

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 **Herkimer County Surrogate's Court**

Date: September 18, 2019

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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 5th Judicial District for the Herkimer County Surrogate's Court. To date, e-filing programs have been successful in the Supreme Court within the 5th Judicial District as well as mandatory e-filing programs in the Surrogate's Courts in Jefferson, Oneida, Onondaga and Oswego Counties. It is expected that this mandatory program in Herkimer County Surrogate's Court will be **implemented November 20, 2019, for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto.**

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., Div. of E-Filing
Office of Court Administration
25 Beaver Street, Room 823
New York, NY 10004

As we move forward with implementation of mandatory e-filing in Surrogate's Court in Herkimer 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 will be 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):

Thursday, October 17, 2019 – 1:00 PM – 3:00 PM, Herkimer County Office & Court Facility, 301 N. Washington Street, Herkimer, NY 13350.

Attorneys participating in an on-site session receives two CLE hours free of charge. Information on these 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.

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 the 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 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. Vito c. Caruso
Hon. James P. Murphy
Hon. John H. Crandall
John McConnell, OCA Chief Counsel
Jeffrey Carucci, Director Division of E-Filing
Michael A. Klein, District Executive
Therese Soules, Chief Clerk
Michele Gartner, Esq.
Mindy Jeng, Esq.