

STATE OF NEW HAMPSHIRE
SUPREME COURT OF NEW HAMPSHIRE

O R D E R

Pursuant to its constitutional and statutory authority and powers of general superintendence over the New Hampshire court system, and in accordance with Supreme Court Rules 19 and 54, the Supreme Court orders as follows:

1. This Order supersedes and replaces Circuit Court Administrative Order 2011-17, Superior Court Administrative Order 2011-50, and Supreme Court Orders dated January 11, 2008, and October 17, 2017, on the use of recording equipment.

2. The Supreme Court acknowledges its obligation to provide open access to court proceedings and its responsibility to provide constituents with a forum that is safe, dignified, and free from unnecessary disruption. The court is also obligated to ensure that constituents can conduct their business and observe court operations without fear of intimidation, annoyance, or embarrassment. The purpose of this Order is to balance all interests of ensuring access while maintaining a safe and dignified environment that is free from unnecessary disruption.

3. All persons are prohibited from photographing, recording (audio, camera, cellphone, video, or any other media), broadcasting, transmitting, or televising in the lobby or other, non-courtroom area, unless the presiding judge

for that court, after consultation with court security personnel, determines that a designated staging area is appropriate under the circumstances of a given case. A designated staging area means any place within the lobby area of the courthouse where cameras or audio recording equipment may be located. If the presiding judge determines that a staging area is appropriate, no cameras or audio recording equipment may be used in any area outside the designated staging area within the lobby area or other public area of the courthouse. The court security personnel shall have the authority to enforce this Order by requiring anyone who violates it to leave the courthouse.

4. Law enforcement officers with a body-worn camera may activate the recording function of the camera inside a courthouse only if done in accordance with RSA 105-D. Such recordings shall not be utilized for training under RSA 105-D:2, XVII(b) without an order authorizing their use from the presiding judge for the court where the camera was activated. No such recordings shall be made public unless subject to production under RSA 91-A:5, X. If disclosure under RSA 91-A:5, X is required, any member of the public inside the courthouse depicted in such video shall be edited to mask their identity under the invasion-of-privacy protections provided for in RSA 91-A:5, X.

5. Supreme Court Rule 19, District Division Rule 1.4, Family Division Rule 1.29, Probate Division Rule 78, and Superior Court Rule 204 (collectively the “Recording in Courtroom Rules”), related to the use of cameras,

broadcasting equipment, and recording devices during courtroom proceedings, shall be strictly enforced. No person shall photograph, record, or broadcast any court proceeding without providing advance notice to the presiding judge. A written request shall be provided to the court clerk on the form prescribed by the court. The form is available on the Judicial Branch website, www.courts.nh.gov, or from the Judicial Branch Communications Office.

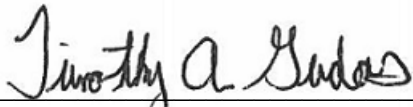
6. This Order and all Recording in Courtroom Rules apply whether the proceeding is live or being broadcast via an electronic platform, including but not limited to WebEx, Zoom, Teams, or any other electronic platform.

7. Unless otherwise prohibited by the presiding judge, those entering State courthouses may possess and use cell phones, smart watches, computers, pagers, and similar electronic devices within the courthouse. However, such devices shall be set on silence mode, and no telephone calls made or received while in any courtroom or judge's chambers without specific advance authorization by the presiding judge. In no event shall any such devices be used in a manner designed to photograph, record (audio or video), broadcast, transmit, or televise any proceeding, scene, discussion, or event unless specifically authorized by the presiding judge.

8. If any person refuses to comply with the conditions of this Order, or if a person's behavior is otherwise disruptive to the proper administration of justice, and such person is ordered to leave the courthouse and refuses to do so, security may request assistance from local law enforcement officials or take

such other measures to ensure the safety and security of the public and court personnel. Such persons who are disruptive and/or refuse to leave the courthouse may be subject to arrest at the discretion of local law enforcement officers.

Date: November 16, 2021

ATTEST: 

Timothy A. Gudas, Clerk
Supreme Court of New Hampshire