Peace Court**  
**Online Dispute Resolution (ODR) Frequently Asked Questions**

**I received a court notice ordering me to participate in On-Line Dispute Resolution.**

**What is this?**

This Order comes from the court where your case has been filed. The judge has ordered you and the other party to log on to the ODR system as a step to resolving your matter.

**How does ODR work?**

ODR is:

- An online court-monitored, web-based messaging system designed to help you resolve your case.
- Participation in ODR is **Mandatory**

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

- Users only register the first time they log in
- ODR allows an unlimited number of negotiation spaces for different cases
- Each case has its own negotiation space

You talk to each other in writing using ODR

- The process does not take place in real time
- You review and respond to messages from the other party at your own convenience
- Documents and other evidence may be uploaded to ODR

Your ODR conversations are confidential

If you reach an agreement on your own:

- You and the other party complete the written agreement yourselves in ODR, or
- You ask the Court to assign a mediator who will prepare the agreement

If you and the other party can't reach an agreement on your own, you may request the assistance of a mediator

- The Court will assign a mediator
- The mediator initially works with each party separately
- The mediator may talk to both parties at the same time if they think it will produce an agreement
- The mediator documents any agreement in ODR and sends it to the Court for approval

If there is no agreement, you go to trial

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**What if there is a Protection for 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 there is a PFA/no contact order
- Your case will be assigned a mediator
- The mediator will pass messages between the parties
- The parties will have no direct communication

**Is there a cost to use ODR?**

There is no cost to Court users.

**What if I don't 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 mobile) with web access (internet or cell-phone connectivity)

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

**Why mediate?**

Mediation:

- Reduces the need for litigants to come to court
- Resolves cases faster
- Encourages use of Delaware State Housing Authority (DSHA) and social service agency resources to reach a settlement
  - DSHA offers rental supplements for qualifying parties impacted by Covid-19
    - Funds are available through December 31, 2020
    - To see if you may qualify, contact DSHA at [dehap.courts@destatehousing.com](mailto:dehap.courts@destatehousing.com) or visit their website at [http://www.destatehousing.com/OtherPrograms/ot\\_dehap.php](http://www.destatehousing.com/OtherPrograms/ot_dehap.php)
  - Click [here](#) for a list of other social service providers

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### Who are mediators?

Mediators are:

- Mediators are trained, experienced neutral third parties who will help you and the other party find a solution to your problem.
- Specially trained Justice of the Peace Court Judges
  - **Note:** Judge mediators **are not** involved in a case if it moves forward to court
- Members of the Delaware Bar Alternative Dispute Resolution (ADR) section

### How do I access my case?

The Court will provide you with the ODR web address

Log into the ODR site to access your case using the "civil action number" on your notice form the Court

Once logged in, you will see three tabs

- Click on the "Conversations" tab
- It will place you in the conversations space where you can engage with the other party and the mediator

### Who can see my "conversation" in the mediation space?

The mediation space is private to:

- You
- The other party
- The mediator

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 a trial.

There may be a time when you want the mediator to know something that you don't want to share with the other party

- In this case, ODR allows you to communicate privately with the mediator
- You can have a private conversation with just the mediator by clicking on the "[your name] +Mediator" tab.

Mediators cannot be a witness or their notes subpoenaed in a court case

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### **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 participant reach an agreement that works for everyone

### **How do I respond to an offer?**

It's up to you to decide if you want to accept or reject the offer

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

If the offer doesn't work for you, reject it and reply with an explanation of why it doesn't work for you

- Just saying "no" doesn't help find a solution and will probably end the conversation
- Offering some explanation is usually helpful
- You can make a counter-offer you feel does address your needs

### **How do we make sure our agreement works?**

It's 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're 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 isn't confidential but the conversations are
- If there's a pending court case, who will dismiss the lawsuit or file a consent judgment, and when?
- Any other terms you've agreed to

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**Will the mediator give me legal advice?**

No, but it's a good idea to know what your legal rights are before mediating

Click [here http://www.declasi.org/](http://www.declasi.org/) to find legal assistance in Delaware

**What if I change my mind after signing an agreement?**

Signed agreements are binding contracts

Make sure that you are satisfied with your agreement before signing it

If you have any questions about the agreement or feel pressured to sign, contact the JP Court location handling your case

**What happens if someone breaks the agreement?**

If a party does not keep the agreement, the party believing that the agreement was not kept can file an affidavit with the court claiming the other party did not keep its agreement

**What are the system requirements to use ODR?**

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

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

**Is ODR Web Content Accessibility Guidelines (WCAG) compliant?**

Yes

**What can I do if I find an error in my registration after I submit it?**

Contact the Justice of the Peace Court at 302-674-7090 or [JPmeDEation@delaware.gov](mailto:JPmeDEation@delaware.gov)

**Where can I find information about how to file and process my case with the court?**

Please visit us at <https://www.courts.delaware.gov/jpcourt/jpcivil.aspx>