

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, section 202.5-bb(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.

(e) Exemption From the Requirement of Electronic Filing.

Notwithstanding the foregoing, an attorney (or other authorized representative) 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 other authorized representative), 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 other authorized representative, 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 other authorized representative); 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 (or other authorized representative) from having to file and serve documents electronically in accordance with this section upon a showing of good cause therefor.

Where an attorney (or other authorized representative), 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. Notwithstanding the foregoing, all other attorneys (or other authorized representatives), 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 electronically in accordance with this section,

they shall serve such documents in hard copy and shall file electronically proof of such service.

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Chief Administrative Judge of the Courts

Dated:

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