

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and upon consultation with and approval by the Administrative Board of the Courts, I hereby amend, effective immediately, sections 202.5-bb(a), (b), and (e) of the Uniform Civil Rules for the Supreme and County Courts, relating to electronic filing of actions in the Supreme Court, to read as follows:

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202.5-bb. Electronic Filing in Supreme Court; Mandatory Program.

(a) Application.

[~~(1)~~] There is hereby established a pilot program in which all documents filed and served in Supreme Court shall be filed and served by electronic means in such classes of actions and such counties as shall be specified by order of the Chief Administrator in accordance with chapter 367 of the laws of 1999, as amended.

Except to the extent that this section shall otherwise require, the provisions of section 202.5-b of these rules shall govern this pilot program.

[~~(2)~~ For purposes of this pilot program:

~~(i) "commercial actions" and "breach of contract actions" shall mean actions in which at least one claim of the types described in subparagraph (1) of paragraph (B) of subdivision (b) of section 6 of chapter 367 of the laws of 1999, as amended, is asserted.~~

~~(ii) "tort actions" shall mean actions (excluding a commercial or breach of contract action defined as set forth above or a claim expressly excluded from "commercial actions" by chapter 367 of the laws of 1999, as amended) in which only money damages are sought and in which at least one claim is asserted that arises out of or alleges:~~

~~(A) a motor vehicle accident, product liability, injury to person or property from tortious conduct, wrongful death, mass tort, or medical, dental or podiatric malpractice;~~

~~(B) other professional malpractice;~~

~~(C) damages to persons or property from environmental conditions; and~~

~~(D) negligence, defamation, intentional infliction of emotional distress or other intentional harm.]~~

(b) Commencement of Actions Under this Section.

(1) Mandatory commencement in general. Except as otherwise provided in this section, every action authorized by [~~specified in paragraph (1) of~~] subdivision (a) of this section shall be

commenced by electronically filing the initiating documents with the County Clerk through the NYSCEF site.

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(e) Exemption From the Requirement of Electronic Filing.

Notwithstanding the foregoing, an attorney, or a representative of a property owner designated as such as provided in Real Property Tax Law § 730 (“small claims assessment filing agent”), or a party who is not represented by an attorney in an action that is required to be commenced electronically, or a person who is a proposed intervenor or other non-party who seeks relief from the court in such an action, may claim exemption from having to file and serve documents electronically in accordance with this section by filing with the County Clerk and the clerk of the court in which the action is or will be pending a form, to be prescribed by the Chief Administrator, on which:

(1) if an attorney or small claims assessment filing agent, he or she certifies, in good faith that he or she:

(i) lacks the computer hardware and/or connection to the Internet and/or scanner or other device by which documents may be converted to an electronic format; or

(ii) lacks the requisite knowledge in the operation of such computers and/or scanners necessary to comply with this section (for purposes of this paragraph, the knowledge of any employee of an attorney, or any employee of the attorney’s law firm, office or business who is subject to such attorney’s direction, shall be imputed to the attorney); or

(2) he or she indicates that he or she is not represented by an attorney and wishes to be exempt from having to file and serve documents electronically in accordance with this section.

Nothing in this section shall prevent a judge from exempting an attorney from having to file and serve documents electronically in accordance with this section upon a showing of good cause therefor.

Where an attorney, party, proposed intervenor or other non-party who seeks relief from the court in an action that is subject to this section is exempt from having to file and serve documents electronically in accordance with this section, he or she shall serve and file documents in hard copy, provided that each such document shall include the notice required by paragraph (1) of subdivision (d) of section 202.5-b of these rules. The County Clerk or the court, with the approval of the Chief Administrative Judge, may require a person who is exempt from having to file and serve documents electronically to submit an additional, unbound hard copy of documents being presented in hard copy to the court. Notwithstanding the foregoing, all other attorneys, parties and others seeking relief from the court in such action shall continue to be required to file

and serve documents electronically, except that, whenever they serve documents upon a person or party who is exempt from having to file and serve documents electronically in accordance with this section, they shall serve such documents in hard copy, bearing full signatures, and shall file electronically proof of such service.

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Chief Administrative Judge of the Courts

Dated: December 4, 2012

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