

# **AKRON MUNICIPAL COURT** **ONLINE DISPUTE RESOLUTION/MEDIATION FOR** **SMALL CLAIMS AND EVICTION COMMONLY ASKED QUESTIONS**

## **What is Online Dispute Resolution?**

Online dispute resolution (ODR) is an online platform that allows litigants an opportunity to mediate and resolve a dispute. The goal of ODR is to reduce in-person mediations and hearings by having parties resolve their cases online without having to enter the courthouse. ODR increases access to justice for self-represented litigants, decreases in-person hearing dockets for the judges, and reduces in-person mediation needs, administrative tasks for mediation administrators and court staff, and the time it takes to resolve cases.

ODR can take place prior to the filing of a case in Court. ODR can also take place after a case is filed. Negotiations take place at any time the litigants are available and are done through the ODR platform that can be accessed through the internet on any device with internet capabilities. If the litigants feel they need the assistance of a mediator, one can be requested who will assist with the mediation process.

The ODR portal can be found under ODR on the Akron Municipal Court website or by entering the following website address directly into your internet browser:

<https://www.courtinnovations.com/OHAKMC>

## **What is Mediation?**

Mediation is the opportunity to resolve a legal dispute with the help of a neutral third party, known as a mediator. ODR is a type of mediation that does not involve a neutral third party initially. The purpose of mediation is to assist the litigants in identifying one or more ways to resolve a dispute before it goes any further in the legal system. ODR and mediation are similar in that there is a negotiation that takes place and the litigants decide what the resolution of the dispute will be. ODR is attempted before a mediator would be assigned and mediation would take place.

Mediation can be in-person or held by video through various media platforms. Mediation requires the parties to meet with a mediator at a specific time to mediate the dispute. A mediator helps individuals in a dispute communicate with each other. The mediator does not make any judgments and does not decide who is right or who is wrong.

Mediation is not a trial. Each party may have beliefs as to what is right or wrong, or interpretations as to how the law might apply. Legal arguments and positions will not be resolved through mediation. What matters in mediation is what the parties would like to do in order to resolve the dispute on their own terms.

## **What does a Mediator do?**

A mediator can explain the mediation process to you and can help each side share information and settlement offers to the extent each sides wishes to. Parties decide for themselves if agreement is possible. A mediator cannot provide legal advice.

## **EVICTION ODR**

Eviction mediation follows the same ODR processes as small claims does but specifically deals with the dispute related to the eviction of a tenant from their residence by a landlord. Eviction ODR is an opportunity for parties to talk through disputes that may lead to an eviction and come to a resolution that leaves both parties better off. It is often used when both sides in a conflict have an incentive to work through it and identify a solution. Additionally, ODR can be used with other tools for helping families facing housing instability, such as legal support and financial assistance. Because ODR facilitates discussion between the landlord and the tenant, ODR could address the most common reason behind eviction filings, the nonpayment of rent. Mediation can help landlords and tenants explore more mutually acceptable options such as an extended rent payment plan that allows tenants to remain in their unit and landlords to receive their payment.

ODR prior to filing a case is available to both Landlords and Tenants. This prevents the accrual of additional costs to the parties such as filing fees, attorney fees and moving expenses.

Akron Municipal Court will offer ODR to all evictions filed. This will take place prior to the hearing that will be scheduled by the Court.

## **IS ODR MANDATORY?**

If your case is a small claims case, the answer is **YES**. Akron Municipal Court Local Rule 30 makes it mandatory that all small claims cases mediate.

If your case is an eviction, you may opt out of ODR for certain limited exemption reasons. Examples of exemptions are:

1. Matters filed involving a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;
2. Matters filed involving a person with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents use of Online Dispute Resolution;
3. Matters filed involving in a specific case upon good cause shown by certification. Good cause exists where a self-represented litigant is not able to utilize Online Dispute Resolution for the following reasons:
  - (i) No computer or Internet access in the home and travel represents a hardship;
  - (ii) A language barrier or low literacy (difficulty reading, writing, or speaking in English);
  - (iii) The pleading is of a sensitive nature, such as a petition for an order of protection or civil no contact/stalking order; or
  - (iv) A self-represented litigant tries to utilize Online Dispute Resolution but is unable to complete the process and the necessary equipment and technical support for Online Dispute Resolution is not available to the self-represented litigant.

4. A temporary protection order (TPO), civil protection order (CPO) or No Contact Order has been issued by any Court that prohibits the parties from having contact.

Exemption Certificates will be reviewed by the Magistrate hearing the eviction. If the Magistrate determines that good cause was not shown, the case will be continued so that the parties can participate in ODR or mediation prior to having an eviction hearing. It is in the best interest of both Landlords and Tenants to actively participate in ODR or mediation to resolve their dispute.