



General Virtual Hearing Best Practices for Courts

Here are some quick tips on best practices for handling cases on a remote basis. We have also developed tips specifically for proceedings involving self-represented litigants because those can raise additional concerns that may not be applicable in proceedings where all parties have counsel.

1. Notice of Hearing

- a. **Contents of Notice of Hearing:** Make sure your notice state that the hearing will occur by video conferencing software such as Zoom, and that the parties should not appear in person at the courthouse. A sample notice is attached in Appendix D.
- b. **Contact Person:** Provide a phone number and email address for a person who can assist parties and participants in a timely manner if needed. An email address alone is not sufficient as people who lack access to the internet may not be able to access email.
- c. **Information on Court Procedure:** Provide information on court procedure for virtual hearings, including how to submit exhibits for the hearing.
- d. **Provide a way for parties to inform the court of the following:**
 - i. Whether they need any ADA accommodations (See Appendix A regarding disability accommodations in remote proceedings);
 - ii. Whether they, or a witness, needs an interpreter, and if so, what language(s) (See Appendix B & C regarding language services in remote proceedings);
 - iii. How many witnesses they want to testify on their behalf; and
 - iv. Any other information relevant to the logistics of the proceeding.

2. Hearings:

At the beginning of the hearing address potential technical difficulties.

- a. Ask parties and participants about the reliability of their computer, internet, or phone.
- b. Tell parties and participants what to do if they experience problems with their internet, computer, or phone, such as instructing the litigant to click on the Zoom link again if their connection drops, or to call back into the Zoom number provided.
- c. Provide parties and participants with a call back number not associated with the Zoom hearing in case they cannot reconnect.
- d. Obtain the parties' and participants' phone numbers or other emergency contact information in case it is needed.



Best Practices for Virtual Hearings Involving Self-Represented Litigants

In many ways, cases involving self-represented litigants (SRLs) are no different than any other case. However, because SRLs are typically not trained in the law or court processes, they typically need more information about processes and expectations than a party who has counsel. Here are some quick tips on best practices for handling cases involving SRLs on a remote basis.

1. Important Information:

- a. **Lack of Internet or Reliable Internet:** Many people do not have access to the internet, or reliable internet, in the home. Public access to the internet via libraries, coffee shops, and other local options is problematic due to privacy issues and may not always be available
- b. **Limited Phone Data/Call Minutes:** Some people may only have phones with a limited number of call minutes or data plan minutes, so they may not be able to use their phones to participate in a video hearing or even to participate by phone. You may need to work with the litigant to determine how they can have meaningful participation in the hearing. We do not have a solution for this problem and welcome your ideas.
- c. **Email:** Some SRLs may not have email. Those who have an email address may not be able to check their email due to a lack of internet access. Those who have access to their email may not understand the importance of checking their email regularly for information about their case. Please explain the need to check email daily or arrange an alternative way to contact SRLs for notice of upcoming hearings. Develop an alternative method for those without email or reliable internet to submit evidence.
- d. **Consequences of Failing to Act:** Many people do not understand the consequences of failing to respond to a case or act timely in a case. Please explain these consequences to litigants.
- e. **Plain Language.** When communicating orally or in writing with an SRL, please use language at a 3rd-grade reading level when possible. Short, clear sentences are best. Avoid legalese (for example, most people do not know what “default” means), terms of art, and acronyms. The National Association for Court Management developed a [Plain Language Guide](#) in 2019 on how to incorporate plain language into court forms, websites, and other materials that may be useful to you.
- f. **Caretaker Responsibilities and Privacy Concerns:** Be sensitive to a litigant’s ability to participate in a hearing without interruption. Privacy concerns are especially important in cases involving domestic violence or children in the household. Make reasonable accommodations to address privacy concerns and a litigant’s need to give medication to a family member, feed a baby, etc.

2. Notice of Hearing and Materials to Provide with Notice to SRLs

- a. **Send written notice in plain language by mail and email to the addresses on file.**
 - i. Comment: Email notice alone may not suffice for the above-mentioned reasons.
- b. **Contents of Notice of Hearing.**
 - i. Make sure your form notices state that the hearing will occur by video conferencing software such as Zoom and that the party should not appear in person at the courthouse.
 - ii. Make sure to include basic information on what technology and equipment will be needed to participate in the hearing – such as reliable access to the internet, a phone,

laptop, tablet, desktop, etc. – and what to do if they do not have access to those things. A sample notice is attached in Appendix D.

- iii. Include a short notice in Spanish and any other languages that are common in your court, instructing SRLs with limited English proficiency to contact the court to get language assistance such as translation of the notice and the materials provided with the notice.
- c. **Instructions on How to Use Zoom + Contact Person:** Provide step-by-step instructions in plain language on how to access and use Zoom, including contact information for a person who can assist them if needed. Email alone is not helpful for those without internet. A sample instructions sheet is attached in Appendix E.
- d. **Information on Court Procedure + Contact Person:** Provide step-by-step information in plain language on court procedure for hearings, including how to submit exhibits for the hearing and contact information for a person who can assist them if needed. Be sure to let them know the alternative method for submission of evidence if they do not have the technological means or ability to do so.
- e. **Provide a way for SRLs to inform the court of the following:**
 - i. Their phone number and email address, if any;
 - ii. Lack of internet or reliable internet;
 - iii. Lack of ability or limited ability to access the hearing by phone;
 - iv. Lack of ability to submit evidence electronically;
 - v. Lack of childcare or coverage for other caregiver responsibilities;
 - vi. Whether they are ready to have the hearing or need a continuance;
 - vii. How long they think the hearing or trial will take to present their side of the story, including witnesses and evidence;
 - viii. Whether they need any ADA accommodations (See Appendix A regarding disability accommodations in remote proceedings);
 - ix. Whether they, or a witness, needs an interpreter, and if so, what language(s) (See Appendix B & C regarding language services in remote proceedings. There is also an instructions sheet attached as Appendix F); and
 - x. How many witnesses they want to testify on their behalf.
- f. **Provide a list of legal resources serving your area:**
 - i. *State Bar Referral Directory.* 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](#).
 - ii. *Texas Law Help.* The Texas Legal Services Center, a legal aid organization, hosts [Texas Law Help](#), a website that provides free information and resources, including a LiveChat feature for low-income people.

3. Hearings:

- a. **At the beginning of the hearing:**
 - i. *Address potential technical difficulties.*
 - 1. Ask litigants about the reliability of their computer, internet, or phone.
 - 2. Tell litigants what to do if they experience problems with their internet, computer, or phone, such as instructing the litigant to click on the Zoom link again if their connection drops, or to call back into the Zoom number provided.
 - 3. Provide the litigant with a callback number not associated with the Zoom hearing in case they cannot reconnect.

4. Obtain the litigant's phone number or another emergency contact in case it is needed.
 - ii. *Assess the need for disability accommodations or an interpreter.*
 1. Ask the litigant if they need disability accommodations or an interpreter.
 2. Address as needed.
 - iii. *Caretaker responsibilities and privacy issues.*
 1. Ask the litigant if there are any caregiver responsibilities or privacy issues.
 2. Invite them to let you know if these issues arise during the hearing.
 - iv. *Overview of hearing.*
 1. Review what will happen during the hearing in plain language.
 2. Provide information about the proceeding and any procedural requirements involved, including how to upload evidence. If the litigant is participating by phone only, tell the litigant how to provide their evidence to the court.
- b. During the hearing:**
- i. *Oath.* If a party is unable to participate by video, have them recite the oath while on the phone rather than require a notary. If the litigant does not have access to the internet at home or a computer, they likely do not have the funds to pay a notary.
 - ii. *Reasonable Accommodations.* A judge may make reasonable accommodations to ensure all litigants the right to be heard without violating the duty to remain impartial. A judge may consider the totality of the circumstances, including the type of case, the nature and stage of the proceeding, and the training, skill, knowledge, and experience of the persons involved when making reasonable accommodations. For example, a judge may:
 1. Construe pleadings and briefs liberally,
 2. Ask neutral questions to elicit or clarify information,
 3. Modify the mode and order of evidence as permitted by the rules of procedure and evidence, including allowing narrative testimony,
 4. Explain the basis for a ruling, and/or
 5. Inform litigants what will be happening next in the case and what is expected of them.
- c. At the end of the hearing:**
- i. *Litigant's email address.*
 1. If the litigant has access to reliable internet at home (not through a library or public place), ask the litigant if they have an email address.
 2. If so, tell them that notices of future court hearings will be emailed to the email address they gave you.
 3. Tell them to check it daily and warn them of the consequences of missing a hearing.
 4. Tell them how to contact the court if their access to the internet or phone number changes while their case is pending. If they lose access to the internet, they will need to receive notices by mail.
 - ii. *Review next steps.* Tell the litigants what will happen next, and what is expected of them, and inform them of the next hearing date, if known.



