

Pete Nowacki:

All righty. Well, it looks like we've got nobody coming in from the lobby. So I'd like to welcome everybody and express our appreciation for you coming to this event. We are super excited. My name is Pete Nowacki. I am going to be the moderator. And in this particular instance, because we have got one of the rock stars of the court system to do our presentation today, Antonella Barbieri, I won't be doing much. She's probably our best trainer. And she is going to go talk about all things new ... well, not all things ... but a bunch of things new with our court technology. And without further ado, I'm going to turn over Antonella.

Antonella Barbieri:

Great. Thank you so much. Thank you, Peter. Thank you, everyone. On behalf of Chris Gibson, the Acting Statewide Director of the NYSCEF Resource Center, everyone else on the NYSCEF team, we would like to thank you for joining us today in the Court Technology Roundup. This is all the new technology as it applies to NYSCEF, the New York State Courts Electronic Filing System, that's used in the entire state of New York, in many courts. And I'll show you when we get to our page, the courts that do participate in e-filing. In the past year, we had a lot of new and exciting technology that's been added to NYSCEF and some of our derivative systems. And that's what the presentation is going to be today.

So just to get started and tell you a little bit about NYSCEF, in fact, we have a lot of filings. NYSCEF is super successful in New York State. We have over three and a half million cases that were commenced electronically through NYSCEF. And that's just Supreme Court cases. That doesn't apply to the Family Court, the Civil Court, the Appellate Term, all the other courts that are using our site and system. We have a total amount of over 52 million court filings documents in the life of a case that have been filed. And total statewide documents that were filed through EDDS, which is the Electronic Document Delivery System, is two and a half million. And this is a derivative system, the EDDS, that started in May of 2020 during COVID. So already we have two and a half million filings through that system. So NYSCEF is extremely successful and being used throughout the state.

Now, we have some new technology, and this is particular just to this year. We started the Family Court Pilot Program and we're going to discuss that last. There's a lot involved with the implementation of the pilot program. And we'll get a little look and feel of the site at the end of this session.

We also have VEC, which is the Virtual Evidence Courtroom, which are being used in the courts that are authorized for electronic filing. But for the courts that are not currently authorized for electronic filing, because we do affect courts that don't have NYSCEF such as the courts that use EDDS, we have something called VEC II, which is a Virtual Evidence Courtroom. It's a web-based application that's used for courts that are not yet authorized for electronic filing. And we'll talk about briefly the pilot program for that.

Also, we've expanded the use of EDDS to include the option for City Courts to accept commencement documents through NYSCEF. And that's pretty huge because that includes the accepting of the payment electronically through EDDS, which is really brand new for New York State.

And then additionally, and we'll really start with that when we go to the next slide, is that we have some new functionality as far as live chat and training videos. Now, as far as the added NYSCEF resources, as we're expanding, we see that there are many courts and users of the NYSCEF site that require training and support. So we've added some resources to help the users of our web-based application. First is the new live chat option, which you can find on the NYSCEF homepage. You can ask a question to a NYSCEF Clerk that we have here. Every day we have practically staffed by different employees. And it's a direct link to a NYSCEF Clerk to ask questions and to get immediate answers on anything NYSCEF. We also have training resources. We always had training resources, but we really amped up the amount of training

videos that we have. So when I go to the NYSCEF site, I want you to take a look at where those videos are. And please watch whatever videos you feel will help you in using our site.

So the first thing we're going to do is talk about the commencement document filing program that we started in the Eighth Judicial District. Now EDDS is Electronic Document Delivery System. It was born out of NYSCEF. It's almost like a lighter version of NYSCEF. And it was created in the beginning of the pandemic where there were courts that didn't have NYSCEF. They were frantically looking for a way to accept documents into their court without people coming down to the courthouse or people mailing it in. So we created EDDS, which is a safe and secure way to transmit documents to the court. However, with those courts that are not yet authorized for e-filing, they took a look at EDDS and said, "Well, how can this work for us? How can we expand what we already have, we're already using, to make our jobs a little bit easier?"

So what we did was we started with a pilot program and started in the Buffalo City Court where through EDDS summons and complaints could be filed, the commencement documents and the fee could be paid electronically. Once it's paid electronically, then when the filer received the confirmation that the documents have been received, their documents are considered filed with the court. So it's a quasi-filing system just for commencement documents. And again, this is a pilot program that we have in the Buffalo City Court. We have expanded it to the rest of the Eighth J.D. for the City Courts. And hopefully after a greater success that we saw in Buffalo, we'll expand it to the other City Courts throughout the State.

