

STATE OF NEW HAMPSHIRE

PROBATE COURT

ADMINISTRATIVE ORDER 14

RELATIVE TO: Telephonic Appearances at Certain Probate Court Hearings

The New Hampshire Probate Court has adopted a process for telephonic appearances for non-evidentiary hearings, uncontested matters and structuring or scheduling conferences scheduled on or after January 1, 2007.

Parties seeking to participate in these types of hearings by telephonic appearance, may do so by using the services of CourtCall®, an independent conference call company with whom the New Hampshire Probate Courts have entered into a working arrangement.

Under no circumstances may any participant record or broadcast the proceedings of the Probate Court.

Policy Governing Telephonic Appearances

Telephonic appearances are allowed in all matters before the Probate Court **except** the following:

- a. Trials and evidentiary hearings. For these matters, all counsel, parties and witnesses must appear in person; and,
- b. Any other matter designated by the Probate Court as one requiring a personal appearance.

A party may participate by telephonic appearance in more than one case on a list.

If an individual schedules a telephonic appearance and then fails to respond to the call of the matter on the calendar, the Probate Court may pass on the matter or may treat the failure to respond as a failure to appear.

To ensure the quality of the record for hearings using CourtCall®, the use of car phones, cellular phones, speaker phones or phones in other public places is **prohibited**. A record may be maintained using the court-recording device with the parties assuming all risks of any deficiency in an appellate record.

Each time a party speaks, they **must** identify themselves.

Do not place such a call on hold at any time.

When the Judge informs the participants that the hearing is completed, then you may disconnect.

If you will be appearing at a later case on the same list, you may stay on the call and wait for your next case to be called.

Scheduling a Telephonic Appearance Using CourtCall®

To set up your CourtCall® appearance, call 1-888-882-6878 at least 2 days prior to your scheduled hearing date. Parties must provide CourtCall® with the following information:

- Case name and case number;
- Name of Probate Court;
- Hearing date and time;
- Name, address, telephone number and facsimile number of participant;
- Name of the party represented by the participant; and,
- Matter on which the participant wishes to be heard.

Participants will receive a confirmation and instruction via facsimile or e-mail from CourtCall®.

It is the participant's responsibility to dial into the call no later than 5 minutes prior to the scheduled hearing time (using the Probate Court's local time). Hearings start promptly whenever possible.

Because there may be another hearing taking place on the conference line, be patient and listen for when your case is called so that you can enter the virtual courtroom. If there is a hearing ongoing, please wait until that hearing is concluded to announce yourself after the call of the case. If no hearing is underway, announce yourself and the party you represent, as well as any other parties listening from your office.

Each time you speak, identify yourself so that other participants and the court recorder will know who is speaking.

Sound quality is clearly important, so speak directly into the receiver. Position your phone so that ambient noise and paper rustling is at a minimum.

As noted above, do not place the call on hold at any time.

The court reserves the right to end a telephonic hearing and order the attorneys to personally appear at a later date and time, in which case there will be no refund of fees paid (see below).

Failure to follow this prescribed procedure may result in an award of costs and attorney's fees to the properly appearing party.

When the Judge informs the participants that the hearing is completed, you may disconnect.

Information about CourtCall® policies may be obtained at www.courtcall.com or by calling 1-888-882-6878.

Fees

The fee for CourtCall® telephonic appearances is established by CourtCall®. The current rate for the Probate Courts is \$55 for each participant per call and regardless of the length of the call. Any application for waiver of this fee due to indigency shall be filed along with a current financial affidavit with the court at least 14 days prior to the hearing where the use of CourtCall® is sought.

There are no subscription fees and no special equipment is required for participants to use CourtCall® services.

Last Reviewed: August 1, 2007

_____/s/ David D. King
David D. King
Administrative Judge of Probate Court

History:

Revised August 1, 2007

Effective December 31, 2006

See Also:

Probate Court Procedure Bulletin 22 relative to Hearings With Incarcerated Parties