Appendix A

Accommodations for Persons with Disabilities

By Brian East, Senior Attorney, Disability Rights Texas

1. Introduction

The ADA and other laws apply to state and local courts,¹ as well as to attorneys.² These laws prohibit disability discrimination and generally require that courts and lawyers provide equal access and an equal experience. Specific obligations include:

- Providing auxiliary aids and services (e.g., interpreters, captioning) to ensure effective communication
- Providing accessible electronic and web content
- Providing reasonable modifications to policies and practices
- Avoiding criteria or methods of administration that have a discriminatory impact (whether done directly or via contracts, etc.)

2. Give instructions for requesting modifications or auxiliary aids and services

- Invite people to ask for any modifications or auxiliary aids and services.
- Describe in detail how parties should make the request.
- Do not require a specific form or rigid adherence to the court's preferred process for requesting accommodations.
- Avoid inflexible deadlines if possible.
- Make sure the information is available in accessible formats.

3. When an attorney, party, or witness is blind or has low vision

- Ensure that web pages are accessible to and usable by screen-reader technology.³
- Use a video platform that is usable by screen-reader technology (Zoom is considered generally accessible to blind individuals who use screen readers).
- Make sure that any documents being used, including exhibits, are in accessible formats.
 - Word and PowerPoint documents have built-in accessibility checkers.
 - PDF documents are only accessible if the Select Text function works (i.e., OCR).
- Ensure, to the extent possible, that any documents are circulated in advance.
 - Understand that Share Screen functions may not work for individuals who are blind.
 - Understand that functions done during the hearing such as zooming in and highlighting may not translate.
- Design any kiosks with accessible features (e.g., "talking," etc.).⁴

¹ 42 U.S.C. § 12131(1).

² 42 U.S.C. § 12181(7)(F).

³ An accessible website generally means it complies with WCAG 2.0 Level AA. See 1 T.A.C. § 206.70(a). *See also* Accessibility Policy of the Texas Judicial System is online at <https://www.txcourts.gov/site-policies/accessibility-policy/>.

⁴ For an example of an accessible kiosk, see the 2010 ADA Standards for Accessible Design, Sec. 707 ("Automatic Teller Machines and Fare Machines"), available online at <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#pgfld-1006537>.

4. When an attorney, party, or witness is deaf or hard of hearing

- Determine the primary or preferred method of communicating (e.g., American Sign Language; Signed Exact English, real-time captioning [CART], etc.).
- Have ongoing contracts with interpreting and captioning services.
- When the primary method of communication is sign language:⁵
 - Remember state law requirements for interpreters.⁶
 - Arrange for the interpreter team to join the video hearing as official interpreters.
 - Ensure that interpreters are court-certified and fluent in the relevant sign language.
 - Do not use the telephone “relay” service for interpreting.
 - Do not use back-and-forth writing with deaf individuals unless they request it.
 - Do not rely on lip-reading.
 - Avoid using TTD or TTY machines.
- If the deaf individual has an attorney or advocate:
 - Ask the attorney/advocate if she will be using a “table” interpreter (i.e., a separate interpreter for private discussions).
 - Be prepared to place the advocate, client, and table interpreters into a private “room” for confidential discussions.
- For real-time captioning:⁷
 - Use a professional CART provider rather than assuming a court reporter can do it.
 - Avoid automated captioning services or programs.
- Lip-reading:
 - Do not rely on lip-reading for deaf individuals who primarily communicate by sign.
 - Occasionally, individuals who are hard of hearing (and particularly those who do not sign) do use lip-reading as part of their communication process. If that is the case, make sure that speakers are close enough to the camera and well-lit.

5. Other Common Modifications/Accommodations

- Recognize that some individuals will use a telephone to connect and may have no webcam.
- Ensure that materials and information use plain language.
- Even after courts re-open, consider remote attendance if needed as a reasonable accommodation because some people have the needed equipment at home and prefer to use it due to familiarity, etc.
- If remote attendance is impossible, consider continuing the hearing to a time that minimizes the risk of exposure to COVID-19.
- If remote attendance is impossible, consider relocating to a place that allows more distancing.

⁵ The ABA’s Commission on Disability Rights has published step-by-step instructions for using interpreters on the Zoom platform, available online at https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/covid/zoomaccessibility.pdf.

⁶ See <https://www.txcourts.gov/lap/>.

⁷ The ABA’s Commission on Disability Rights has published step-by-step instructions for providing Closed Captioning on the Zoom platform, available online at https://www.americanbar.org/content/dam/aba/administrative/domestic_violence1/covid/zoomaccessibility.pdf.



Appendix B

Language Access and Remote Interpretation

Litigants and other court patrons who have limited English proficiency (LEP) need language assistance services such as interpretation and translation to access the courts and resolve their legal problems. The same laws and rules about language access in Texas courts still apply when courts are partially closed and many proceedings are virtual. Below is a recap of the relevant law and some quick tips on best practices for how to provide meaningful access to justice for LEP persons in remote hearings. Many of these recommendations are also best practices in a courtroom setting.

1. Important Terms

- **Limited English Proficient** – Individuals who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." It is important to note that someone can be English proficient in certain contexts but not in others. For example, they may know enough English to accomplish basic tasks like small talk and grocery shopping, but not enough to understand what the teacher is saying at a parent conference or participate in a court proceeding. The English proficiency needed in legal settings is much higher than what most people need in typical daily encounters, which is why legal information and court proceedings can be difficult even for many native English speakers to understand, and why people who know some English often need language assistance services in court. See below for some sample questions to help you assess whether a person would benefit from an interpreter in court.
- **Language access** – An umbrella term encompassing the idea that people with limited English proficiency (LEP) are entitled to meaningful access to programs and services. It implies the existence of laws and policies and the availability of services and supports to ensure that access is not significantly restricted, delayed, or inferior as compared to English proficient individuals.
- **Interpretation** – When a competent interpreter listens to something in one language (source language) and orally translates it into another language (target language).
- **Translation** – When a competent translator renders written text from one language (source language) into an equivalent written text in another language (target language).
- **Sight translation** - The reading of text written in one language (source language) by a competent interpreter who orally translates it into another language (target language).
- **Vital document** - A document that contains information critical for obtaining access to justice. Some examples of vital documents that courts may need to translate to ensure that LEP individuals are provided meaningful access can include information about and applications for programs, benefits, or services; intake forms; court forms; consent or complaint forms; notices of rights; letters or notices that require a response or responsive action; or orders that prohibit or compel conduct; and information about language assistance services.
- **Simultaneous interpretation** - When a competent interpreter listens to something in one language (source language) and orally translates it into another language (target language) in real-time without pauses.
- **Consecutive interpretation** – When a competent interpreter listens to something in one language (source language) and orally translates it into another language (target language) while the speaker pauses to allow for the interpretation before continuing.

2. State and Federal Law

- **Title VI of the Civil Rights Act of 1964**

Title VI and its implementing regulations prohibit national origin discrimination in court programs and services, whether criminal, civil, or administrative.¹ The regulations prohibit discriminatory conduct such as providing a service or benefit that is different, or provided in a different manner, from what is provided to others under the program or that restricts in any way the enjoyment of any advantage or privilege enjoyed by others under the program on the basis of national origin.² The regulations also prohibit administering programs in a manner that has the effect of discriminating in those ways or “substantially impairing accomplishment of the objectives of the program” based on national origin.³ In 1974, the U.S. Supreme Court held that Title VI’s prohibition against discrimination on the basis of national origin includes discrimination against LEP individuals based on language.⁴

This means that courts must “ensure that LEP parties and witnesses receive competent language services ... At a minimum, every effort should be taken to ensure competent interpretation for LEP individuals during all hearings, trials, and motions during which the LEP individual must and/or may be present.” In situations where courts typically rely on written communication, translating documents that are vital to providing meaningful access is also required.⁵ Language assistance must be provided free of charge.⁶

- **Texas Government Code Chapter 57**

Section 57.002 defines when a judge must appoint a licensed court interpreter⁷ and when a judge may appoint an unlicensed court interpreter. It also describes the minimum criteria an unlicensed interpreter must meet to be appointed in a court proceeding. It applies to all courts and both civil and criminal proceedings. Because the language of the statute has become somewhat convoluted over the years, we have summarized its requirements in the charts below for simplicity’s sake.

