



IN THE SUPREME COURT OF ALABAMA

January 18, 2022

21-22/012

In re: Online Dispute Resolution for Small Claims Cases Pilot Project

ORDER

WHEREAS, the Alabama Unified Judicial System desires to improve access to justice to all people, and the Supreme Court of Alabama continues to encourage alternative dispute resolution programs;

IT IS ORDERED that the Supreme Court of Alabama establishes the Online Dispute Resolution for Small Claims Cases pilot project;

IT IS FURTHER ORDERED that the Rules Regarding the Online Dispute Resolution for Small Claims Cases be adopted to read in accordance with the appendix to this Order; and

IT IS FURTHER ORDERED that this Order shall become effective immediately.

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 18th day of January, 2022.

A handwritten signature in cursive script that reads "Julia Jordan Weller".

Clerk of Court,
Supreme Court of Alabama

FILED
January 18, 2022
1:43 PM

Clerk
Supreme Court of Alabama



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APPENDIX

Rules Regarding Online Dispute Resolution for Small Claims Cases

Paragraph 1: General Provisions

(a) The goals of the Online Dispute Resolution (ODR) pilot project are to improve access to justice by providing a service to allow parties to resolve disputes outside of the traditional court, and to improve the quality and presentation of evidence for a potential trial in those matters that cannot be resolved outside of court. The initial pilot project will include all electronically filed small claims cases seeking a monetary amount that are filed in those courts participating in the pilot project and shall continue until the Supreme Court of Alabama rescinds this Order.

(b) The ODR pilot project will begin in Morgan County. Upon the request of other counties additional pilot project counties may be added by the Administrative Director of Courts (ADC) on an as-needed basis to be decided by the ADC.

(c) Unless otherwise inconsistent with these rules, the Alabama Small Claims Rules and the Alabama Rules of Civil Procedure shall apply to all cases filed pursuant to this Order.

Paragraph 2: Beginning the Case

(a) A small claims case starts the ODR process when the plaintiff electronically files a complaint with the clerk of the court via AlaFile that is placed on the small claims docket. Small claims cases filed in paper will not be included in the ODR pilot project.

(b) The plaintiff will be given instructions on registering with the ODR website or linking the case to an existing ODR account. If the plaintiff fails to link to the case on the ODR website within 14 days, the case may be dismissed at the discretion of the judge.



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Paragraph 3: Service

(a) A summons and a copy of the complaint must be served as provided in Rule 4 of the Alabama Rules of Civil Procedure, as referenced in Rule D, Alabama Small Claims Rules.

(b) If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court may dismiss the action without prejudice or direct that service be effected within a specified time pursuant to Rule 4(b) of the Alabama Rules of Civil Procedure.

Paragraph 4: Responding to a Complaint

(a) Upon being served with a copy of the summons and complaint, the defendant will also receive instructions on how to register on the ODR website. If the defendant fails to register for an ODR account or link the complaint to an existing ODR account as directed by the instructions sent with the summons and complaint within 14 days after the summons and complaint has been delivered to the defendant by the sheriff, constable or person appointed to make service, or within 14 days after the defendant signs the certified mail return receipt, the case will be set for trial.

(b) The defendant may file a motion with the trial court asking for an exemption from the ODR process because of an undue hardship along with an answer to the complaint. Undue hardship exists when a party cannot access the online system or participate in the online process without substantial difficulty or expense. The court shall grant the exemption request if in the trial judge's opinion participation in the ODR process would cause undue hardship. If the trial court exempts the defendant, the case will be set for trial.



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Paragraph 5: Negotiating the Case

(a) Once the parties have initiated the ODR process, each party will have up until midnight Central Time (CT) of the day that is three days (72 hours) after the other party has entered their response. All entries in negotiating the case shall be made in the ODR online system.

(b) Should the parties' contact information change, the parties shall update their contact information within the ODR System.

Paragraph 6: Settlement Agreement

(a) Should the parties negotiate an agreement, the ODR system will automatically generate a settlement agreement.

(b) Once the settlement agreement has been approved by both parties and the trial court judge, the settlement agreement shall be incorporated as part of the court's order in the case. The agreed upon settlement agreement is not subject to appeal unless there is an element of fraud shown.

(c) The trial court judge will get notice that the case was in the ODR process but will not receive information regarding the negotiations between the parties.

Paragraph 7: Unsuccessful Negotiation

(a) If the parties end the negotiations to request a trial, or if the case has not been settled by the trial court date, the parties shall appear in court at the appointed time on the court date prepared for trial.

Paragraph 8: Counterclaims

(a) Counterclaims will not be processed in the ODR system and should be filed as separate claims.