

STATE OF NEW HAMPSHIRE
SUPERIOR COURT

Administrative Order 2017-02
(SUPERSEDES AND REPLACES ADMIN ORDER 2011-49)

Hearings Conducted by Video Conference

This order is meant to improve the efficiency of the courts and other state and local entities and enhance the administration of justice in the State of New Hampshire.

I. In those courts where video conferencing equipment has been installed and where compatible equipment is available at the other end of the audiovisual feed, there shall be a presumption that, subject to the coordination of scheduling among the courts, the following matters will be conducted through the use of video conferencing equipment which shall, at a minimum, operate so as to enable the court and all parties to view and converse with each other simultaneously:

- a) Hearings on nondispositive motions in all case types where any party is incarcerated;
- b) Pretrial or status conferences in all case types where any party is incarcerated;
- c) Plea and sentencing hearings in misdemeanor and violation level offenses where the state and defendant have entered into a plea agreement and the defendant is incarcerated;
- d) Hearings in any uncontested non-criminal matter where either party is incarcerated;
- e) Payment and other enforcement of judgment hearings where either party is incarcerated;
- f) Uncontested surrender of parental rights pursuant to RSA 170-B:9 where the surrendering parent is incarcerated;
- g) Execution of consent to adoption where the parent consenting to the child's adoption is incarcerated;
- h) Hearings on Petitions for Name Change where the petitioner is incarcerated;
- i) Child support establishment, modification or enforcement hearings where either party is incarcerated or any other such case where court efficiency dictates the use of video conferencing equipment for the conduct of the hearing from a remote location;

II. The following proceedings may be conducted through the use of video conferencing equipment in the sole discretion of the court:

- a) Hearings, including trials, on any violation level offense where the defendant is incarcerated;
- b) Hearings, including trials, on any non-criminal matter where either party is incarcerated.
- c) Hearings, including trials, on any other matter allowed by law (See, for example, RSA 516:37 relative to video testimony by forensic scientists and analysts from the Department of Safety forensic laboratory and RSA 516:38 relative to the testimony of expert witnesses in motor vehicle violations).
- d) Criminal arraignments where the defendant is incarcerated.

Administrative Order 2011-49 dated November 29, 2011, required criminal arraignments to be conducted by video. While arraignments are regularly conducted by video in Circuit Court because of the perfunctory nature of the hearing in that court, arraignments have not regularly been conducted by video in Superior Court. Since felonies are now filed directly in Superior Court, and since the County Attorney is now involved in felony cases soon after arrest, face to face arraignments in Superior Court assist in the efficient management of case flow and provide the attorneys with an early, meaningful opportunity to discuss and possibly resolve the case. This addendum reflects current practice and will enhance the opportunity for early case resolution.

III. Nothing in this Order is meant to prohibit the use of video conferencing equipment in any other proceeding or portion of a proceeding, including trials and testimony by expert and other witnesses in the sole discretion of the court.

IV. Nothing in this order is meant to prohibit the use of teleconferencing equipment in appropriate cases where video conferencing equipment is either unavailable or impractical to use. Furthermore, pending full implementation of video capability at all court and correctional facilities, the presumption shall be that hearings subject to the provisions of paragraph I, with the exception of criminal arraignments where the defendant is incarcerated and plea and sentencing hearings in misdemeanor and violation level offenses where the state and defendant have entered into a plea agreement and the defendant is incarcerated, will be conducted telephonically. The latter two categories of hearings may, in the court's discretion, be conducted telephonically pending full implementation of video capability at all court and correctional facilities.

Date: August 17, 2017



Tina L. Nadeau
Chief Justice