So now we have VEC II, which is the Virtual Evidence Courtroom application that we have established for those courts that are not yet participating in e-filing. Attorneys can log in to VEC II with their attorney credentials. And they can upload evidence to the site. What's special about the VEC II is that it's not just PDFs that you can upload evidence. You can include video, audio, a Word document. So it really does expand the types of evidence that would be submitted in the court. This is a pilot program that we're going to introduce in the Court of Claims beginning this quarter. So as it progresses, we will implement it throughout the State as well. It always starts with a pilot program somewhere, someone willing to help us. So just stay tuned for that, an expansion for that program.

But we do have the Virtual Evidence Courtroom, VEC. And this is available to all the Supreme Court Justices. We are expanding also to the Civil Court. We will be expanding to the Family Court in accepting evidence documents through the NYSCEF site. It is a versatile tool to help with in-person and virtual hearings where anyone can access the documents. It's also good on the clerk's side that the clerk can process it fairly easily considering the work that is required to admit work for ID purge or return documents back to the participating parties. But the only caveat with the VEC is that the evidence at this time could only be in PDF/A or PDF format.

So let's go ahead. I'm just going to show you a screenshot of the VEC II. VEC II, again, just to go back was the application we have for accepting evidence in courthouses that are not yet authorized for e-filing. We're actually working on the programming right now. I mean, today, that I can't display it live. So we have some screenshots just to go through to give you the look and feel of sending evidence through VEC II. So it starts by the attorney receiving an email that a new hearing has been scheduled in their case below. So please log in to the Virtual Evidence Courtroom, and there's a link provided, in order to view the new evidence and to upload new evidence. So after clicking on the link, the attorney will enter their username and their password. And on the main menu, there's really only two options, to view hearings and to view your cases. Because cases can have more than one hearing. It's just how you want to find the case that you want to send evidence to. After you clicked on the type of evidence list that you want to see, you can go ahead and click on any of the types of hearings to view the evidence that's already been submitted or to submit more evidence, okay?

This is what it looks like for a clerk when they're logged in. But it's very similar to how attorneys ... when you're logging in to record and submit additional evidence to the court. And what I'm going to be showing you here now, and we are in the live site, this is for NYSCEF. So for the courts that have Virtual Evidence Courtrooms, which is the Supreme Court cases right now, I can go ahead, click on "Send Evidence". And this is what it looks like to send evidence through NYSCEF to a NYSCEF case. This is VEC. You start by selecting the court you're sending documents to. You enter the index number and the county. This is just a dummy case that I created. So NYSCEF is now going to ask me to select the hearing that I want to submit evidence into. So I'm going to say it's the preliminary conference hearing scheduled for May 19th. Then I'm going to go ahead. And from the list of documents, they're categorized by party role. So we have attorney for child documents, we have defendant documents, and plaintiff documents.

So you start by going to the role that you are in the case. And then you find the appropriate document that you want to upload. You could attach additional information if you wish. And you could enter an exhibit letter or number designation if applicable. And then the magic of NYSCEF is where you browse on your computer and you attach a PDF of the document that you want to upload and you continue. So now I'm at the Review page where I can confirm that this is the evidence I want to send to my case. There's always a filing acknowledgement, okay? And then you go ahead and send your documents electronically through the court. So now I'm going to go ahead and view the case. We have a Virtual Evidence Courtroom tab here in the NYSCEF e-file. And when I click on it, I'll select the hearing that I want to see the evidence that was submitted. Go to the Evidence Room. And I can see here that there is one document that was submitted. It's the plaintiff's court exhibit. And then it's pending because the clerk has not looked at it to either admit it or return it or mark it. So that is the Virtual Evidence Courtroom. And you'll see here that it's separated from the NYSCEF e-file. So the evidence is not caught up in the file as it is in real life cases. We know that evidence is kept separate from a court file. Similarly, evidence is kept separate from this court file being represented by a different tab in NYSCEF. So that's the Virtual Evidence Courtroom.

