

**STATE OF NEW YORK
UNIFIED COURT SYSTEM
STATEWIDE COORDINATOR FOR
ELECTRONIC FILING**



**NOTICE TO THE COMMERCIAL BAR
REGARDING E-FILING**

Pursuant to an Administrative Order, dated Jan. 12, 2012, issued by the Chief Administrative Judge in accordance with legislation enacted in 2011, electronic filing of litigation documents through the New York State Courts Electronic Filing System ("NYSCEF") will become mandatory in all commercial, contract, and tort actions, without regard to the amount in controversy, that are commenced in New York County Supreme Court on or after February 27, 2012, and in all commercial actions in which at least \$ 75,000 is in controversy that are commenced in Kings County Supreme Court on or after the same date. E-filing has become mandatory in all cases (other than matrimonial actions and Art.78, election law, and Mental Hygiene Law proceedings) commenced on or after Jan. 17, 2012 in Westchester County Supreme Court. On and after the effective date in a particular county, such cases must be commenced electronically and initiating documents will not be accepted in hard copy form. Personal jurisdiction shall be obtained by service of documents in hard copy form in the normal manner, except that the plaintiff/petitioner must serve on the defendant/respondent a Notice of Commencement of Mandatory E-Filed Case (form available on the NYSCEF website (www.nycourts.gov/efile)). Thereafter, with very limited exceptions, all documents must be e-filed.

Court fees are paid to the County Clerk by credit or bank card (MasterCard, Visa, or American Express) through NYSCEF. The normal filing fees apart, there is no charge to use NYSCEF, file documents in it, serve documents through it, or print out hard copies from it.

Mandatory e-filing is governed by Uniform Rule 202.5-bb. The New York County Supreme Court has issued a *Protocol on Courthouse Procedures for Electronically Filed Cases* that explains how customary courthouse procedures, such as with regard to proposed orders to show cause, are applied in e-filed cases. The *Protocol* is posted on the court's website (on the "E-Filing" page at www.nycourts.gov/suptctmanh). The Westchester County Clerk (Hon. Timothy C. Itoni) and the Westchester County Supreme Court (Hon. Alan D. Scheinkman, Administrative Judge) have issued *Joint Protocols* on e-filing procedures, which document is accessible on the websites of the County Clerk (<http://www.westchesterclerk.com/>) and the Court (<http://www.nycourts.gov/courts/9jd/E-file.shtml>). Kings County Supreme Court has posted information regarding local e-filing procedures at www.nycourts.gov/courts/2jd/kings/civil/efile.shtml.

E-filing is also expanding to Onondaga Supreme Court. Beginning Feb. 28, 2012, e-filing on a consensual basis will be available in that court in commercial and contract cases, as well as in tort and tax certiorari actions. See Uniform Rule 202.5-b.

The NYSCEF system is intuitive and easy to learn. Working with NYSCEF will be especially easy for attorneys who are familiar with the Federal courts' ECF system. A *User's Manual* and *FAQs* are posted

on the NYSCEF website. The NYSCEF application includes a training utility, which allows attorneys to practice filing documents in fictitious cases for as often and as long as counsel may desire.

Live training is also available for those who may feel the need for it. A two-hour training course is offered, with two CLE credits awarded to attending counsel at no charge. The course is presented regularly at Supreme Court, Civil Branch, New York County at 60 Centre Street and in Westchester County. Attorneys may register on-line for the course given in either location by going to the "Training" link on the NYSCEF website. For additional information, please contact the statewide NYSCEF Resource Center at 646-386-3033 or efile@courts.state.ny.us.

Jan. 23, 2012

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