

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

**PROCEDURES GOVERNING OUT-OF-COURT
VIDEOCONFERENCE AND TELEPHONIC
HEARINGS**

**ADM-1
ORDER 23-9**

ORDER

1. This Standing Order outlines the procedures for any out-of-court videoconference or telephonic hearings scheduled in accordance with the Federal Rules of Civil or Criminal Procedure.

Criminal Cases

2. For any scheduled videoconference or teleconference criminal hearing in which the defendant is entitled to appear, the court will presume that the defendant consents to participate by video or telephone. If a defendant elects not to consent, a pre-hearing objection should be filed (a) as soon as possible in magistrate judge hearings, and (b) at least 24 hours prior to a scheduled hearing before a district judge.

3. The presiding judge will confirm the defendant's consent to appear by videoconference or teleconference at the commencement of the hearing.

4. The court will make arrangements to assure that defense counsel and any interpreter can effectively communicate with a defendant during the course of a videoconference or telephonic hearing.

5. The U.S. Probation and Pretrial Services Office may schedule and conduct pre-hearing interviews by telephone conference, with interpreters and counsel participating as necessary.

All Cases

6. Counsel shall: (a) notify any necessary witnesses that they will be participating by videoconference or teleconference; (b) provide the witness(es) with instructions for joining the videoconference/teleconference; (c) notify the presiding judge's case manager and opposing counsel as to any witness(es) that will be participating in the hearing; and (d) notify the presiding judge's case manager of any witness(es) who should be sequestered with the exception of their testimony.

7. Exhibits shall be pre-marked and submitted to the presiding judge's case manager by email with a copy provided to opposing counsel at least 30 minutes prior to the scheduled hearing for magistrate judge hearings, and at least 24 hours prior to the scheduled hearing for a district judge hearing.

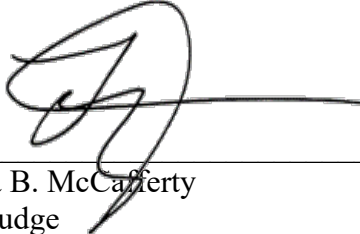
8. To the extent the public has a right to attend a scheduled hearing or conference, any member of the public wishing to access the hearing may contact the Clerk's Office (603-225-1423) in advance of the hearing or conference to obtain the access information.

9. To address unique circumstances and other logistical or case management issues, counsel may request a pre-hearing telephonic status conference with the court. Unless prior approval is obtained from the presiding judge, such status conferences shall be limited to counsel.

10. Pursuant to Local Rule 83.8, all persons participating in court proceedings remotely by videoconference or teleconference shall not photograph, broadcast, or televise any of these court proceedings. This prohibition applies to counsel, the parties, the media and any member of the public.

SO ORDERED.

Date: April 3, 2023



Landya B. McCafferty
Chief Judge