

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 99

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

All Justices	Senior Staff
All Judges	Central Services
Area Court Administrators	Judicial Services
Clerk of the Appellate Courts	APD Warrants
Rural Court Assistants	
All Clerks of Court	
All Magistrate Judges	
Law Libraries at Anchorage, Fairbanks & Juneau	

SUBJECT: Provisional Rules for Online Dispute Resolution

The Court System is implementing an online dispute resolution platform called AK ODR. Online dispute resolution (ODR) uses technology to facilitate the resolution of disputes between participants, usually asynchronously which means the participants do not participate at the same time but within predetermined time intervals. It involves negotiation, mediation, for some case types an online trial, or a combination of all three. Participation to resolve disputes in AK ODR is voluntary. This is a pilot project. In the initial stages, AK ODR will only offer negotiation and mediation for a select group of case types.

The Supreme Court has authorized the Administrative Director to adopt provisional rules and procedures to support AK ODR. See [Supreme Court Order 1986](#). These provisional rules are expected to change often as the court system gains more experience with ODR. To suggest changes or additions to the provisional rules, please contact the Court Rules Attorney at ssteinberg@akcourts.gov.

This bulletin supplements the Alaska Rules of Court. These provisions should be construed to conform with the Alaska Rules of Court; when provisions conflict with other court rules, these provisions govern. To assist AK ODR users, additional resources are posted on the [Online Dispute Resolution](#) page on the court system's website.

1. **Current Applicable Case and Action Types.**

Online Dispute Resolution is available for the following case types:

- Small Claims
- General Civil - Debt Collection where the amount in dispute is less than \$100,000

Other case types will be available at a later date.

Participants with or without an open court case can participate in AK ODR.

2. **Filing Fee**

Open Court Case

Participants with an open court case may use AK ODR for negotiation, mediation and, once available, online trials for no additional charge. If the participants reach an agreement through AK ODR, there will be no refund of the filing fee from when they opened the original court case.

No Open Court Case

Participants who do not have an open court case may use AK ODR for negotiation and mediation at any time for no charge. If participants reach an agreement and want an order signed by a judge, the court filing fee is \$25 regardless of the case type.

Fee Waiver

Fee waivers are not available for AK ODR cases.

3. **Case Numbering**

No Court Case: Participants who do not have an existing court case may create a case in AK ODR. Participants without an existing court case will **not** receive a court case number unless they reach an agreement and ask that a judge sign it as a court order. If a court order is requested, a court case number will be assigned for the dispute after the claimant pays a \$25 filing fee.

Existing Court Case: Participants who have an existing court case can create a case in AK ODR. The plaintiff must create the case in AK ODR by entering the existing Alaska Court System court case number. The AK ODR dispute number will be the same as the court case number.

4. **Judicial Assignment.** The administrative director will identify a number of judges throughout the state to hear AK ODR cases. A judge assigned to an AK ODR case need not be assigned to the judicial district in which the case was initiated. The judge will act as a settlement judge. AK ODR participants who ask a judge to approve their agreement to receive a court order waive their right to preemptorily challenge the assigned settlement judge.

For existing cases where a judge has already been assigned, the assigned judge will remain the judge for the case. The ODR judge will only act as a settlement judge. Any issues beyond review of the settlement agreement will be handled by the judge originally assigned to the case.

5. **Case Creation.** Customers who wish to use AK ODR must first sign up for an account. Registered users must consent to electronic notifications from other dispute participants, the mediator (if assigned), and the court. Users must also consent to electronic distribution of documents in their court case if they have an existing case or are filing one. Users must maintain in AK ODR a valid email address or cell number to receive electronic notifications.
6. **System Availability.** AK ODR is designed to be available 24/7 outside of regular court business hours. The court will notify users of planned outages, and case deadlines will accommodate planned and unscheduled outages. Case deadlines will not be shortened by system outages.
7. **Signature.**
 - a. An agreement submitted through AK ODR may be signed electronically:
 - (i) using the application's signature feature,
 - (ii) as provided in (b) below, or
 - (iii) by a conventional signature as provided under Civil Rule 76(e).
 - b. **Electronic Signature.** Affixing a person's electronic signature to a document in the form shown below is the legally binding equivalent of signing the document by hand. A signature on an electronically filed document may be entered as "s/ printed name" on the signature line. If the person is an attorney, the person's Alaska Bar Association membership number must be entered following the person's name. The person's title must be entered following the person's name.

Non-Attorney Example – Self-Represented Party:

s/ John Doe
Self-Represented Party

Attorney Example:

s/ John Smith - Bar Number 12345678
Attorney at Law

8. **Participation in AK-ODR does not automatically stay court proceedings.** The court will not stay the proceedings based on AK ODR participation. If participants want the court to stay the case or change a court date, they must request that using existing civil rules.
9. **Confidentiality.** The confidentiality provisions in Alaska Rules of Civil Procedure 100(g) apply to all mediations conducted as part of AK ODR, except that the mediator may help explain the agreement in court if both participants are participating in person or by a remote method such as video or telephone and consent.

Discussions between participants using AK-ODR and offered for the purpose of resolving the participants' dispute are confidential under Alaska Rule of Evidence 408.
10. **Records Retention.** Records uploaded to the AK ODR are not part of the official case record and are not preserved by the Alaska Court System. If the participants request that a judge sign their agreement, the agreement is stored in OnBase, the court's document management system; CourtView, the court's case management system; or in the paper case file. Records in OnBase, CourtView, or the paper case file will be retained in accordance with [Administrative Bulletin 25](#).

Dated: November 14, 2023

/s/
Stacey Marz
Administrative Director