

Farewell to a "True Gentleman:" Jeff Carucci

John Caher: Welcome to Amici, News and Insights from the New York Courts. I'm John Caher.

The Office of Court Administration distributed an invitation to the court family to come together for a retirement party to celebrate the career of a "true gentleman." That true gentleman is Jeff Carucci, the statewide coordinator of e-filing. Jeff was one of the first guests on the Amici program, when it launched about eight years ago. And for today's program, we're honored to have one more chance to chat with a man who has done so much to make electronic filing both the present and the future of the New York courts. So, it's my distinct pleasure to welcome to the program, once again, a true gentleman, Jeff Carucci.

Jeff, thanks for coming back. Before we get into the nitty gritty, let's get into you. I know a little bit about you. I know you've worked for the courts, since 1985. I know you were previously the First Deputy Chief Clerk for the New York County Supreme Court. I know you work hand in hand with our DoT, the Division of Technology, and I know county clerks, judges, court staff, attorneys, and the general public rely on you for training in the use of our newer systems. And I know you are the recipient of at least a couple very prestigious awards, the Bernard Botein Award from the New York City Bar Association and an Impact Award, from my former employer, the *New York Law Journal*. But the reporter in me tells me there's more to this story. So tell me about Jeff Carucci. Where did you grow up? Who were your early role models?

Jeff Carucci: So, John, I grew up in Brooklyn, New York. Two sisters, one older, one younger. And I guess, I have to say my role models were really my parents. My mom, at a very young age, had polio and was handicapped all of our life. She spent a lot of my adult life in a wheelchair. And even with those limitations, my mom was able to raise a family. And my dad, a very hard worker, come home from work and cared for my mom till the day she passed. So I think I'd have to say my role models are my dad and my mom. Hard working and caring was really built into me when I was young.

John Caher: How could you possibly ask for better role models than that? So was it your goal as a little kid to someday work for the Unified Court System and run the e-filing program? Is that what you said when they went around the classroom and said, "What do you want to be when you grow up?"

Jeff Carucci: I don't think I knew what the court system was at that point! But when I was a kid, I liked taking things apart, putting them back together. And maybe that was kind of a prerequisite for what we did with the e-filing system and the filing process of the courts in general. But never really thought about that much when I was young.

John Caher: Where did you go to school?

Jeff Carucci: Actually, I went to a trade school, heating and air conditioning. Had a little bit of college, but then jumped into the workforce early in my twenties.

John Caher: How and when did you happen to find a career in the courts?

Jeff Carucci: Well, I think, like many at a young age, you take civil service tests and maybe don't even realize what tests they were. That was what happened to me actually. I took the court officer tests, as well as police department and all those civil service tests. And when I got called to be a court officer. I do remember talking to someone I was working with at that point who was a retired police officer and said, "You'd be a fool not to take that job."

John Caher: What was that initial job?

Jeff Carucci: I was a court officer in 1985 for New York City Civil Court, where I met my beautiful wife, actually. Then I became an SCO [Supreme Court Officer]. I advanced through the clerk ranks and eventually became a director here at the Office of Court Administration. So I guess it was a good decision to take that job.

John Caher: How did you segue from that into the e-filing game?

Jeff Carucci: When I was a clerk at 60 Centre Street in New York Supreme Court there was a new thing coming into play called "e-filing" and we were all called to the Office of Court Administration to see this new program. About a month or so later, it came to New York County Commercial Division and honestly, it was something new. Nobody wanted to get involved in it. Nobody liked change. And it kind of fell on my lap. And I guess you could say I picked up the ball and I moved it down the field. It was something that was not planned, but we were able to evolve it.

John Caher: Let's back up and define what we're talking about. What is e-filing?

Jeff Carucci: E-filing is a way of doing exactly what you would do in paper. In paper, you would go to the court, pay your fees, get it stamped, go out and serve your documents. Subsequent documents would have to be served by different methods. What e-filing does is simplify that whole process. It allows the person to do it all from their remote location, uploading documents in PDF format, and once parties are participating, even serving. So it saves a lot of time, money, and much, much space in the courts.

John Caher: Now we've been doing this, the New York Courts Electronic Filing program, or NYSCEF, we've been doing this in an "experimental" basis for nearly 25 years. So bring us up to date. How many cases have been filed? How many documents have been filed? How many courts are online, in this "experiment?"

Jeff Carucci: Yes. This experiment continues! To date, there are almost 5 million cases that have been filed electronically

John Caher: Holy cow!

Jeff Carucci: We have over just about 60 million documents inclusive of those cases. 61 of the 62 Supreme Civil Courts, we have one county that we're hopeful we can get on board soon. 62 of the Surrogate's Courts are all e-filing. In New York City, the Housing Court. The Court of Claims, and all four Appellate divisions are e-filing. It's a lot of courts. We also are now starting pilot. We have started a pilot program in New York City Family Court in Manhattan and we're expanding that to four other courts very soon, I think, right before I leave my tenure here.

