



STATE OF NEW YORK
ERIE COUNTY SURROGATE'S COURT
ERIE COUNTY HALL, 92 FRANKLIN STREET
BUFFALO, N.Y. 14202

HON. BARBARA HOWE
SURROGATE JUDGE
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TO: Bar Association of Erie County Practice and Procedure in Surrogate's Court Committee Members

FROM: Kathleen D. Krauza, Esq., Chief Clerk
Joseph A. Shifflett, Esq., Chief Court Attorney

DATE: April 17, 2017

RE: Update from Erie County Surrogate's Court

As many of you may already know, our court staff has been significantly reduced over the last several years. Out of 27 authorized support staff positions, we now have only 19 positions filled (with two court office assistants due to leave our court shortly). Out of 12 authorized attorney positions, we now have only 6 filled. The vacancies have occurred mostly since 2010, due to retirements, death and a layoff. The prospect of filling more than a very small number of these positions in the foreseeable future is not good. At the same time as our reduction in staffing has been occurring, the annual workload of the court has remained at its high volume level and, in some categories, has even increased. All this has resulted in the review and processing of filings being seriously delayed.

In light of this situation, and as an emergency measure, effective May 1, 2017, the court is suspending its Attorney of the Day program. The court's legal staff members will no longer be available to meet with and assist attorneys and unrepresented individuals concerning matters they either have already filed, or wish to file, with the court.

Due to this required emergency change in our court, there are other changes that must follow. Therefore, beginning May 1, 2017, you must first file your papers with the court, after which they will be processed and reviewed. If any further information and/or documents are needed, you will be notified by e-mail or in other

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writing by the court. When a citation, decree, letters, Wills removed from safekeeping, or other documents are ready to be picked up, notification by e-mail or letter will likewise be sent to you.

Erie County Surrogate's Court is a mandatory e-filing court, subject to limited exceptions under the rules [Uniform Rules for Surrogate's Courts, 22 NYCRR 207.4-aa]. Therefore, attorneys are strongly urged, if they do not already do so, to utilize the e-filing system. Anyone who requires information about how to e-file, or who has a specific question about e-filing, should e-mail the NYSCEF Resource Center at Efile@nycourts.gov, or call the Center at 646-386-3033.

Finally, the Court recognizes that there will always be a genuine need for immediate action from it. The imminent expiration of a statute of limitations, an imminent real estate closing, or shareholder event, or the possible imminent loss of estate real or personal property, are only a few examples of this. As it has in the past and as it continues to do, the Court will always be responsive to such requests to expedite a filing. Such requests should be directed, if possible, to either (1) Kathleen D. Krauza, Esq., Chief Clerk, tel: 716-845-2568, e-mail: kkrauza@nycourts.gov, or (2) Joseph A. Shifflett, Esq., Chief Court Attorney, tel: 716-845-9454, e-mail: jshiffle@nycourts.gov, or to both. Thank you.