

1C New York State Court Technology Roundup

April 11, 2022

Rochelle Klempner:

So good afternoon, everybody, and welcome to the New York State Technology Roundup. I'm Rochelle Klempner, I'm staff counsel to the Permanent Commission on Access to Justice, one of the conference hosts today for this conference, along with Cornell Tech. And I'm very pleased to have Jeff Carucci here. He's going to give us an overview of several of the court systems technology applications. Jeff's official title is Director and Statewide Coordinator of E-filing, but as you'll see today, he's in charge of many more remote applications here. His full bio can be found in the online agenda.

We encourage you to open the chat feature on the Team's toolbar, which may be on the top or in the middle, depending on how you came into Teams, but open the little chat bubble and use it to ask any questions or share any comments. We will be taking questions at several points throughout the presentation, and we'll also be conducting some polls and the results will appear in the chat.

This session is being recorded and we'll post Jeff's slides and the recording on the Permanent Commission's website sometime after the conference.

And now, here's Jeff Carucci.

Jeff Carucci:

Thank you, Rochelle. Hi, everybody. As you heard, I'm the Director for the Office of Court Administration's E-Filing Division, but we do oversee many other areas as well. The NYSCEF Resource Center, which is the information on the first slide there, is a center that will be able to assist you, attorneys, litigants in any of the items that we're talking about today and more. It's a great help desk. I have a great staff that supports that desk. We are open regular hours, 9:00 to 5:00. Actually, we man the desk from 8:00 am to 6:00 pm, so we have staff there from 8:00 am to 6:00 pm. You can see the two email addresses below there, one for NYSCEF and one for EDDS specific questions, so you can use those anytime you want. And, I'm going to get started.

Today, we're going to talk about three remote access tools that we have in the court system that we had or developed in the court system. The first thing we're going to talk about is EDDS, the Electronic Document Delivery System. Next we're going to talk about NYSCEF, the New York State Court's Electronic Filing System, which has been around for quite a while, which you'll hear me talk about. And then finally, we'll talk about something that's the most newest is the Virtual Evidence Courtroom, or the VEC, as we call it.

So we're going to first kick off with a couple of polling questions. And so, the first polling question that we're going to have, if we could launch that polling question, we're going to just try and get an idea of who we are out there, who the people who are viewing the session is, and have they used the EDDS system, the Electronic Document System, before? So, how many people have used the system? How many have not? And, we'll just wait a minute or so and see what we got for responses.

All right, thanks. I think that's most of the responses in?

Rochelle Klempner:

Apparently we have a lot of shy people, Jeff.

Jeff Carucci:

All right, great. Everybody seems to be-

Rochelle Klempner:

It's a yes/no question.

Jeff Carucci:

It's a yes or no. Have you used it? Great. So, I see we're trending towards no, which is great because then we can talk about some of the features and explain exactly what EDDS is. And so, we have 76% saying that, no, they haven't used the system before. 23% say that they have, so that's terrific. We are going to take some questions again, as Rochelle said, at the end of the session but I'm going to start by talking about EDDS.

EDDS was created only not too long ago in May of 2020. It was created in response to the public health emergency COVID-19 Public Health Emergency. EDDS is a delivery system. It doesn't replace E-Filing. It's not an E-Filing system. It's not an e-service system. Delivery of a document through EDDS does not constitute service, as when we talk about NYSCEF. Unlike NYSCEF, EDDS is simply the sending of a document. Think of EDDS as a way to send the documents to the court. It could be email. It could be by mail. EDDS is a much more secure method. The reason it's more secure is because the EDDS system runs your documents through various checks, virus checks, and multiple checks to make sure that the documents are safe and secure.

The EDDS system is a one-way system, as well. It does not communicate back other than email notification to the sender, and you can't access, or no other person can access your document after you upload a document to the EDDS system. EDDS is currently available in over 320 non-E-File courts around the state. And for the majority of those courts that have been filing and using it have been the civil, family and criminal courts around the state, both inside the city and outside the city. To date, 1,700,000 documents have been sent through

EDDS only since May of 2020. That's a pretty amazing number of documents in a system that we really came up with and developed in a short period of time. I'm going to go through the process with you. There's the link. We just created a new way, an easier way to get to EDDS, so you can see at the bottom of the screen, www.NYCourts.gov/EDDS. That will get you directly to the EDDS system. So, I'm going to give you a little bit of a very short of demo of EDDS, and I'm going to open up the EDDS page and the EDDS link. And if you went to that www.NYCourts.gov/EDDS, you'd land on this page here. On this page, you can see there's a user manual. There's some notices and frequently asked questions ... and just very briefly, in the user manual, when you go through the user manual, you'll see some generic filing processes.

