STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D

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

Pursuant to the emergency powers granted under RSA 490:6-a and conditioned upon Governor Sununu renewing his State of Emergency Declaration under RSA 4:45, New Hampshire Supreme Court Senior Associate Justice Gary E. Hicks, in conjunction with Governor Sununu's Stay at Home Order to prevent further spread of COVID-19, with the concurrence of all members of the Supreme Court, and 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 March 27, 2020, and until May 4, 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. This means that, from now until May 4, 2020 and/or the last day of a Declared State of Emergency, citizens will not have access to view files or make copies at the courthouses. 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. Effective immediately, 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.

4. The March 16, 2020 Order Suspending In-Person Court Proceedings remains in effect through April 6, 2020.

5. The following paragraphs of this Renewed and Amended Emergency Order will go into effect at 8:00 a.m. on April 7, 2020, and will remain in effect until 8:00 a.m. on May 4, 2020 and/or the last day of a Declared State of Emergency, unless this order is further renewed or explicitly revoked beforehand.

6. Subject to the exceptions in paragraph 7 below, **all in-person proceedings, including jury trial and grand jury proceedings, in the Superior Court will remain suspended from April 7, 2020, through May 3, 2020 and/or the last day of a Declared State of Emergency.**

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.

11. Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, clerks of court are charged with ensuring that core constitutional and safety-related court functions continue. Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing 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.

12. If it becomes necessary to fully close a courthouse during the period of suspension, the court offices shall remain accessible by telephone and email to the extent possible during their regular business hours. If available, drop boxes should be used for conventionally filed documents.

13. This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.

14. Deadlines set forth in court rules, court orders, statutes, ordinances, administrative rules, administrative orders or otherwise that are set to expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency. Statutes of limitations and statutes of repose that would otherwise expire during the period between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency.

15. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are not extended or tolled by this order.

16. Orders of protection and temporary injunctions that would otherwise expire between April 7, 2020, and May 3, 2020 and/or the last day of a Declared State of Emergency are hereby extended to May 4, 2020 and/or the last day of a Declared State of Emergency.

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

Issued: March 28, 2020

ATTEST: Timothy A. Gudas

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