

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby promulgate, effective immediately, the attached new section 208.4-a of the Uniform Rules for the New York City Civil Court, relating to electronic filing in the Civil Court.

Chief Administrative Judge of the Courts

Dated:

AO/ /08

Section 208.4-a. Electronic Filing.

(a) Application. There is hereby established a pilot program in which certain civil actions in the New York City Civil Court (“Civil Court”) may be commenced by electronic filing. Documents may be filed by such means only to the extent and in the manner authorized by this section and only in an action brought by a provider of health services specified in section 5102 (a) (1) of the Insurance Law against an insurer for failure to comply with rules and regulations promulgated by the Superintendent of Insurance pursuant to section 5108 (b) of such law.

(b) Definitions. For the purposes of these rules:

(1) “Electronic means” shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions and which allows the recipient to receive and to reproduce the information transmitted in a tangible medium of expression.

(2) “Electronic filing address” shall mean the server accessed via the internet protocol address, and any successor thereto, established by the Unified Court System for receipt by the Civil Court of electronic filings as provided in this section.

(3) “Hard copy” shall mean information set forth in paper form.

(4) “Electronic filing” shall mean the filing by electronic means through the electronic filing address.

(5) The “date of receipt” of a document by the electronic filing address shall mean the date on which electronic transmission of such document is recorded at such address.

(c) Electronic Filing in actions in the Civil Court.

(1) A party may commence an action specified in subdivision (a) of this section by the electronic filing of such documents as are required to be filed by the CPLR or the Civil Court Act in actions in the Civil Court.

(2) (i) Documents may be transmitted at any time to the electronic filing address.

(ii) Documents that are electronically filed to commence an action in compliance with this section will be deemed filed with the clerk of the Civil Court in the county in which the action is brought for the purposes of section 400 of the Civil Court Act upon the date of receipt of those documents by the electronic filing address, provided, however, no document will be deemed filed unless an index number for the action is endorsed thereon .

(iii) No later than two business days following the date of receipt of documents by the electronic filing address, the clerk of the Civil Court shall make available by electronic means a confirmation of electronic filing. This confirmation will constitute the clerk's return of the copy to the party for the purposes of section 400(1) of the Civil Court Act.

(3) When a document has been filed electronically the official record of that document shall be its electronic recording.

(d) Service of Documents.

(1) A person seeking to obtain personal jurisdiction over a person named as a party to an action specified in subdivision (a) of this section may serve the opposing party by electronic means if the opposing party agrees to accept such service in accordance with the CPLR or the Civil Court Act.

(2) Where an action is commenced by electronic filing pursuant to this section, the original proof of service required by section 409 of the Civil Court Act must be electronically

filed. Service is deemed complete for the purposes of section 410(b) of the Civil Court Act upon the date of receipt of the electronic proof of service by the electronic filing address.

(e) Signatures.

(1) Documents filed electronically shall be signed as required by Part 130 of the Rules of the Chief Administrator ("Part 130") and shall provide the signatory's name, address and telephone number.

(2) A signature on a document filed electronically pursuant to this section, including for the purposes of Part 130, shall be made (i) by autograph of the signatory on a hard copy that is thereafter scanned into portable document format or (ii) by the signatory electronically affixing the digital image of his or her signature to the document.