John Caher: What is the impediment to making this a permanent thing, rather than an experiment? And what is the impediment to getting it in every single court in the state?

Jeff Carucci: Unfortunately, the impediment is legislation. A long time ago, legislation dictated what courts and case types can be authorized. In 2015, there was significant legislation that allowed the Chief Administrative Judge to expand e-filing, as they saw needed. But it still limited what case types, and what courts more specifically, can be e-filed. So there are some case types that are only limited to consensual, and again, more importantly, there are courts that we do not have authorization to expand e-filing into, unfortunately.

John Caher: So, bottom line is it's not our decision?

Jeff Carucci: That's correct. It comes from the legislation and then, the Chief Administrative Judge expands it, pursuant to administrative order.

John Caher: So, the Chief Administrative Judge implements the legislation basically?

Jeff Carucci: Exactly.

John Caher: Is there any drawback to universal e-filing?

Jeff Carucci: Honestly, I see no drawback, especially since there are now safeguards for unrepresented or self-represented individuals. They don't need to participate. So a self-represented individual simply can continue to file on paper, and even an attorney who doesn't have the proper equipment or the knowledge to operate equipment or the knowledge to e-file can opt out. So with those safeguards, I honestly cannot see any drawback for expanding e-filing statewide.

John Caher: So, we would always have the option of filing in the conventional manner, and we would not be requiring people to go out and buy a computer or something.

Jeff Carucci: Correct. That's correct.

John Caher: Now, the pandemic must have really changed the game. How so?

Jeff Carucci: To some extent, it took a pandemic to see the benefits of e-filing, digital operations, digital signatures, virtual operations. I have to say the court did take quick action during that time to implement and [Chief Administrative Judge Lawrence K. Marks] implemented administrative orders that he could implement on the legislation, expanding e-filing to all courts that were permitted to e-file at that time. So there were administrative orders signed at that time. And we also created a system, called the Electronic Document Delivery System, EDDS, some call it, which is a delivery system still in effect today, which allows the secure transfer of documents for courts that are not e-filing. So if a court is not authorized for e-filing, it still use EDDS. Since May of 2020, EDDS has transmitted over 2 million documents.

John Caher: I think the pandemic forced us to do a lot of things that maybe we should have been doing anyhow.

Jeff Carucci: Yeah, that's a true statement. That's for sure.

John Caher: So going forward, what is your number one piece of advice, your number one recommendation for your successor?

Jeff Carucci: I think the most important thing is to listen and hear the people who are operating in the systems, who are using the systems— the Bar, the unrepresented, and the court. If you don't know what they are doing in their court with paper filings, how can you build anything electronic? And so, I would say, listen to the people who are doing the work, try and make the changes to accommodate those people, and ask questions. Because that's what we did and that's how it's evolved.

John Caher: One of the things that intrigues me, for a couple of reasons, about employment in the court system is, I think, a lot of people on the outside would think we're a bunch of lawyers and judges and clerks. But you came into this with little or no knowledge of what e-filing meant. And you've become one of our high level managers, without a law degree, without being elected or appointed to a judgeship.

Jeff Carucci: Yeah, you can learn a lot from watching the many, many people over the 30, almost 38 years, that I've been in the court system. I learned a lot from sitting next to experienced clerks, judges, chief clerks, and taking that knowledge and just moving on and giving it to others. Really, you can't learn that elsewhere.

John Caher: So what do you do in your free time? What do you do for fun?

Jeff Carucci: Well, I don't have much free time right now. Some say my fun is e-filing, if you talk to some of my staff here. They think I'm a little overenthusiastic about it. The phrase they use is "drink the Kool-Aid!"

But I have a great staff. The court system couldn't do it, without the staff that I have here. And we've been able to build a terrific, terrific staff. Although I love everything I do, I look forward to watching it in my rear view mirror in the future. Any free time I have now I spend with my family, my wife, my children and friends. I have a couple hobbies and I look forward to being able to spend more time on them.

John Caher: What hobbies?

Jeff Carucci: Well, I dabble on the piano. It's a hobby of mine. And of course, when I can, I'd love to fish and have some old golf clubs I'll dust off, I'm sure, in retirement as well. So I think I'll be able to keep busy.

John Caher: Jeff, thanks for all you've done for the court system and the people of the State of New York. And I know I speak for all of our colleagues in wishing you good health and good cheer, as you go forward to retirement.

Jeff Carucci: Thank you. Thanks to everyone. It truly is a team effort, and we have a great team here. So, this will continue.