

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

**PROTOCOL GOVERNING IN-COURT  
PROCEEDINGS DUE TO EXIGENT  
CIRCUMSTANCES CREATED BY COVID-19**

**ADM-1  
ORDER 20-27**

ORDER

This Standing Order shall apply to all hearings scheduled to occur in the Rudman Courthouse until further order of the court. This order supersedes the court's prior protocol on in-court hearings, ADM-1, 20-6, and takes effect immediately.

1. Schedule. The court will conduct in-court hearings at the Rudman Courthouse on Tuesdays and Thursdays. The presiding judge has the discretion to determine which matters shall be scheduled for in-court hearings.

2. Persons Allowed in Courtroom. Unless otherwise ordered by the presiding judge, ordinarily no more than 15 people may be present in the courtroom for any hearing. In criminal cases, counsel for the defendant shall provide the presiding judge's case manager with the names of up to 2 individuals who will be attending the hearing in person. Counsel for the government shall provide the name(s) of any victim(s) who will be attending the hearing in person. In civil cases, counsel should consult and provide to the presiding judge's case manager the names of up to 4 people who may attend the hearing. The identity of the designed attendees shall be provided at least 24 hours prior to the scheduled hearing.

3. Additional Public Access to Hearing. The presiding judge will determine whether public access to an in-court hearing will be provided by remote video conference, telephonic conference, or by an overflow courtroom. If by video or telephonic conference, requests to observe must be made to the Clerk's Office prior to the hearing. If by overflow courtroom, ordinarily no more than 15 members of the public or media may be present in the overflow courtroom for any hearing unless otherwise ordered by the presiding judge. Persons will be admitted on a first-come, first serve basis, and no member of the public or media will be allowed to enter the courthouse to observe the hearing once the overflow courtroom reaches the 15-person maximum.

4. Admission to Courthouse. Only counsel, the parties, and persons present to observe the proceeding shall be admitted into the Rudman Courthouse, and access shall be limited to entering and exiting the designated courtroom.

5. Entrance Protocol. Counsel shall advise designated attendees that they may not attend the hearing if they cannot enter the courthouse pursuant to the Standing Order on Restricted Public Access, and shall advise the court if any necessary participant (including themselves) cannot enter the courthouse pursuant to that order. Counsel should also inform the court if they, or their client, is in a high-risk category (e.g. over 60 years old, heart disease, diabetes, lung disease, weakened immune system, or pregnant) and would prefer the matter be rescheduled to a future date.

6. Social Distancing. With the exception of criminal defense counsel and the defendant, all persons attending a hearing in the courtroom or observing in the overflow courtroom shall stay at least 6 feet away from other people at all times. In criminal cases in which the defendant personally appears in the courtroom, the court encourages criminal defense counsel to maintain a 6 foot distance from their client and to communicate by a court-provided telephone during the hearing. The court will also liberally recess proceedings to permit counsel to consult with a client during a hearing in a side conference room where they can maintain a distance of 6 feet. Interpreters will provide interpretation services for criminal defendants using a court-provided telephone during the hearing.

7. Enforcement. The United States Marshal Service is responsible to enforce the access restrictions set forth in this order.

8. Letters of Support. Given the limitations on access to the courtroom, at sentencing hearings defense counsel may present letters of support or make proffers of support on behalf of a defendant in lieu of live testimony.

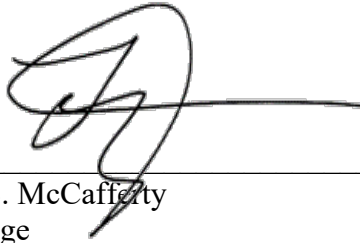
9. Proffers. For initial appearances, arraignments, detention hearings, and bail revocation or review hearings, counsel will present witness testimony by proffer unless live witness testimony is permitted by the presiding judge.

10. Exhibits. Exhibits shall be pre-marked and submitted to the presiding judge's case manager by email with a copy to opposing counsel at least 24 hours prior to the scheduled hearing.

11. Courtroom Cleaning. Counsel tables and telephones will be disinfected after each hearing before persons enter the courtroom for the next hearing.

SO ORDERED.

Date: July 24, 2020

  
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Landya B. McCafferty  
Chief Judge