

Host: Welcome to “Amici,” news and insight from the New York Judiciary and the Unified Court System. On today’s Amici, our guest is Jeffrey Carucci, the Court System’s Statewide Coordinator for Electronic Filing.

Thanks for joining us today, Jeff. Could you start off with just a brief overview of electronic filing?

Jeff: Sure. Electronic filing means filing legal documents in court cases electronically and serving them - - that is, delivering the documents to the other parties on the case - - - in the same fashion. This can be done in New York State in various courts, including the Surrogate's Court, Supreme Court, and the Court of Claims in many counties. The filing and service of subsequent papers are done through the New York State Courts Electronic Filing System, or “NYSCEF” for short, at the NYSCEF website.

Host: Is the e-filing process complicated?

Jeff: Definitely not. That- is- one of its- many pluses. You only need to have commonly-used and widely-available hardware and software. You create a PDF file after you have word-processed a document or by scanning an existing document and then you upload the PDF to the NYSCEF site. The process is as easy as attaching a file to an email. When the document “hits” the site, it has been officially filed pursuant to court rules, and it is immediately and automatically served on the other participating parties through the NYSCEF site.

Host: What exactly is your role in all of this?

Jeff: My role, working with an absolutely outstanding team of court system colleagues, is to coordinate the implementation of e-filing throughout the state - - - to help to introduce e-filing to courts that are new to it and attorneys who are new to it, to smooth out the development of e-filing, and to oversee any adjustments that may be needed to improve the system as the project grows. We are always learning new things and striving to make the program better every day.

Host: How many jurisdictions are currently on board?

Jeff: E-filing is operational in the Supreme Court, which is the highest trial-level court in New York, in 19 counties and in the Surrogate’s Court in 18 counties. It is also in operation in the Court of Claims in districts covering 19 counties. And there are many more to come.

Host: What are the benefits of e-filing?

Jeff: There are many benefits for attorneys, clients and un-represented parties to cases in these courts. Cases can be commenced by filing with the court electronically. Then, once the parties are in the case, attorneys can file documents with the court and serve them on the other parties via the NYSCEF system from any place and at any time on any day, --even when the courts are closed. Service through NYSCEF could hardly be easier - - simply posting a document to NYSCEF automatically and instantaneously causes it to be served electronically. Multiple attorneys working on a case can view the file simultaneously, and can do so from different locations. Storage of papers is simplified and the need for storage is reduced. Standard court fees can be paid on-line with a credit or bank card. The system provides immediate e-mail notification of all filings, including filing of all decisions and orders of the court, which will also be available on-line in the NYSCEF system.

Host: Anything else?

Jeff: Yes. In addition, the electronic docket (the listing of documents filed in a case) is clear and easy to work with. The system is easy to learn and simple to use. Where necessary, documents containing sensitive information can be sealed if a Judge so directs and there are other rules and procedures that protect such information. In short, I would say that e-filing brings to attorneys, clients and the un-represented great convenience and ease , an increase in productivity, reduced expenses, and expanded access to court records.

Host: What are the charges for using NYSCEF?

Jeff: Nothing. There are, of course, the regular court fees that have to be paid in every case, whether a paper case or an e-filed one. But for NYSCEF itself, there is no fee to register or use the system – no fee to file a document or serve it, to access the e-docket, or to print documents from it if that should be needed, [and this is so] regardless of the number of documents involved.

Host: In what kinds of cases and in what jurisdictions is e-filing used?

Jeff: As I mentioned, e-filing is available in most cases commenced in the Supreme Civil Court, the Surrogates Court, and the Court of claims. There is a chart on our website (www.nycourts.gov/efile) that shows exactly where e-filing is used statewide and in what kinds of cases it is used for.

Host: How much has e-filing been used?

Jeff: Well, so far, just under 800,000 cases and just under 6 million documents have been e-filed.

Host: Are there any cases that MUST be e-filed?

Jeff: Yes. In some courts and counties, pursuant to Administrative order, e-filing is mandatory. The chart on our website has a listing that can guide filers. Just as an example, all new cases (with a few exceptions) must be e-filed in Supreme Court in Erie, New York, Onondaga, Rockland, and Westchester Counties.

Host: How well has e-filing been working so far?

Jeff: From what I can see, quite well. The Bar has been most supportive and the comments we have received have been overwhelmingly positive. We have tried very hard to be responsive to attorneys and the un-represented. As I said, we are constantly making improvements. We have a Help Desk that works every day to answer questions from attorneys and the un-represented. And we offer training regularly, including on-line, although I have to say that the system is pretty intuitive.

Host: Are there plans to expand the program? Where? When?

Jeff: The Unified Court System will be proposing legislation in 2015 that would, among other things, broaden the authority of the Chief Administrative Judge to authorize mandatory e-filing in additional

courts. We don't yet know where the expansion would take place, assuming it's authorized by the Legislature. I can say, though, that one of our key goals moving forward is to expand e-filing into our four Appellate Division departments, which make up the intermediate level of appellate courts in New York State.

Host: Where can people learn more about e-filing and how can they best keep abreast of new developments and training opportunities?

Jeff: I am very fortunate to have been able to create a NYSCEF Resource Center and more importantly, to staff that center with some of the most professional, experienced and dedicated support staff I have ever worked with. The Resource Center Staff offers training and is available to answer any questions relating to the NYSCEF system. Listeners can contact the NYSCEF Resource Center at 646 -386- 3033 or can access more information on the NYSCEF web site which is found at nycourts.gov/efile

Host: Thank you, Jeff. And thank you, friends, for listening to this edition of "Amici." If you have a suggestion for a topic on Amici, call John Caher at 518-453-8669 or send him a note at jcaher@nycourts.gov