



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
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MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: **Implementation of Mandatory Electronic Filing in Supreme Court:
Cattaraugus, Genesee, Orleans, and Wyoming Counties**

Date: July 22, 2021

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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 District Administrative Judge of the 8th Judicial District has proposed the implementation of a mandatory e-filing program in the Supreme Court in Cattaraugus, Genesee, Orleans, and Wyoming Counties, **to take effect September 22, 2021**. The County Clerk of each County has joined in this request. To date, the 8th Judicial District has successfully implemented mandatory e-filing programs in Chautauqua, Erie, and Niagara Counties.

As of the effective date, the authorization will be to implement a mandatory e-filing program in the Supreme Court of Cattaraugus, Genesee, Orleans, and Wyoming Counties 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)

They have additionally proposed to modify the existing consensual e-filing programs in Cattaraugus, Genesee, and Wyoming Counties and to authorize a consensual e-filing program in Orleans County, to include the case types listed above that are not subject to mandatory e-

filing, and to include the consensual e-filing of documents filed after commencement papers in consumer credit transactions and residential foreclosure actions.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than September 15, 2021. 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
NYS Courts E-Filing Division
Office of Court Administration
25 Beaver Street, Room 823
New York, NY 10004

As we move forward with the implementation of mandatory e-filing in the Supreme Court in Cattaraugus, Genesee, Orleans, and Wyoming Counties, please be assured that the staff of the E-Filing Resource Center will continue to offer training. The NYSCEF system is intuitive and easy to use, and attorneys participating in our virtual training session can receive CLE credit(s) free of charge. Information on virtual training sessions is available on the NYSCEF website: www.nycourts.gov/efile, or by contacting the Resource Center at NYSCEF@nycourts.gov. Attorneys, paralegals and interested filers may register on-line for upcoming sessions.

Please note that by legislation and statute all unrepresented parties are automatically exempt from participating in e-filing in any case. However, unrepresented parties may choose to e-file. Information on how to do so is available at <http://www.nycourts.gov/efile-unrepresented>. Attorneys who certify in good faith that they lack requisite hardware, electronic connection, or technical knowledge to participate in e-filing, may opt out of e-filing.

E-filing represents an important and necessary advance for the courts and the legal profession in New York State, and continues to be invaluable as we confront COVID-related challenges affecting our courts and the justice system. 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, Deputy Chief Administrative Judge, Courts Outside of NYC
Hon. Kevin M. Carter, Administrative Judge, Eighth Judicial District
Hon. Alan Bernstein, Cattaraugus County Clerk
Hon. Michael T. Cianfrini, Genesee County Clerk
Hon. Nadine P. Hanlon, Orleans County Clerk
Hon. Rhonda Pierce, Wyoming County Clerk
Nancy J. Barry, Esq., Chief of Operations
Justin Barry, Esq., Chief of Administration
Eileen D. Millett, Esq., OCA Counsel

Jeffrey Carucci, Director OCA E-File Division
Andrew B. Isenberg, Esq., District Executive
Christine Kibler, Acting Chief Clerk (Cattaraugus)
Nicole R. Desmond, Chief Clerk (Genesee)
Kristen E. Nicholson, Chief Clerk (Orleans)
Betty Fisher, Chief Clerk (Wyoming)
Mindy Jeng, Esq., Executive Director of Pro Bono Services
Jessica M. Cherry, Esq., Counsel's Office