**SAMPLE HEARING NOTICE AND**

**INFORMATION TO SEND WITH THE HEARING NOTICE**

**FOR USE IN CIVIL CASES**

In some cases, like eviction cases, the hearing notice is issued at the same time as the citation.  In others, the hearing notice issues later.  Here are best practices for each situation:

**When Hearing Notice Issues at the Same Time as the Citation:** It is a best practice to include the following information regarding technology, accessibility, interpreters or other needs in the hearing notice and to attach more detailed information about the hearing to the citation. Courts should provide parties with both a telephone number and an email address, as some parties do not have access to the internet and cannot send email, and the method of contact should provide parties with prompt responses.

**When Hearing Notice Issues After the Citation:** When a hearing notice will be sent later in the case after the citation has been issued, it is a best practice to send information on what to expect in any upcoming hearing in a separate letter. If the following information and the hearing notice is sent to any party by USPS and is returned to the court as undeliverable, the court is urged to contact the party by alternative methods, if available (for example, if the party listed their phone number or email address on their answer). The court should appropriately consider whether the information was received by the party when hearing the case.

See page 2 for a suggested hearing notice.

See page 3 for suggested information on Zoom hearings to send to parties.

**Hearing Notice**

**This case has been set for a hearing on [date] at [time]**. **Please do not come to the courthouse**. Due to the coronavirus pandemic, the court hearing will be held online with the Justice of the Peace Court, Precinct [#] using a video conferencing program called Zoom.

At least 5 days before the hearing, please read the attached instructions on how to participate in the hearing using Zoom, which includes information on how to submit evidence, and what to do if you are not able to participate in the hearing using Zoom.

On the date and time of your hearing, type the web address listed below “Join Zoom Meeting” to attend your hearing:

[Insert Zoom Meeting Information]

**JOIN ZOOM MEETING**

[insert Zoom link]

**MEETING ID**: XXX-XXX-XXX

**PASSWORD** (if using): XXXXXXXX

**PHONE AUDIO CALL**

+1xxxxxxxxxx

+1xxxxxxxxxx

**If you have any questions or have any of the following circumstances, please contact [the court coordinator, clerk, etc.] immediately at (xxx) xxx-xxxx or [email address]:** [*NOTE – Make sure to list a telephone number. People without internet access cannot email you this information]*

1. You do not have the technology or ability to participate by Zoom (See information attached to the citation for details);
2. You are requesting reasonable accommodations for yourself or a witness with disabilities;
3. You are requesting an interpreter for yourself or a witness and, if so, for which language(s);
4. You have evidence to help prove your side of the facts but are not able to send it to the judge and opposing party in the way we’ve asked for it to be sent (See attached information for details); or
5. You are asking the court to delay the hearing for a good reason.

If you have valid reasons for your inability to participate in this hearing, you have specific needs to be able to participate in this hearing, or you need accommodations of your disabilities, the court will do its best to accommodate the parties.

Respectfully,

[Clerk of the Justice Court]

[Name of Justice of the Peace]

[Justice of the Peace, Precinct X]

**Information on Zoom Hearings in Civil Cases**

A lawsuit has been filed against you in Justice Court, Precinct [X] or you have filed a lawsuit in Justice Court, Precinct [X]. If a court hearing is held in your case, you will be sent a hearing notice telling you the date and time that a judge will hear your case. In some cases, like evictions, the hearing notice is attached to the packet of information that is served on you by a sheriff, constable, or process server, so always check to see if a hearing notice was included in that information.

NOTE: Due to the coronavirus pandemic, court hearings could be held online through a video conferencing software application called Zoom, rather than at the courthouse.

