
From: Toby M Cohen <tcohen@lotmc.com>
Sent: Monday, October 19, 2015 3:26 PM
To: eFiling Comments
Subject: Cannot come fast enough

Follow Up Flag:
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I am an attorney admitted in NY. Efiling makes the practice of law easier, faster, and cheaper, which allows for better access to the legal system for everyone.

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From: Jason Matuskiewicz <jason.matu@gmail.com>
Sent: Monday, October 19, 2015 5:12 PM
To: eFiling Comments
Subject: E-filing

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Hello:

E-filing is the best! If only New York actually had it. What is this "working copies" nonsense?!? Instead of making things easier it does precisely the opposite. There is no point in even having an e-filing system if you just have to file hard copies, as well. It's twice the work with no benefit whatsoever. So, I'm all for mandatory e-filing, so long as it is accompanied with a prohibition on the needless scourge of the working copy.

Yours,

Jason S. Matuskiewicz, Esq.

From: Neil Flynn <neil@ajlounyinjurylaw.com>
Sent: Wednesday, October 21, 2015 1:37 PM
To: eFiling Comments
Subject: Expansion of eFiling

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Ladies and Gentlemen:

The eFiling program should be expanded and made mandatory in every county as soon as possible for all the reasons you already know. If the federal courts can do it, so can we.

Regards,
Neil Flynn
Ajlouny Injury Law
1-800-535-5029

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From: Charley Rogers <charley@rosmarinlaw.com>
Sent: Wednesday, October 28, 2015 12:26 PM
To: eFiling Comments
Cc: Charley Rogers
Subject: SUPPORT MANDATORY EFILING IN ALL COUNTIES

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SAM ROSMARIN, PLLC

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WE SUPPORT MANDATORY EFILING IN ALL COUNTIES

From: Mark Moroknek <mark.moroknek@kellyandcurtis.com>
Sent: Friday, October 30, 2015 1:43 PM
To: eFiling Comments
Subject: Comment in favor of expanding eFiling

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As an attorney regularly using e-filing in New York County, and other counties where available, I am in favor of mandatory e-filing being expanded to all counties. It makes civil practice much easier once one becomes used to it, and saves much time and expense, in terms of mailing large motions and other documents which no longer need be mailed once they have been e-filed. There is also a benefit to having all relevant documents accessible online.

Mark S. Moroknek, Esq.
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From: Kimberly Ketenheim <KKetenheim@lawampm.com>
Sent: Wednesday, November 04, 2015 5:00 PM
To: eFiling Comments
Subject: RE: Dutchess, Niagara and Suffolk Counties to be e-filing Counties

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Good afternoon,

I am very happy to see these Counties added/expanded and hope to soon see all Counties available for electronic filing. I think as long as law firms or individuals that don't have computers/internet access are able to be exempt, it is a wonderful process. I find e-filing is easy, much faster and in the long run, less expensive than having to go to the Clerk in person to file papers.

Thank you, K. Ketenheim, Legal Assistant

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Thank you.

From: Bill Girdner <bgirdner@courthousenews.com>
Sent: Tuesday, November 24, 2015 7:29 PM
To: eFiling Comments
Subject: Comment From Courthouse News Service on Mandatory E-Filing in New York State Courts
Attachments: New York E-File Comment.pdf; New York E-File Comment.docx

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119M
New York, NY 10007

Hello Mr. Carucci,

Thank you for the opportunity to comment on mandatory e-filing in New York State Courts, a subject Courthouse News Service has become familiar with through similar transitions in federal and state courts around the nation.

I have attached both a pdf version and word version of our comments, since I'm not sure what format will work best for you.

Please let me know if there are any problems with the attachments, or if you have any questions.

Thanks again,

Bill Girdner
Editor
Courthouse News Service
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Comment on Expansion of Mandatory E-Filing Programs in the New York State Courts November 24, 2015

The purpose of the comment is to urge the New York courts to adopt two policies regarding electronic filing that would greatly improve press coverage: giving access to new filings as they come in and providing the ability to track big cases.

A great majority of federal courts and a few state courts provide “in-box access” to journalists, allowing the press to see new court filings, a regular source of news, as they are received.

The benefits are that news is not delayed by the work of court officials, there is no black hole that public filings disappear into for a period of time, and the plaintiff practice of leaking hot filings to favored media becomes ineffective.

