STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – EFFECTIVE DECEMBER 22, 2020

THIRTEENTH 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 December 22, 2020, and through January 11, 2021 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. Through January 11, 2021 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.

IN-PERSON COURT PROCEEDINGS

4. The November 24, 2020 Twelfth 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 December 22, 2020.

5. Subject to this paragraph and the exceptions in paragraph 6 below, all in-person proceedings in the Superior Court will remain suspended from December 22, 2020, through January 11, 2021 and/or the last day of a Declared State of Emergency. A separate order was issued on July 14, 2020, authorizing the resumption of jury trial and grand jury proceedings in August 2020, consistent with the Superior Court's roll-out plan outlined in The State Court Jury Trial Plan and in accordance with protocols for the resumption of grand jury proceedings. The State Court Jury Trial Plan is available here: https://www.courts.state.nh.us/aoc/State-Court-Jury-Trial-Plan.pdf. Due to rising COVID rates, however, the Superior Court has canceled the remaining jury trials in all counties through the end of 2020. Jury trials in Sullivan, Strafford, Hillsborough Southern District, and Belknap counties have also been canceled for the month of January 2021. In Rockingham, Hillsborough Northern District, Cheshire, and Merrimack counties, jury trials that have been scheduled for the month of January 2021 remain on schedule. Jury trials are also still on track to proceed in Coos, Grafton, and Carroll counties in 2021. The Superior Court will continue to evaluate the safety of conducting jury trials and other proceedings on a week-to-week basis.

6. 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 of the Supreme Court.

7. 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.

8. Notwithstanding paragraphs 5 and 6 above, to reduce the increased risk of COVID-19 spread from holiday gatherings, in-person hearings shall not be scheduled for any matters on the following dates:

In 2020 -
December 28, December 29, December 30, December 31;
In 2021 -
January 4, January 5, January 6, January 7.

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. The proceedings shall be conducted in accordance with the requirements established by the Superior Court Chief Justice and the Circuit Court Administrative Judges. Those requirements for in-person court proceedings are available here: https://www.courts.state.nh.us/aoc/COVID-19-Bench-trial-guidelines.pdf.

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 from December 22, 2020 through January 11, 2021, 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 December 22, 2020, and January 11, 2021 and/or the last day of a Declared State of Emergency are hereby extended to January 12, 2021, 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. Accordingly, the court will liberally consider any reasonable requests for use of telephonic or video conferencing in lieu of an in-person court proceeding.

Issued: December 18, 2020

ATTEST: Timothy A. Gudas

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