The first chart illustrates when a judge is required to appoint an interpreter and when the judge has discretion to appoint an interpreter. The second chart is for after a judge decides to appoint an interpreter either because a motion was filed, a request was made, or the judge decided *sua sponte* that an interpreter is needed to provide meaningful access to the proceeding for an LEP person. It illustrates when a judge must appoint a licensed court interpreter and when a court has discretion to appoint an unlicensed court interpreter. It also shows what minimum criteria an unlicensed court interpreter must meet to interpret in a Texas court proceeding.

¹42 U.S.C. § 2000, *et seq*

² 28 C.F.R. § 42.104(b)(1) (Aug. 26, 2003).

³ 28 C.F.R. §§ 42.104(b)(2), 42.203(e) (1966).

⁴ *Lau v. Nichols*, 414 U.S. 563, 569 (1974).

⁵ *Id.* at 41,463.

⁶ *Id.* at 41,462.

⁷ There are two types of licenses for Texas court interpreters: a basic license that authorizes you to interpret in municipal and justice courts, and a master license that authorizes you to interpret in any Texas court. When you hire a licensed interpreter, be sure they hold the appropriate license for your court.

When are you required to appoint an interpreter?

When to Appoint an Interpreter According to Tex. Gov. Code § 57.002	
Court <u>must</u> appoint an interpreter	Court <u>may</u> appoint an interpreter
When a party files a motion for an interpreter or a witness requests an interpreter in a civil or criminal proceeding. ^{8 9}	Upon its own motion for an LEP person. ¹⁰

⁸ Tex. Gov. Code. Sec. 57.002(a).

⁹ Tex. Gov. Code Sec. 57.001(7) states a “court proceeding” “includes an arraignment, deposition, mediation, court-ordered arbitration, or other form of alternative dispute resolution.”

¹⁰ Tex. Gov. Code Sec. 57.002(b). Note the statute does not specify that the person must be a party or a witness. An example of a situation where a court may elect to appoint an interpreter for an LEP person who is not a party or witness is when the parent of a minor who is a party or witness has limited English proficiency and needs an interpreter to comprehend the proceeding affecting his or her child. In some cases involving minors, state law includes parents and guardians in the definition of “party” or “plaintiff,” but the court may appoint an interpreter for the parent even in cases where they are not explicitly a “party.”

Step Two: Does the interpreter have to be licensed? If not, what criteria must the interpreter meet?

Appointing a Licensed v. Unlicensed Court Interpreter According to Tex. Gov. Code § 57.002			
	County with population of at least 50,000 ¹¹	County with a population under 50,000	County to which Section 21.021 of Tex. Civ. Prac. Rem. Code applies ¹²
Must appoint a licensed court interpreter	When language is Spanish	No	No
May appoint an unlicensed court interpreter	<ol style="list-style-type: none"> When language is not Spanish; The judge makes a finding that there is no licensed court interpreter available within 75 miles; and If the interpreter is: <ol style="list-style-type: none"> qualified by the court as an expert under the Texas Rules of Evidence; at least 18 years of age; and not a party to the proceeding. 	If the interpreter is: <ol style="list-style-type: none"> qualified by the court as an expert under the Texas Rules of Evidence; at least 18 years of age; and not a party to the proceeding. 	If the interpreter is: <ol style="list-style-type: none"> qualified by the court as an expert under the Texas Rules of Evidence; at least 18 years of age; and not a party to the proceeding.

¹¹ The counties with a population over 50,000 that aren't subject to Tex. Civ. Prac. Rem. Code Sec. 21.021 are Anderson, Angelina, Bastrop, Bell, Bexar, Bowie, Brazoria, Brazos, Cherokee, Collin, Comal, Coryell, Dallas, Denton, Ector, Ellis, Fort Bend, Grayson, Gregg, Guadalupe, Hardin, Harris, Harrison, Hays, Henderson, Hood, Hunt, Johnson, Kaufman, Kerr, Liberty, Lubbock, McClennan, Midland, Montgomery, Nacogdoches, Orange, Parker, Potter, Randall, Rockwall, Rusk, San Patricio, Smith, Tarrant, Taylor, Tom Green, Travis, Van Zandt, Victoria, Walker, Wichita Williamson, and Wise.

¹² At this time, Sec. 21.021 applies to Cameron, Culberson, El Paso, Galveston, Hidalgo, Hudspeth, Jefferson, Maverick, Nueces, Starr, Terrell, Val Verde, Webb, and Zavala counties.

- **Code of Criminal Procedure 38.30**

Requires a court to appoint an interpreter upon a party's motion or upon the court's motion if the accused or a witness does not have English proficiency.¹³ Before Section 57.002 became law, "any person" could be appointed as an interpreter in criminal proceedings regardless of their qualifications. However, as of 2001, when a court appoints an interpreter in a criminal proceeding, the interpreter must fulfill the requirements of 57.002.¹⁴ The statute also requires the county to pay for the interpreter in criminal proceedings.

- **Texas Rule of Civil Procedure 183**

A court may appoint an interpreter and may tax the interpreter fee as costs unless the law provides otherwise or the litigant has filed an uncontested Statement of Inability to Afford Payment of Court Costs pursuant to Tex. R. Civ. Proc. 145.

- **Texas Rule of Civil Procedure 145**

A party who files a Statement of Inability to Afford Payment of Court Costs cannot be required to pay costs except by order of the court supported by detailed findings that the declarant can afford to pay costs issued after an oral evidentiary hearing. "Costs" as defined by Rule 145 include the fees for an interpreter or translator. Therefore, LEP parties who file a Statement of Inability to Afford Payment of Court Costs must not be charged for the language assistance services they need to have meaningful access to the court.

3. Remote Hearings

Zoom

Interpretation can be provided remotely in virtual proceedings on Zoom both simultaneously and consecutively.¹⁵ Zoom allows for simultaneous interpretation by providing a separate audio channel that only the LEP person will hear. You can also use "breakout" rooms when an interpreter is needed for an attorney and client to have a private conversation during a proceeding. See *How to Use Simultaneous Interpretation in Zoom Proceedings* for detailed instructions about remote interpretation in Zoom for more information about scheduling the proceeding with an interpreter and using the interpreter controls during the proceeding.

¹³ Tex. Code of Crim. Proc. Art. 38.30(a).

¹⁴ *Ridge v. State*, 205 S.W.3d 591, 596-597 (Tex. App.—Waco 2006, pet. ref'd) (holding that a trial court has an independent duty to appoint a *licensed* interpreter if the court is made aware that a defendant or witness does not understand the English language, unless the defendant expressly waives the right to a *licensed* interpreter); *Franco v. State*, No. 04-16-00090-CR, 2017 WL 781033 at *1-*2 (Tex. App.—San Antonio 2017, pet. ref'd) (the appointment of an interpreter by a trial court is governed by section 57.002 of the Texas Government Code and article 38.30 of the Texas Code of Criminal Procedure). See also Op. Tex. Att'y Gen. No. JC-0584 (2001) (concluding that when a court appoints a spoken-language interpreter in a criminal case, chapter 57 establishes the requisite interpreter qualifications. Therefore, the interpreter must be licensed under chapter 57 unless the section 57.002(c) exception applies.).

¹⁵ Most Texas courts are using Zoom for remote proceeding so we are focusing on Zoom here. If your court is using a different platform such as WebEx and you need help developing protocols for remote interpretation, you may contact the Texas Access to Justice Commission by emailing atjmail@texasatj.org.

