



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
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December 5, 2018

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: **Expansion of Mandatory Electronic Filing in Supreme Court, Niagara County**

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I am pleased to provide the Bar and other interested persons with an update on the progress of the New York State Courts Electronic Filing System ("NYSCEF"). The expansion of mandatory e-filing in the Supreme Court in Niagara County has been proposed by the District Administrative Judge of the 8th Judicial District and the County Clerk of Niagara County, **to take effect January 23, 2019**. To date, there are successful e-filing programs in the Supreme Courts within the 8th Judicial District in Chautauqua, Erie, Genesee and Niagara Counties. As of the effective date, the authorization will be to **expand mandatory e-filing in the Supreme Court in Niagara County to include the e-filing of commencement documents in in the following case types:**

- consumer credit transactions as defined in CPLR 105(f)
- residential foreclosures as defined in RPAPL 1304

The District Administrative Judge of the 8th Judicial District and the County Clerk of Niagara County additionally proposes to modify the existing consensual e-filing program to include the e-filing of subsequent documents of the above two case types.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than January 14, 2019. A new page has been created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - to provide notice to the public of proposed new or expanded mandatory e-filing programs and for posting any public comments received on such proposals. Any person who wishes to comment but lacks access to a computer may forward comments by regular mail to:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119 M
New York, NY 10007

As we move forward with the expansion of mandatory e-filing in Supreme Court, Niagara County, please be assured that we will continue to offer training prior to and after the effective date. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Training is offered by staff of the E-Filing Resource Center both on-line and on-site. Attorneys participating in on-site sessions receive two CLE credits free of charge. Information on training sessions is available on the NYSCEF website: www.nycourts.gov/efile, or by contacting the Resource Center at 646-386-3033 or efile@nycourts.gov. Attorneys, paralegals and interested filers can register on-line for upcoming training sessions at these sites.

Please note that Chapter 237 continues to provide an opt-out mechanism in mandatory e-filing cases for those attorneys who certify in good faith that they lack requisite hardware, electronic connection or technical knowledge to participate in e-filing. However, Chapter 237 has changed the law so that unrepresented litigants are now automatically exempt from participating in e-filing and are no longer required to opt out. Unrepresented litigants may however choose to participate in e-filing. Information on how to do so is available at <http://www.nycourts.gov/efile-unrepresented>.

A complete list of currently authorized mandatory and consensual e-filing programs is available on the NYSCEF website "Rules and Legislation" page by clicking on the link for "Administrative Orders." E-filing represents an important advance for the courts and the legal profession in New York State. We thank you for the wonderful support and cooperation you have shown and look forward to continuing to work closely with you as the program continues to move forward.

cc: Hon. Michael V. Coccoma
Hon. Paula L. Feroletto
Hon. Joseph A. Jastrzemski
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Andrew B. Isenberg, Esq.
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Michael Veruto, Esq.
Jessica Cherry, Esq.
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