

Court-Connected Online Dispute Resolution

Outcomes from Family, Civil, and Traffic Cases in the United States

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Abstract

Online dispute resolution (ODR) has been used in US courts for several case types. We highlight outcomes from select ODR programmes for domestic relations cases (child support compliance) in Michigan, for small claims and city tax cases in Ohio, for traffic cases in Michigan and Texas. ODR delivers key benefits to courts such as fewer hearings, faster case resolution, fewer warrants, faster fine collection, and high customer satisfaction ratings.

Keywords: court-connected ODR, domestic relations ODR, small claims ODR, traffic ODR, Texas ODR, Michigan ODR, Ohio ODR.

Going to court can be overwhelming to people for reasons ranging from physical to socio-cultural barriers. At the same time, courts are increasingly tasked to do more with less budget,¹ delays in courts are cited as causing economic impacts,² and court management is asked to measure court performance by customer satisfaction.³ Court-connected online dispute resolution (ODR) is an increasingly deployed tool to improve this scenario.

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1 P.T. Grossi, Jr., J.L. Mills, & K. Vagenas, *Crisis in the Courts: Reconnaissance and Recommendations*, Article from Future Trends in State Courts, National Center for State Courts, 2012, available at: <https://ncsc.contentdm.oclc.org/digital/collection/financial/id/181>.

2 Washington Economics Group, *The Economic Impacts of Delay in Florida Courts Due to Underfunding of the Court System*, 2011, cited <https://www.ncsc.org/Topics/Financial/Budget-Management/Resource-Guide.aspx>, document available at: <https://www.scribd.com/document/92000802/Florida-Bar-Economic-Impact-Study-02-09>.

3 For example, courts in Michigan are required to distribute standardized customer satisfaction surveys every other year <https://courts.michigan.gov/administration/admin/op/performance/pages/public-satisfaction-survey.aspx>. These results are posted by court on the Michigan Courts website <https://courts.michigan.gov/education/stats/performance-measures/pages/default.aspx>; State of Texas Office of Court Administration, *Report on Customer Service for Fiscal Year 2014*, available at: www.txcourts.gov/media/676149/fy14reportoncustomerservice.pdf.

1 Why ODR?

Barriers to appearing in court range from economic to social and psychological. People may not be able to go to court because of the opportunity cost of lost wages or the costs of childcare and transportation. Alternatively, people may not go to court because of workplace pressure, confusion about the process, public-speaking anxiety, a feeling of shame or stigma, or fear of arrest.

In part to address these concerns and to answer calls from the public to modernize access to justice, courts are leveraging proven ODR technology to increase access, convenience, and timeliness.⁴ Benefits of ODR include access, efficiency, improved enforcement/collection, fairness, and customer satisfaction.⁵

At the time of this writing, over 50 locations in 10 US states are using the Matterhorn platform for court-connected or court-adjacent ODR.⁶ Common case types include: civil infractions, misdemeanours, warrants, small claims, family court, and the assessment of ability-to-pay. This article shares outcomes from domestic relations cases in Michigan, small claims cases in Ohio, traffic cases in several Michigan courts, and criminal traffic cases in Texas.

1.1 Case Study: Domestic Relations ODR in Ottawa County, Michigan

In 2016, the team at the 20th Circuit Court in Ottawa County, Michigan, ran weekly show-cause hearings for parents who failed to make child support payments. Approximately 400 people per month would be called into the court.

The team at the court knew there was a better way to serve the parents and children of Ottawa County, and they sought a proactive way to engage with parents ahead of their hearings. The goal of the ODR project was to increase child support compliance. Child support benefits custodial parents and children and may keep these families from needing public assistance. Improved compliance reduces the number of hearings and warrants issued. The team approached Matterhorn ODR and launched it in December 2016.

After ODR, key metrics improved: hearings decreased, cases resolved before the hearing increased, and warrants declined (see summary in Table 1).

4 Joint Technology Committee, *Case Studies in ODR for Courts: A View From the Front Lines*, v 1.0, available at: <https://www.ncsc.org/~media/Files/PDF/AboutUs/Committees/JTC/JTCResourceBulletins/2017-12-18ODRforcourtsv2final.ashx> (adopted November 2017).

5 Joint Technology Committee, *ODR for Courts*, JTC Resource Bulletin v 2.0, available at: <https://www.ncsc.org/~media/Files/PDF/AboutUs/Committees/JTC/JTCResourceBulletins/2017-12-18ODRforcourtsv2final.ashx> (updated and adopted November 2017).

6 Partial court list is here: <https://courttinnovations.com/>.

Table 1 *Child Support Compliance Metrics, before and after the launch of ODR at the 20th Circuit Court in Ottawa County, Michigan*

	Hearings per month (average)	Cases resolved before the hearing (average)	Warrants issued per month (average)	Period
Before:	397	39.6%	143	July-November 2016
After	289	48.4%	91	Dec 2016-June 2017
Change	-27%	+22%	-36%	

The court plans to reissue the statistics at the close of 2018 with 2 full years of data.