What to do Before the Proceeding

- **Notice** – As mentioned in the *Best Practices for Court in Zoom Hearings Involving SRLs*, include with your notice Spanish (and any other languages common in your jurisdiction) instructions about how to contact the court for language assistance. Using an interpreter [icon](#) can also help LEP persons who speak languages other than Spanish or who have low literacy. Language assistance may include translation or sight translation of the notice and interpretation for the proceeding(s).
- **The LEP Person** – When you learn an LEP person will need an interpreter for a remote proceeding, confirm their preferred language to ensure you select an interpreter that will be able to communicate with them. Be sure to find out if they need any specific dialect. Some languages vary greatly between dialects. Also determine if the person has the technology they need to participate remotely. The simultaneous interpretation feature in Zoom will only work if the LEP person is able to join via the internet through a computer or other device. **It will not work if they call in over the phone.** They will need stable access to the internet and the latest version of Zoom to participate.¹⁶ If they don't, you can still use a remote interpreter via Zoom, but the interpretation will need to be consecutive instead of simultaneous and you will need to plan for a longer proceeding.
- **The Interpreter**
 - **Selecting an Interpreter:** After confirming the preferred language of the LEP person, you will need to select an interpreter. If you already have an interpreter for your court in the language you need, this will be easy. If not, you may be able to find an interpreter through an existing contract your court or county already has, or you may need to hire an interpreter independently. If the language is Spanish and the proceeding is going to be short, you can use OCA's [Texas Court Remote Interpreter Service \(TCRIS\)](#) to schedule a free interpreter. For remote proceedings you also have the option of hiring licensed interpreters [from anywhere in the state](#).¹⁷ Similarly, where the law allows you to hire an unlicensed interpreter and a licensed one is not available, you can [hire an interpreter from anywhere](#) without incurring travel costs. Just remember that even unlicensed interpreters must meet the minimum requirements in Section 57.002.
 - **Sample Questions to Help Assess Interpreters:** These questions can be used to assess an interpreter you are considering hiring for a proceeding or to assess an interpreter prior to appointing them and swearing them in during the proceeding.¹⁸
 - Are you a Texas licensed court interpreter?
 - What is your license level and number?
 - How long have you been an interpreter?
 - How many times have you interpreted in court?
 - What credentials or specialized training do you hold?
 - Describe the [Texas Code of Ethics and Professional Responsibility for Licensed Court Interpreters](#).

¹⁶ Some of the earlier versions of Zoom do not include the interpreter function.

¹⁷ Other options for finding competent interpreters are the [Texas Association of Judiciary Interpreters and Translators](#), [Metroplex Interpreters and Translators Association](#), [Houston Interpreters and Translators Association](#), [El Paso Interpreters and Translators Association](#), [Austin Area Translators and Interpreters Association](#), [National Association of Judiciary Interpreters and Translators](#), and [American Translators Association](#).

¹⁸ Here is an example video of assessing an interpreter prior to appointing them and swearing them in: [Example of Court Interpreter's Interview to Verify Credentials](#).

- **Best Practice Tip:** Please note that if the proceeding is expected to be long or complex, the best practice is to hire two interpreters to interpret as a team by switching off approximately every 30 minutes. This is because the cognitive load of interpreting for long stretches is very taxing and the longer an interpreter interprets, the more likely they are to make mistakes. In fact, the accuracy of most interpreters begins to show a measurable decline after 30 minutes of interpreting. The cognitive load of remote interpretation is even higher than on-site interpretation, so team interpretation may be even more useful for longer remote proceedings. Taking regular breaks is another option if you are unable to use an interpreter team for a long or complex proceeding.
- **Technology Needs for Interpreter:** In addition to ensuring that the interpreter you select meets the requirements of Section 57.002, for remote proceedings you will also want to ensure that they have what they need to minimize the chances of any problems with the technology that could cause a delay. For example, they will need a computer or other device, webcam, headset and the latest version of Zoom on their device, as well as stable internet access and a place to work with minimal background noise and distractions. If they have never used Zoom for remote interpretation before, you may wish to arrange a practice run with them prior to the proceeding to ensure everything is going to work properly.¹⁹
- **Provide Pleadings or Documents:** Provide the interpreter with the pleadings or other documents that are relevant to the proceeding to familiarize themselves with names, parties, and unique vocabulary.
- **Inform Litigant:** Once you have arranged for the interpreter, let the litigant know in their preferred language that you have done so. Knowing there will be an interpreter can help reduce the anxiety for the litigant and give them an opportunity to focus on other aspects of preparing for their proceeding.

During the Proceeding

- See *How to Use Simultaneous Interpretation in Zoom Proceedings* for detailed information about using the interpretation features and conducting a remote hearing in Zoom.
- **Explain the role of the interpreter** to the LEP person including the following:
 - The interpreter will interpret everything said in the proceeding with no additions, omissions, explanations, or personal input.
 - The interpreter cannot give advice, make suggestions, or engage in private conversation with the LEP person.
 - The LEP person should raise a hand if s/he has a question or does not understand something during the proceeding rather than asking the interpreter to explain it.
- **Perform a sound check** including allowing the interpreter and LEP party to assess whether they can hear and understand each other.
- **Instruct participants on these best practices before you begin:**
 - Speak slowly, clearly, and one at a time. Whenever possible use plain language and avoid “legalese” and unnecessary terms of art.
 - Speak directly to the participants as you normally would in court, not to the interpreter.
 - Do not ask the interpreter to explain or restate what the LEP person said.

¹⁹ You may wish to share this video from the University of Arizona National Center for Interpretation with the interpreter. It is geared toward interpreters and provides a detailed explanation of using Zoom for remote interpretation: [Expanding your Toolbox: Using Zoom for Remote Simultaneous Interpreting \(RSI\)](#).

- During consecutive interpretation such as witness testimony, use short, complete sentences and pause after each complete thought to allow for interpretation.
- Open any statement to the interpreter with “Mr./Ms./Mx. [Interpreter Name]” or “Mr./Ms./Mx. Interpreter” to alert the interpreter that they are being addressed.
- Encourage the interpreter to request repetitions or clarifications as needed throughout the proceeding.
- Attorneys representing LEP litigants may use a Zoom breakout room to consult with their client if necessary. If they need an interpreter, the interpreter will be able to join them in the breakout room.
- Immediately alert the court if they are unable to hear or understand the participant who is speaking, or if the equipment they are using is not working properly.
- Instruct all participants about what to do if they get disconnected due to a problem with the internet or other technology including providing contact information for a staff person who will be responsive if needed.
- Give basic instructions about what the participants can expect and need to do to use the interpreter mode in Zoom.
- Ask the interpreter to say and spell their name for the record and what type of license they hold, if any, and to state their license number for the record.
- Administer the interpreter’s oath.²⁰
- Red Flags: During simultaneous interpretation only the LEP person will hear the interpretation, but during consecutive interpretation be aware of these red flags that may indicate poor quality interpretation:
 - The interpretation is much longer or much shorter than what was said in the source language.
 - The LEP person repeatedly asks for repetition or clarification.
 - The LEP person appears to be correcting or disagreeing with the interpreter.
 - The LEP person attempts to speak in English without using the interpreter.
 - The interpreter doesn’t seem to have a strong command of English.
 - There are non-verbal cues on the part of the interpreter or LEP person that indicate there is some sort of problem.
 - The interpreter doesn’t appear to take notes, especially for names, numbers, and long segments of speech.
 - The interpreter seems to be engaging in side conversations.
 - The interpreter has an inappropriate facial expression or tone. This could indicate the interpreter is not neutral or is biased in some way that could affect the accuracy of the interpretation.
 - The interpreter answers for the LEP person or attempts to explain or elaborate on the LEP person’s answer.
 - The interpreter attempts to modify or discredit the LEP person’s answer.
 - The LEP person appears unusually uncomfortable or confused or has an inappropriate facial expression or tone.
- When Party or Witness Has Difficulty Communicating: If you are in a proceeding without an interpreter and a litigant or witness is having difficulty communicating, these are some

²⁰ Tex. R. Evidence 604 requires that interpreters are qualified and take an oath. Sample interpreter’s oath: “Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Code of Ethics and Professional Responsibility; follow all official guidelines established by this court for legal interpreting; and discharge all of the duties and obligations of legal interpretation?”

questions you can ask to assess whether an interpreter may be needed. Avoid questions that can be answered with a yes or no and try using questions that are slightly more complex to approximate the type of language that is common in court. If the person has difficulty answering these questions in a meaningful way, an interpreter is recommended.

- Please tell the court your name.
- How did you arrive at court today?
- In what language do you feel most comfortable speaking and communicating?
- Tell me about your education.
- How comfortable are you proceeding with the matter as we are communicating now?
- What is the purpose of your court hearing today?
- To help me evaluate your English language proficiency, would you be willing to describe for me a scenario in which you may have found it challenging to communicate effectively in spite of familiarity with the content?