So let's go back to the PowerPoint. And now what we're going to do is talk about e-filing in the Family Court. This is the biggest project that started this year. It's the project that I'm working on too. So I'm not saying it's the biggest because it's the one that I'm on. I'm saying it's big because it's huge. And we're all still working on it. So let's talk. E-filing started in the Family Court. It started August 10th of 2022. We started in New York County Family Court, and we started with the following case types that you can see here. Custody, Visitation, Parentage - Assisted Reproduction, Paternity, Guardianship, Parentage - Surrogacy, and Support. We started off in New York County. The rollout, we were getting some numbers, we were getting good numbers. We're going to talk about the Administrative Order and the Rules momentarily. And then we rolled out two more counties. We are now in Fulton County, Richmond County, Saratoga, and Suffolk. We have about another five courts that are lined up waiting. I'm saying it's a big project because there's a lot of teamwork we're doing with other offices in the courthouse that we're working together to integrate our systems to make the job of the clerk easier and to have better information and access to the public when it comes to their Family Court case. So we've expanded to the other courts and case types.

So, let's go ahead and take a look at the Administrative Order for Family Court. This Administrative Order was, again, signed August 10th of 2022. This was signed by Judge Marks and it's an Administrative Order authorizing the pilot program of Family Court. In this Administrative Order, we detail the rules that apply to the pilot program, all right? And I highlighted some of the most important things that I want to touch on. To start off with, the Administrative Order has the rules that govern the pilot program. It starts off with the definitions of NYSCEF. Please, you can read it. It's all basic definitions, just to have a groundwork understanding of what NYSCEF is all about.

But the rules start off with basically saying that, for the case types that are authorized for e-filing and the courts that are authorized for e-filing that we just saw in the PowerPoint slide, electronic filing in the pilot program is authorized in that court for the commencement of cases by petition or any other type of supplemental petition through the NYSCEF site. Once a party who has commenced the proceeding, they filed it electronically, they consent to the use of the pilot program. And furthermore, if they are an attorney, they have to commence the proceeding and they're also required to file a Notice of Appearance, which is consistent with the Family Court Act and the Family Court Rules with filing a Notice of Appearance.

Pete Nowacki:

Quick break, Antonella. We do have a question that might fit in here. So Darlene asked us, for new filings, is the clerk adding the documents so the attorney can retrieve them?

Antonella Barbieri:

Yes. Yes. The short answer to that is, yes. And that's the big part of what we're doing right now, because you're probably used to eNotify. We could talk a little bit more about that at the end. But yes, any doc ... not any document. The approved documents that are uploaded to UCMS will be made available in NYSCEF. So as long as you're participating in that Family Court case in NYSCEF, you'll be able to view any document that the clerk has uploaded to their case management system that they want you to see, if that answered your question.

Pete Nowacki:

Hopefully it did. We have another one from Penny Wagner. And I know we talked about this. So if you've got questions, we'll pop them in here. Are there e-filing fees attached in addition to court fees?

Antonella Barbieri:

No. Well, NYSCEF does not charge additional fees for using our site, okay? So filing fees or filing fees. Supreme Court index fee's \$210. However, because of the pandemic ... before the pandemic, the court system OCA, they absorbed the credit card fee for anything that was paid by credit card through the NYSCEF site. That was before the pandemic. After the pandemic, the court decided to no longer cover the cost of the transaction fee. So the 2.99% credit card fee is charged. And it goes to the credit card company, not to the courthouse. So the fees are separate. So when you pay a filing fee electronically, there's the filing fee. And then it's separate from the processing fee. You're charged simultaneously, but they are separate fees.

Pete Nowacki:

Okay, great. Thank you.

Antonella Barbieri:

Okay. And then on the other side of it, going back to the rules, any attorney that is served with an e-filed petition and they want to participate electronically, they have to promptly file their Notice of Appearance or file with the clerk of the court, a Declination of Consent simply saying that they decline to e-file in this e-filed case. Family Court participates in NYSCEF on a consensual basis, meaning that cases do not have to be commenced electronically. And participating parties do not have to opt into electronic filing, any of those parties. That's for Family Court right now statewide. It's all consensual. But we have mandatory courts, if anyone is used to practicing in Supreme Court, where most of the case types are

mandatory. Meaning that cases must be commenced electronically and attorneys must participate. The exception to always having to participate in e-filing is an unrepresented litigant. They're never required or obligated to e-file under any circumstance.

Continuing with the rules, I just want to talk about when a document is considered filed. So we know in NYSCEF, in the Supreme Court, a document is filed at any time. However, with Family Court, a document is considered filed if it's filed between 9:00 AM, 5:00 PM Monday through Friday. But if a document is sent to NYSCEF on a Saturday, a Sunday, a legal holiday, or outside of the court operating hours, the document is not considered filed in until 9:00 AM the next day the court's in session. So NYSCEF will capture when a document is filed and when a document is received.

