



*New York State  
Unified Court System  
25 Beaver Street  
New York, New York 10004*

*A. Gail Prudenti  
Chief Administrative Judge*

212-428-2120

February 1, 2013

To: Bar Associations  
From: A. Gail Prudenti *AGP*  
Re: Mandatory Electronic Filing in the New York State Courts

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It is my pleasure to continue to update the Bar on the progress of the New York State Courts Electronic Filing System ("NYSCEF"). With the enactment of Chapter 184 of the Laws of 2012,<sup>1</sup> I am pleased to announce expanded authorization of the mandatory e-filing pilot program. We anticipate that mandatory e-filing will be expanded<sup>2</sup> in or into the following courts, locations and case types.

- Supreme Court, Essex County: Tax certiorari and eminent domain proceedings and foreclosure actions involving real property (but excluding mechanic's liens and in rem tax foreclosure) commenced on or after February 19, 2013.
- Supreme Court, Suffolk County: Medical, dental, and podiatric malpractice actions and Commercial Division matters commenced on or after March 15, 2013.

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<sup>1</sup>The full text of Chapter 184 can be found on the court system's e-filing website at the following address: [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

<sup>2</sup> Pursuant to previous legislation, mandatory e-filing is now authorized and underway in: (1) Supreme Court in the following locations and case types: (a) Westchester and Rockland Counties -- all actions (except CPLR Art. 78 and election law proceedings and matrimonial and Mental Hygiene Law matters); (b) Bronx County -- medical malpractice actions; (c) Kings County -- Commercial Division matters in which the amount in controversy equals or exceeds \$75,000; (d) New York County -- commercial, contract, and tort actions without regard to the amount in controversy; and (2) Surrogate's Court in Chautauqua, Erie, and Monroe Counties in probate and administration proceedings and miscellaneous proceedings related thereto.

- Supreme Court, Erie County:
  - mortgage foreclosure actions involving real property commenced on or after April 15, 2013.
  - Commercial Division matters, medical, dental, and podiatric malpractice actions, tax certiorari cases, and asbestos matters, commenced on or after July 1, 2013.
  - contract, commercial, and tort actions and all other foreclosure proceedings (excluding in rem tax foreclosures), commenced on or after October 1, 2013.
- • Surrogate's Court, Cayuga, Livingston, Ontario, Seneca, Steuben, Wayne, and Yates Counties: probate and administration proceedings and miscellaneous proceedings related thereto commenced on or after April 30, 2013.
- Supreme Court, New York County: all actions (except matrimonial matters and CPLR Article 78, election law, and Mental Hygiene Law proceedings) commenced on or after February 19, 2013.
- Supreme Court, Kings County: all Commercial Division matters commenced on or after February 19, 2013.

As we move forward with implementation of e-filing in these locations, I want to assure you that we will work with your bar association to provide necessary training for attorneys and paralegals. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Participants receive two CLE credits free of charge. Training has been and will continue to be presented by the staff of our E-Filing Resource Center as well as the Westchester Supreme Court and Westchester County Clerk. Information on these training sessions is available on the NYSCEF website, [www.nycourts.gov/efile](http://www.nycourts.gov/efile), or by contacting the Resource Center at 646-386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us). Attorneys may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, the counties listed above that are new to mandatory e-filing will be scheduling and advertising their own training sessions.

It is important to point out that the e-filing legislation provides an opt-out mechanism in mandatory e-filing cases for those attorneys who certify in good faith that they lack the hardware, electronic connection, or technical knowledge necessary to participate in e-filing. The court may also exempt an attorney upon a showing of good cause.

As we enter this next phase of e-filing in New York, we very much welcome the input of your members, including any specific recommendations or concerns they may have regarding e-filing in the New York State courts. Please forward any comments to:

Jeffrey Carucci  
Statewide Coordinator for Electronic Filing  
60 Centre Street, Room 119 M  
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E-filing represents an important advance for the courts and the legal profession in New York State. We thank you for the wonderful support and cooperation you have shown, and look forward to continuing to work closely with you throughout the year ahead.

cc: Hon. Fern A. Fisher  
Hon. Michael V. Coccoma  
Ronald P. Younkins, Esq.  
Hon. Paula L. Feroletto  
Hon. Robert C. Mulvey  
Hon. Craig J. Doran  
Hon. C. Randall Hinrichs  
Hon. Lawrence Knipel  
Hon. Norman Goodman  
Hon. Nancy T. Sunshine  
Hon. Judith A. Pascale  
Hon. Joseph A. Provoncha  
Hon. Christopher L. Jacobs  
Jeffrey Carucci