After the Proceeding

If there is a written decision or order, especially one that prohibits or compels action of any kind, enumerates rights or responsibilities, or requires a response or action to be taken, it is probably a vital document that needs to be translated for the LEP person.²¹

²¹ See *State of Vermont v. Onix Fonseca-Citron*, No. 2018-197 (Vt. June 12, 2020) (order granting Defendant's request for translation of the Supreme Court's opinion affirming his conviction pursuant to Title VI of the Civil Rights Act of 1964). See also Michael W. Finigan, Ph.D. and Theresa Herrera Allen, Ph.D., Evaluation of the Introduction of Plain Language Forms with a Spanish Translation in Two Family Court Settings (October 2016), https://richardzorza.files.wordpress.com/2016/11/plain-language-report_10-24-16.pdf (Spanish-speakers in Travis County, Texas who did not receive their protective orders in Spanish were three times more likely to violate them than those who received their order in Spanish. The reduction in enforcement proceedings saved the court over \$100,000 in a six week period.).



Appendix C

How to Use Simultaneous Interpretation in Zoom Proceedings

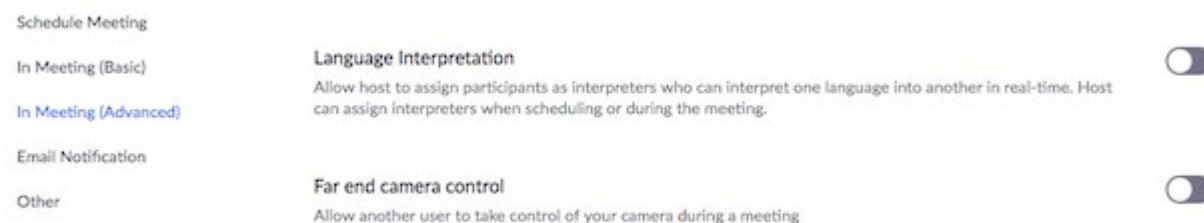
1. Simultaneous Interpretation Function¹

Zoom offers a language interpretation feature that allows interpreters to interpret in the simultaneous mode² while the LEP individual listens to the interpretation on a separate audio channel. When this feature is enabled, the other participants do not hear the interpretation.³

2. Language Interpretation Setup

To allow Hosts/Schedulers of meetings on your Zoom account to use the interpretation features, enable these features in your account settings.

- Sign in to the Zoom web portal and click Settings.
- Enable Language Interpretation under the In Meeting (Advanced) heading.



3. Scheduling a Proceeding with an Interpreter

- Navigate to Meetings and click Schedule a New Meeting.
- Click Generate Automatically next to Meeting ID. This setting is required for language interpretation.
- Check the box to Enable Language Interpretation for the meeting.
- If you do not know whom the assigned interpreter will be, just click "Schedule" for now.

¹ Prerequisites

Business, Education, or Enterprise Account; or Webinar add-on plan

Zoom Desktop Client

Windows: 4.5.3261.0825 or higher

macOS: 4.5.3261.0825 or higher

Zoom Mobile App

Android: 4.5.3261.0825 or higher

iOS: 4.5.0 (3261.0825) or higher

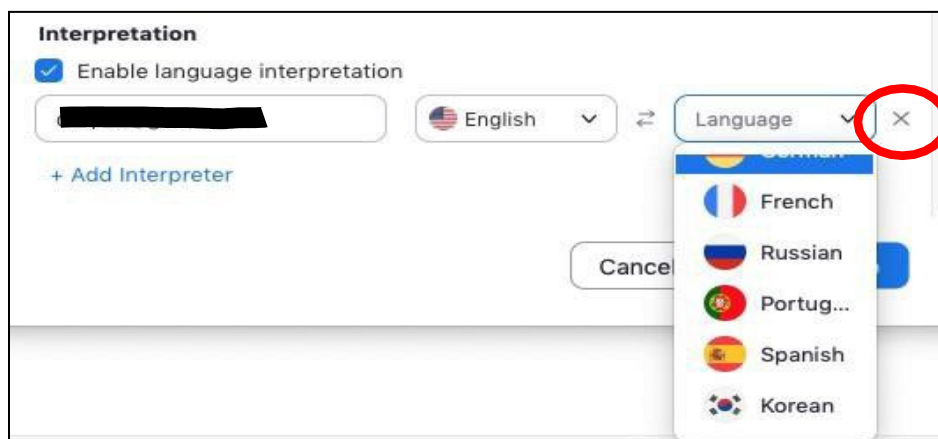
Meeting with an automatically generated meeting ID

² Simultaneous interpretation is a competent interpreter listening to something in one language (source language) and orally translating it into another language (target language) in real-time without pauses. Consecutive interpretation is a competent interpreter listening to something in one language (source language) and orally translating it into another language (target language) while the speaker pauses to allow for the interpretation before continuing.

³ This video demonstrates most of what is covered in these instructions: [Using Zoom's Interpretation Features](#).



- If you know whom the interpreter will be, click “+ Add Interpreter” to display the screen below. Enter the interpreter’s email address and the language in the second dropdown box keeping the first dropdown box as English. The interpreter will need to log on with the same email address you enter here, so you may want to confirm that this is the correct email address for their Zoom account.⁴ Click “Schedule” when done.



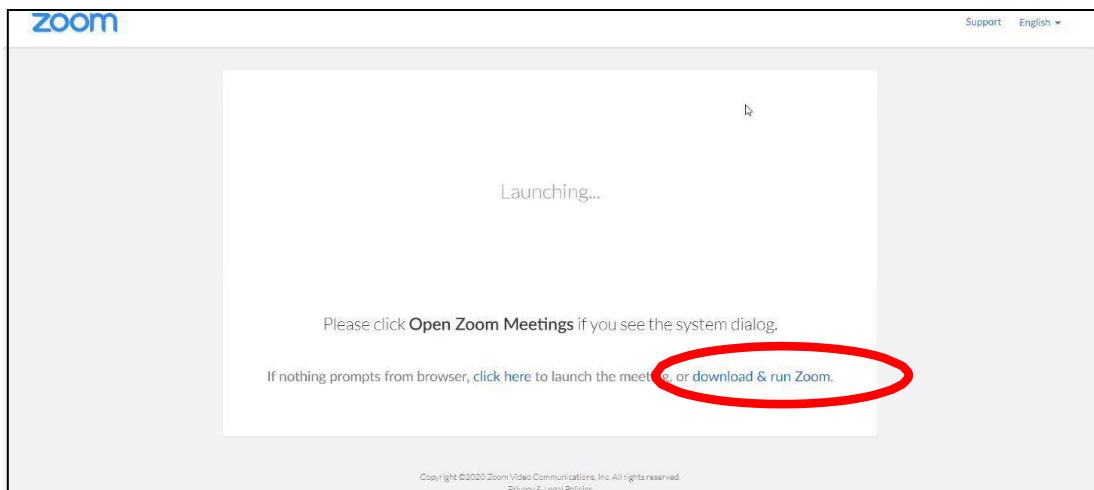
You can also click the “X” to close out these fields and then click “Schedule.” You **MUST** remember to send the interpreter a Zoom meeting invitation along with the rest of the invitees.

NOTE: Zoom has several pre-set language choices including Chinese, Japanese, German, French, Russian, Portuguese, Spanish, and Korean. If you need a language other than one of these choices, you will need to designate one of these languages as a “catch-all” language. In other words, you can use the interpretation feature even if your language isn’t listed, but you will need to be sure everyone involved knows that the controls in Zoom will list a different language than what the interpreter will actually be interpreting to ensure that everyone selects the correct options in the following steps.

4. Joining the Zoom Proceeding

Joining a Zoom proceeding that will involve interpretation works just like joining any other Zoom proceeding. The best practice is to download and log into the latest version of Zoom prior to the proceeding, but it is possible to download and run Zoom when the meeting is launching.

⁴ Interpreters may use the interpreter features with a Basic (free) account as long as the Host has the prerequisite Zoom service. See fn 1.



If any of the following situations occur, Zoom’s simultaneous interpretation function **WILL NOT** work and you will need to conduct the hearing with the interpreter using the consecutive mode:

- Participant joins by telephone only (no video).
- Participant joins by Zoom for video but is using a telephone for audio.
- Participant joins through the meeting link via their web browser.
- Participant joins using a Chromebook.⁵

5. **Getting Started**

Once the hearing begins but before the Host enables the simultaneous interpretation function, the Host should provide instructions to all participants explaining what they will need to do. Following is an example:

- Go on the record and call the case.
- The Interpreter
 - Ask the interpreter to say and spell their name for the record.
 - Ask the interpreter what type of license they hold, if any, and to state their license number for the record.
 - If they are unlicensed, ask them a short set of questions to establish they meet the requirements of Section 57.002.⁶
 - Administer the interpreter’s oath.⁷
 - Give participants instructions. The interpreter will interpret these in consecutive mode.

