**ONLINE DISPUTE RESOLUTION (ODR)**

**18th Judicial Circuit – Brevard County**

**SMALL CLAIMS RESOLUTION CENTER**

**What is Online Dispute Resolution (ODR)?**

It is an online platform that is used by parties in a small claims lawsuit to negotiate a settlement by communicating directly with each other. To use ODR, parties and attorneys use their smartphone, computer, or tablet at any time prior to the Pretrial Conference, including evenings and weekends. By using this platform, they may be able to settle the case on their own terms.  If so, court appearances for this case may not be necessary.

**What are the advantages in using ODR?**

Using ODR allows parties the opportunity to settle their case at their convenience. They can work online to negotiate from any location and at any time. If an agreement is reached using ODR, and it is filed with the court as required, neither party will have to appear in court on the Pretrial Conference date.

**What do I need to participate in ODR?**

**To be considered for ODR, the following are required:**

1. **A small claims case filed in Brevard County, FL**
2. **Access to a smartphone, computer, or tablet**
3. **Each party, or attorney if represented, must file a proper Email designation form.**

**Why is the Court using ODR?**

The Florida Supreme Court established goals to promote the use of innovation and alternative dispute resolution processes.  It also is modernizing court processes through automation and expanded self-service options for court users.  ODR is also consistent with the judicial branch’s vision that justice will be accessible, fair, effective, responsive, and accountable.

**Am I required to use ODR?**

Effective with filings on or after May 15, 2020, parties of most Brevard County small claims cases are required to use ODR to try to negotiate a settlement. These are cases in which the plaintiff is represented by counsel and the defendant is not represented by counsel. Each party may opt out of ODR by filing a motion with the Court for the Judge’s approval.

*(Reference Brevard County Administrative Order 20-26B below)*

[ADMINISTRATIVE ORDER NO.: 20-26-B](http://www.brevardclerk.us/_cache/files/7/9/79db4da0-8f59-40a5-9736-1dade692c908/3EFBC1C43978FA5CEF3D57149300F5CF.20-26-b.pdf)

**If I use ODR, do I still have to go to court for the Pretrial Conference?**

If you reach an agreement via ODR, and it is completed and electronically signed by both parties in ODR, you may not have to appear for the Pretrial Conference. If no agreement is reached, you must appear.

**Is there a charge for ODR?**

It is free!  There is **no charge** to either party for ODR negotiation or for the assistance of a mediator.

**How do I negotiate a settlement using ODR?**

The plaintiff (the person who filed the lawsuit) and the defendant (the person being sued) would sign onto the ODR platform and either one may send a message or submit an offer to settle the case. They do not have to be on the ODR platform at the same time.  Negotiation is a process for parties to find common ground to reach a settlement that satisfies them both.  After each party signs in, they should follow the instructions on the screen which guides them through the process. After an offer is made, there will also be a link for either party to request a mediator.

**What is the role of an attorney in ODR?**

If a party is represented by an attorney, that attorney would negotiate on behalf of his/her client.  Parties do not need an attorney to use ODR. However, parties have a right to retain independent counsel.

**Are negotiations in ODR confidential?**

Yes. The negotiations between the parties are not disclosed to the Court.

**Is there anyone else who would assist me when I use ODR?**

A mediator is available to assist both parties as a facilitator of the negotiation. A mediator can aid in the communication between the parties but does not give legal advice or represent either party. Our mediators are Florida Supreme Court Certified mediators.

  **What is mediation?**

Mediation is an informal, non-adversarial process in which a neutral, third party (mediator) facilitates and encourages the resolution of a dispute. Parties have an opportunity to actively participate in the decision-making process. If they reach a settlement, they can avoid the expense and uncertainty of a trial in which a judge decides the result.

**Is there a charge for mediation in ODR?**

It is free!  There is **no charge** to either party for a mediator.

**ALL QUESTIONS REGARDING ODR SHOULD BE DIRECTED TO:** BrevardODR@flcourts18.org

 **Non-Attorney Designation of Email Address Form**

For litigants who do not have an attorney, the Non-Attorney Designation of Email Address form should be filed with the Clerk of Court within 10 days of service of the summons.
The form is included with the summons package and may also be found at

<http://www.brevardclerk.us/index.cfm/small-claims-forms>.

The Email designation form must be filed using one of these options:

1. **E-File via the Clerk** of Court portal: [myflcourtaccess.com](https://myflcourtaccess.com/) **OR**
2. **Hand deliver** to a Clerk of Court office locations; see website for details [www.brevardclerk.us](http://www.brevardclerk.us)  **OR**
3. **Mail to**: Rachel M. Sadoff, Clerk of Court, P. O. Box 219, Titusville, FL 32781-0129

***Do not send the form to the Brevard ODR email.***

**General timeframes are:**

**Approximately six weeks prior to your Pretrial Conference date**:

* After the Email Designation is filed, send a courtesy email to

BrevardODR@flcourts18.org including your name, case number, and Pretrial Conference date, informing us of the filing.

* Allow up to 5 business days for processing and entering your case into ODR.

**Approximately four weeks prior to your Pretrial Conference date**:

* Look for an invitation email from no-reply@flcourts18sc.modria.com in your inbox or spam/junk folders. The invitation email will contain a link to access your case in the ODR platform.
* Begin productive communications with the other party by following the prompts in
the platform.
* If an agreement is reached, a payment stipulation will be populated in ODR.
Each party should review and electronically sign it if they agree with its terms.
* Access to your case in ODR is 24/7 until approximately 12:00 AM of your
ODR deadline date.

**Five calendar days prior to your Pretrial Conference Date:**

* Access to your case in ODR will be closed.
* If there is no agreement between the parties using ODR, parties must attend
Pretrial Conference as scheduled.

**ALL QUESTIONS REGARDING ODR SHOULD BE DIRECTED TO:** BrevardODR@flcourts18.org

*Revised October 2021*