

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**COURT OPERATIONS UNDER THE  
EXIGENT CIRCUMSTANCES CREATED  
BY COVID-19**

**ADM-1  
ORDER 20-5**

ORDER

This Standing Order is the third court operations order issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19).

The World Health Organization and the Centers for Disease Control and Prevention (CDC) have officially declared COVID-19 to be a pandemic. In response to the spread of COVID-19, President Trump declared a national emergency, and Governor Sununu declared a state of emergency.

Since the issuance of the court's last order, the threat to public health and safety presented by the COVID-19 pandemic has become more widely understood. This week, President Trump and the Administrative Office of the United States Courts ("AO") have recommended that organizations limit public gatherings to no more than 10 people. The AO has also recommended the courts conduct in-court hearings only when absolutely necessary and to have all or most court employees telework. Earlier this week, Governor Sununu ordered, among other things, the closure of all New Hampshire public schools and restricted operations of restaurants and bars. Since the first announced case in New Hampshire on March 2, 2020, the state has now reported 44 confirmed cases of COVID-19, with an increase of 18 cases since Wednesday of this week. Further, in New Hampshire 575 people are being monitored for signs of COVID-19 infection, 1,420 people have been tested, and community-based transmission has been confirmed. Nationally, the number of confirmed cases has grown to over 14,000, with 217 cases resulting in death.

The CDC and other health authorities continue to advise people to take precautions to reduce the possibility of exposure to the COVID-19 virus and to slow the spread of the disease. In particular, the CDC is recommending that people attempt to keep physical distance between themselves and other people. This technique, known as social distancing, is especially important for people who have a higher health risk should they contract the disease. The CDC is also recommending employers attempt to minimize exposure between employees and the public and to consider the public health and safety when scheduling group or public events. Additionally, it now appears to be accepted in the medical community that COVID-19 may be spread by persons who are asymptomatic and, as noted above, there are recent incidents of community-based transmission of the virus in this district.

Therefore, in order to protect public health, and in order to reduce the size of public gatherings and unnecessary travel, the United States District Court for the District of New Hampshire issues the following order:

1. This order supersedes the court's order on Court Operations Under the Exigent Circumstances Created by COVID-19, ADM-1, 20-4, dated March 15, 2020, and takes effect immediately.
2. Among other things, the previous order (dated March 15, 2020) closed the courthouse for one week to permit the court to assess the emergency and decide whether, and to what extent, the court can reopen its doors. To that end, and until further order of the court, the Rudman Courthouse will be closed to the public except for dates on which the court conducts in-court hearings at the courthouse.

### **Criminal Cases**

3. All district court criminal hearings scheduled before April 13, 2020, are continued. The presiding judge has the discretion to reschedule those hearings to occur by teleconference, videoconference, or in-court hearing at the Rudman Courthouse.
4. The court will conduct in-court hearings at the Rudman Courthouse on Tuesdays and Thursdays. The procedures and protocols for those hearings are set forth in Standing Order ADM-1, 20-6. The presiding judge has the discretion to determine which matters shall be scheduled for in-court hearings.
5. Pursuant to Fed. R. Crim. P. 5(f) and 10(c), initial appearances, arraignments and detention hearings will be scheduled by videoconference with the defendant's consent until April 13, 2020. Bail revocation and bail review hearings will also be scheduled by videoconference during this time period. The process for in-court videoconference hearings is set forth in Standing Order ADM-1, 20-6. The process for a videoconference hearing in which all participants are involved by videoconference is set forth in ADM 1, 20-7. If a defendant elects not to consent to a videoconference hearing, an in-court hearing will be scheduled on the earliest available in-court hearing date.
6. Until further notice, criminal complaints, applications for search warrants, trap/trace pen registers, wire taps, and applications for other warrants shall be submitted electronically pursuant to Fed. R. Crim. P. 4.1.

### **Civil and Criminal Juries**

7. All civil and criminal jury trials scheduled to begin before May 1, 2020, are continued. All final pretrial conferences associated with those trials are also continued.
8. Due to the court's reduced ability to obtain an adequate spectrum of jurors and the above-referenced public health considerations associated with criminal jury trials, the time period of the continuances implemented by this Standing Order will be excluded under the Speedy Trial Act,

18 U.S.C. § 3161(h)(7)(A). The court finds that the ends of justice served by ordering these continuances outweigh the best interest of the public and each defendant's right to speedy trial.

9. All grand jury proceedings scheduled before May 1, 2020, are continued. Pursuant to 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), the 30-day time period for filing an indictment or information is tolled as to each defendant until the next date on which the grand jury convenes. For the same reasons as outlined in the preceding paragraph, the court finds that the ends of justice served by this continuance outweigh the best interests of the public and each defendant's right to a speedy trial.

### **Civil Hearings and Conferences**

10. All civil hearings and conferences scheduled to occur after March 20, 2020, shall remain as scheduled and conducted by teleconference or videoconference. The presiding judge has the discretion to continue any of those matters and/or reschedule for an in-court hearing at the Rudman Courthouse.

### **Miscellaneous Matters**

11. Attorneys and pro se parties may continue to file documents with the court electronically through CM/ECF, or in paper by using the court's outside filing depository behind the Cleveland Federal Building. As a result, the clerk's office is not deemed "inaccessible" for the purposes of computing filing deadlines under Fed. R. Civ. P. 6(a)(3) or Fed. R. Crim. P. 45(a)(3), and is deemed "open" for purposes of Fed. R. Civ. P. 77(c).

12. The court will take necessary measures to address emergency matters. Attorneys and pro se parties may request that a matter receive immediate attention by motion or by contacting the clerk's office at 603-225-1477.

13. The clerk's office will remain closed to the public until further notice. During regular business hours, all court employees will telework, process court filings, issue orders and judgments, schedule hearings and conferences, and be available to answer telephone calls and emails from the public and bar. Court employees will perform specified other duties at the courthouse as required.

14. All court sponsored/conducted mediations scheduled before May 1, 2020, are continued.

15. All petty offense Central Violations Bureau hearings are continued to July 13, 2020.

16. Court-hosted naturalization events scheduled before May 1, 2020, are cancelled. This order does not, however, impact the authority of U.S. Citizenship and Immigration Services to conduct administrative naturalization ceremonies.

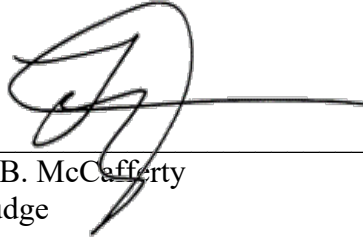
18. All non-case related events scheduled before May 1, 2020, including but not limited to public tours, administration of oaths to attorneys, and committee meetings, are cancelled.

## Going Forward

The court wants to assure the public that it is committed to fulfilling its mission of providing justice efficiently and effectively throughout this public health emergency. Even when the Rudman Courthouse is physically closed to the public, the judges and court staff are working full time on the cases pending before this court. It is only through the careful planning and the partnership of numerous court stakeholders, such as the United States Marshals Service, the Federal Public Defenders Office, the Office of the United States Attorney, and the members of our bar, that the court is able to remain operational during this public health emergency. The judges of this court are committed to preserving the constitutional and legal rights of the public as we respond to these unprecedented challenges.

SO ORDERED.

Date: March 20, 2020



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Landya B. McCafferty  
Chief Judge