

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 Montgomery County Surrogate's Court

Date: June 6, 2017

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"). As authorized under Chapter 237 of the Laws of 2015, implementation of the mandatory e-filing program in Montgomery County Surrogate's Court has been proposed by the District Administrative Judge of the Fourth Judicial District and the Surrogate of Montgomery County to take effect in August 2017. To date, a mandatory e-filing program has been successfully implemented within the Fourth Judicial District in Supreme Court in Essex County. Additionally, there is a successful consensual e-filing program in the Albany District Court of Claims, which encompasses several counties within the Fourth Judicial District. As of the effective date, the authorization will implement a mandatory e-filing program in Montgomery County Surrogate's Court for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto.¹

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than July 28, 2017. A new page has been created on the Unified Court System's website www.nycourts.gov/rules/efiling/, for the purpose of providing notice to the public of proposed new or expanded mandatory e-filing programs and for the posting of any public comments received in connection with 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 119 M
New York, NY 10007

¹ Mandatory programs for e-filing in Surrogate's Court in Franklin, Schenectady, and Warren Counties have also been proposed to take effect in August 2017.

As we move forward with implementation of mandatory e-filing in Montgomery County Surrogate's Court, please be assured that we will continue to work with local bar associations to provide necessary training for attorneys and paralegals both 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 the on-site sessions receive two CLE credits 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 parties may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties may schedule and advertise their own 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 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/e-file-unrepresented>.

A complete list of currently authorized mandatory and consensual e-filing programs is available on the NYSCEF website's "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. Vito C. Caruso
Hon. Guy P. Tomlinson
Ronald P. Younkins, Esq.
Joanne B. Haelen, Esq.
Alison Thomas-Oravsky, Esq.
John W. McConnell, Esq.
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