

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 July 13, 2020, section 208.4-a of the Uniform Rules for the New York State Trial Courts (22 NYCRR §208.4-a), relating to the electronic filing of actions in the New York City Civil Court, to read as follows (new matter underlined; deleted matter in strikethrough. Clean version attached as Exhibit A.):

§208.4-a. Electronic Filing in New York City Civil Court.

(a) Application. ~~There is hereby established a pilot program in which certain civil actions~~ On consent, documents may be filed and served by electronic means in the New York City Civil Court (“Civil Court”) ~~may be commenced by electronic filing. Documents may be filed by such~~ means in such actions and in such counties as shall be authorized by order of the Chief Administrator of the Courts and only to the extent and in the manner ~~authorized by~~ provided in this section ~~and only in;~~ except that in an action brought by a provider of health services specified in section 5102(a)(l) of the Insurance Law against an insurer for failure to comply with rules and regulations promulgated by the Superintendent of Insurance pursuant to section 5108(b) of such law, the Chief Administrator of the Courts may eliminate the requirement of consent pursuant to section 2111 (b)(2)(C) of the CPLR.

(b) ~~Definitions. For the purpose of these rules:~~

~~(1) "Electronic means" shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions and which allows the recipient to receive and to reproduce the information transmitted in a tangible medium of expression.~~

~~(2) "Electronic filing address" shall mean the server accessed via the internet protocol address, and any successor thereto, established by the Unified Court System for receipt by the Civil Court of electronic filings as provided in this section.~~

~~(3) "Hard copy" shall mean information set forth in paper form.~~

~~(4) "Electronic filing" shall mean the filing by electronic means through the electronic filing address.~~

~~(5) The "date of receipt" of a document by the electronic filing address shall mean the date on which electronic transmission of such document is recorded at such address.~~

~~(e) Electronic filing in actions in the Civil Court.~~

~~(1) A party may commence an action specified in subdivision (a) of this section by the electronic filing of such documents as are required to be filed by the CPLR or the Civil Court Act in actions in the Civil Court.~~

~~(2) (i) Documents may be transmitted at any time to the electronic filing address.~~

~~(ii) Documents that are electronically filed to commence an action in compliance with this section will be deemed filed with the clerk of the Civil Court in the county in which the action is brought for the purposes of section 400 of the Civil Court Act upon the date of receipt of those documents by the electronic filing address, provided, however, no document will be deemed filed unless an index number for the action is endorsed thereon.~~

~~(iii) No later than two business days following the date of receipt of documents by the electronic filing address, the clerk of the Civil Court shall make available by electronic means a confirmation of electronic filing. This confirmation will constitute the clerk's return of the copy to the party for the purposes of section 400(1) of the Civil Court Act.~~

~~(3) When a document has been filed electronically the official record of that document shall be its electronic recording. Except as otherwise provided in this section, 22 NYCRR section 202.5-b, and section 202.5-bb where applicable, shall apply to all actions in which electronic filing is authorized in the Civil Court. References in sections 202.5-b and 202.5-bb to the Chief Clerk of the Supreme Court, or the clerk of a court shall be deemed to mean, where relevant, the Chief Clerk of the Civil Court and references in such section to the CPLR shall be deemed to include, where relevant, the New York City Civil Court Act and Real Property Actions and Proceedings Law.~~

~~(2) Commencing an action by electronic means. (i) Except as otherwise provided in subdivision (a) of this section, a party may commence any action in the Civil Court in any county (provided that e-filing has been authorized in that county and in the class of actions to which that action belongs pursuant to subdivision (a) of this section) by electronically filing the initiating documents with the clerk of the court through the NYSCEF site.~~

~~(ii) Documents that are electronically filed to commence an action in compliance with this section shall be deemed filed with the Clerk of the Civil Court in the county in which the action is brought for purposes of section 400 of the New York City Civil Court Act upon the date of receipt of those documents by the NYSCEF site, together with the payment of any required fee.~~

(iii) No later than the close of business on the business day following the date on which the initiating documents are electronically filed to commence an action pursuant to subparagraph (ii) of this paragraph, a confirmation notice shall be transmitted electronically by the NYSCEF site to the person filing such documents. The notice shall contain a link to a copy of the initiating documents to which shall be affixed an index number for the matter and a filing stamp showing the date of filing of the documents and to which there may also be affixed, as the court may require, an image of the signature of the Chief Clerk. This notice will satisfy the requirement in section 400(1) of the New York City Civil Court Act that the clerk return a copy of the filing to the party.

