



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
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MEMORANDUM

October 15, 2015

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LKM*

Re: Expansion of Mandatory Electronic Filing in Niagara County Supreme Court.

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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"). As authorized under Chapter 237 of the Laws of 2015, the following expansion of the mandatory e-filing program has been proposed for the following court and case types, effective December 15, 2015:

- **Supreme Court, Niagara County:**

All new civil actions, except:

- * CPLR Article 70 proceedings
- * CPLR Article 78 proceedings
- * Election Law proceedings
- * Mental Hygiene Law matters
- * Matrimonial matters
- * In rem tax foreclosures
- * Real Property Tax Law § 730 proceedings
- * Consumer credit transactions as defined in CPLR 105(f)
- * Residential foreclosures as defined in Real Property Actions and Proceedings Law § 1304.

Persons wishing to comment on this proposal should e-mail their submissions to

efilingcomments@nycourts.gov by no later than **November 30, 2015**. 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 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 119 M
New York, NY 10007

As we move forward with implementation of e-filing in Niagara County, please be assured that we will work with local bar associations to provide necessary training for attorneys and paralegals. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Participants receive two CLE credits free of charge. Training will be provided by the staff of the E-Filing Resource Center. 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 may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties that are new to mandatory e-filing 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 still participate in e-filing voluntarily. 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'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 look forward to working closely with the legal community to better serve the public as the NYSCEF program continues to move forward.

cc: Hon. Michael V. Coccoma
Hon. Paula L. Feroletto
Ronald P. Younkings, Esq.
Hon. Wayne F. Jagow
Jeffrey Carucci