And then continuing on, who is able to get an ID to file into NYSCEF? Any attorney that has an ID can participate and file in the Family Court. Any attorney that's submitted pro hoc vice may apply for an account. And then any unrepresented litigant or even an individual who is represented by an attorney in Family Court may apply for a NYSCEF account.

And then just to wrap it up, because there are some other little caveats, the exception to the filing rule that I just spoke about are orders and judgments. Orders and judgments that are filed in the Family Court are considered filed the time in which that it was ... I'm sorry ... the date that the order of the judgment was signed by the court unless it's indicated otherwise.

And then at the end of the Administrative Order, we really want to hit on some of these important facts. First, no information about any document that's filed in the Family Court through NYSCEF is not visible for inspection publicly on the NYSCEF site. You can't even search for a person's name, and a Family Court case would not come up. There is no indicator that there are Family Court cases here in NYSCEF. You can't search to find any factual information about someone's case. Personal contact information other than an attorney is not displayed. It's actually redacted. So if someone is unrepresented, they're an unrepresented litigant and they're the petitioner in a paternity case, and they don't want to let the respondent know where they live, even in NYSCEF, that information that we display is redacted. Lastly, participating parties are not required to submit working copies. Now, if anyone practices outside of Family Court, you know in Supreme Court, sometimes the judges would want a working copy, which is a printout of whatever was electronically filed. That's no longer required in any Family Court case. So those are basically the rules. Oops. That's basically the rules of Family Court, just highlighting on some of those important things.

So what I want to do here now is ... I'm in the training site and I'm logged in as an attorney. Because what I want to show you is what it's like to go through an actual filing. So what we're going to do here is I'm logged into NYSCEF. And on the filing menu, what I'm going to do is go ahead and click on Family Court. Oops, it logged me out. Let me log back in. Okay, I'm going to click on Family Court. Now, here are my options for filing. The first is for new cases, to file a petition. So what's considered a new petition? A new petition is considered a document ... I mean, I'm sorry, a new petition is considered new in NYSCEF if no file number has been assigned in NYSCEF. So if it's the very first case that gets a file number or it's the very first petition that's being filed to a case where all the prior filings were in paper, NYSCEF considers it a new case.

Then we have filing to an existing case. That's for the cases that already exist in NYSCEF. If you want to file an additional petition to an existing case in NYSCEF, if you want to file an additional document, if you want to record your consent. And as a reminder, you have to record your consent before you could even access a case in NYSCEF, or sending evidence, which is something that we're still ironing out for Family Court. So let's go ahead and file a petition. The very first thing you see at the top is the NYSCEF status bar. It shows me where I am along the way of my filing. NYSCEF first is going to ask for me to select the

court that I'm filing into. So I'll go ahead and select that I'm filing into the New York City Family Court in New York, Manhattan. And click "Next".

So now my status bar has progressed. And now I'm at the case type where I'm going to be selecting from this dropdown the case type that relates to my petition. So I'll say it's custody and visitation. And then I'll click "Next". Now NYSCEF is asking for the party information. It's asking for the petitioner, the respondent, and a child. NYSCEF is always going to require one petitioner, one respondent, and one child for these case types that are under the pilot program. So let's go ahead and enter some information here. So we have an example, Mother. These are required fields, the red asterisk. If she had an AKA or she was known by any other name, you can go ahead and add other name status. What's required is that I enter her date of birth. So let's just go ahead and make her a New Year baby. And then I'll go ahead and put in the respondent's information.

We see here that right now the date of birth is not required. It's possible that you probably don't know the birthdate of the respondent. But you hope that really you know your own birthday. So as long as you're putting in an individual name here, that date of birth field's going to be required. Lastly, for the child, when you're entering a child's name, you have to enter a date of birth. But we understand that sometimes in Family Court proceedings, it could be an unborn child where no birthdate and no name would then be required for this field. And then again, you can add additional children's names. For the purposes of the demo, we're just going to do one petitioner, one respondent, one child, that's it.