And what I mean by generic is that some of the courts have some specific rules. We're a unified court system, but sometimes some of those procedures and what should be filed and when are a little different. But these rules, these procedures here, this manual is a general manual of how to use the EDDS system. That's accessible here under the user manual.

On the main page, you can take a look at the courts that are available. And today, I'm going to file in a Family Court. And, that's one of the courts, as I said before, to date has almost 700,000 documents that have been transmitted through EDDS to Family Courts around the state. So, I'm going to pick Family Court. I'm going to click on Family Court. Now, in EDDS, you don't need a user ID and password. You do need to get through this little eye test here, and hopefully I can get through it.

See, that's always fun. And so, we're going to try and get through there as quickly as possible. And, there we go. That's just a security. That little screen there, that stops from downloading. It's another security feature of EDDS, of all of our systems, when you see that JCapcha there. When you first get onto the screen, you'll see that there's a couple of things that you're going to see first. Although this might not apply for lawyers, it is some good information for unrepresented parties out there. You can visit the CourtHelp website, and there's a link to the CourtHelp website. That's the court's website to get help in any of the courts that you're going to. So we have a link to that. You can link to the DIY programs, and the court does have many DIY programs where you can create your documents and then come back to EDDS and upload those documents.

And so EDDS, again, is a delivery of documents, but you do have to create your documents before you go to EDDS. And so we have this section here, Getting Your Documents Ready. There's other sites here. There's a link to the court's forms website, where you can find various forms, and then find a lawyer, if you want a lawyer. Documents in EDDS as with NYSCEF will only accept documents in PDF. And, PDF/A, which most of the systems will create when you create a PDF document.

In step two, we explain that you'll be doing a few things when you deliver the document to the court. And you'll notice that we use the term deliver and send. We don't use the term file because EDDS is not a filing system. EDDS is a delivery system.

In this instance, I picked Family Court. We do have a link to some specific Family Court training videos, and we can customize it based on the court that was selected. In this case, again, I picked Family Court and that's why you're seeing that video there. There's a note again about using EDDS, and we don't recommend EDDS be used for emergency applications. And the reason? It's not a filing. It's a delivery and it's not manned 24/7, so if there's an emergency, we would recommend using the procedures that the courts have for emergencies, not using EDDS.

When I click next, I'm asked to fill out some general information, and I'm just going to fill out some information as if I'm a party here filing a petition in Family Court. I can check that I don't have a lawyer. And, all of this information is going to be transmitted to the Family Court clerk. Now, when I say transmitted, unfortunately it's available ... We're working on an interface with the courts ... but it is available for the courts to see when it comes across.

The party I'm representing would be myself in this case. Maybe I'm the defendant. I'm just going to fill out some information here. Now, all of the information here, and I'll put myself as a plaintiff. Myself, the petitioner. Now, on the Family Court screen, they've asked us to modify these screens a little bit and in this case, if there's an interpreter requested, we ask what type of language, and this is a help that the Family Court has asked for. In the reason (there is a reason required), and I'm just going to say to please accept my petition for filing.

And, there's a filing request. Again, EDDS is not a filing system, but the courts can take that document just as if you mailed it into the court, presented it another way, and filed the document. So when it's uploaded, not filed but the court can record it as filed. When the user clicks next, now they're picking the court that they want to file to, and I'm just going to pick Allegheny Family Court, but you can see the list of courts. As I mentioned before, we have over 300 different courts that are available to take different documents in the Family Court, city courts, Town and Village are now also beginning to use EDDS. When I click the court, it tells me which case types this court will accept. And in this case, I'm just going to pick other essential matter, file maybe a custody petition, but where's my petition? Where did I save my petition? My PDF?

Well, I had to have saved that somewhere on my desktop in a folder, and I have a folder ... I'm just going to swing over here just to show you that I do have a folder with some documents in it which I'm going to be using for all of the demos today. We're going to click next, and on the next screen, it's pretty straightforward. I have to pick the document that I'm filing. In this case, I'm

picking a petition and now I just need to attach my petition. Again, I had the page here, or the file here where I have my documents. I'm just going to go look for the document that I have, a petition, to file. And here, I have a document here which is a test petition. I can drag and drop that right here, and you can see that the path to that document is there.