A decade ago, New York Supreme Court provided the paper equivalent to in-box access. Journalists reviewed new paper cases at the end of the day, just after they crossed the counter and before any further work was done by court officials, such as docketing, jacketing and so on.

U.S. District Court for the Southern District of New York currently provides the press with in-box access to electronic filings. A journalist in the press room for the Southern District can review the new filings as they come in, before clerks review and process them. The access is round-the-clock. If a journalist were to work until, say, 8 o'clock, he or she could see a document electronically filed at that moment.

But with e-filing, the New York state courts have taken a different course, and repositioned the press corps behind the clerks who review and process new filings. The result is that press access to important cases depends on the completion of a set of tasks by court employees.

For example, a lawsuit reported was filed in New York Supreme Court by presidential candidate Donald Trump against the Spanish-language network Univision over a cancelled beauty pageant. It was filed in the middle of the afternoon but could not be seen through the court's public access system until nearly 24 hours later. One publication, however, obtained the copy of the complaint that was returned automatically to the filer upon filing, as shown by the stamps on the document.

Exploitation of a hole in press access is a common phenomenon. A plaintiff will leak the new filing to a friendly publication, which, given an exclusive, will play up the story by giving it prominent play. Other news outlets are then forced to follow with second-day coverage. Completing the incestuous circle, the wave of publicity increases the value of the plaintiff's claim.

The effect of the delay is to give the plaintiffs and their lawyers the power to manipulate and control coverage of the new filings. By putting the new matters into what is effectively a sealed container for a period of time, the courts also give up their duty as a public institution to provide the press with the ability to observe and promptly report on a branch of our government.

In fairness, it should be noted that since the Trump case was filed this summer, New York Supreme Court has greatly improved press access. Based on a recent survey, New York County Supreme Court has improved its same-day rate of access to roughly 90% of the new filings filed before 5:00 in the afternoon.

That level of efficiency represents an extraordinary turn-around in press access, but it remains short of the access to paper filings in New York Supreme Court in the past, which, based on my direct observation, was 100%. Because many electronic filings are now made after 5:00, it also remains well short of access in the Southern District which is 100% all day and all night.

Around the nation, courts that have repositioned the press down the line justify their policy by saying a case is not really filed until it is processed. In California, for example, a group of court officials argue with near religious fervor that a filing is not public until it is "official," i.e. processed. At the time of processing, they also backdate the new filings to the day they arrived at the court, and only allow the press and public to see the backdated copy.

The contrary position adopted in federal court rulings citing the First Amendment is that a document becomes public when it is received by the court, whether in paper or electronic form. The date on the file stamp is the date the filing becomes public.

Providing the press with the e-filing in-box is consistent with federal court rulings and with tradition. It provides the press with timely access and prevents exploitation of the black hole created when a case is indeed filed but remains inaccessible.

We would strongly urge the courts of New York to allow the press to see the new filings in-box.

A second potential improvement in press access would be to allow journalists to electronically track big cases by allowing the press to sign up for notices of new entries in the case record. A few federal courts in big jurisdiction have allowed journalists to sign up for such notifications, much like a lawyer in the case.

The ability to provide instant electronic notifications is an aspect of the transition to e-filing that can yield great benefits in press coverage of the courts. New York state courts would be in the forefront of state courts around the nation if they were to put in place such a system, a relatively simple programming task, allowing journalists to receive notifications of new entries in the public record of a big case.

We would also urge the New York courts to allow journalists to receive automated notification of new entries in the record for major cases.

Respectfully submitted,
Bill Girdner, Editor
Courthouse News Service

From: Nicholas Damadeo <Nick@damadeolaw.com>
Sent: Wednesday, November 25, 2015 3:33 PM
To: eFiling Comments
Subject: E Filing

Follow Up Flag:
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I am a sole practitioner on Long Island with a concentration in commercial litigation and appellate practice for over 35 years. I support any expansion of the e-filing system, believing it should be mandatory in all cases.

My one very strong suggestion is to eliminate the need to supply working copies to the Court. It defeats the purpose of reducing paperwork if motions and exhibits have to be duplicated after they have been e-filed. If the court requires hard copy of a particular exhibit e.g. a spreadsheet that may be easier to read in hard copy than on screen, then it could be requested simply enough via email to counsel.

Thank you for considering my comment.

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