

The State of New Hampshire Trial Court Center



David D. King
*Administrative Judge
Circuit Court*

Susan W. Ashley
*Deputy Administrative Judge
Circuit Court*

Tina L. Nadeau
*Chief Justice
Superior Court*

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TO: Superior and Circuit Court Judges and Clerks

FROM: Judges Nadeau, King and Ashley

RE: Requirements for conducting in-person hearings and bench trials under COVID-19 emergency orders.

While it remains the strong preference for telephonic or video hearings, there are some cases that will require some or all parties and witnesses to be present in the courtroom. Courts should require the following when conducting these hearings:

- Everyone entering the courthouse will be screened by security, asked the current screening questions, and be required to wear an appropriate face cover over their mouth and nose. If necessary, a face covering will be supplied by a security officer.
- If a party or necessary witness is not allowed into the courthouse as a result of the screening process, arrangements will be made for that individual to participate in the hearing by telephone or WebEx video.
- The number of people in a courtroom at any given time should be limited to only the necessary parties, counsel, court staff, witnesses, and advocates employed by, or volunteering with, a law enforcement agency, prosecutor's office, or domestic violence center or rape crisis center as defined by RSA 173-C:1. The total number present at any given time should not exceed ten (10).
- Parties and counsel should be encouraged to allow parties and witnesses to attend/participate in the hearing remotely, either by telephone or WebEx video.
- Anyone participating by telephone or WebEx shall mute themselves unless recognized to speak.

- The judge, court staff, parties, counsel and any witness shall wear face coverings while in the courtroom.
- A party or witness who either refuses to wear a face covering in the courtroom or who, because of a medical condition, is unable to wear a face covering may be asked to leave the courthouse.
- Counsel should examine witnesses from the counsel table, and not use a podium, and should not request to approach the witness without leave of the Court.
- In those courtrooms where it is not possible to maintain a six foot distance between parties or the judge, arrangements should be made to allow the witness to testify from counsel table, or a location that allows for appropriate social distancing.
- Witnesses who will testify live shall wait outside the courthouse and be called or texted to come into the building when they are needed to testify, and leave the courthouse at the conclusion of their testimony.
- After each live witness testifies, the witness chair and table shall be wiped down with appropriate disinfectant.
- Counsel, or self-represented parties, shall pre-mark all exhibits and provide an identical set for both the judge and the witnesses.
- The court will have hand sanitizer and sanitizing wipes available at the witness stand for use by the witness before and after handling exhibits.
- The presiding judge shall have the discretion to deviate from these requirements when necessary.