I can attach up to four additional documents, and then actually add more documents if I wanted to, but I'm just going to send the one document and click next. When I click next, I'm going to get a confirmation page. So it reminds me that my documents are not even submitted yet, and I still need to move forward. If I need to change any of my information, I can change that information here. I can verify my document and see if my document is what I've attached. And finally, I just have to acknowledge ... I should read through these acknowledgements ... I just have to acknowledge that these specific acknowledgements. It will not allow me to file unless I check that off, and then I click send documents.

When I click send documents, a couple of things are happening. The court is getting a notification that somebody sent a document to be reviewed. I received an email notification as the sender that my document was sent to the court. Again, it's not filed and again, it's clear here that these documents are not filed. And of course, because this is a Family Court, there's an extra message here that if there's an emergency, call 9-1-1. This is what the filer will see on the screen. They can print this. They can send another document. And, that's really the process of EDDS. It's a pretty straightforward process. Again, I didn't have to log in. What I had to do was simply just attach a document and I needed to have two things; email address and a phone number. Those are the only two requirements for EDDS.

Rochelle Klempner:

And a PDF.

Jeff Carucci:

And a PDF. Thank you, Rochelle.

Rochelle Klempner:

So Jeff, we have a question from a practitioner here that said that she thought that EDDS was going to sunset. Is that a rumor or does that have to do with-

Jeff Carucci:

That's a great question and leads me right into my next area here, because EDDS is not sun setting. In fact, there were rules promulgated, and 202.5-c are rules that were promulgated, which make EDDS permanent. EDDS is now permitted to be used for the courts for a delivery method. And so, 202.5-c of

the Uniform Court Rules permit EDDS to be used as directed by our Chief Administrative Judge. So, a Chief Administrative Judge can direct that EDDS be used and be continued to be used in those courts that are currently using them. We do not want to use EDDS for courts that have E-Filing, but as you might know, E-Filing is not available in all of our courts at the moment, so EDDS is our next alternative in getting documents delivered digitally.

Rochelle Klempner:

You also have a question asking whether EDDS is available for small claims.

Jeff Carucci:

So at this time, EDDS is not available for small claims, but we are looking to expand it. Our next expansion is going to be expanded into Town and Village, our Justice Courts. And so, we're expanding EDDS to many of the Justice Courts around the state and we will look to expand it to others, just as we're looking to expand E-Filing as well. Again, that rule 202.5-c permits the Chief Administrative Judge to authorize the use of EDDS for delivery in any of the courts in the state.

Rochelle Klempner:

And on time, we should move on.

Jeff Carucci:

Great. So as I mentioned, we are moving the EDDS to different courts. We're also going to be piloting a program that uses EDDS as the delivery method and NYSCEF as a storage, or a repository of the official record. And, that's just until we can begin E-Filing in the court, which brings us to the next polling question and our next topic, NYSCEF. Have you used the NYSCEF, or the New York State Courts Electronic Filing System before?

Rochelle Klempner:

Right, for those of you who not might not be seeing it smack in the middle of their screen, it's in the chat and the results are in the chat, so you can open up the chat and see where that goes.

Jeff Carucci:

So it looks like most of you have used the NYSCEF system before. Well, actually half of you have used them and half of you have not. A little more than half have used the system, and it's new for many of you out there. So thank you again for this is, this is helpful-

Rochelle Klempner:

And let me just repeat, Jeff ... Sorry, but I did see a hand raise and I just want to repeat that if you have questions, put them in the chat and we'll try to get to all of them. Thanks.

Jeff Carucci:

Thank you. So let's talk a little bit about NYSCEF, the New York State Court's E-Filing. And those of you who were around in 1999 might remember it used to be called FBEM, or Filing By Electronic Means. Not only did the FBEM system go through a major change in name, it went through a major change in the system itself. NYSCEF over the years has evolved into a really customizable professional system, not only sending and filing documents to the court, but the service of documents. That's the big difference between the New York States Court's E-Filing System and EDDS is that NYSCEF is a filing system and a service system. Today, over 4,500,000 matters have been e-filed to date with over 50 million documents in the system. We have probably seen the majority of those since 2015, when our legislators permitted the Chief Administrative Judge to mandate many case types in the court.

