

# Responding to Small Claims Case

## Online Dispute Resolution Pilot Program

### Quick Guide for Defendants



**Important:** This is an online program. If you do not have the required technology (access to a computer, laptop, tablet, smart phone, internet) or don't know how to use the required technology, [submit a request to the court to be exempted](#) from the pilot program. You may also form at the courthouse.

If you received instructions to register for Online Dispute Resolution (ODR) follow the steps below. You will need information from the **Statement of Claim**. Be sure to have this document with you. This program is free.

- 1. Sign up for a TurboCourt account.**  
Go to [TurboCourt.com/Hawaii](https://www.turbo-court.com/Hawaii). You will need an email address.
- 2. Select Respond to a Claim**  
You must be logged in to the TurboCourt program.
- 3. Choose your jurisdiction and court location.**  
Look at the Statement of Claim. You will find the jurisdiction and court location information on the upper left-hand side of the document. If you do not have the Statement of Claim, look up your case on eCourt Kokuia: [https://www.courts.state.hi.us/legal\\_references/records/jims\\_system\\_availability](https://www.courts.state.hi.us/legal_references/records/jims_system_availability)
- 4. Select “I want to proceed with negotiations or file a document in an existing case.” Enter the case number.**  
It is important that you enter the correct case number. You will find this on the upper right-hand side of the Statement of Claim. If you do not have the Statement of Claim, look up your case on eCourt Kokuia.
- 5. Follow the TurboCourt program steps to enter your information.**  
You will be asked to enter the type of Claim, Amount of Claim and Filing Date. This information can be found in the Statement of Claim.
- 6. Enter your opening negotiation terms**  
Review the Tips for Successful Negotiation on page two and the Defendant's Worksheet on page four for more information.
- 7. You are now registered. Log out or continue to negotiations.**  
Be sure to check your email and or log in frequently. You will receive messages when the other party has responded to your offer.

## **Tips for a Successful Negotiation**

### **Small Claims Online Dispute Resolution (ODR) Pilot Program**

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**Be Prepared** - To help you prepare, you may want to use the ODR Worksheet before starting the ODR process. Please see page four.

If you need legal assistance, please visit the Hawai'i State Judiciary Self-Help Centers to speak with a volunteer attorney. More information is available on the Judiciary website:

[https://www.courts.state.hi.us/general\\_information/access\\_to\\_justice\\_rooms\\_self\\_help\\_centers](https://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers)

**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 page 2 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

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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.



- I am willing to offer \$\_\_\_\_\_ to settle plaintiff’s claim against me.  
I am willing to accept \$\_\_\_\_\_ to settle my counterclaim against plaintiff. This amount will reduce the amount I am offering to pay plaintiff.

The total amount I am offering to pay plaintiff to settle both claims is \$\_\_\_\_\_

<input type="checkbox"/>	Example:	\$ 1,500	The amount I am offering to settle plaintiff’s claim.
		- 750	The amount I am willing to accept to settle my counter claim.
		<b>\$ 750</b>	The amount I am offering to pay plaintiff.

ntiff owes me more money than I owe plaintiff. Consider using the Plaintiff’s Worksheet.

#### 4. Responding to plaintiff’s offer:

- Do you understand the terms of the offer?    If not, ask the plaintiff questions using ODR chat.
- Can you afford to pay the amount offered?    If not, consider making a counteroffer.
- Can you pay the amount all at once?         If not, consider paying in installments.

#### 5. Closing the court case.

If you and the plaintiff reach an agreement about the claim, you and the plaintiff will also need to agree on how the court should handle the court case. You and the plaintiff will need to agree on one of the following:

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

If you and the plaintiff cannot come to an agreement, your case will be referred to mediation as part of ODR. You can also request a mediator at any time during ODR. The mediator is not a judge. The mediator is there to assist you and the plaintiff come to an agreement.

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