

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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

April 3, 2018

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks LM

Re: Expansion of Mandatory Electronic Filing in Suffolk County Supreme Court

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"). The expansion of the mandatory e-filing program has been proposed in Supreme Court, Suffolk County, to include newly filed special proceedings not specifically listed as an exception, to take effect May 23, 2018. As of the effective date, the authorization will be for all new civil actions, except:

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- civil forfeiture actions
- consumer credit transactions as defined in CPLR 105(f) (except initial filing of commencement papers by a represented party, which is mandatory)
- Election Law proceedings
- emergency medical treatment applications
- matrimonial matters
- Mental Hygiene Law matters
- name change applications

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than May 16, 2018. A new page has been created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - to provide notice to the public of proposed new or expanded mandatory e-filing programs and for posting any public comments received on 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 119 M
New York, NY 10007

As we move forward with expanded implementation of mandatory e-filing in Supreme Court, Suffolk County, please be assured that we will continue to offer 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 offered by the staff of the Supreme Court and County Clerk's Office, as well as by staff of the E-Filing Resource Center, both on-line and on-site. Attorneys who participate in on-site sessions receive two CLE credits 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 paralegals may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, Suffolk County Supreme Court and County Clerk's Office will also advertise dates and locations of 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 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/e-file-unrepresented>.

A complete list 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. C. Randall Hinrichs
Hon. Judith A. Pascale
Ronald P. Younkins, Esq.
Warren G. Clark, Esq.
Michael Scardino
Jeffrey Carucci
Jessica Cherry