Case types can be mandatory or consensual, and the courts that are authorized right now, 61 of our 62 Supreme courts are authorized for e-filing. The majority of them mandatory in everything that can be mandated. There are five case types at the moment in the Supreme Court that cannot be mandated. Those are matrimonial, election law, Article 70, Article 78, and mental hygiene law matters. Although they can't be mandated, they may be e-filed and so, all of those courts permit e-filing in all case types. So, if you have a case in the Supreme Civil Court in New York State in 61 of the 62 counties, you can e-file your case. In the surrogate court, all 62 counties are e-filing. All four appellate divisions are e-filing. And, in the appellate divisions, not just Supreme Civil, all of the case types in most of the appellate divisions are authorized for e-filing, including Family and Criminal Court.

So even though a trial court might not have e-filing authorized, the appellate court does, so you can file your appeal in the appellate court electronically. Court of Claims, all the districts in the Court of Claims on a consensual basis right now. And New York City Civil Court, 325d are cases that are transferred from the Supreme Court down to the lower court. Those are e-filed. And in New York City Housing Court, all landlord and tenant matters are e-filed on a consensual basis and the e-filing of no fault matters was just mandated not long ago ... which is not on this screen. When we talk about mandatory e-filing, when we talk about mandatory for the attorney, you could say that when e-filing is mandatory, it's mandated to the attorney. An unrepresented party never has to e-file. In fact, they never have to do anything to say they don't want to e-file.

They have to choose to e-file. They are exempt. They are presumptively exempt from e-filing. We do have, and I'll just show you ... we do have some

information that we hand out at court to unrepresented parties. It's a fact sheet reminding them they're, again, not required to e-file and it gives them a summary of the benefits, what they'll need to e-file and again, these are what they need to e-file. They do need a computer with internet access, email address, the ability to convert a document to a PDF. If they are paying a fee, right now, they'd have to pay by Visa, MasterCard, or American Express. Many of them have fee waivers, so they would get the waiver before they file. We give this information out there, and this information includes links to those ... links that I showed you in the beginning of the session, which is our CourtHelp sites and things like that, that we do assist, and try to assist, the unrepresented to e-file.

But again, they do not have to e-file. They're not required to even say they don't want to e-file. If an unrepresented party comes in with paper, the court must take that paper, even if the case is e-filed. If a party does choose to e-file, an unrepresented party can stop e-filing at any point in the matter, in the case, by serving and filing this form with the court. This is an intent to cease or stop e-filing. They would file this form. This form just says, "I don't have an attorney. I'm unrepresented and I want to stop e-filing my documents." Once they do this, they can file their documents in paper. Now, unlike an attorney, once an attorney is e-filing, the court needs to authorize them to not e-file ... give them permission. When an attorney is subject to mandatory e-filing, there's only way they can not e-file and that's through this Opt-Out form.

An Opt-Out form is for the attorney only, and that Opt-Out form states that I'm an attorney. I don't have a computer. I don't have access to the internet, or I don't have a scanner or other document that can convert a document to an electronic form. Or, I have any or all of that equipment but neither I, or anyone in my office, or anyone I do business with has the knowledge to operate any of that equipment. This statement needs to be filed in the case with the court. It is put up into the case, and then the attorney would be able to not e-file in that case. It's not subject to a review by the judge. The attorney can just file this and the case will not be taken out e-filing, but it will continue and that attorney needs to file in paper, file and serve in paper. And they need to do this in every case.

An unrepresented party, again, has the ability to go in and out of a case. An attorney does not. Our e-filing system is ... I'm just not sure if you could see it at the bottom of our screens ... to access the system is NYCourts.gov/efile. And, that's the way we can get to our e-filing system. I'm going to do a short demo of our e-filing system now.

So, I'm going to go into the training system as an attorney ... I'm sorry, as a party or an attorney representing a party ... and I'm going to use an ID in my training system. But before I go into the system, I just want to show you a little area that we have. We do have an area for unrepresented parties here, and I have to thank Rochelle Klempner, who was a big part of helping to develop

these screens and these processes here. They really are step-by-step, step one, step two, how to log-in basics, starting a new case, filing to an existing case. And that's what I'm going to do today. I'm going to file to an existing case. So if I didn't have a user ID and password, I would need to get a user ID and password.

And of course, I can go to Create an Account to get a user ID and password, but I'm assuming now I have a user ID and password. I'm on this case, and I'm going to go and I'm going to file in the Civil Court. I'm going to log in to file a simple filing of an answer. I think it's a straightforward way of just showing you the simple filing method in NYSCEF. So, there's a lot of information on the NYSCEF screen, and I'm going to pick, again, Civil Court and we can see on the screen, there's a couple of options. I can start a new case. And since, I'm in landlord and tenant, the landlord and tenant and no fault are the only matters that are authorized at the moment in Civil Courts in the city. But I'm going to file to an existing case because I know the case number and I have an answer.