So now NYSCEF is asking for the main document. Let's go down a little bit more. Before I even continue with this, I want to just make clear that NYSCEF revamped a lot of the pages for it to apply to Family Court and to really guide the petitioner in having all of the right documents. So that when they're in front of the judge, more can get done on the first court date, because they were more prepared for the first court date. And this is the idea that we had going forward with these pages. So when someone is filing a petition, the first thing NYSCEF is going to ask is, are you including an Address Confidentiality Affidavit? This is the big deal. It's a big deal to the Family Court where a lot of addresses, they end up being confidential. So it's a yes-or-no question.

If it's yes, you're going to be prompted to upload the Personal Information Form on the next page. But you're also being prompted to know that you have to remove the address from all documents except for the Personal Information Form, which is a form that the petitioner fills out with all of the information that the judge needs to write appropriate orders or to register someone with a support collection unit or child services. So I'm going to go ahead and say yes, just to show you how NYSCEF is intuitive of the questions it'll ask on the next page. So I'm going to go ahead and upload my initial petition, which is that very first petition. And I'll attach a PDF of my petition. I could also add additional document information. It's not necessary, it's not required, but should there be a need, that's the field. I'm going to go ahead and click "Next".

And now NYSCEF is opened up to accompanying documents. Accompanying documents is anything else that would support the filing of the petition or supporting the main document that's been filed. So let me just scroll down here for accompanying documents. And it says here, based on your request to hide the petitioner's address, an Address Confidentiality Affidavit is required. We made this linkable. We made this form linkable that if you did not have the Address Confidentiality Affidavit prepared at the time of filing, that you can access the form, fill it out, attach it to your filing, and continue. And we do this in a few places. So just be mindful of that. So I'll go ahead and browse on my computer and attach the PDF of my Address Confidentiality Affidavit. You could see too that NYSCEF have pre-filled that information in for you because it wants that for the next form.

Then for document three, it's saying, based on your initial petition document, a Personal Information Form is required. And we linked it. So you can access that form there if you didn't have it. And we note

the Personal Information Form should include the petitioner's address. And that's because this is a form that is only visible and accessible to the court. So I can access the Personal Information Form, I can fill it out, scan it onto my computer in a PDF, and attach it. Now lastly, a Notice of Appearance is required for every docket that you file into, all right? If you're filing into multiple documents, this Notice of Appearance will be filed into each docket. NYSCEF allows you to file into multiple dockets so long as it's the same case type. Because we know that with a custody visitation, there could be 10 dockets. And you're trying to file 1 document, but into all those 10 dockets. And NYSCEF allows for the easy filing into multiple cases.

So I have my Notice of Appearance prepared. I'll click Browse and attach the PDF of that document and continue on. Now, for document five, it's blank. It's not asking you for anything. Nothing is required. But now document five, because it's blank, you could attach anything else. So, let's say there's a birth certificate, a death certificate, an order from another court, tax forms, employer letters, whatever it is, NYSCEF allows for the filing of those additional documents. And really as many as you need to get that petition and its supplemental papers over to the Family Court. I'm not going to put in anything for document five. It's not really necessary. I'll go ahead and click "Next".

Okay, so now I'm at the Review and File page. On this page, I can confirm all the information that I've entered. And there's a corresponding "Edit Case Information" Button next to any of the information that needs to be changed. So I have here, we have the caption, we have the mother, the father. If I needed to edit this information. This is the edit field ... I mean, the "Edit" button. Then we have parties added. We have the mother, the father, the child. If I needed to edit any of that, here's the button for this. And also, if there's anything wrong with the date of birth. You're really just checking a clerical check. Once this information is sent to the Family Court, you as the filer cannot change this information. So you want to make sure that you go through it once, you go through it right, on this page.

So you can go ahead and click on any of these PDFs to ensure that you've attached the correct PDF. If anything needed to be changed here, if you needed to add more documents, if you needed to change the name of the document, or if you needed to change the PDF that you've attached to a document that you've selected, then you'll do Edit Documents. Next, we have attorney file number. This is, from my experience, not frequently used when I'm looking at e-files. I don't see that attorneys often put this in. But it's a great tool to have because what you can do is you can enter your firm's attorney file number into this field. And you can search for it. So instead of searching by a docket number, a case number, a file number, you can have your own separate attorney file number. And you can find your case that way.

