

Small Claims Online Dispute Resolution (ODR) Plaintiff's Worksheet

This worksheet is for your own personal use and is intended to help you prepare for ODR. You do not need to share it with the defendant or anyone else.

ODR Goal

The purpose of ODR is to help you and the defendant reach an agreement instead of going through a hearing in front of a judge. ODR will ask you and the defendant to send each other **offers** to consider. Your offers state the specific **terms** you are proposing, such as the amount of money you are willing to accept and the date(s) when payment is to be made. The ODR program will generate a **Settlement Agreement** based on the agreed upon terms by you and the defendant.

Things to think about before starting ODR

1. Are you willing to accept an amount less than your claim?

- Yes, I would be open to accepting a reduced amount. The lowest amount I am willing to accept is \$_____.
- No, I will accept only the full amount but will consider installment payments.
- No, I will accept only the full amount to be paid in one lump sum. (If no agreement is reached within the seven (7) days negotiation period, you will be required to come to the courthouse on the date and time assigned. At that time, the presiding Judge may order the parties to mediation with a neutral third-party mediator before the case proceeds to trial.)

2. Do you have documentation that can support your claim?

You may share any documentation using ODR for the defendant(s) to consider. Examples of documentation (evidence) may be receipts, invoices, pictures, contracts, communication, etc.

- I have the following documents that support my claim:

3. Making an offer

You may make an initial offer to the defendant or wait for the defendant to make the first offer. In making an offer, you may want to consider what amount is realistic to you and what amount will the defendant most likely accept.

- I will accept a one-time payment. \$ _____ Payment date: _____
- I will accept a weekly/monthly payment. \$ _____/week or month First payment date: _____
Next payment dates: _____
Final payment date: _____
- I will accept an installment payment. \$ _____/each Payment Dates: _____

4. Did the defendant file a "Counterclaim" against you? If so, include that counterclaim in your negotiation so there is one final Settlement Agreement for the whole case (your claim and the defendant's counterclaim).

- I am willing to accept \$ _____ to settle my claim against defendant.
I am willing to offer \$ _____ to settle defendant's counterclaim against me. This will offset the total settlement amount.

The total amount I am willing to accept from defendant to settle both claims is \$_____.

Example:	\$2,000	The amount I am willing to accept to settle my claim
	- 800	The amount I am offering to settle defendant's counterclaim.
	\$ 1,200	The amount I am willing to accept from defendant to settle both claims.

- I do not agree with defendant's counter claim. (You may wish to use the ODR Defendant's worksheet and other references located on the Hawaii State Judiciary website [Small Claims ODR Pilot Program](#)).

5. Responding to defendant's offer.

Do you understand the terms of the offer? Ask questions using the ODR chat function if you don't.
Do you need a different payment date? Make a counter offer with a different payment schedule.
Does the offer meet most of your needs? Make a reasonable counter offer.

6. Closing the court case.

Remember that a court case has been started. You and the defendant will also need to agree on one of the following:

- Dismiss the case.** You and defendant may agree to dismiss the case against defendant and the counterclaim, if there is one. The court will not make a decision as to who owes money and how much. There are two types of dismissals:
 - 1) **"Without prejudice"** – this means you keep the right to file the same claim against the defendant in the future.
 - 2) **"With prejudice"** – this means you cannot file the same claim against the defendant in the future.
- Continue the court hearing date.** You and defendant may agree to ask the court to change the hearing date to allow time for all agreed payments to be made.
- Judgment.** You and defendant may agree to ask the court to issue a judgment. A judgment is a court order that can be enforced against the defendant to collect monies owed.

If no agreement is reached within the seven (7) days negotiation period, you will be required to come to the courthouse on the date and time assigned. At that time, the presiding Judge may order the parties to mediation with a neutral third-party mediator before the case proceeds to trial.

If you need legal assistance to better understand the court process and your legal rights and responsibilities, please visit the [Hawaii State Judiciary](#) website. Under Self-Help and the Access to Justice Tabs, you will find information about Self-Help Centers, Access to Justice Rooms, and other resources for legal assistance.