Now I would've had to prepare my answer. So of course, again, I have my PDF and I have an answer to a non-payment proceeding here that I'm going to file. So I'm going to just take a look at this and make sure I have my document. Now, this answer could have been created just like I did here. I could have written it on a form and created that answer. I could have taken the DIY programs and created this. So, I'm going to go through the file to an existing case and attach that answer. I'm going to pick the case number and pick the court. Now, these questions here, am I filing a motion document or non-motion document? If I was filing a motion document, I would say yes and it would ask me the type of document I'm filing. Am I filing a new motion, a cross-motion or documents relating to an existing motion?

I'm going to say no, because I'm just filing an answer. I'm going to click next. When I click next, it's going to ask me who I am or who I'm representing? I'm the respondent in this situation here. I'm just going to record my consent and now I can file my document. The documents that I'm going to be looking for is the answer because that's the document I have the PDF of, and I'm going to just go here to either choose to file or again, drag and drop my answer here to file my document. And the last thing I have to answer is does this document contain confidential personal information? If it does under the Civil Court rules, the document would not be visible to the public. I can restrict that document, and there are different ways to do that, but I'm going to say no, and I'm going to move forward by clicking next.

And this answer, there's no fee for an answer. If I have any additional documents with this, I might have an exhibit or some other document that I want to file ... One document you'll notice that's not on our list is other. Every document has a name and we want to make sure that each of the documents have the correct name so we can associate them and bring them into the court for proper processing. So, I'm going to click next and you'll see ... I didn't

mention before, but at the top of the screen, I'm on the final part of review and file. On this page, I can make edits to anything that I need to do. I can check the document to make sure it's my document. I can click edit if it's not. I acknowledge, and now I've just filed the document.

When I file the document, unlike EDDS, this document not only got filed, but it also got served on my adversary. So this document that's recorded as filed was automatically served by the NYSCEF system. It was filed and served.

Very quickly, I'm going to just bring you the view the document case in NYSCEF-

Rochelle Klempner:

And, Jeff?

Jeff Carucci:

Yes?

Rochelle Klempner:

There was actually a question about EDDS, the fact that when it's filed, it's not served. When you deliver something through EDDS, your adversary is not notified. It's just a delivery mechanism.

Jeff Carucci:

That's correct. Any document that's required to be served that's sent through EDDS should include an affidavit of service. So, it should be served before you upload those documents to the court in EDDS. So again, that's a big difference here with the NYSCEF. This document was served. If I look at this answer here that I just filed, not only did I send this to the court and the document is filed with the court, but it's also served on the party in this case, and in this case, it was served on Larry D. Landlord. So, the answer is served and filed at the same time. This is the record. This record is available to the court, unlike EDDS. There is no case record available to the court or the parties. This record is available to the parties and the court.

If the case is a public case, the public will also be able to see these documents and view them. If the case, for example, is a matrimonial or mental hygiene or a restricted case, or for some reasons, documents are sealed by a court order, those documents would not be visible to court. And, that's the NYSCEF system-

Rochelle Klempner:

The practitioner was asking whether there's any plans to change EDDS to make the adversary aware of the filing, which the answer's no because then it would be NYSCEF, but then she's also pointing out that there are those courts that confuse everybody by accepting the delivery as a filing and then it's on that court to notify the adversary.

Jeff Carucci:

And again, that's why Judge Marks did sign rules, and they were rules for EDDS, and those rules are clear that documents sent through EDDS are not filed until the clerk acknowledges that they are filed. So, it's not filed just upon the upload unlike NYSCEF, which is.

Rochelle Klempner:

You also have a question about whether or not NYSCEF and EDDS can be displayed in a language other than English.

Jeff Carucci:

So, the answer is that we are hopeful that we can modify some of the screens in the future for it to be displayed. We don't have that ability right now, but we are working. I don't know if you saw on the screen before, we did modify some of the forms and right now we have some of the forms in Spanish, but the screens have not been translated at the moment.

Rochelle Klempner:

But, do you provide any other assistance for people who do not speak English?

Jeff Carucci:

So, we do actually. At the Resource Center, we use Language Line and we actually have used it quite often, translated multiple ... It's a phone intercept and we've really used it quite often here at the Resource Center. Mostly Spanish, Mandarin, Russian. Those are the languages that are probably the most popular that we've dealt with, but we definitely use that often at the Resource Center.

