

Tips for a Successful Negotiation

Small Claims Online Dispute Resolution (ODR) Pilot Program

Be Prepared - To help you prepare, you may want to use the ODR Worksheet before starting the ODR process.

[Plaintiff's ODR Worksheet](#)

[Defendant's ODR Worksheet](#)

If you are unsure about your legal rights and responsibilities, you may want to visit the Hawaii State Supreme Court Law Library website for a list of legal resources:

<https://histatelawlibrary.com/legal-resources/legal-services/>

Be Focused - The purpose of ODR is to assist you and the other party reach an agreement in a convenient way. You and the other party can negotiate and decide on the payment amount, payment dates, and other agreements to resolve the case. Stick to these subjects during ODR.

Be Complete - You and the other party should resolve all the claims in the case. This includes counterclaims that the defendant may have filed against the plaintiff.

The Settlement Agreement will need to address all of the following items:

- Who will pay
- The amount to be paid
- When payment will be made
- How the payment will be made

If you and the other party reach an agreement, ODR will ask how you want to resolve your court case. You and the other party need to agree on this too. The options are:

- Ask the court to dismiss the case
- Ask the court to continue the hearing date until all agreed payments have been made
- Ask the court for a judgment

Be Clear and Open - Help the other party understand you and do your best to understand their side. Consider using the ODR chat to politely and clearly explain your offer and ask questions about the other party's offer. You can also share documents to support your position. See the next page for an example of an ODR negotiation.

Be Careful - Before sending your offer and chat messages to the other party, you may want to do the following:

- Double check your numbers and dates
- Read it out loud to yourself to see how your message sounds

Be sure to read offers from the other side and ask questions if you do not understand what is being offered.

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Sample ODR Negotiation

The following sample negotiation provides you with a general idea about how ODR may work. *Your case may be different from this example.*

Sample Case: Plaintiff filed a small claims case against defendant for the return of a rental deposit in the amount of \$1,000.

Defendant: There was damage to the rental unit when you left. I'm using your deposit to pay for those damages. It's going to be around \$750. I'm attaching a copy of the repair quote. I can refund you \$250.

Plaintiff: Thanks for sharing the repair quote. I see some of the repair is for the broken window screens but the other repair work seems to be for normal wear and tear. I'm willing to come down to \$800.

Defendant: The damages are more than wear and tear but I'm willing to pay you \$500 on April 15 to settle this case.

Plaintiff: I can accept \$650. I also need the payment by April 1 so I can pay some bills at the start of the month.

Defendant: Ok, I can do \$650 on April 1. Can you also dismiss this case with the court?

Plaintiff: Ok, I'll dismiss the case after I receive the payment.