

## FAQ about Matterhorn ODR

### **When do Parties choose ODR?**

After the parties go to court for the initial hearing, they are given the option to try ODR. If the parties register in the ODR platform, they will have the option to:

1. chat amongst themselves,
2. request a mediator,
3. or do nothing and attend court on their hearing date.

### **What is the difference between the DC400 Order and the Agreement to Participate?**

- Before the mediation begins the judge will enter a DC400 Order which is an Order from the judge to begin the mediation orientation.
  - You can find the DC400 Order in the 'History' tab.
- If the parties choose to try mediation, you will also need to have the parties sign/initial or acknowledge in some form the Agreement to Participate in Online Mediation.
  - You may sign it on the party's behalf with their permission because it is for our records.
    - We need the Agreement to Participate filled out for our records and DRS' records, but Fairfax GDC is fully operating on the DC400 Order alone.
    - Agreement to Participate is attached to this email.
    - Depending on how many cases you have, feel free to keep your signed Agreement to Participate forms and send them to me on a monthly and quarterly basis.

### **How do I begin the mediation?**

After you have everybody's consent to begin, you mediate the issue the same way you would any other mediation.

- Make the initial outreach to the parties via the platform (introduce themselves, etc.).
- Let parties know they will be in touch to conduct orientation.
- After conducting the orientation, have parties sign the Agreement to Participate in Mediation.
  - a. The Agreement to Participate is necessary for NVMS' and DRS' records. Please have parties sign or initial in acknowledgement of voluntariness. It is ok if you need to sign this form on the party's behalf with their permission.
- Schedule mediation session.
- Conduct mediation session.
- The platform is set up so all communication can be done through messaging the parties.
- Depending on the case dynamics, we encourage you to schedule the mediation via conference call or zoom which is done outside the platform. You can paste the zoom link

in the messaging board for the parties to access it if you want to keep it as much within the platform as possible.

### **How do I draft an Agreement in the platform?**

- If an agreement is reached, you can draft it to the platform by following the prompts.
- We recommend writing it in a word document and pasting it in later to avoid losing your work.
- Once you draft it, you will send it to the parties to be signed within the platform. Once it is signed and completed, you are finished!
- Once you have completed the process, please send the parties this link for feedback: <https://www.surveymonkey.com/r/VGCLB7R>.

### **What if no Agreement is reached?**

- If parties don't reach an agreement or choose to terminate the mediation, you do not need to take any further action.
- DO NOT SELECT 'No Agreement Reached.'
  - Selecting no agreement reached will close the case.
    - Once the case is closed it cannot be reopened.
    - Susan Madsen in the Clerk's Office will close the case after the parties' hearing date has passed. If the mediator closes the case, the court cannot collect necessary data.
- Once you have completed the process, please send the parties this evaluation form link for feedback: <https://www.surveymonkey.com/r/VGCLB7R>

### **Can I Co-mediate?**

Yes!

- The court and NVMS are happy for mediators to co-mediate together.
- In Matterhorn, only one mediator can be assigned to a case, so it is best to differentiate who will act as the lead mediator and who will act as the second chair for disseminating communication.
- If you are working with a co-mediator, you can either share the information you gathered through your mediator account via a brief summary or share your login information with your co-mediator so they can access it.
  - If you are using Zoom to mediate, sharing your screen with a co-mediator is also a way to have access to the same information.