

**SUPREME COURT, CIVIL BRANCH  
NEW YORK COUNTY  
ELECTRONIC FILING OFFICE**



**IMPORTANT NOTICE TO  
COMMERCIAL PRACTITIONERS:  
MANDATORY ELECTRONIC FILING**

Pursuant to Chapter 416 of the Laws of 2009, **mandatory electronic filing will be instituted in this Court in certain commercial cases ("mandatory commercial cases")**. The commencement date for this program is **May 24, 2010**. A Uniform Rule (Section 202.5-bb) has been promulgated setting forth the procedures for mandatory e-filing. The following are the key aspects of mandatory e-filing that the Court will implement in conformity with this Rule. Some other e-filing rule changes have also been made. Please consult the "E-Filing" page on this Court's website (at [www.nycourts.gov/supctmanh](http://www.nycourts.gov/supctmanh)) for access to these rules.

Any mandatory commercial case commenced on or after May 24 must be electronically filed through the New York State Courts Electronic Filing System ("NYSCEF"), as must subsequent filings therein. Mandatory commercial cases consist of certain commercial matters (not limited to Commercial Division cases) in which the amount in controversy is over \$ 100,000 (exclusive of interest, costs, disbursements, counsel fees, and punitive damages). The types of cases that are subject to mandatory e-filing are cases alleging or constituting the following: (i) breach of contract, breach of fiduciary duty, fraud, misrepresentation, business tort, statutory or common law claims arising out of business dealings; (ii) UCC cases; (iii) commercial real estate cases; (iv) shareholder derivative or commercial class actions; (v) cases involving business transactions with banks or other financial entities; (vi) internal affairs of business organizations; (vii) accounting, actuarial or commercial legal malpractice; (viii) environmental or commercial insurance coverage; (ix) proceedings for dissolution of a corporation or other business; and (x) commercial arbitration proceedings.

Except to the extent that the rules provide otherwise, on and after May 24, the County Clerk and court clerks will not accept documents filed in mandatory commercial cases in hard copy form. Working copies of motion papers and other documents intended to be reviewed by a Justice must be delivered to the court unless the Justice indicates otherwise and each such document must bear a NYSCEF Confirmation Notice. This procedure applies to consensual e-filed cases as well. For procedures regarding submission of working copies and other matters, please consult the Protocol on Electronic Filing posted on the "E-Filing" page of this Court's website. To facilitate identification of mandatory commercial cases, a supplement to the RJI must be filed when an RJI and accompanying documents are presented in a commercial case in hard copy form.

The NYSCEF system offers many benefits to attorneys and their clients. There is no charge to use the system (usual court fees apply) - - that is, there is no charge to file a document, serve a document (which NYSCEF does automatically), consult the NYSCEF case file, or print documents from the system. The NYSCEF system resembles the Federal ECF system. Thus, those familiar with the latter will be able to use the former with no formal training. Because the system is simple and easy to learn, many will find sufficient a brief review of the *User's Manual* and *FAQ's* that are available on the NYSCEF site ([www.nycourts.gov/efile](http://www.nycourts.gov/efile)), or some practice using the NYSCEF "Practice System." Training, however, is available: those interested are urged to contact the NYSCEF Resource Center at [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us) or 646-386-3033. A two-credit CLE course is offered at no charge at the New York County Courthouse every week. The staff of the Resource Center can answer any other questions attorneys may have and are eager to be of assistance.

Please follow our website for additional information on this important new initiative. Thank you.

Dated: May 19, 2010

HON. SHERRY KLEIN HEITLER  
Administrative Judge

JEFFREY CARUCCI  
Statewide Coordinator for Electronic Filing  
Unified Court System