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**From:** Michael Keville <michael.keville@madisoncounty.ny.gov>  
**Sent:** Wednesday, September 1, 2021 10:58 AM  
**To:** rulecomments  
**Cc:** Sandy Jordan  
**Subject:** EDDS

To Whom It May Concern,

While the EDDS was effective in a limited way during the outbreak of the COVID pandemic, it's useful going forward does not outweigh the confusion it has caused with filers. Our office only uses the EDDS to convert paper filed cases into e-filed cases. This process can be done with paper filed motions, making the EDDS system unnecessary for our office. We support the expansion of e-filing rather than taking any further steps with the EDDS system.

Michael Keville  
Madison County Clerk  
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## COUNTY CLERK'S OFFICE

COUNTY OF KINGS  
SUPREME COURT BUILDING  
360 ADAMS STREET  
BROOKLYN, N.Y. 11201

NANCY T. SUNSHINE  
COUNTY CLERK  
CLERK OF THE SUPREME COURT  
COMMISSIONER OF JURORS

### **Position of the Kings County Clerk regarding Codification of EDDS.**

The Electronic Document Delivery System ("EDDS"), authorized by Administrative Order of the Chief Administrative Judge in response to the Covid-19 pandemic, has been a success in the Kings County Clerk's Office. To date, over 4,500 stipulations to convert to efilings have been accepted and processed. Also, the Kings County Clerk has processed over 7,000 county filings.

Besides its ease of use for the filer and the County Clerk staff, the instantaneous collection of payment via credit card and the delivery confirmation receipt has been extremely beneficial to both the filer and County Clerk staff. Given the success of EDDS, the Kings County Clerk's office plans to not only continue using EDDS in the future but will expand the types of documents accepted by our Clerks.

The success of EDDS is not unique to the Kings County Clerk. Over the last 30 days, over 90,000 documents have been successfully uploaded by litigants or attorneys and processed statewide in the courts. EDDS supplements a void not covered by NYSCEF.

During the pandemic, not only did EDDS promote the health and safety of filers as well as county clerk and court staff, significantly, the economic health of society was advanced by the expeditious processing of non-court county documents permitting the real estate, construction and title industries to consummate contracts and commercial enterprises. These benefits, flowing from EDDS responding to the Pandemic, continue still to advance economic and public health and safety, transparency and efficiency in the County Clerk's office.

In sum, based on all of the benefits and success of EDDS, the Kings County Clerk supports codifying EDDS.



# *New York State Association of County Clerks*

New York State Association of County Clerks

Michael C. Bartolotti, President

## Comment on Proposed Rules Codifying the Electronic Document Delivery System (EDDS)

The New York State Association of County Clerks (NYSACC) has canvassed its membership regarding a proposal by the New York State Office of Court Administration (OCA) to codify the usage of the Electronic Document Delivery System (EDDS). The system, created to allow for document submission during the Covid-19 emergency, has shown limited usage by the majority of our membership, usually by offices that were forced to close due to the pandemic. It is well-intentioned in that documents would be delivered, but not filed, to allow their access without in-person contact.

Our members believe that any methodology that increases access of the courts system by the public should be encouraged. The EDDS system met those needs during our closures but has shown to be of limited usefulness now that some normalcy of hours has been restored. Most County Clerks have been using it for conversion of hard copy cases to digital. A simple stipulation to convert would be all that would be necessary to perform said conversion.

We acknowledge the heavy usage of EDDS by a number of other courts in the Unified Court System. As stated above, anything that increases the easy access to our courts should be acknowledged and supported. While the County Clerks have successfully adopted the use of e-filing and the NYSCEF system, we would support the codification of the EDDS system until state legislation may be passed for other courts not currently up to our modern standards. We would insist that the use of EDDS not be mandated upon County Clerks. .