(iv) Where a summary proceeding under Article 7 of the Real Property Actions and Proceedings Law involving residential property is commenced electronically, NYSCEF shall provide the petitioner with the option, in lieu of submitting a stamped postcard containing the written notice required by section 208.42(i) of these rules, of having the clerk of the court mail such notice to the respondent or, if there be more than one respondent, to all of them. If the petitioner selects this option, the clerk shall charge the petitioner the cost of postage and a processing fee.

(3) E-filing in an action after commencement. Except as otherwise provided in subdivision (a) of the section, after commencement of an action wherein e-filing is authorized, documents may be electronically filed by, and electronically served by and upon, parties who have consented thereto. Consent shall be obtained, and such e-filing shall be conducted as provided in 22 NYCRR section 202.5-b(b)(2).

~~(d)~~ (c) Service of documents.

(1) A person seeking to obtain personal jurisdiction over a person named as a party to an action specified in subdivision (a) of this section may serve the opposing party in hard copy, or by electronic means if the opposing party agrees to accept such service, in accordance with the CPLR or the New York City Civil Court Act.

(2) Where an action is commenced by electronic filing pursuant to this section, the original proof of service required by section 409 of the New York City Civil Court Act ~~must~~ shall be electronically filed with the Clerk of the Court in the county in which the action was commenced by filing with the NYSCEF site. Service is deemed complete for the purposes of section 410(b) of the New York City Civil Court Act upon ~~the date of~~ receipt of the electronic proof of service by the ~~electronic filing address~~ NYSCEF site. In a summary proceeding to recover possession of real property, commenced electronically in accordance with this section, only the proof of service needs to be e-filed. The initial e-filing of the Notice of Petition or Signed Order to Show Cause, at the time of the commencement of the action, satisfies the requirement in 208.42 (h) to return the original of those documents to the Clerk of the Court with proof of service.

(3) Service of documents after commencement of an e-filed action shall be made as provided in 22 NYCRR section 202.5-b (f) (2), and 202.5-bb(c)(1), where applicable. When an e-filing party serves a document in hard copy on a non-participating party, the document served shall be a true copy of the e-filed document and shall bear full signatures of all signatories. Proof of such service shall be filed electronically.

~~(e) Signatures.~~

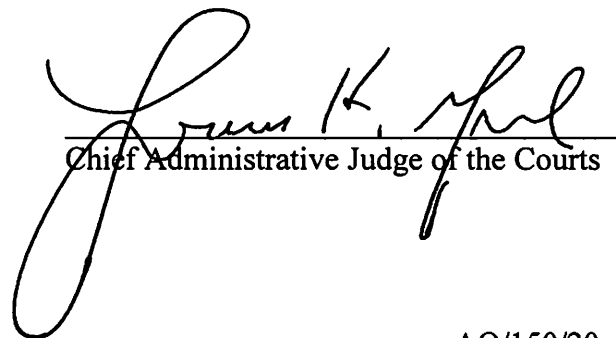
~~(1) Documents filed electronically shall be signed as required by Part 130 of the Rules of the Chief Administrator (“Part 130”) and shall provide the signatory’s name, address and telephone number.~~

~~(2) A signature on a document filed electronically pursuant to this section, including for the purposes of Part 130, shall be made (i) by autograph of the signatory on a hard copy that is thereafter scanned into portable document format or (ii) by the signatory electronically affixing the digital image of his or her signature to the document.~~

(d) Official Record; Maintenance of Files; Working Copies.

(1) When a document has been filed electronically pursuant to this section, the official record shall be the electronic recording of the document stored by the NYSCEF system. The clerk or his or her designee may scan and e-file documents that were filed in hard copy in an action subject to e-filing or maintain those documents in hard copy form.

(2) Parties participating in e-filing shall not be required to submit working copies of documents filed electronically.


Chief Administrative Judge of the Courts

Dated: July 10, 2020

AO/150/20

EXHIBIT A

§208.4-a. Electronic Filing in New York City Civil Court.

