STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – EFFECTIVE NOVEMBER 10, 2020

ELEVENTH RENEWED AND AMENDED EMERGENCY ORDER GOVERNING PROCEEDINGS OF NEW HAMPSHIRE SUPREME COURT COMMITTEES

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 makes the following orders governing proceedings of New Hampshire Supreme Court committees in light of the ongoing COVID-19 pandemic.

1. This order applies to 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.

2. Each committee will remain open on a restricted basis to perform its core functions to the extent consistent with its obligation to mitigate the risks associated with COVID-19. However, to prevent further spread of COVID-19, each committee may maintain the closure of its physical office to the general public through November 30, 2020 and/or the last day of a Declared State of Emergency, except that the physical office shall be open for any in-person proceedings held at that office. For persons with filings seeking emergency or other relief, each committee 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.

3. The Attorney Discipline Office ("ADO"), having closed its physical office to the general public through November 30, 2020 and/or the last day of a Declared State of Emergency, is accessible by telephone at (603) 224-5828 and by email at info@nhattyreg.org. Until December 1, 2020 and/or the last day of a Declared State of Emergency, the ADO will allow and accept the electronic submission and service of pleadings, as well as electronic signatures, in addition to conventional (paper) filings and conventional signatures. Unless rescheduled to a later date or changed to an in-person proceeding, previously scheduled ADO hearings through November 29, 2020, shall be held, on their scheduled date, telephonically or by other technological means that do not require in-person attendance.

4. The October 16, 2020 Tenth Renewed and Amended Emergency Order Governing Proceedings of New Hampshire Supreme Court Committees remains in effect until 8:00 a.m. on November 10, 2020.

5. The following paragraphs of this order will go into effect at 8:00 a.m. on November 10, 2020, and will remain in effect through November 30, 2020 and/or the last day of a Declared State of Emergency, unless this order is further renewed or explicitly revoked beforehand.

6. Each committee is permitted, but not required, to conduct in-person committee proceedings, in-person committee hearings, and other in-person committee meetings governed by Supreme Court Rules (collectively, "in-person committee proceedings"), provided that in-person committee proceedings are conducted in a manner consistent with current public-health guidelines for limiting the spread of COVID-19.

7. In recognition of the increased risks associated with in-person proceedings following holiday periods, however, any committee proceedings that may be scheduled during the following times will be held via teleconferencing or video conferencing: November 30 through December 3, 2020; December 28 through December 31, 2020; and January 4 through January 7, 2021.

8. Each committee is authorized to determine the extent and manner in which in-person committee proceedings are to be conducted and may determine that such proceedings are to be conducted instead by telephone or video conference. In Supreme Court proceedings, a single justice is authorized to determine the extent and manner in which in-person proceedings are to be conducted and may determine that such proceedings are to be conducted instead by telephone or video conference.

9. Each committee may determine, based upon staffing levels or other factors, that in-person proceedings 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 during the effective period of this order.

10. To achieve social distancing and to limit in-person contact, attendance at 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, a single justice.

11. 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 during the effective period 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 during the effective period of this order.

12. 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.

13. Filing and other deadlines are not extended, tolled or suspended by this order, but may be extended upon request in accordance with the committee's standard rules and procedures.

14. The Supreme Court encourages each committee to liberally consider any reasonable requests for extensions arising from the COVID-19 pandemic, as well as any reasonable requests for use of video conferencing or other available technologies in lieu of scheduled in-person committee proceedings.

15. 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: November 6, 2020

ATTEST: Timothy A. Gudas

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