STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – EFFECTIVE MAY 26, 2020

THIRD RENEWED AND AMENDED ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS RELATED TO NEW HAMPSHIRE SUPERIOR COURT AND RESTRICTING PUBLIC ACCESS TO COURTHOUSES

Pursuant to its constitutional and statutory authority and powers of general superintendence over the New Hampshire court system, and conditioned upon Governor Sununu renewing his State of Emergency Declaration under RSA 4:45, the New Hampshire Supreme Court, with the concurrence of Governor Sununu regarding statutory deadlines, makes the following orders relative to **New Hampshire Superior Courts** to respond to the ongoing COVID-19 pandemic.

1. As of May 26, 2020, and through June 15, 2020 and/or the last day of a Declared State of Emergency, the New Hampshire Superior Courts will remain open on a restricted basis, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19. The clerk's offices will not be open to the general public. Citizens can receive assistance regarding court cases by contacting the Information Center at 855-212-1234. Until June 16, 2020 and/or the last day of a Declared State of Emergency, citizens will not have access to view files at the courthouse. To learn more about requesting copies of documents, please see the NHJB website COVID page. The courthouses remain open for scheduled hearings or if you are filing for emergency relief. If you have questions about whether you should go to a courthouse, please call 855-212-1234.

2. All courts will accept electronic signatures on pleadings and will allow litigants' signatures to be electronically signed by attorneys and/or bail commissioners with a statement that they have communicated with the litigant who has authorized them to do so.

3. E-filing remains in operation. In non e-filed cases, pleadings can be submitted via email to SuperiorEFC@courts.state.nh.us. All courts also accept hand-delivered pleadings through drop boxes located immediately inside the entrances of each court.

4. The procedural requirement set forth in RSA 604-A:2 that a defendant complete a financial statement before the court appoints counsel is

modified to allow (1) a court to appoint counsel automatically for the defendant's arraignment or first court appearance and (2) a financial statement to be submitted to the court on the defendant's behalf for court review within 30 days of appointment.

IN-PERSON COURT PROCEEDINGS

5. The April 24, 2020 Second Renewed and Amended Order Suspending In-Person Court Proceedings Related to New Hampshire Superior Court and Restricting Public Access to Courthouses remains in effect until 8:00 a.m. on May 26, 2020.

6. Subject to the exceptions in paragraph 7 below, all in-person proceedings in the Superior Court will remain suspended from May 26, 2020, through June 15, 2020 and/or the last day of a Declared State of Emergency. Jury trial and grand jury proceedings are suspended until further notice.

7. Exceptions to suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bail-related matters, trials and plea agreements for incarcerated individuals.
- Proceedings related to petitions for temporary emergency injunctive relief.
- Proceedings directly related to the COVID-19 public health emergency.
- Other exceptions as approved by the Senior Associate Justice.

8. However, to comply with the ongoing recommendations to mitigate the risks of COVID-19, the court will conduct many of the above-referenced cases telephonically or by video, to the extent possible. The court will notify parties if their hearing will be telephonic and/or by video.

9. The Chief Justice of the Superior Court may determine, based upon staffing levels or other factors, that hearings in individual cases subject to the exceptions indicated above be conducted at court locations other than those at which they would normally occur or be conducted by video or by telephone. Any statutory restrictions on venue are hereby suspended for the duration of this order.

10. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

EXPANSION TO ALTERNATIVES TO IN-PERSON COURT PROCEEDINGS

11. All judges and court clerks are urged to use available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any court rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended for the duration of this order. During the period of May 26, 2020 through June 15, 2020, the court may convert already scheduled in-person court hearings to telephonic or video conference hearings or may cancel already scheduled in-person hearings. The court may also schedule additional hearings by telephone or video conferences as necessary. Parties will receive notice in all instances.

12. The court will also have judicial officers available to engage in settlement conferences for parties at no cost. Parties can file a joint statement with the court requesting a settlement conference be scheduled.

13. The Superior Court will conduct any bench trial remotely. If you would like to schedule a remote bench trial, please contact your clerk of court.

14. Superior Court Administrative Order 2020-03, suspending the 90 day deadline to indict, and the order suspending jury trials both remain in effect until further notice. All other deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise are no longer extended and are in effect.

15. Orders of protection and temporary injunctions that would otherwise expire between May 26, 2020, and June 15, 2020 and/or the last day of a Declared State of Emergency are hereby extended to June 16, 2020 and/or the last day of a Declared State of Emergency.

16. This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

Issued: May 21, 2020

ATTEST: Timothy A. Gudas

Timothy A. Gudas, Clerk of Court
Supreme Court of New Hampshire