STATE OF NEW HAMPSHIRE

SUPREME COURT OF NEW HAMPSHIRE

R E V I S E D – EFFECTIVE MAY 4, 2020

SECOND RENEWED AND AMENDED EMERGENCY ORDER GOVERNING NEW HAMPSHIRE SUPREME COURT PROCEEDINGS AND RESTRICTING ACCESS TO THE SUPREME COURT BUILDING

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, and with the concurrence of all members of the Supreme Court, makes the following orders governing **New Hampshire Supreme Court** cases and proceedings in light of the ongoing COVID-19 pandemic.

1. As of May 4, 2020, and through May 25, 2020 and/or the last day of a Declared State of Emergency, the Supreme Court will remain open on a restricted basis, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19. The Supreme Court building will not be open to the general public. Citizens can request assistance regarding a Supreme Court case by calling (603) 271-2646. As a result of the closure of the Supreme Court building to the general public, citizens will not have access to the Supreme Court building for any purpose, including but not limited to reviewing or copying files or pleadings, unless a party is seeking emergency relief. To learn more about requesting copies of documents, please see the NHJB website COVID page. The Supreme Court building remains open for any in-person court proceedings permitted by paragraph 6 below and for any filings seeking emergency relief.

2. The March 27, 2020 Renewed and Amended Emergency Order Governing New Hampshire Supreme Court Proceedings and Restricting Access to the Supreme Court Building remains in effect until 8:00 a.m. on May 4, 2020.

3. The following paragraphs of this Second Renewed and Amended Emergency Order will go into effect at 8:00 a.m. on May 4, 2020, and will remain in effect through May 25, 2020 and/or the last day of a Declared State of Emergency, unless this order is further renewed or explicitly revoked beforehand.

4. The Supreme Court will accept electronic signatures on any pleading and will allow a litigant's signature to be electronically or conventionally made by the litigant's attorney, provided that the attorney includes a statement that the attorney has communicated with the litigant, the attorney has received the litigant's authorization to sign the pleading on the litigant's behalf, and the litigant has affirmed the information in the pleading.

5. Subject to the exceptions in paragraph 6 below, all in-person proceedings in the Supreme Court will remain suspended from May 4, 2020, through May 25, 2020.

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

- Proceedings necessary to protect constitutional rights of criminal defendants.
- 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 Supreme Court or a single justice.

7. To achieve social distancing and to limit in-person contact, attendance at any in-court emergency proceedings held by the Supreme Court during the effective period of this order shall be limited to attorneys, parties, security officers, and other necessary persons, as determined by the Supreme Court or a single justice. However, to comply with the ongoing recommendations to mitigate the risks of COVID-19, the Supreme Court may conduct the above-referenced cases telephonically or by video conferencing, to the extent possible.

8. The suspension of in-person court proceedings includes the oral arguments scheduled for April 29, May 6, May 13, and May 20, 2020. Oral arguments on those dates will be held via video conferencing.

9. Any Supreme Court Rule that impedes the ability of the court or the clerk to utilize available technologies that would limit in-person contact or obviate travel to the Supreme Court building is suspended for the duration of this order. In particular, the provisions of Rule 4(a) of the Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing are suspended to the extent that they:

- Restrict the ability of attorneys, self-represented parties, and nonlawyer representatives in cases commenced in the Supreme Court prior to August 6, 2018, to submit documents through the e-filing system.
- Restrict the ability of self-represented parties and nonlawyer representatives in cases commenced in the Supreme Court on or after August 6, 2018, but prior to January 1, 2020, to submit documents through the e-filing system.
- Require self-represented parties and nonlawyer representatives in cases commenced in the Supreme Court on or after January 1, 2020, to submit documents through the e-filing system.

10. Accordingly, in any Supreme Court case, a filing may be submitted by an attorney, a self-represented party, or a nonlawyer representative in any of the following ways during the effective period of this order: (a) electronically through the court's e-filing system; (b) in paper, by mailing the filing to the clerk's office; or (c) in paper, by placing the filing in the drop box that is located in front of the Supreme Court building. The timing, including timeliness, of a filing shall be determined in accordance with applicable Rules. See Rule 9(d) of the Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing; Supreme Court Rule 26(1).

11. This order encourages the use of telephone, video conferencing, and teleconferencing for court proceedings, along with similar methods that do not involve in-person contact. This order does not affect the Supreme Court's consideration of matters that can be resolved without in-person proceedings.

12. Given the expanded methods of filing allowed by this order, and the interests of both the Supreme Court and the parties in advancing cases that do not require in-person proceedings, Supreme Court filing deadlines are not extended, tolled or suspended by this order, but may be extended upon motion in accordance with Supreme Court Rules.

13. This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19. Accordingly, the Supreme Court will liberally consider any reasonable requests for extensions arising from the COVID-19 pandemic.

Issued: April 24, 2020

ATTEST: Timothy A. Gudas

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