

From: Robert Tolchin [mailto:rtolchin@berkmanlaw.com]
Sent: Tuesday, January 05, 2016 2:02 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Expansion of eFiling for tort cases

The eFiling system is wonderful and has made the practice of law much more efficient and the court's records much more accurate. I applaud it and urge the expansion to cover all cases.

It has been troubling to me, though, that one of the largest tort litigants, the City of New York, refuses to participate. It is incomprehensible to me that the City is permitted to opt out of all cases, when one would think the City, as a governmental unit, would be cooperating in full with the efforts of the courts, another governmental unit, to modernize and make things more efficient for everyone. There is already a disturbing perception that the City gets special preferences and leniencies in the courts (like City parts where the city lawyers are in the back with the Judge all day). It is time for the City to do what everyone else does. They certainly have the technical ability.

On the issue of technical ability, there are some lawyers who have been opting out of eFiling. I am unsure why, but someone told me that one gets a preliminary conference date faster on paper filed cases. What is disturbing is that in order to opt out these lawyers sign papers saying they lack computer equipment or technical knowhow, when that is just false but nobody verifies. See, for example, attached. The law firm that filed this has two offices and a website and is run by young lawyers who certainly know how to use a computer and have computers. That the system allows people to manipulate the system so easily makes the vast majority who play things honest resentful.

Robert J. Tolchin, Esq.
THE BERKMAN LAW OFFICE, LLC 111
Livingston Street, Suite 1928 Brooklyn,
New York 11201 718-855-3627

From: Michael Goldstein [mailto:mwglawyer@gmail.com]
Sent: Wednesday, January 13, 2016 11:37 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Re: requested comments from the bar on expanding mandatory e-filing

Re: requested comments from the bar on expanding mandatory e-filing

My opinion and that of many colleagues of mine is that e-filing has certain advantages over paper filing, however when judges require working copies the attorneys feel as if they are doing the same thing twice - --that is going through all the work of scanning and uploading each document, identifying them, etc. as required on the e-filing website, and then going through all the work of the old system creating a working copy with exhibit tabs etc. and delivering them to the court's motion support office, it seems that if the court system has determined that e-filing is the way to go, that everyone should be required to use that system.

In addition, the e-filing website used to advise the file or whether or not the assigned judge requires working copies, however now it no longer has that feature and instead requires the attorney to check the judges individual rules. If judges are going to be permitted to require working copies many attorneys feel that it would be appropriate for the website to contain the notice that it previously did stating whether or not the judge requires working copies, rather than requiring the separate step of checking the individual judges rules.

Thank you for your kind consideration of these issues. Please let me know if any of these suggestions might be implemented.
MGoldstein

Email: mwglawyer@gmail.com

From: Zuckerman, Brett E. <BZuckerman@damato-lynch.com> Wednesday,
Sent: December 23, 2015 4:17 PM eFiling Comments
To:
Subject:
RE: Re: Kings Follow up
Supreme is Flagged
seeking comment
on e-filing tort action:

Follow Up Flag: Flag Status:

Yes, this should absolutely be done. Makes filing more organized, more efficient and there is no disputing as to date/time of service!

Brett E. Zuckerman
D'Amato & Lynch, LLP
Two World Financial Center 225 Liberty Street
New York, New York 10281
Direct Dial (212) 909-2084 Fax(212)269-3559
[Bio / BZuckerman\(a\)damato-lynch.com](mailto:BZuckerman(a)damato-lynch.com)

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From: MarkHalEsq@aol.com [mailto:MarkHalEsq@aol.com]
Sent: Friday, January 29, 2016 2:16 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: proposed expansion of eFiling

Dear Sir/Madam,

How is anyone ever going to get an Order to Show Cause signed with eFiling system in place (which will result in opposing parties immediately being apprised of OSC being submitted for approval) when the opposing parties can object not only to the underlying relief at the time the OSC is made returnable, but prior to OSC even being signed by raising objections thereto?

