

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 Chautauqua County Supreme Court**

Date: August 9, 2018
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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"). Implementation of mandatory e-filing in Chautauqua County Supreme Court has been proposed by the District Administrative Judge of the 8th Judicial District, and the County Clerk of Chautauqua County **to take effect on October 17, 2018**. A successful consensual e-filing program commenced in Chautauqua County in August 2017 and successful mandatory e-filing programs have been authorized in both Supreme and Surrogate's Courts within the 8th Judicial District.

As of the effective date, the authorization will be to implement mandatory e-filing in Chautauqua County Supreme Court to **include all new civil actions, except:**

- CPLR Art. 70 [habeas corpus] 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)

The District Administrative Judge of the 8th Judicial District and the County Clerk of Chautauqua County additionally propose to modify the existing consensual e-filing program in Chautauqua County Supreme Court to include the seven case types listed above that are not

subject to mandatory e-filing, and to also include the consensual e-filing of **documents filed subsequent to commencement papers** in consumer credit transactions as defined in CPLR 105(f) and residential foreclosure actions as defined in RPAPL 1304.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than October 2, 2018. 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
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119 M
New York, NY 10007

As we move forward with expanded implementation of mandatory e-filing in Supreme Court, Chautauqua County, please be assured that we will continue to offer training 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 is offered by staff of the E-Filing Resource Center both on-line and on-site.

Attorneys participating in on-site sessions receive two CLE credits free of charge. Information on 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.

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/efile-unrepresented>.

A complete list 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. Michael V. