

State of New York  
Unified Court System



Lawrence K. Marks  
Chief Administrative Judge

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

March 20, 2019

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing in Sullivan County Surrogate's Court

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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 implementation of a mandatory e-filing program has been proposed by the District Administrative Judge of the 3<sup>rd</sup> Judicial District for Sullivan County Surrogate's Court. To date, there are successful e-filing programs within the 3<sup>rd</sup> Judicial District in the Supreme Court in Albany County and in the Surrogate's Court in Albany and Ulster Counties. It is expected that this mandatory program in Sullivan County Surrogate's Court will be **implemented May 22, 2019**, for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto.

The District Administrative Judge of the 3<sup>rd</sup> Judicial District additionally proposes to implement consensual e-filing for such other types of proceedings as the court may permit.

Persons wishing to comment on this proposal should e-mail their submissions to [efilingcomments@nycourts.gov](mailto:efilingcomments@nycourts.gov) no later than May 6, 2019. A new page has been created on the Unified Court System's website - [www.nycourts.gov/rules/efiling/](http://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 119M  
New York, NY 10007



As we move forward with implementation of mandatory e-filing in Sullivan **County Surrogate's Court**, 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 will be offered by staff of the E-Filing Resource Center both on-line and on-site. Attorneys participating in an on-site session receive two CLE credits free of charge. Information on all training sessions is available on the NYSCEF website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile), or by contacting the Resource Center at 646-386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov). Attorneys, paralegals and interested parties may go to the NYSCEF website to register on-line for the upcoming training sessions.

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 the 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 listing 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. Thomas a. Breslin  
Hon. Michael McGuire  
John McConnell, Esq.  
Beth Diebel, Esq.  
Rita Guarnaccia  
Jeffrey Carucci  
Michele Gartner, Esq.  
Mindy Jeng, Esq.