○ *“The Court will be using the services of a remote court interpreter.”* [pause for

⁵ This functionality may be added for Chromebook, but is not available at publication.

⁶ Under Tex. Gov. Code § 57.002, even when you are allowed to appoint an unlicensed interpreter to interpret a court proceeding, that interpreter must still be qualified by the court as an expert under the Texas Rules of Evidence; at least 18 years of age; and not a party to the proceeding. [Here](#) is an example of how it is done in federal court that could easily be adapted for Texas courts and the requirements of § 57.002.

⁷ Tex. R. Evidence 604 requires that interpreters are qualified and take an oath. Sample interpreter’s oath: “Do you solemnly swear or affirm that you will interpret accurately, completely and impartially, using your best skill and judgment in accordance with the standards prescribed by law and the Code of Ethics and Professional Responsibility; follow all official guidelines established by this court for legal interpreting; and discharge all of the duties and obligations of legal interpretation?”

interpretation]

- *“Once I turn on the simultaneous interpretation function, the only person who will hear the interpretation will be Mr./Ms./Mx. [LEP Person].” [pause for interpretation]*
- *“The role of the interpreter is to interpret everything said in the proceeding with no additions, omissions, explanations, or personal input. [pause for interpretation]*
- *The interpreter cannot give advice, make suggestions, or engage in private conversation with you Mr./Ms./Mx. [LEP Person] or with anyone else. [pause for interpretation]*
- *Mr./Ms./Mx. [LEP Person], Raise your hand to let us/your attorney know if you have a question or do not understand something during the proceeding. Please do not ask the interpreter to explain it to you or for any advice.” [pause for interpretation]*
- *“Mr./Ms./Mx. Interpreter, after the interpretation function is turned on you will see a welcome screen that says ‘You’ve been assigned as an interpreter’ and you should click ‘OK.’” [pause for interpretation]*
- *Once you click OK, you should see a screen that will allow you to switch back and forth between [non-English language] and English. [pause for interpretation]*
- *When you are on the [non-English] channel, only Mr./Ms./Mx. LEP person will hear you. [pause for interpretation]*
- *If you need to ask for repetition or clarification or need us to pause or anything else, please raise your hand and switch to the English channel to address the Court. [pause for interpretation]*
- *Whenever you are on the English channel, please interpret in the consecutive mode [pause for interpretation]*
- *“For the rest of you, if you’re joining on a computer, you should see a notification that says ‘Interpretation is available’ over an ‘Interpretation’ icon that looks like a globe.” [pause for interpretation]*
- *“If you’re joining on a smart phone, you may find the ‘Language Interpretation’ option under ‘More’ over some dots.” [pause for interpretation]*
- *“Everyone must click on the interpretation icon to select your preferred language.” [pause for interpretation]*
- *“Mr./Ms./Mx. [LEP Individual], you should click on the “[Non-English language]” which will be the [2nd/ 3rd/etc.] on the list of options. [pause for interpretation]*
- *“Once I turn on the simultaneous interpretation you will hear us speaking English in the background at about 20% volume and you will hear the interpreter at about 80% volume over that. [pause for interpretation]*
- *If you prefer to hear only the interpreter, there is an option to “mute original audio” right under where you select [Non-English language]. Once I turn on the simultaneous interpretation, let us know if you have any trouble getting it to work the way you want it to. [pause for interpretation]*

- *“Everyone else should click ‘English.’” [pause for interpretation]*
 - *Before I turn on the simultaneous interpretation, does anyone have any questions about what I’ve said so far? [pause for interpretation]*
 - *“I’m going to turn on the simultaneous interpretation function now.” [pause for interpretation]*
- b. Enable the Simultaneous Interpretation function.
- [Once the simultaneous interpretation is on and you have given everyone a moment to select the appropriate options] Confirm all the participants can hear.
“Can everyone hear the language that they selected? Please raise your hand if you can hear the language you want to hear.”
 - If everyone can hear, begin with some additional instructions regarding interpretation.
“Now that we are in simultaneous mode, I want to give some brief additional instructions to help make this go as smoothly as possible.”
 - *Speak slowly, clearly, and one at a time. Whenever possible use plain language and avoid “legalese” and unnecessary terms of art.*
 - *Speak directly to the person you are addressing as you normally would in court, not to the interpreter.*
 - *Do not ask the interpreter to explain or restate what Mr./Ms./Mx. [LEP individual] said.*
 - *During consecutive interpretation such as witness testimony, use short, complete sentences and pause after each complete thought to allow for interpretation.*
 - *Open any statement to the interpreter with “Mr./Ms./Mx. [Interpreter Name]” or “Mr./Ms./Mx. Interpreter” to alert the interpreter that they are being addressed.*
 - [If there is an attorney representing the LEP individual] *Mr./Ms./Mx. [Attorney name], if you need to confer with your client, please raise your hand to let us know. You can use a breakout room. If you need the interpreter to join you, please let us know. Only consecutive interpretation mode is available in the breakout rooms.*
 - *Immediately raise your hand if you are unable to hear or understand the person speaking, or if the equipment you are using is not working properly.*
 - [Instruct all participants about what to do if they get disconnected due to a problem with the internet or other technology including providing contact information for a staff person who will be responsive if needed.]
 - Begin the proceeding as you normally would.

6. Enabling the Simultaneous Interpretation Function

The simultaneous interpretation option appears at the bottom of the Host’s screen as an icon that looks like a globe. **Only the Host can enable this function, not a Co-Host.**

Host's Screen



When the Host clicks on the “Interpretation” icon, a “Language Interpretation” screen will pop-up. The Host should start typing the name of the interpreter, which should populate the interpreter field or display a dropdown list of choices.

A screenshot of the 'Language Interpretation' screen. At the top, it says 'Language Interpretation' with a close button (X). Below that, there is a section for 'Interpreter 1' with a text input field containing 'molly'. Underneath the input field, there are two dropdown menus for language selection. The first dropdown is set to 'English' with a US flag icon. The second dropdown is set to 'Russian' with a Russian flag icon. At the bottom of the screen, there are two buttons: '+ Add Interpreter' and 'Start'.

Once the interpreter’s name appears in the interpreter field, the Host must select the appropriate non-English language and then click “Start.” The Host can assign multiple interpreters as needed.

Interpreter's Screen

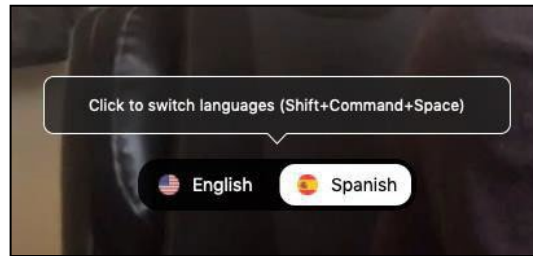
After the Host clicks “Start,” the interpreter will see a Welcome screen that is visible only to the interpreter. When the interpreter clicks “OK,” Zoom automatically chooses the non-English language for them.

Welcome

You have been assigned as an interpreter.

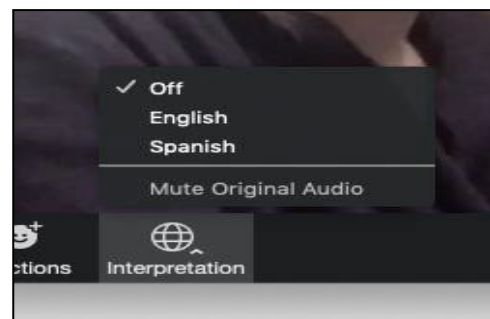
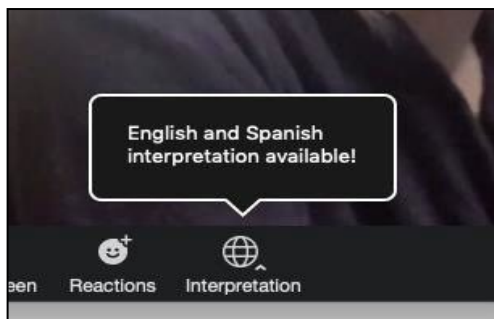
A screenshot of the 'Welcome' screen for the interpreter. It shows two language selection buttons: 'English' with a US flag icon and 'German' with a German flag icon. Below these buttons is a blue 'OK' button.

After the interpreter clicks “OK,” the interpreter sees a screen that allows them to toggle back and forth between English and the non-English language audio channels.



Participant's Computer Screen

Once the simultaneous interpretation feature has been activated by the Host, the other Participants will see a pop-up notice on their screens indicating, "interpretation is available" or "language interpretation." The Host should remind participants of the instructions to click on the Interpretation icon (not the message bubble) to select their preferred language.



