

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: Surrogate's Court – Clinton, Essex, Hamilton, and St. Lawrence

Date: April 8, 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 implementation of mandatory e-filing has been proposed by the District Administrative Judge of the 4th Judicial District for the Surrogate's Courts in **Clinton, Essex, Hamilton, and St. Lawrence** Counties. To date, mandatory e-filing programs have been successfully implemented in the Surrogate's Courts within the 4th Judicial District in Franklin, Fulton, Montgomery, Saratoga, Schenectady, Warren, and Washington Counties. It is expected that the mandatory programs proposed herein, will take effect on **May 26, 2021, for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto**. Once implemented, e-filing via NYSCEF will be mandatory in all Surrogate's Courts within the 4th Judicial District.

The District Administrative Judge of the 4th Judicial District additionally proposes to implement **consensual e-filing** in these 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 22, 2021. A new page has been created on the Unified Court System's website – www.nycourts.gov/rules/efilig/ - 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, Div. of E-Filing
Office of Court Administration
25 Beaver Street, Room 823
New York, NY 10004

As we move forward with the implementation of these mandatory programs, 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 Instructor-Led Training session can receive CLE credit(s) free of charge. Information on training 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 can register on-line for upcoming virtual training 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 the requisite hardware, electronic connection, or technical knowledge to participate in e-filing, may opt out of e-filing.

E-filing represents an important advance for the courts and the legal profession in New York State, and the current public health emergency has heightened the importance of these invaluable programs. 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. Felix J. Catena
Hon. Richard Meyer
Hon. William Favreau
Hon. Tatiana Coffinger
Hon. John Richey
John McConnell, Esq., Executive Director
Nancy Barry, Esq., Chief of Operations
Eileen D. Millett, Esq., OCA Counsel
Jeffrey Carucci, Director OCA E-Filing Div.
Joanne B. Haelen, Esq., District Executive
Joanne Mann, Deputy District Executive
Lise Johnson, Chief Clerk (Clinton County)
Mary Ann Badger, Chief Clerk (Essex County)
Araïna Eldridge, Chief Clerk (Hamilton County)
Neika Mayo, Chief Clerk (St. Lawrence County)
Michele Gartner, Esq.
Mindy Jeng, Esq.