Rochelle Klempner:

Thanks, Jeff.

Jeff Carucci:

Thank you.

Rochelle Klempner:

And, you do have a question about New York City had some earlier cases filed in EDDS and you can't request an upload from EDDS to NYSCEF. I think that was the question.

Jeff Carucci:

So, I think if you reach out to the Resource Center, we can see if we can assist with any issues that you have in moving documents from EDDS to NYSCEF if

there's a consent. Now, there are ways to convert cases from paper or ... because EDDS in effect is still a paper case. It's just that it's not an e-filed case. But, there are ways to convert. The parties can stipulate that a matter be converted to e-filing. So, I would suggest you reach out to the Resource Center and we can probably, hopefully, assist with that.

Rochelle Klempner:

And then, we have an attendee who wanted to know whether or not the grievance committee is going to start accepting filings through EDDS, which great idea.

Jeff Carucci:

Yeah, it's interesting because EDDS is simply that. It's a delivery system, and so we do have some other offices and departments that are interested in using EDDS for transferring and transmitting documents. It's a secure way to do it. It's not out there in the public, and so there's a lot of ... and, that's the reason for keeping EDDS. Again, to have 1,700,000 documents since May 20th is amazing and it just shows what a great tool it is. And, I think it can be expanded for things like that in the future. Again, it's not e-filing.

Rochelle Klempner:

Given that we want to get to VEC, we will have an opportunity to hit some of the questions that we haven't answered yet at the end.

Jeff Carucci:

Sure.

Rochelle Klempner:

We have to move on.

Jeff Carucci:

Just a couple of the recent developments in NYSCEF, expansion, of course, to other courts and case types. One of the big projects that we're working on right now is Family Court. In development Family Court, we have three phases that we're working with; the standard upload of a PDF, which is similar to what you saw today, where the PDF will be created by a method other than the filing ... create the PDF and upload the PDF. The second will be working on some fillable forms where parties can fill out the forms and will create the PDF up online. And finally, in the final phases of this, we hope to integrate this with present and future DIY programs where someone can go and fill out our do-it-yourself applications, at the end of that process choose to e-file and e-file those documents.

This is exciting. It's something that's not going to be done in a short period of time, but it's real important to do for not just Family Court, but other courts. Once we can work with DIY programs and interface them, there's a lot of courts out there that we'd like to start to e-file their documents that are created through the DIY.

We hope very soon to expand in New York City Civil Court for additional case types, including consumer credit. We are implementing e-filing programs hopefully over the next year or so in the appellate term and we hope to also move into the superior Criminal Court. These are courts that are authorized by the legislation and just have not been implementing yet. And speaking of legislation, we have proposed legislation to permit the Chief Administrative Judge to authorize e-filing programs in all courts statewide, including Justice and City Courts ... and, that question about small claims, that would apply as well. So, should our legislation be authorized and signed by the governor, we would hope that we could expand e-filing into all of the courts in the future.

So, that's going to bring us to our last topic and our last polling question, which is have you used the VEC, the Virtual Evidence Courtroom before?

Well, this we expected. It's trending towards most have not, and it's relatively new. Just about 3%, which is one person, I think. One user out there who has used it so far. Yeah, great. Well, glad to introduce new technology to you, and this technology is something that I think is going to be used in many, many different things. Like the EDDS system, the VEC, or Virtual Evidence Courtroom, was originally created to assist in remote applications, remote hearings, remote processes, trials but what we found was that it's not just helpful in remote hearings, it's helpful in in-person hearings and many of the judges ... In fact, we had one judge that had over 1500 documents uploaded through to the VEC in a hearing where there was a jury and there were attorneys in the courtroom. But it helped in many ways, because what it does is it creates a way to submit documents in an orderly way, keeping them away from the main documents in the court file, in a separate area that can be managed by the judge and uploaded and sent to the judge by the parties.

I'm going to give you a demonstration of it. Currently, there is over 1000 VECs created. When I say VEC, those are separate rooms for documents. A VEC could be one room for a pre-trial conference. A VEC could be a second room in a case for a trial, and then a VEC could be a third room for post-trial hearings and motions. It's a way to collect evidence that would regularly be submitted to the court, sometimes by hand, and then handed back to the parties. That's why it doesn't become part of the record. VEC, it's not part of the record, and it's not available to anyone other than the parties and the judge. There's no public view.