Then we have a Filing Acknowledgement. And it's important to read this because you're going to read it once, you're going to understand it, and then you're never going to probably read it again. So I acknowledge that I have read and understand the following. One, I affirm that the information entered and, or attached to this e-filing is complete and true. Fine. Okay. If I am requesting the petitioner's address to be kept confidential, I have submitted the confidential address affidavit. And I have removed the petitioner's contact information from all documents I am submitting except for the Personal Information Form. And we understand that, because those are the forms that are only viewable to the court. We need that information. We need your date of birth, your address, to properly issue orders in your Family Court case.

Lastly, I understand that service of documents through NYSCEF will be sent to the email address currently on file with my account. And I understand I must keep all contact information current with NYSCEF and the court. And that's important because if you are participating electronically in your Family Court case, or if you're an attorney and you are participating in NYSCEF, that email address that you have associated with your account, it's so important that it's an email address that you often access that you know can access. Not that it's been hacked or that it's old, or it's your niece in college's email

address and she knows how to get to it. You can't do that, okay? You want to make sure you have an email address that you can access because when a document is electronically filed, you are considered to be served when that email is sent to you. You're considered served of that document for you to log into NYSCEF and to review that document. So you would go ahead and mark off your acknowledgement and file your documents.

Great. These documents were filed. This is in the training site. So this is why we have it. And we do make the note that you're going to be getting a lot of emails in the life of a Family Court case. From our experience in working with the Family Court, especially with COVID and the pandemic, a lot of courthouses, they send out emails from maybe the Part, they send out an email from the back office. They send out emails, and you might be like, "Oh, but what's this email address?" Or, "What's this email address?" As long as you understand ... The one thing I want to say is if an email address ends in @nycourts.gov, it's an official email from the court. So do not be overwhelmed if you see emails, you don't know if it's an actual email from the court. It is if it ends in @nycourts.gov. So we also indicate that you must serve the Notice of Electronic Filing Form with your commencement documents on to the respondent.

And what the Notice of Electronic Filing Form is, is this. It's essentially just a cover sheet that attaches to the petition, the summons, that gets served on to the respondent, letting them know that the proceeding that was commenced against them is an electronically filed case. That means that they can also participate electronically. So what does participation electronically ... what does that all of that mean? We put that all in the notice to make it clear you received this notice because you're being sued. The case is electronically filed. If you choose to e-file, here's the benefits. If you're an attorney, do this. If you're not an attorney, do that. If you're confused, call us. That's what the whole State does, they call NYSCEF. So call us. We'll walk you through your whole life. So this is the form, okay? It's a two-page form. It gets served along with the commencement documents on to the respondent. And it's resourceful in them knowing that the case is against them. They may want to participate electronically. It's to get successful cases with all the proper documents in front of the judge on day one, okay? This is what NYSCEF is trying to do. Okay, so the last thing, I didn't know if I had enough time to do, but I guess I can do now that we have 4 more minutes? 14 minutes? 14?

Pete Nowacki:

We have to go to 4:20.

Antonella Barbieri:

4:20. Got 13 minutes. Yeah. All right, good. Good. Do you have any questions? Because I'm going to start going over forms. Is there any questions in the chat? No?

Pete Nowacki:

I think we have to give five minutes of questions and answers at the end too. So I don't know. That'll be, whatever, somewhere in there.

Antonella Barbieri:

Okay. All right. So I'm going to go over the forms and we'll stop in 3 minutes, 4 minutes, 5 minutes, 10 minutes?

Pete Nowacki:

Let's stop at around 4:15. If we have no questions, I don't know what we're going to do.

Antonella Barbieri:

Because I can just keep going. So that's going to keep-

Pete Nowacki:

Yeah, we'll take a break at 4:15. I'll give the CLE. And then we'll finish up whatever we can and take questions we can.

Antonella Barbieri:

Perfect. So this is the NYSCEF Forms page. On this page, we've categorized all of our forms based on the court. And even sometimes furthermore if it's a consensual court or a mandatory court. But category number eight is Family Court forms. So we've done a few things here. We've made all of these forms fillable. So that they could be filled out, saved, and uploaded without having to print them and scan them and do anything that's drawn out and unnecessary. So we've included the instructions on generating the form and saving it. So that you could successfully upload it to the NYSCEF site. So the EF-FAM-1 was that first form that we discussed, the Notice of Electronic Filing. And again, it's to let the respondent know that the case that was started against them was commenced electronically. It's a valuable form to have and serve. It really has parties better prepared for that first court date.