(a) Application. On consent, documents may be filed and served by electronic means in the New York City Civil Court (“Civil Court”) in such actions and in such counties as shall be authorized by order of the Chief Administrator of the Courts and only to the extent and in the manner provided in this section; except that in an action brought by a provider of health services specified in section 5102(a)(1) of the Insurance Law against an insurer for failure to comply with rules and regulations promulgated by the Superintendent of Insurance pursuant to section 5108(b) of such law, the Chief Administrator of the Courts may eliminate the requirement of consent pursuant to section 2111 (b)(2)(C) of the CPLR.

(b) Electronic filing in actions in the Civil Court.

(1) Except as otherwise provided in this section, 22 NYCRR section 202.5-b, and section 202.5-bb where applicable, shall apply to all actions in which electronic filing is authorized in the Civil Court. References in sections 202.5-b and 202.5-bb to the Chief Clerk of the Supreme Court, or the clerk of a court shall be deemed to mean, where relevant, the Chief Clerk of the Civil Court and references in such section to the CPLR shall be deemed to include, where relevant, the New York City Civil Court Act and Real Property Actions and Proceedings Law.

(2) Commencing an action by electronic means. (i) Except as otherwise provided in subdivision (a) of this section, a party may commence any action in the Civil Court in any county (provided that e-filing has been authorized in that county and in the class of actions to which that action belongs pursuant to subdivision (a) of this section) by electronically filing the initiating documents with the clerk of the court through the NYSCEF site.

(ii) Documents that are electronically filed to commence an action in compliance with this section shall be deemed filed with the Clerk of the Civil Court in the county in which the action is brought for purposes of section 400 of the New York City Civil Court Act upon the date of receipt of those documents by the NYSCEF site, together with the payment of any required fee.

(iii) No later than the close of business on the business day following the date on which the initiating documents are electronically filed to commence an action pursuant to subparagraph (ii) of this paragraph, a confirmation notice shall be transmitted electronically by the NYSCEF site to the person filing such documents. The notice shall contain a link to a copy of the initiating documents to which shall be affixed an index number for the matter and a filing stamp showing the date of filing of the documents and to which there may also be affixed, as the court may require, an image of the signature of the Chief Clerk. This notice will satisfy the requirement in section 400(1) of the New York City Civil Court Act that the clerk return a copy of the filing to the party.

(iv) Where a summary proceeding under Article 7 of the Real Property Actions and Proceedings Law involving residential property is commenced electronically, NYSCEF shall provide the petitioner with the option, in lieu of submitting a stamped postcard containing the written notice required by section 208.42(i) of these rules, of having the clerk of the court mail such notice to the respondent or, if there be more than one respondent, to all of them. If the petitioner selects this option, the clerk shall charge the petitioner the cost of postage and a processing fee.

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documents may be electronically filed by, and electronically served by and upon, parties who have consented thereto. Consent shall be obtained, and such e-filing shall be conducted as provided in 22 NYCRR section 202.5-b(b)(2).

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(1) A person seeking to obtain personal jurisdiction over a person named as a party to an action specified in subdivision (a) of this section may serve the opposing party in hard copy, or by electronic means if the opposing party agrees to accept such service, in accordance with the CPLR or the New York City Civil Court Act.

(2) Where an action is commenced by electronic filing pursuant to this section, the original proof of service required by section 409 of the New York City Civil Court Act shall be filed with the Clerk of the Court in the county in which the action was commenced by filing with the NYSCEF site. Service is deemed complete for the purposes of section 410(b) of the New York City Civil Court Act upon receipt of the electronic proof of service by the NYSCEF site. In a summary proceeding to recover possession of real property, commenced electronically in accordance with this section, only the proof of service needs to be e-filed. The initial e-filing of the Notice of Petition or Signed Order to Show Cause, at the time of the commencement of the action, satisfies the requirement in 208.42 (h) to return the original of those documents to the Clerk of the Court with proof of service.

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(1) When a document has been filed electronically pursuant to this section, the official record shall be the electronic recording of the document stored by the NYSCEF system. The clerk or his or her designee may scan and e-file documents that were filed in hard copy in an action subject to e-filing or maintain those documents in hard copy form.

(2) Parties participating in e-filing shall not be required to submit working copies of documents filed electronically.