Participant's Smart Phone Screen



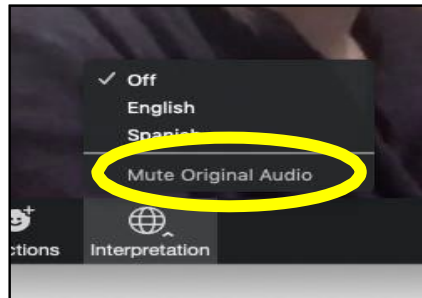
The court, staff, and attorneys should choose "English" while the LEP individual chooses the [Non-English] language. Once all of the participants have chosen their preferred language channel, simultaneous interpreting can begin.

Confirm all the participants can hear by saying, "Can everyone hear the language that they selected? Please raise your hand if you can hear." Instruct participants to alert the Court if anybody has difficulties hearing by raising their hand at any point during the proceeding.

During the Hearing

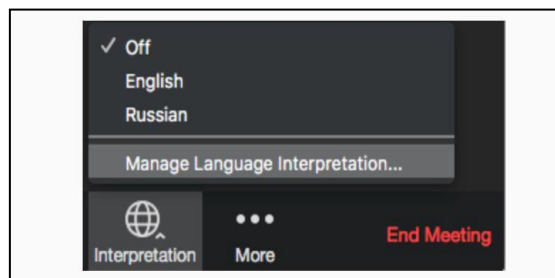
When the simultaneous interpreting function is on, the interpretation will not be audible to anyone except the

LEP individual and anyone else who has selected the non-English audio channel. The LEP individual should hear the English speakers at about 20% volume while the interpretation will be heard at about 80% volume. It may be helpful for the court to inform the LEP individual that if they want to hear only the interpretation, they can click “Mute Original Audio.”



Ending the Simultaneous Interpreting Option

To stop the Simultaneous Interpretation function at any time, the Host can click the “Interpretation” icon and choose “Manage Language Interpretation.”



Once the language interpretation screen is displayed, the Host should click “End” to stop the interpretation. The Host can stop and restart the interpretation function as often as necessary. Interpretation should be in consecutive mode when the simultaneous function is turned off.



Livestreaming on YouTube

If the court is planning on livestreaming the proceeding on YouTube and the simultaneous interpretation function is enabled, viewers will NOT be able to hear the interpretation audio channel, only the original audio channel. Cloud recordings will also only record the original audio, not the interpreter audio channel. Proceedings recorded on a local computer will record any audio channels that the person recording it can hear.

Breakout Rooms

If the court needs to send an attorney and their LEP client into a breakout room with the interpreter, the simultaneous interpretation function will not work in the breakout room. Before sending participants into a breakout room, the Host should turn off the interpretation function as described above. Interpretation in a breakout room will be conducted in the consecutive mode, which is the method that mimics an in-person encounter. If the simultaneous interpretation feature is needed after participants return from the breakout room, the Host can turn the feature back on and instruct participants to choose their audio channel again.

Two Interpreters Working as a Team

Two interpreters working as a team can share one audio channel and switch off while interpreting in the simultaneous mode. Both the active and resting interpreter will listen to the English speakers and switch off as needed with only one interpreter interpreting at a time. When interpreters are working as a team, they are not able to hear the other interpreter's interpretation. It may be helpful for them to have an opportunity to communicate prior to the proceeding to agree on how they will communicate and switch off. They may need to pause the proceedings for a moment while they switch off.

Appendix D
Sample Notice of Hearing and
Information to Send with the Notice of Hearing

FOR USE IN CIVIL CASES

When Notice of Hearing Issues at the Same Time as the Citation:

- It is a best practice to include the information regarding technology, accessibility, interpreters, or other needs in the Notice of Hearing and attach more detailed information on what to expect in the upcoming hearing to the citation.
- Courts should provide parties with both a telephone number and an email address where parties will receive a prompt and timely response. Some parties do not have access to the internet and cannot send email.

When Notice of Hearing Issues After the Citation Issues:

- When a notice of hearing will be sent later in the case after citation issues, it is a best practice to send information on what to expect in any upcoming hearing in a separate letter.
- If the information and the notice of hearing is sent by USPS and is returned as undeliverable, the court is urged to contact the party by alternative methods, if available (e.g., if the party listed their phone number or email address on their answer). The Court should also appropriately consider whether the information was received by the party when hearing the case.

See page 2 for a suggested Notice of Hearing template.

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

Notice of Hearing

Your case is set for a court hearing on [date] at [time] with Justice of the Peace Court, Precinct [#].

The court hearing will be held online using a video conferencing program called [Zoom/WebEx]. **Please do not come to the courthouse.**

At least 5 days before the hearing, please read the attached instructions on how to participate in the hearing using Zoom. The instructions include 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 access to internet 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 need reasonable accommodations for yourself or a witness with disabilities;
3. You need an interpreter for yourself or a witness, including which language(s) are needed;
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.

The court will do its best to accommodate parties and witnesses with disabilities or other specific needs, or who have a good reason why they cannot participate in the hearing.

Respectfully,

[Clerk of the Justice Court]

[Name of Justice of the Peace]

[Justice of the Peace, Precinct X]

Important Information on Remote Hearings in Civil Cases

1. A lawsuit involving you has been filed: 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 notice of hearing telling you the date and time that a judge will hear your case. In some cases, like evictions, the notice of hearing is attached to the packet of information that is served on you by a sheriff, constable, or process server. Always check to see if a notice of hearing was included in that information.
2. Your court hearing will be held online, not at the courthouse: Your court hearing will be held online through a software application called [Zoom/WebEx]. Please do not go to the courthouse.
3. Contact the court **immediately** if you cannot participate in the hearing for the following reasons: Please contact [the court coordinator, clerk, etc] at (xxx) xxx-xxxx or [email address] if:
 - a. You do not have the technology or ability to participate by Zoom (See attached information for details);
 - b. You need reasonable accommodations for yourself or a witness with disabilities;
 - c. You need an interpreter for yourself or a witness, including which language(s) are needed;
 - d. 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 you to send it (See attached information for details); or
 - e. You are asking the court to delay the hearing for a good reason.
4. If you do not attend the hearing, there could be serious consequences: If you fail to attend any remote or in-person hearing, the court is likely to rule against you or dismiss your case if you are the one who filed it.

How to Participate in a Remote Court Hearing and What to Expect

1. Contact the Court with your email address and phone number: Please contact [the court coordinator, clerk, etc] at (xxx) xxx-xxxx or [email address] and provide the following information:
 - a. *[Personalize for your court's requirements]*
 - b. *[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 needs 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).
 - i. The court may email you about your case, such as letting you know about a delay in the hearing date. The opposing party may email you evidence they have against you.
 - ii. It is important to check your email daily for information about your case. Check your spam or junk folders in your email account too, in case emails from the court or opposing party get sent to those folders.
 - iii. You will need to email the judge and the opposing party any evidence you have that helps prove your side of the case.
 - c. *[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. How to Participate in the Hearing Using Zoom: It's best to use the video function of Zoom because it allows you to see the judge, the other party, the witnesses, and the evidence that is used against you. If you're unable to use the video function, or if you experience a technical problem with the video feature, you can also participate in the hearing by calling the Zoom phone number provided. If you call in to the hearing, you do not need anything more than your phone and the ability to make a call.
- a. 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.]*
 - b. 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.
 - c. Join the Court Hearing:
 - i. 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 notice of hearing, then click the "Join" button.
 - ii. Enter your name as it appears on the notice of hearing.
 - iii. If a meeting password was provided to you, enter the meeting password.
 - iv. Choose either "Call using Internet Audio" to use the speakers in your computer or "Dial In" if you'd prefer to use your phone to speak and listen to the hearing.
 - v. 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.
 - vi. The judge will make sure you can hear and talk and go over all the rules.
 - vii. 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.
 - viii. Be aware that background noise can cause problems. It is best to mute yourself when you are not speaking.
 - ix. Your hearing is live and may be recorded. Everyone can hear what you say and the hearing may be open to the public. If recorded, it should be deleted after the hearing.
 - x. The judge will decide most cases at the end of the hearing or will tell you when a decision on the case will be made.
3. What Happens if You Do Not Show Up at a Trial:
- a. If the person who files the lawsuit (the Plaintiff) does not show up, the case may be dismissed.
 - b. 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.
 - c. 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.