Then we have a Notice of Intent to Cease E-Filing or to Stop E-Filing. And this is used for unrepresented litigants that have started with electronic filing, but then decided it's really not working for them. They'd rather the good old paper. So what they do is they fill out this Notice of Intent to Cease E-Filing. They file it with the court. And the court takes out their representation from NYSCEF so that we know that they're unrepresented, they represent themselves. But they also need to be served in paper. And then we indicate what address that they want the service to with the consideration that some of these addresses are used as a designated address for service. It's not the actual address of a petitioner or a respondent. So we have those fields there. So that'll just get filed with the Family Court. And then the unrepresented litigant can go ahead and just file their documents in paper and be served in paper.

We have the Notice of Hard Copy Submission Form. And it's a real lengthy form to get into all of the instances in which it was used. But just basically to give you a general understanding of what the Notice of Hard Copy Submission Form is. The Notice of Hard Copy Submission Form serves as almost a cover sheet for any paper that gets walked into the courthouse. And this cover sheet is an alert to the clerk for the clerk to know, "Hey, this is something that belongs in the e-filed case. But this document is the original. It has not been e-filed because of one of the following reasons." And then this form lists the reasons. So if you just read this form, you understand the situations in which it's used. But for you to have the basic understanding of this form is that you use it when you are bringing an original to the courthouse in a e-filed case, but it hasn't been e-filed.

So a perfect example of when this form would be used is, let's say you have a law office in Midtown Manhattan. And there's a power outage in Midtown Manhattan. And you need to file your documents. And you have to file them electronically because it's an E-filed case. I go to file them electronically, but you can't. So you either go uptown to go where there's no power outage, or you can go to the courthouse, submit your e-file documents with this Notice of Hard Copy Submission Form, letting the clerk know this is an e-filed case. But it hasn't been e-filed because I had a power outage. So with that understanding, that is when the form is used.

There's also other instances in which it's used. If you're not participating in electronic filing. If you're an attorney, but you've declined to e-file, you can use this form when you're bringing your documents into

court. So the court clerk knows, "Hey, this attorney in front of me, they're filing papers. It's an e-filed case. But it hasn't been e-filed because they declined to e-file." So it's more like an information sheet. And then we have the Notice of Hard Copy or Physical Exhibit Filing Form. And this goes back to almost full circle. We were talking about VEC and how in NYSCEF, the only files that could be uploaded are PDFs. So if it's a PDF, you could upload it. Well, if it's not a PDF? What if it's a video or an audio? Well, you can't reduce it to a PDF. Then as a placeholder in NYSCEF, you file this form saying, "Hey, there's going to be an exhibit in hard copy because it can't be e-filed. Because it's ... " And then you describe what it is.

And now we know in the courts that have NYSCEF, they have VEC, but it's only PDFs. And the courts that don't have NYSCEF can use VEC II, which allow for other file formats that will start in the Court of Claims in the next coming weeks actually, okay? So those are the forms that are available on our site. If anyone is in the session today, if you are an attorney, you have an account to file in NYSCEF. So long as you're registered with Attorney Online Services that you can ... we'll get to that question ... where you can log in with your attorney registration number and the password you use to log in to that application. But if you are not an attorney, if you're a paralegal or if you're an attorney admitted pro hac vice, or if there's anyone here that's unrepresented, if you are a litigant, even if you just are an attorney and you got to deal with some personal matter and you don't want to use your attorney account, you could get an account to file as an unrepresented litigant. It's the EF-1 Form.

If anyone has seen the demonstration today and you're real interested in electronic filing and you want to practice and dabble in our training site, it mirrors the live system. So you would absolutely be able to get an account, log in, and mess around and file just the way you saw me to do it today. Just send us over the EF-2 Form, okay? Going back to the NYSCEF home page, because we have two more minutes. We have a lot of resources available on this homepage. When I started working in the NYSCEF Resource Center, the first thing I did was I read through this entire page. So please, if this is something that you will be using or you want to know more about, you don't even have to log in. Before you even log in, take a look and review the following things.

We have View All Authorized Courts and Case Types. If you select this link, you can see a list of all the courts by category that participate in electronic filing. You can look at their court and see which case types are authorized for e-filing. If we have a court, let's say the Supreme Court, and we could take a look at Albany just to get this thing moving. We see which case types are subject to mandatory and e-filing indicated by the red asterisk. And also, we link every Supreme Court website through this link. So if you need to get to any Supreme Court site, you could go through our site and you can get to any other court. Also, on the NYSCEF homepage, we have rules and legislation. This is where we house our administrative orders and uniform rules of the trial court. The rules that govern e-filing for mandatory and consensual is here, all right? Just please review it. Administrative Orders is what authorizes e-filing in particular courts.

