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 PROCEEDINGS OF NEW HAMPSHIRE SUPREME COURT COMMITTEES

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, with the concurrence of all members of the 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, in accordance with Governor Sununu's Stay at Home Order to prevent further spread of COVID-19, each committee shall ensure that its physical office is not open to the general public until May 26, 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 permitted by paragraph 7 below. 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 until May 26, 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 May 26, 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, previously scheduled **ADO** hearings through May 25, 2020, shall be held, on their scheduled date, telephonically or by other technological means that do not require in-person attendance.

4. The April 2, 2020 Renewed and Amended Emergency Order Governing Proceedings of New Hampshire Supreme Court Committees remains in effect until 8:00 a.m. on May 4, 2020.

5. The following paragraphs of this order will go into effect at 8:00 a.m. on May 4, 2020, and will remain in effect until 8:00 a.m. on May 26, 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 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 May 4, 2020, through May 25, 2020**.

7. 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 a single justice of the Supreme Court.

8. 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, a single 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.

9. 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 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.

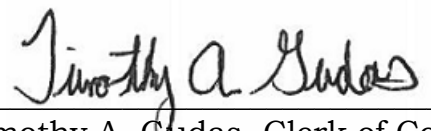
11. Each committee is urged to limit in-person contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any Supreme Court Rule that impedes a committee's ability to utilize available technologies to limit 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. The Supreme Court encourages each committee to liberally consider any reasonable requests for extensions arising from the COVID-19 pandemic.

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: April 30, 2020

ATTEST: 

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