4. Evidence:

- a. What is Evidence?: Evidence is information that proves something or explains why you disagree with what the other party is telling the court, such as documents, pictures, or video. It can also include testimony from witnesses or the parties.
- b. Email Your Evidence by [Insert your court's requirements]: If you have any documents or pictures that help you prove your case, you must email them to the court at [insert email address] and to opposing parties (or their lawyers) using the contact information listed in the court documents **no later than [insert your court's requirements]**. If you don't, the court may not allow your evidence to be considered at the hearing. *[Note to courts: Requirements regarding the submission of evidence for a remote hearing should mirror the requirements of the submission of evidence for in-person hearings as much as possible. For example, if your court allows participants to submit evidence during an in-person hearing, participants should be allowed to do so during a remote hearing.]*
- c. Evidence Too Large to Email: If you have evidence that is too large to email, such as a video, contact [the court, etc] at [xxx-xxx-xxxx] for information on how to submit that evidence.
- d. How to Email Your Evidence:
 - i. 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 email. Once they're scanned, check to make sure the documents can be easily read or seen.
 - ii. Create an email to the court and the opposing parties (or their lawyers). List the full Cause Number of your case (the unique number assigned to your case that is listed at the top of the petition, which was attached to the citation you received), and "[Your Name]'s Exhibits" in the subject line.
 - iii. Upload or attach your evidence to the email.
 - iv. Make sure to put your name and the name of all the parties in the email and state that you will be using the attached documents as evidence in your hearing.
 - v. 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. You can send yourself the email by putting your email address in the "To:" or "Cc:" line when you send the email to other parties, their lawyers, or the court.
- e. No Ability to Email?: 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.

5. Witnesses:

- a. If you have any witnesses to help you prove your case, they **must** attend the Zoom hearing.
- b. Unless they are calling in by phone to the Zoom number, it is your responsibility to make sure all witnesses have:
 - i. Access to the internet and a separate computer, tablet, and laptop with a video camera and speaker. If everyone is sharing the same setup, everyone must be able to be clearly seen and heard;
 - ii. The correct Zoom link and meeting information;
 - iii. Access to any evidence that you or the opposing party have; and
 - iv. A valid form of identification to verify their identity over the video feed.

- c. If any witness needs an interpreter, contact [the court] at [xxx-xxx-xxxx] at least [X] days before the hearing.

6. Other Helpful Resources, Forms, and Information

- a. **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>. *[Note to courts - If you know them, it's best to list the local legal aid organizations with their phone number instead of linking to the Referral Directory, which is a very large and somewhat daunting publication.]*
- b. **Texas Law Help.** <https://texaslawhelp.org/> is a website that provides free legal information and resources to the public. It also has a LiveChat feature for low-income people. It is hosted by the Texas Legal Services Center, a nonprofit legal aid organization.
- c. **The Texas Justice Court Training Center** has useful information and forms for justice courts at <https://www.tjctc.org/SRL.html>.
- d. **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>.
- e. *[Note to courts - Add any other low-cost or free legal resources in your area, including any forms, brochures, information, etc., that your court provides.]*

Remote Court Hearings



A remote court hearing is when some or all of the people participate by video or by phone. Read below to know how to prepare for a remote hearing.

How do I know if I have a remote hearing?



The court will notify you if your hearing is remote. They may contact you by U.S. mail, email, or phone. They will also notify the other parties in your case.

What if I don't have Internet or a phone?

Contact the court as soon as possible. They may:

- Postpone the hearing until everyone can participate safely, or
- Help you find a way to participate, such as free hot spots, or access to a free phone or Internet.

What if I cannot join at the scheduled hearing time?

You must have a good reason why you cannot be present at the scheduled time. And you must tell the court *before* the hearing. Go to your court's website. It will explain how to contact the court.

Will the court tell me how to join the remote hearing?

Yes. The court will send you instructions on how to join your remote hearing by video or by phone. Courts may use different apps and processes. Visit your court's website or call your court to find out how your court does remote hearings.

How to Get Ready for Your Remote Hearing



Make sure you have good Internet connection.



Download Zoom (or other app your court uses). Practice with the app so you feel comfortable.



Charge your computer or mobile device. If you are calling in by phone, make sure you have enough minutes.



Use earbuds or headphones, if you can. This frees up your hands, and improves sound quality.



Email the court any evidence, like documents or photos.



Tell the court if you have witnesses. The court will tell them how to join the hearing.



Tell the court if you need an interpreter or a reasonable accommodation. The court will arrange it for you.

Get Your Space Ready!



- Find a quiet place where no one will interrupt you.
- Have all your papers ready, including a list of what you want to say to the judge.
- Know what time your hearing starts and how to log on or what number to call.



Look Good!

- Set the camera at your eye level. If using your phone, prop it up so you can look at it without holding it.
- Look at the camera, not the screen, when you speak.
- Dress neatly. Wear soft solid colors.
- Sit in a well-lit room, not too dark, not too bright. No bright lights behind you.



Sound Good!

- Pause before speaking in case there is any audio/video lag.
- Mute yourself when not speaking to improve sound quality.
- Say your name each time you speak.
- Talk slowly and do not interrupt.

What should I expect during the hearing?

- 1 When you first join, the judge will take you from a "waiting room" to the "hearing room." Only the people in your case will be in your hearing room.
- 2 The judge will make sure you can hear and talk, and go over all the rules.
- 3 You will see a picture or name of each person in your hearing on your screen. The first one you see is the person who is speaking.
- 4 Your hearing is live and may be recorded. Everyone there can hear what you say. It may even be open to the public.
- 5 The judge decides most cases at the end of the hearing.



Important! You may be connecting from home, but it is still a court hearing. Pay attention, and follow all rules.

Need legal help?



[TexasLawHelp.org](https://www.texaslawhelp.org)



How to Use **zoom** with Interpreting for your Court Hearing

Many court hearings are now remote. That means some or all of the people participate by video or by phone. Read below to learn about interpreters in your remote court hearing on Zoom.

1 Get ready *before* the meeting!



Make sure you have good Internet connection.



Charge your computer or device.



Download the most recent version of Zoom to your computer, tablet, or smart phone.



Practice the steps below.



Make sure your camera, microphone, and speakers work.

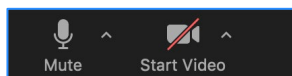
2 Connect Early!

- 1 Click the Zoom meeting link you received at least **10 minutes** early. (You must join by clicking the *link* – do NOT call the *phone number*!)

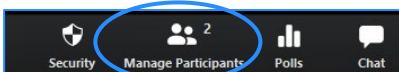
Join Zoom Meeting
<https://success.zoom.us/j/220>

For the best experience, use Zoom from a computer.

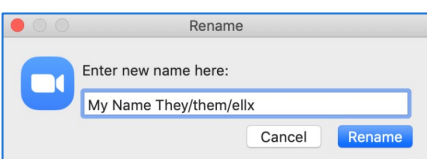
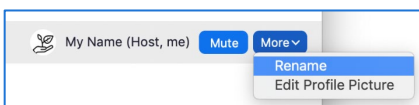
- 2 Click **Mute** and **Start Video**.



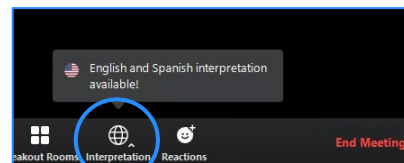
- 3 Click **Manage Participants**,



Then **More** and **Rename** to insert your *name* and *gender pronoun*.

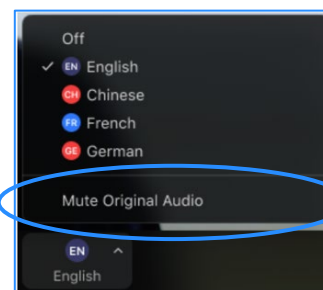


- 4 Once the Court turns the interpretation function on, click on the **globe**. Select the **language** you want to speak in and hear. It is best to speak *only* this language during the meeting.



- 5

Select **Mute Original Audio**.*

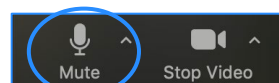


* If you do not click **Mute Original Audio** you will hear the interpreter *and* the person speaking in the other language.



Talk slowly. Pause often. The interpreter needs time to interpret. Do **NOT** interrupt anyone.

- 6 Click **Mute** when you are not speaking.



Learn more about Zoom with interpreting at:
<https://www.youtube.com/watch?v=ITeuzydUvc>

Adapted for Texas from a
[Transcend.net](https://www.transcend.net) resource