1.2 Case Study: Small Claims ODR in Franklin County, Ohio

In 2016, the team at the Franklin County Municipal Court sought a way to improve outcomes and access on small claims and city tax cases. The court's Office of Dispute Resolution is located in Ohio's state capital on the 16th floor of a high-rise in downtown Columbus. Driving to the court can be a challenge due to one-way streets and parking can be scarce.

The court launched the Matterhorn ODR platform for city tax cases and for small claims in 2016. Parties engage around the clock, with one-third of ODR interactions outside of traditional court service hours of 8 AM-5 PM Monday to Friday (Table 2). ODR cases more often have positive dispositions (come to agreement or are dismissed) than similar cases handled offline (Table 3). Cases handled offline are more often decided by a default judgment in favour of the plaintiff without the defendant's participation.

Table 2 *Engagement with the ODR system outside of court hours (8 AM-5 PM, Monday-Friday) by case type at the Franklin County Municipal Court in Ohio*

	Engaged out of court hours (%)	Period
Before	0	
ODR cases	34	Jan-Oct 2018
City tax cases	37	late 2016-present

1.3 Case Study: Courts in Michigan Use ODR for Traffic Ticket Resolution

Courts in Michigan began to use Matterhorn ODR to let people contest and resolve traffic tickets online in 2014. The number of courts using Matterhorn for this purpose has increased since the initial launch in three courts. These courts have found efficiencies in their own process, increased access to justice, improved metrics for collections, and high marks in customer service.

In terms of process efficiencies, Michigan District Court 14A found a time savings of 80 per cent in handling time for these traffic cases online (27 minutes

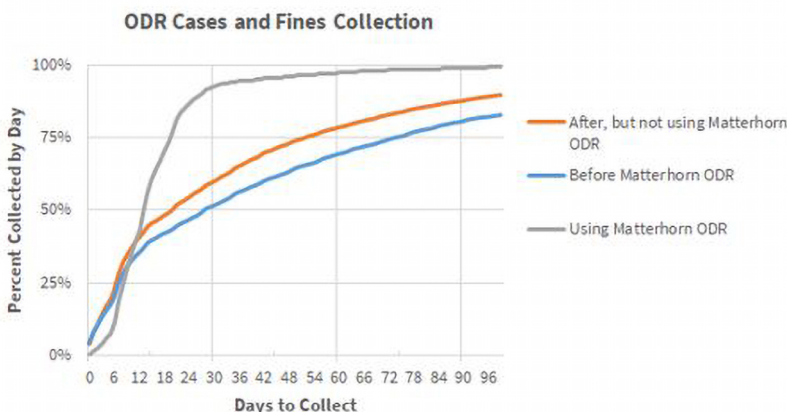
Table 3 *Positive Dispositions in ODR cases compared to non-ODR cases. Cases in the ‘before’ period sought to use ODR but did not. The ‘after’ period cases sought and used ODR*

	Resolutions, dismissals, agreed judgment	Total	Reach agree- Period ments (%)
Before	23	55	42 Jan-Oct 2017
After	76	100	76 Jan-Oct 2018

total) versus in person (157 minutes) across all court roles involved in these cases.

In terms of collections, a study of pre- and post-ODR outcomes for similar cases in 2016 shows fines getting paid faster for cases handled via ODR (Figure 1). Ninety-two per cent of fines for cases handled via ODR were paid within 30 days, whereas only 51 per cent were for pre-ODR cases.

Figure 1 *Collections for ODR traffic cases compared to non-ODR traffic cases, before and after the launch of an ODR system (nine courts in Michigan, 2016)*



And the results are very positive in terms of customer satisfaction (Table 4).

Table 4 *Customer Satisfaction Data, surveys issued 2016-present*

	Yes or agree (%)	No or disagree (%)
Would you have been able to appear in court if the website was not available?	61	39
My case was handled fairly	84	16
Would you recommend the website to a friend or family member?	92	8

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1.4 Case Study: Farmers Branch Municipal Court Uses ODR for Traffic Tickets

In early 2018, the Farmers Branch Municipal Court in Texas launched Matterhorn ODR to let people contest and resolve traffic tickets online. As of early December 2018, over 1,800 people have used the system to resolve their tickets and warrants.

The Texas results are very positive in terms of improved access: 52 per cent of those surveyed said they would not otherwise have been able to appear. Of public users of the system, 72 per cent used it on a mobile device (Google Analytics January-December 2018).

Additionally, the court compared its count of failure to appear (FPA)/bail jumping and violate promise to appear (VPTA) violations January-July 2017 to those months in 2018. The court saw a 31 per cent decrease in FTA and VPTA violations in 2018 after implementing the ODR system. So increased access improved the likelihood that people would resolve their cases.

2 Additional Outcomes Coming to a Court Near You

As more courts offer ODR to their communities, we will see additional outcomes and gain perspective on what works and where improvements can be made. So far, courts have increased access, efficiencies, and public/customer satisfaction with ODR programs. It is an exciting time to be in the courts and in court technology, and we look forward to sharing more stories and data in the future.