PRESS RELEASE

New York State
Unified Court System

Hon. Lawrence K. Marks
Chief Administrative Judge

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NYC Civil Court in Manhattan to Launch Online Dispute Resolution Pilot Program for Small Claims Cases

NEW YORK–Chief Administrative Judge Lawrence K. Marks and New York City Civil Court Administrative Judge Anthony Cannataro today announced the upcoming launch in Manhattan's Civil Court of an online dispute resolution (ODR) pilot program for eligible small claims matters. Funded by the State Justice Institute and AAA-ICDR Foundation, the new initiative is among the Court System's statewide efforts to expand the use both of alternative dispute resolution and online technology to better meet the justice needs of New Yorkers amid the pandemic and beyond.

The Manhattan pilot is designed to assist unrepresented parties in managing and resolving matters involving disputes related to the purchase or sale of goods or services, with a monetary limit up to $10,000, as follows:

- Those cases that meet the criteria for the pilot will automatically be referred to ODR. Once parties log on to the ODR platform, they can opt out based on their comfort level with technology, English comprehension challenges or disability challenges.

- Small claims cases filed in person will be reviewed by the court clerk for eligibility, with eligible cases referred to the ODR platform, where parties can register their case online.

- Parties may also file a case online via the ODR link, which will be made available on the Civil Court's website and CourtHelp. Cases filed online will be screened by court staff for eligibility. If the case is accepted, the parties will receive a control date by which ODR settlement opportunities will end, along with an index number, and will have the opportunity to resolve their case via the ODR system prior to a virtual court hearing.

- The parties will first participate in the automated double-blind bidding process, in which each party makes an offer that may only be disclosed if both offers match.

- Depending on the outcome, algorithms will guide the parties through the platform to negotiate further settlement terms. Opportunities for direct party-to-party negotiation will also be available if needed. And finally, an ODR mediator will be available if automated and direct negotiation do not result in a settlement.

- If the parties come to an agreement on the ODR platform prior to their court hearing, they will be able to electronically sign a settlement agreement, which will be delivered to the Civil Court's dashboard on the ODR platform, marking the case as settled on the court's calendar.

In addition to its online negotiation component, the ODR platform contains an educational component, with centralized information and resources, including newly-developed multimedia content in plain language to assist litigants throughout the small claims process.

"The ODR platform not only provides parties in small claims matters greater flexibility and convenience in resolving their disputes but also protects public health and safety by minimizing courthouse traffic. Clearly, the launch of this innovative program could not be more opportune as we continue to navigate the logistical and other challenges brought on by the pandemic. I am grateful to the State Justice Institute and AAA-ICDR Foundation for their generous support of the ODR pilot, and to the American Bar Association, National Center for State Courts and New York State Community Dispute Resolution Centers program for their input and collaboration. I also want to thank Administrative Judge Cannataro, the Civil Court judges and staff, the courts' Office of

Alternative Dispute Resolution and Office for Justice Initiatives, and the Permanent Commission on Access to Justice for their dedication and expertise in bringing this vital initiative to fruition," said Judge Marks.

"This modern and convenient form of dispute resolution could not come at a better time for the thousands of Small Claims litigants in New York City who are looking for timely resolution of their cases in a safe and secure environment. Small Claims parts in the New York City Civil Court traditionally operate in large courtrooms filled to capacity with litigants and court staff. Introduction of the ODR platform adapts another of the many innovative approaches to conducting court operations necessitated by the pandemic for long-term use in the everyday operation of our courts," said Judge Cannataro.

The ODR platform is scheduled to begin on January 29, 2021.

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