So even in a case that's available to the public, any tort case, that there's no reason to have it restricted, the VEC area would not be available to anyone

other than the parties. Currently, the VEC is only available in NYSCEF matters in Supreme Civil, but as you'll see once we move forward, we hope to expand that to other case types as well. One of courts that will be the next to accept the VEC documents and use VEC is the Civil Court, the New York City Civil Court and Court of Claims.

Rochelle Klempner:

Jeff, I'm giving you your 10-minute time warning.

Jeff Carucci:

Thank you. So I'm going to go and give you a very quick six-minute demo of the VEC. And the VEC, it's in the NYSCEF case file so I'm going to log in as an attorney in a case file that I know I need to send documents. Well, how would I know that I need to send documents? I would've gotten an email from the court through NYSCEF saying that the court has created a VEC, or a Virtual Evidence Courtroom. In effect, it's an evidence management system. It's an area where the documents should be uploaded to.

You see that we have an option here that says "Send Evidence." So if I know I'm on a case, I'm going to pick the case and the court that I'm filing into. In this case, I know I'm filing into New York County Supreme Court. In this case, I'm just going to click next. If I was not part of this case and not already consented or a party in this case, I would not be able to get access to this list. What's this list? This list shows a list of all the rooms, separate areas of documents, that I can send a document into.

In this case, this demo, I'm just going to send something to the trial that's scheduled for July 7th, and I'm filing this as an attorney for a child in the case, so I'm going to look at the list of documents ... and you can see that I have a list of attorney for child documents ... and I'm just going to pick an exhibit for identification. Just like every other document that we've talked about today, I have an attorney for child exhibit saved as an PDF on my desktop or my folder. I'm going to just drop that exhibit there and I'm going to click next.

On the next screen, because it's an exhibit, we have logic built in that I need to put an exhibit number and letter. So, I need to put the exhibit number, a message about the exhibit and an exhibit letter. And I'm just going to put AFC-2, and now I'm going to click next and it's going to allow me to move on to the next screen. On this screen, you'll see that it's just reviewing it. I can edit it if I need to edit. There's an acknowledgement here, and I'm going to click Send Documents. So here too, I'm not filing a document, I'm sending it, but where did I send it? I sent it to a separate area outside of the court record for only the judge and the other parties to see, and the judge to manage.

And so if I click on this button here that says View Case, I'm going to show you what the VEC looks like. If I had a case where there were no VEC courtrooms or

no evidence courtrooms set up, I wouldn't have this extra tab on top. I'd only have these NYSCEF tabs. In this case, these are all the documents and they happen to be sealed in this case, but these are all the documents that are filed in this case. But what I just sent up is not going to appear there. It's going to appear on this tab under the VEC room that I filed it into. And so, we're going to go to that room, which is the trial for 7/7, and I'm going to click Go to Evidence Room. And, here you can see the documents that I just sent up, which is this document here and it's pending.

The reason it's pending is because ... and, I'm not going to show this part of it, but what would happen during the hearing, or either before the hearing, before the trial, the judge would work with the parties and they might all agree that the documents should be admitted. Document 5-15 should be marked admitted. The judge would mark it admitted, or the judge would direct the clerk to mark it admitted and then it would get this marking here as admitted. During the trial, the judge has a lot of options to allow the viewing of certain documents.

Let's say I only want to see all of the admitted documents. I can just show everything that was admitted. There's a lot of functionality here that the judge can use. Let's say I have hundreds and hundreds ... and again, that case I told you about had 1500 documents, but we have document numbers here so let's say I wanted to go and I wanted to just bring up Document 5-12 for review during a trial, or maybe I want to show it to a witness. If I put 5-12 there and click Narrow Evidence, it's just going to bring up that document and I'll be able to show it during the trial.

So, this VEC is something that's very helpful. It's not part of the record. It's being used in over 1000 different places now, and we hope to expand it to many, many other courts and even non-e-file courts in the very near future.

Rochelle Klempner:

And Jeff, we have a very good question, if not suggestion.

Jeff Carucci:

Okay.

Rochelle Klempner:

Would exhibits submitted through VEC remain connected to the case and available through the appellate process?

Jeff Carucci:

So at the moment, the appellate division will not take those exhibits. The attorney still needs to create the record, or subpoena the record, and submit those exhibits. So just like in a paper case right now, or in any case right now, the attorney would have to recompile the exhibits and submit them in the

appellate. We are in discussions with the appellate divisions for the future of using the VEC as something to be able to refer back to. So, we're hoping that we can do that in the future. Some of the other things that we're updating the VEC to do is to accept audio and video clips as well. So, that's something that we hope that we'll be able to do soon. Other than that, we also will expand it because e-filing is not authorized in every court, and right now the VEC is only available in e-filing, we will have a standalone version for VEC for courts not yet authorized to e-file. So they'll be able to still use that method for filing documents.

