

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

August 8, 2016

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing and Expansion of Consensual Electronic Filing in Broome County Supreme Court - Civil Term

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I am pleased to provide the Bar and other interested persons with an update on the progress of the New York State Courts' Electronic Filing System ("NYSCEF"). As authorized under Chapter 237 of the Laws of 2015, implementation of the mandatory e-filing program in Supreme Court, Broome County has been proposed by the District Administrative Judge of the Sixth Judicial District and the Broome County Clerk to take effect in October 2016. **The implementation will include all new civil actions, except for the following cases:**

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- Emergency medical treatment applications
- Matrimonial matters
- Mental Hygiene Law matters
- Name change applications
- Residential foreclosure actions as defined in RPAPL § 1304
- RPTL § 730 proceedings
- Consumer credit transactions as defined in CPLR 105(f)

A consensual e-filing program began in Supreme Court, Broome County in 2009. The above list of exceptions to the proposed mandatory e-filing program are presently authorized to be e-filed on a consensual basis, with the exception of Election Law proceedings. An additional proposal by the District

Administrative Judge of the Sixth Judicial District and the Broome County Clerk is to expand the consensual e-filing program to include all new RPTL Sec. 730 proceedings, also to take effect in October 2016.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov by no later than September 26, 2016. A new page has been created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - for the purpose of providing notice to the public of proposed new or expanded mandatory e-filing programs and for the posting of any comments received in connection with such proposals. Any person who wishes to comment but lacks access to a computer may forward comments by regular mail to:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119M
New York, NY 1000
jcarucci@nycourts.gov

As we move forward with the implementation of mandatory e-filing in Supreme Court, Broome County, please be assured that we will work with the local bar associations to provide the necessary training for attorneys and paralegals both prior to and after the effective date. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Training will be provided by the staff of the E-Filing Resource Center both on-line and on-site. Attorneys in the on-site sessions receive two CLE hours free of charge. Information on these training sessions is available on the NYSCEF website: www.nycourts.gov/efile, or by contacting the Resource Center at 646-386-3033 or efile@nycourts.gov. Attorneys and other interested persons may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties may schedule and advertise their own training sessions.

Please note that Chapter 237 continues to provide an opt-out mechanism in mandatory e-filing cases for those attorneys who certify in good faith that they lack the requisite hardware, electronic connection or technical knowledge to participate in e-filing. However, Chapter 237 has changed the law so that unrepresented litigants are now automatically exempt from participating in e-filing and are no longer required to opt out. Unrepresented litigants may however choose to participate in e-filing. Information on how to do so is available at: <http://www.nycourts.gov/efile-unrepresented>.

A complete listing of currently authorized mandatory and consensual e-filing programs is available on the NYSCEF website "Rules and Legislation" page by clicking on the link for "Administrative Orders." 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 as the program continues to move forward.

cc: Hon. Michael V. Coccoma
Hon. Molly Reynolds Fitzgerald
Hon. Richard R. Blythe
Ronald P. Younkings, Esq.
Gregory A. Gates
Maria Barrington
Judith Osburn
John W. McConnell
Jeffrey Carucci
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