**If you are unable to participate in a Zoom hearing for reasons listed in number 4 below, please contact [the court coordinator, clerk, etc.] at (xxx) xxx-xxxx or [email address] immediately. Your failure to attend a hearing, Zoom or otherwise, can result in a judgment against you or the dismissal of your case if you are the one who filed it.**

1. How to Use Zoom for the Court Hearing and What to Expect:
   1. **Contact the Court at [xxx-xxx-xxxx] or [email address] to provide the following information:** *[Personalize for your court’s requirements]*
      1. *[IF APPLICABLE]* Your Email Address: **The court must have your email address no later than noon at least three business days before your hearing** (e.g., if your hearing is on a Monday, the court will need it by noon on the Wednesday before your hearing. If one of those days is a holiday, then it’s needed by noon on the Tuesday before your hearing). It is important that you check your email daily for information about your case. You should also check your spam or junk folder in your e-mail account, in case e-mails from the court or opposing party get sent to those folders. The court may send you an email to communicate with you about your case, such as a delay in the hearing date. The opposing party may send you an email with any evidence they have against you to your email address. You will also need to email any evidence you have to prove your side of the case to the judge and the opposing party.
      2. *[IF APPLICABLE]* Your Phone Number: The court must have your phone number at least one business day before the hearing. The court will call your phone number if there are any technical difficulties during the hearing.
   2. **Video Function**: It is best for you to use the video function of Zoom, as explained below, because that will allow you to see the judge, the other party, the witnesses, and the evidence that is used against you. However, if you do not have the ability to do that, or if for some reason there is a technical problem when you try to join the hearing by video, you can also participate in the hearing by calling the Zoom phone number provided. ***If you call in to a Zoom hearing, you do not need anything more than phone and the ability to make a call***.
   3. **Items Needed**: To use Zoom’s video function, you need to have a computer, tablet, or cell phone that has a video camera, a microphone/speaker, and reliable access to the internet. **If you do not have these items, please contact the [court coordinator] at (xxx) xxx-xxxx or [email address].** [*Note to courts – Please list a telephone number and an email address because they cannot email you if they lack the equipment/internet and are unlikely to have a phone with data.*]
   4. **Download Zoom:**  Download Zoom on your computer or smartphone at <https://zoom.us/>. You do not need to set up a Zoom account to use Zoom for the hearing. Another way to download Zoom is to click on the Zoom link provided by the court. It is best to download Zoom at least a day before the hearing in case you have any difficulty.
   5. **Join the Court Hearing**:
      1. Go to <https://zoom.us/join> (or open up Zoom on your device or computer) and enter the Meeting ID to the Zoom link listed in your hearing notice, then click the “Join” button;
      2. Enter your name as it appears on the hearing notice; and
      3. If a meeting password was provided to you, enter the meeting password.
      4. Choose either “Call using Internet Audio” to use the speakers in your computer or “Dial In” if you would prefer to use your phone to speak and listen to the hearing;
      5. When you first join, you may be placed in a ‘waiting room’ until the judge starts the hearing. You cannot see or hear the proceedings from the waiting room. The judge and/or the court coordinator can see you are in the waiting room and will allow you into the hearing when it’s time for you to participate.
      6. The judge will make sure you can hear and talk and go over all the rules.
      7. You will see each person and their name on the call. If someone does not have a video camera and is only participating by phone, you will only see their name. The person who is speaking will be highlighted by a green square box.
      8. Be aware that background noise can cause problems. It is best to mute yourself when you are not speaking.
      9. Your hearing is live and may be recorded. Everyone there can hear what you say, and the hearing may be open to the public. If recorded, it should be deleted after the hearing.
      10. The judge will decide most cases at the end of the hearing or will tell you when a decision will be made.
   6. **What Happens if You Do Not Show Up at a Trial**:
      1. If the person who files the lawsuit (the Plaintiff) does not show up, the case may be dismissed.
      2. If the person who was sued (the Defendant) does not show up, the court is likely to issue a “default judgment,” which means that everything the Plaintiff says is assumed to be true and the Defendant will lose the case.
      3. If you have a good reason that you cannot be at the hearing on the date and time that it is set, you should contact the court and the opposing party and ask for the hearing to be set on another day and time.