Any other questions on the VEC before we talk about any of these future projects?

Rochelle Klempner:

There is someone asking whether the documents in VEC are viewable even when the documents in the case are sealed.

Jeff Carucci:

So the VEC are viewable to the parties only. It's never viewable to the public, but the judge can restrict even the VEC document from parties as well. And so, we have a way where the situation would be an in-camera review. You can use the VEC to upload. There's an option request for in-camera review. The other parties wouldn't see it. The judge would review it, and that would only be with the judge's permission though. So, you need to make sure that the judge would permit that.

Rochelle Klempner:

And how does it work if there are authentication issues in the evidence?

Jeff Carucci:

So if something has to be authenticated, and that's all up to the judge, the judge might request that an original of something be produced, maybe a certification. That's going to be up to the judge in the trial. All VEC does is change the way of delivering the documents to the court, and it doesn't eliminate the need sometimes for maybe another hearing on the document or some other viewing of something. For example, something that can't be e-filed, a picture of something that maybe has to be brought to the court to examine.

Rochelle Klempner:

Thanks, Jeff. We have about three minutes left.

Jeff Carucci:

All right, so real quick I'm going to go through the future projects. We are testing an option that will allow unrepresented parties to submit motion for a fee waiver electronically, so they won't have to get that waiver before. We do have on our site additional video training just for unrepresented parties, and we're going to be working to create some additional ones as well. We have a method of a limited notice of appearance that we use right now in foreclosure matters, and we may be testing in other case types as well. What those do is allow an attorney who represents a party to represent them up to a point, and then e-file up to that point, but then allow them to be taken out of the system by filing this notice terminating limited appearance. Of course, we're going to try and update all of our screens to be more user friendly and multiple languages, as that question came across today.

Something I just want to go over real quick that we have that's real new in our Resource Center is a live chat. We've opened this up, and it's going very well. If I link to it real quick here, you can see that it's under the Ask a Law Librarian, but it's a live chat. Someone can actually chat with our Resource Center staff here, and we have right now limited hours because of just availability of staff, but many frequently asked questions, and you can see that they're being ... How do I convert a case is 1900 views already. So, a lot of information here under this new feature about ask to chat and a lot of training in instances that we have and we're developing modules for.

The last thing there is an email address. If there are legal service groups out there who have questions, have issues, we encourage you to use that email address specifically for any legal service groups. That's going to be in the slides that are provided as well.

I thank everyone for their attention, and if we have any other questions, we'd be happy to squeeze them in the last minute.

Rochelle Klempner:

We have another minute left. I'm going to ask you a quick question. Do you happen to know whether New York City housing cases are going to be mandatory NYSCEF?

Jeff Carucci:

So at the moment, they are not mandatory. They're not going to be mandatory, but I can tell you that they have a large, large percentage of the cases that are e-filing. But again, unrepresented parties never have to.

Rochelle Klempner:

I think we meant whether the practitioners have to ... when they're starting a case.

Jeff Carucci:

Practitioners at the moment don't, and there's so many that are filed right now that we're not talking about mandating them now. What we're talking about is expanding to other case types in Civil Court right now.

Rochelle Klempner:

And Jeff, I just want to say, because I've known you many years, and as you mentioned, NYSCEF began in 1999 ... I just want to ask, you've been working with technology for decades in the court, how do you view the pandemic's impact on court technology?

Jeff Carucci:

Well, I think two of the three things that we've talked about today, obviously, NYSCEF has come a long way, but NYSCEF has come a long way in a long period of time. We've developed the EDDS and VEC in a very, very short period of time and it's been really tremendous success in accessing the court. So I think unfortunately, or fortunately, the pandemic has spurred us to come up with new ways that technology is going to be used in the courts for a long time to come. And, it's great and I think everyone is embracing it. We're happy and we're here to help you. And, there's our contact information.

Rochelle Klempner:

Well, thank you for your time, Jeff. And everybody, this session is recorded. It will be posted on the Permanent Commission's website, along with Jeff's slides. And, that concludes today's conference. I hope to see you all back here tomorrow at 1:00 Eastern time. Thank you.

Jeff Carucci:

Thank you all.