Very truly yours,

Mark Halberstam
Mark Halberstam, Esq.,
1435 Coney Island Avenue,
Brooklyn, NY 11230,
Tel: 718 377 7337;
Fax: 718 377 8694,
markhalesa@aol.com

From: Alexander Duke [mailto:aduke@asherlaw.com]
Sent: Friday, January 15, 2016 5:44 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject:

To Whom it May Concern:

I am an attorney in New York involved in personal injury litigation. I am a huge fan of efilng and I want to compliment the design of the website (which is far superior to the federal court ECF system) as well as the Ecourts filing help *center*, which is excellent. As such, I enthusiastically endorse mandatory efilng in all NY counties.

My only concern regards courtesy copies to judges parts. I have found that there is a real confusion, even amongst court personnel, surrounding when and under what circumstances courtesy copies have to be served to the court.

Obviously, the whole point of efilng is to eliminate the paper overload, however, this is defeated when attorneys have to still serve papers the "old fashioned way" to the court. This last step needs uniformity, if at all possible.

Ideally, there would be a local rule (that would supersede part rules) which covers all courtesy copies. I think this solution works best for all concerned.

Thank you.

Regards,

ALEXANDER F. DUKE
ATTORNEY-AT-LAW
ASHER & ASSOCIATES P.C.
1 1 1 JOHN STREET, FOURTEENTH FLOOR
NEW YORK, NEW YORK 10038
212.227.5000 212.227.71 17 (FAX)

From: Rogers, Susan (Law) [[mailto:srogers\(5\)law.nvc.gov](mailto:srogers(5)law.nvc.gov)]

Sent: Wednesday, December 23, 2015 4:24 PM

To: eFiling Comments <efilingcomments@nvcourts.gov>

Subject: Request for Public Comment: Expansion of Mandatory E-Filing of Tort Cases in Kings County

All for it as long as the unrepresented and those without the technology equipment are automatically exempted.

From: Gary Mionis [mailto:gmm@gianfortunemionis.com]
Sent: Friday, January 15, 2016 11:16 AM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Mandatory E-filing of all New Tort Cases in Kings Supreme

To whom it may concern:

I fully support the mandatory e-filing of all new tort matters in Kings Supreme Court. In fact, it should be mandatory in all venues. The E-file system is an incredible asset and I make use of it as often as possible. It is discouraging that so many opt out and I truly feel that once made to participate all counsel will grow to appreciate its benefits.

Regards,

Gary M. Mionis, Esq.



Gianfortune & Mionis, P.C.

231 Mineola Boulevard | Mineola, NY 11501 516.281.8550

Ext. 101 office | 516.281.8552 facsimile

www.GianfortuneMionis.com

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From: Simon B. Landsberg [mailto:slandsberg@gfpc.us]
Sent: Tuesday, December 08, 2015 5:11 PM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: proposal e-filing mandatory Kings County

RE: proposal e-filing mandatory Kings County

I think e-filing should be mandatory for all counties for torts. It has worked extremely well in saving costs of sending adversaries (except those who do not consent or get privileges like NYC) voluminous copies of records, and it also saves time. It permits lawyers and staff who work late and remotely to submit filings with great ease. Uniformity is necessary. In most cases, cases that are commenced electronically get consent from all parties. Making NYSCEF mandatory across the board for torts cases (which make up a great volume of cases in the courthouse) would also save the courts time, storage, and money as well. No more long lines to purchase index numbers or fill out separate forms for the same purposes; no more back and forth between cashiers and clerks. It saves a big hassle for all.

The only downside has been the "working copies" that are required in many cases. The "working copies," in part, defeats the a great purpose of e-filing. That may need to be addressed in the future.

These are just my opinions, and do not necessarily reflect the opinions of other lawyers in my firm, the firm, or the general plaintiffs personal injury bar.

Very truly yours,

Simon B. Landsberg

Simon B. Landsberg, Esq.
Grover & Fensterstock P.C.
750 Third Avenue, Suite 900
New York, New York 10017
P:(212) 527-7575
F:(212) 527-7576
www.groverfensterstock.com

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