

State of New York  
Unified Court System



Lawrence K. Marks  
Chief Administrative Judge

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

May 2, 2016

### MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Expansion of Mandatory Electronic Filing in all Commercial Cases in Queens County Supreme Court – Civil Term

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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 (“NYCSEF”). As authorized under Chapter 237 of the Laws of 2015, expansion of the mandatory e-filing program has been proposed for **all new commercial cases including but not limited to contract, insurance, Uniform Commercial Code and corporate matters, in Supreme Court Civil Term, Queens County, effective July 13, 2016.**

Queens County has successfully implemented in Supreme Court Civil Term consensual e-filing in the following types of cases:

- commercial cases
- contract cases
- tort cases (except for medical, dental, and podiatric malpractice actions, which are mandatory)
- tax certiorari (including RPTL Sec. 730 proceedings)
- workers’ compensation applications for judgment

Additionally, it has implemented mandatory e-filing for the following types of cases:

- medical, dental, and podiatric malpractice actions
- foreclosure actions (including commercial foreclosures) addressing real property and mechanics liens

Persons wishing to comment on this proposal should e-mail their submissions to [efilingcomments@nycourts.gov](mailto:efilingcomments@nycourts.gov) by no later than June 27, 2016. A new page has been created on the Unified Court System's website - [www.nycourts.gov/rules/efiling/](http://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 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 119M  
New York, NY 10007

As we move forward with implementation of mandatory e-filing in Supreme Court, Queens County, 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 July 13, 2016. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Training will be offered by the staff of the E-Filing Resource Center both on-line and on-site. Participants in the on-site sessions receive two CLE hours free of charge. Information on these training sessions is available on the NYSCEF website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile), or by contacting the Resource Center at 646-386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov). Attorneys 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 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. Fern A. Fisher  
Hon. Jeremy S. Weinstein  
Hon. Audrey I. Pfeffer  
Ronald P. Younkings, Esq.  
Tamara Kersh  
Jeffrey Carucci  
Holly Nelson Lutz, Esq.