

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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

April 3, 2018

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing in Allegany, Cattaraugus, Genesee, Niagara, Orleans and Wyoming Counties Surrogate's Courts

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 has been proposed by the District Administrative Judge of the 8th Judicial District for Allegany, Cattaraugus, Genesee, Niagara, Orleans and Wyoming Counties Surrogate's Courts to take effect May 23, 2018. To date, consensual e-filing programs have been successfully implemented in these courts. As of the effective date, the authorization will implement a mandatory e-filing program for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto.

The District Administrative Judge of the 8th Judicial District additionally proposes to modify the existing consensual e-filing in Allegany, Cattaraugus, Genesee, Niagara, Orleans and Wyoming Counties Surrogate's Courts to include 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 no later than May 16, 2018. 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 119M
New York, NY 10007

As we move forward with implementation of mandatory e-filing in **Allegany, Cattaraugus, Genesee, Niagara, Orleans and Wyoming Counties Surrogate's Courts**, 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 sessions are scheduled as follows, (pre-registration is required):

Wednesday, April 11, 2018, 2:00 PM – 4:00 PM, Niagara County Courthouse, 175 Hawley Street, 3rd Floor Jury Assembly Room, Lockport, New York 14094.

Friday, April 13, 2018, 10:00 AM – 12:00 PM, Olean City Court, 101 East State Street, Olean, New York 14760.

Wednesday, April 18, 2018, 2:00 PM – 4:00 PM, Genesee County Courts Facility, 1 W. Main Street, Jury Assembly Room, 2nd floor, Batavia, New York 14020.

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, or by contacting the Resource Center at 646-386-3033 or 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. Paula L. Feroletto
Hon. Terrence M. Parker
Hon. Moses M. Howden

Hon. Sanford A. Church
Hon. Michael F. Griffith
Hon. Michael Mohun
Ronald P. Younkings, Esq.
John McConnell, Esq.
Dorine Jacobs
Judith Zlockie
Michele Westfall-Owens
Angela Stamm-Phillipps,, Esq.
Jamie Summers
Julie Baker
Andrew B. Isenberg, Esq.
Jeffrey Carucci
Michele Gartner, Esq.