2. Evidence:
   1. Evidence is information in a case that proves something or explains why you disagree with what the other party is telling the court, and it can include testimony from witnesses or the parties as well as documents, pictures, or video.
   2. If you have any evidence in the form of documents or pictures to help you prove your case, those must be emailed to opposing parties (or their lawyers) using the contact information and to the court at [insert email address] **no later than noon on the business day before your hearing.** If you do not send them in time, the court may not allow your evidence to be considered at the hearing.
   3. How to email your evidence:
      1. Scan the evidence or take a photograph of it with your cell phone/camera. Some free apps on phones such as CamScanner, Scanbot, or Adobe Scan can also help you scan documents so you can send them by e-mail. Check to make sure the documents can be easily read or seen.
      2. Create an email to the court and the opposing parties (or their lawyers) and list the full Cause Number of your case (the unique number that is given to your case and is listed at the top of the petition that was attached to the citation you received),and “[Your Name]’s Exhibits” in the subject line.
      3. Upload or attach your evidence to the e-mail.
      4. Make sure to put your name and the name of all the parties in the email and that you will be using the attached documents as evidence in your hearing.
      5. Send your email, and if possible, save a copy to prove that you sent it. You can find emails that you send in the “sent” folder of your email.
   4. If you have evidence such as video, contact [the court] at [xxx-xxx-xxxx] for information on how to submit that evidence.
   5. If you do not have the technology or ability to email your evidence, contact [the court] at [xxx-xxx-xxxx] or [email address] for information on how to submit your evidence in another way.
3. Witnesses:
   1. If you have any witnesses to help you prove your case, they **must** appear at the Zoom hearing.
   2. Unless they are calling in by phone to the Zoom number, it is your responsibility to make sure all witnesses have:
      1. Access to the internet and a separate computer, tablet, and laptop with a video camera and speaker or, if everyone is sharing the same set up, everyone must be able to be clearly seen and heard.
      2. The correct Zoom link and meeting information.
      3. Access to any evidence you or the opposing party has
      4. A valid form of identification to verify their identity over the video feed.
   3. If any witness needs an interpreter, contact [the court] at [xxx-xxx-xxxx] at least [X] days before the hearing.
4. Other Information: If you have any of the following circumstances, please contact [the court coordinator, clerk, etc.] at (xxx) xxx-xxxx or [email address]:
   1. You do not have the technology or ability to participate by Zoom (See attached information for details);
   2. You are requesting accommodations for yourself or a witness with disabilities;
   3. You are requesting an interpreter for yourself or a witness, and if so, for which language(s);
   4. You have evidence to help prove your side of the facts but are not able to send it to the judge and opposing party in the way we’ve asked for it to be sent (See attached information for details); or
   5. You are asking the court to delay the hearing for a good reason.
5. Other Helpful Resources, Forms, and Information
   1. **2019-2020 State Bar Referral Directory**. It is always best to have a lawyer represent you. If you cannot afford a lawyer, you may want to contact legal aid and pro bono organizations in your area for help. The Legal Access Division of the State Bar of Texas publishes a list of local and statewide legal aid and pro bono providers as well as lawyer referral services in their Referral Directory at <https://www.texasbar.com/Content/NavigationMenu/LawyersGivingBack/LegalAccessDivision/ReferralDirectory.pdf>. *[It’s best to list the local legal aid organizations with their phone number, if you know them, instead of linking to the Referral Directory, which is a very large and somewhat daunting publication]*
   2. **Texas Law Help**. <https://texaslawhelp.org/> is a website that provides free legal information and resources, including a LiveChat feature for low-income people. It is hosted by the Texas Legal Services Center, a nonprofit legal aid organization.
   3. **The Texas Justice Court Training Center** has useful information packets and forms for justice court cases at <https://www.tjctc.org/SRL.html>.
   4. **Tips for Self-Represented Litigants in Zoom Hearings:** The Texas Access to Justice Commission developed some tips for people who are representing themselves in an online court hearing which can be found at <https://www.txcourts.gov/media/1447320/texasatj-tips-for-self-represented-litigants-on-zoom-hearings-and-court-processes-procedures.pdf>.
   5. ***[Add any other low-cost or free legal resources in your area, including any forms, brochures, information, etc., that your court provides.]***