STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

ORDER SUSPENDING ADDITIONAL IN-PERSON PROCEEDINGS

Following the Governor's March 13, 2020 declaration of a State of Emergency under RSA 4:45, and pursuant to the emergency powers granted under RSA 490:6-a, New Hampshire Supreme Court Senior Associate Justice Gary E. Hicks issued an order on March 16, 2020 suspending in-person court proceedings, subject to specified exceptions. Senior Associate Justice Gary E. Hicks makes the following additional orders, effective as of March 16, 2020, to respond to the COVID-19 pandemic.

1. The committees, subcommittees, boards, commissions, and similar bodies (collectively, "committees") established or governed by Supreme Court Rules, including, but not limited to, those committees established or governed by Supreme Court Rules 37, 37A, 38-A, 39, 40, 42, 51, 53.5, 55, and 58.2, will continue to perform their core functions to the extent consistent with their obligation to mitigate the risks associated with the COVID-19 pandemic.

2. Subject to the exceptions in paragraph 4 below, **all in-person committee proceedings, in-person committee hearings, and other in-person committee meetings governed by Supreme Court Rules (collectively, "in-person committee proceedings") are suspended from close of business on Monday, March 16, 2020 through April 6, 2020**.

3. Unless renewed or explicitly revoked beforehand, this order shall remain in effect until 8:00 a.m. on April 7, 2020.

4. Exceptions to suspension of in-person committee proceedings and in-person Supreme Court proceedings include, but are not limited to:

- Proceedings necessary to protect the public on an interim or emergency basis from a substantial threat of serious harm posed by the conduct of an attorney or judge.
- Proceedings related to petitions for temporary emergency relief.
- Proceedings directly related to the COVID-19 public health emergency.
- Other exceptions as approved by the Senior Associate Justice.

5. Each committee is authorized to determine the extent and manner in which in-person committee proceedings for the exceptions listed above are to

be conducted and may determine that such proceedings are to be conducted by telephone or videoconference. In Supreme Court proceedings, the Senior Associate Justice is authorized to determine the extent and manner in which in-person proceedings for the exceptions listed above are to be conducted and may determine that such proceedings are to be conducted by telephone or videoconference.

6. Each committee may determine, based upon staffing levels or other factors, that proceedings subject to the exceptions listed above be conducted at locations other than those at which they would normally occur. Any provisions in Supreme Court Rules concerning the location of holding in-person committee proceedings are hereby suspended for the duration of this order.

7. Any permitted in-person committee proceedings or in-person Supreme Court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the committee or, in Supreme Court proceedings, the Senior Associate Justice.

8. Each committee is urged to limit in-person contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any Supreme Court Rule that impedes a committee's ability to utilize available technologies to limit in-person contact is suspended for the duration of this order. Without limiting the generality of the foregoing, any provisions in Supreme Court Rules requiring physical presence of committee members for quorum or voting purposes are suspended for the duration of this order.

9. If it becomes necessary to close a committee's physical office during the period of suspension, the committee's office shall remain accessible by telephone and email to the extent possible during its regular business hours. If available, drop boxes should be used for conventionally filed documents.

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

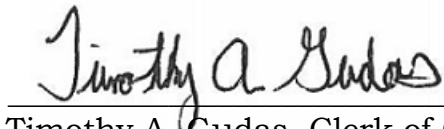
11. Deadlines set forth in Supreme Court Rules, Supreme Court orders, statutes, committee rules, committee orders or otherwise that are set to expire between March 16 and April 6, 2020 are hereby extended to April 7, 2020, with the exception of deadlines in proceedings listed in paragraph 4 above. Statutes or rules of limitations, and statutes or rules of repose, that would otherwise expire during the period between March 16 and April 6, 2020 are hereby extended to April 7, 2020.

12. Deadlines, statutes or rules of limitations, and statutes or rules of repose that are not set to expire between March 16 and April 6, 2020 are not extended or tolled by this order.

13. Any previously issued emergency orders relating to, or arising from, committee proceedings that would otherwise expire between March 16 and April 6, 2020 are hereby extended to April 7, 2020.

14. This order is intended to be interpreted broadly for protection of the public, the committees' members, and the committees' staffs from risks associated with the COVID-19 pandemic.

Issued: March 18, 2020

ATTEST: 

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