Lastly, the last thing I want to show you, right, Peter? Is the training link. So when you go to [nycourts.gov/efile](https://nycourts.gov/efile), we have a link here to the training system. You could register for training. We do our trainings on Microsoft Teams through Eventbrite. You could register and look at our future trainings. And then we have training resources where you can watch a ton of videos on how to really do almost anything on the NYSCEF site. So that's what we did this year. What did you do? Thank you, everyone, very much for the session. We could take the microphones off of mute, be more than happy to answer any questions that you have. But again, on behalf of Chris Gibson, Acting Statewide Director and the NYSCEF Resource Center team, thank you so much for joining us and have a good day.

Pete Nowacki:

Okay, so this is the question and answer part. Hopefully we'll have at least four minutes of questions and answers. So we can hit the 4:20 mark. So the first question we have in this section is from Penny Wagner. Do you have forms that require wet signatures? And how does that work for e-filing?

Antonella Barbieri:

Okay, so let's say for wet signatures ... And we could load up the file in our consensual rules 202.5-b that talks about signatures. So when is a document considered signed? It's considered signed if it bears the wet signature. Even if it has a digital signature on it, so long as it's digitally signed in conformity with any particular rule, then it's sufficient. A document is also considered signed if it's uploaded by your account and you are the one who should have signed it. So if Antonella Barbieri is an attorney, and I was supposed to sign my affirmation before I uploaded it, but I didn't, but I uploaded it under my attorney account, for me, Antonella Barbieri, it's considered signed because it was uploaded under my account.

But let's say that I'm an attorney, but I'm uploading the affidavit of my client. That affidavit must have a signature on it because it's being uploaded under my account, instead of someone else's. And the same way, if I'm an attorney filing a document for another attorney, it has to have that other attorney's signature on it. The signature rule is in this consensual rules 202.5-b. If a document needs to have that signature, as long as it conforms with Section e, then I would say it's fine.

Pete Nowacki:

Okay, great. We have a question from David Neumeyer. Can non-New York state attorneys experiment with the site?

Antonella Barbieri:

Sure. EF-2 Form, please.

Pete Nowacki:

All right. Camilla Lopez asked us, is New York planning to expand virtual hearing options for small claims?

Antonella Barbieri:

That's a good question. Small claims is not even participating in NYSCEF or EDDS. So I'm not quite sure where that plays all of that. But sounds like a good idea. That's real unrepresented litigant heavy court. Might be real helpful. So it's a good suggestion. I don't know if that was a suggestion, but I'm going to count it as one.

Pete Nowacki:

Yeah, sure. That'll be for next year for you.

Antonella Barbieri:

Great. Okay.

Pete Nowacki:

Okay. And currently most judges deny these requests. I'm not sure if they do. Do any judges deny the requests, I guess, would be sort of how I would paraphrase that. I'm curious.

Antonella Barbieri:

So, oh, for small claims, virtual hearings. Oh, so small claims, they don't even like to have virtual hearings. Maybe they would or wouldn't ... it's so easy to monitor ... oh, it's a huge A2J issue. Well, something like VEC II would be super helpful for a court like small claims that has a huge caseload. And I'm sure that it's The People's Court. There's a lot of evidence. I think it's a great suggestion, but it's not on the radar right now.

Pete Nowacki:

Yeah. All righty. Well, if there's nothing else, we've reached our 4:20 moment here. Oh, again, one quick question. Linda Lopez asked us, what happens if there isn't a consent to e-filing from the respondent?

Antonella Barbieri:

So real simple, then that respondent always gets served in paper. They have to file documents in paper with the court. They have to serve documents in paper on to someone. Even if they're participating in e-filing, they have to be served in paper. And what the court employee does, they upload to NYSCEF to keep the record in sync. Generally, if it's an e-filed case, I want to say 99% of the time, there's no paper. If it's a e-filed case, then everything gets e-filed into it, even if a party doesn't participate in e-filing.

Pete Nowacki:

Okay. Well, we've reached our timer. We've gone over by one minute. So we get some extra. Great job, Antonella. Really-

Antonella Barbieri:

Thank you.

Pete Nowacki:

... fantastic. And thank you everybody for attending our conference today. Have an awesome night.

Antonella Barbieri:

Thank you.