

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: **Implementation of Mandatory Electronic Filing in Supreme Court:
Clinton and Saratoga Counties**

Date: September 18, 2019

=====

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 implementation of mandatory e-filing programs in the Supreme Courts in Clinton and Saratoga Counties, has been proposed by the District Administrative Judge of the 4th Judicial District and the respective County Clerks **to take effect November 20, 2019**. To date, e-filing programs have been successful in several Surrogate's Courts within the 4th Judicial District as well as mandatory e-filing programs in the Supreme Courts in Essex, Franklin, St. Lawrence, Warren, and Washington counties.

As of the effective date, the authorization will be to implement **mandatory e-filing in Clinton County and Saratoga County Supreme Courts to include all new civil actions, except:**

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- matrimonial matters
- Mental Hygiene Law matters
- consumer credit transactions as defined in CPLR 105(f)*
- residential foreclosure actions as defined in RPAPL 1304*
(*except initial filing of commencement papers by a represented party, which is mandatory)

The District Administrative Judge of the 4th Judicial District and the County Clerks of Clinton and Saratoga Counties additionally propose to implement consensual e-filing programs composed of the seven case types listed above that are not subject to mandatory e-filing, and to also include the consensual e-filing of **documents filed subsequent to commencement papers** in consumer credit transactions as defined in CPLR 105(f) and residential foreclosure actions as defined in RPAPL 1304.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than November 1, 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, Dir., NYS Courts E-Filing
Office of Court Administration
25 Beaver Street
New York, NY 10004

As we move forward with the implementation of mandatory e-filing in Supreme Court in Clinton and Saratoga Counties, 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.

On-site training is scheduled as follows, (pre-registration is required):

Wednesday, October 23, 2019, 1:00 PM – 3:00 PM, Warren County Municipal Center, 1340 State Route 9, Lake George, NY 12845.

Attorneys participating in an on-site session will 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 may register on-line for upcoming training sessions.

Please note that Chapter 237 of the Laws of 2015, 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, the law has changed regarding unrepresented litigants as they 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. Vito C. Caruso
Hon. Felix J. Catena
Hon. John Zurlo
Hon. Craig Hayner
John W. McConnell, Chief Counsel
Jeffrey Carucci, Director Electronic Filing
Joanne B. Haelen, District Executive
Denise Durkin, Chief Clerk (Clinton)
Carianne Brinhall, Chief Clerk (Saratoga)
Jessica Cherry, Esq.
Mindy Jeng, Esq.