

# Responding to Small Claims Case Online Dispute Resolution (ODR) 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 *Request for Exemption from Small Claims Online Dispute Resolution Pilot Project*. This form may be found on the Hawaii State Judiciary [Small Claims ODR Pilot Project](#) website.

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 [www.TurboCourt.com/Hawaii](http://www.TurboCourt.com/Hawaii) and choose "Hawaii" as your state. You will need to register with your e-mail 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 court filed *Statement of Claim* you were served with. 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 Kokua](#).

## 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 Kokua](#). Search eCourt Kokua using your name or the other party's name. Review the information in eCourt Kokua to make sure you have the correct case and case ID number.

## 5. Follow the TurboCourt program steps to enter your information.

If you are filing a *Counterclaim*, you will be asked to enter the counterclaim amount, date you believed are owed, and explanation why you believe you are owed. If you are not filing a Counterclaim, you may choose to begin dispute resolution/start negotiating with the other party.

## 6. Enter your opening negotiation terms

Review the "Tips for Successful Negotiation" and the "Defendant's Worksheet" attached for more information.

## 7. You are now registered. Log out or continue to negotiations.

Be sure to check your e-mail and or log in frequently. You will receive messages when the other party has responded to your offer.

Additional resources can be found in your list of documents in the [TurboCourt](#) program and on the Hawaii State Judiciary [Small Claims ODR Pilot Project](#) website.

# Small Claims Online Dispute Resolution (ODR) Defendant's Worksheet

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

## ODR Goal

The purpose of ODR is to help you and the plaintiff reach an agreement instead of going through a hearing in front of a judge. ODR will ask you and the plaintiff 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 pay and the date(s) you agree to pay it. If you succeed, the ODR program will generate a **Settlement Agreement** based on the agreed upon terms by you and plaintiff.

## Things to think about before starting ODR

### 1. What do you think of the plaintiff's claim against you?

- I agree that I owe the plaintiff money and I agree that I owe the amount claimed. Consider making an offer. See #2 below.
- I agree that I owe the plaintiff money but I do not agree with the amount claimed.
  - Consider making an offer. See #2 below.
  - If you have proof (evidence) that shows why you owe a different amount, consider sending a copy to the plaintiff. You may attach copies of your documents in ODR. Examples of evidence: receipts, communications (emails, letters), pictures, etc.
- I do not agree that I owe the plaintiff money.
  - Consider asking the plaintiff for proof (evidence) of the amount owed.
  - Consider presenting your own proof to the plaintiff with an explanation.

### 2. Making an offer: How much can you pay and when can you pay? What amount is realistic to you based on your financial situation? What amount will the plaintiff most likely say yes to?

- I can pay all at once.                      \$ \_\_\_\_\_                      Payment date: \_\_\_\_\_
- I can pay weekly/monthly.                      \$ \_\_\_\_\_ / week or month                      First payment date: \_\_\_\_\_  
Next payment dates: \_\_\_\_\_  
Final payment date: \_\_\_\_\_
- I can make \_\_\_\_\_ number of payments. \$ \_\_\_\_\_ /each                      Payment Dates: \_\_\_\_\_

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

- I am willing to offer \$ \_\_\_\_\_ to settle plaintiff's claim against me.  
I am willing to accept \$ \_\_\_\_\_ to settle my counter claim 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 \$ \_\_\_\_\_

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>	<b>The amount I am offering to pay plaintiff.</b>

- Plaintiff owes me more money than I owe plaintiff. You may wish to use Plaintiff's Worksheet and other references located on the Hawaii State Judiciary website ([Small Claims ODR Pilot Program](#)).

#### 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 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.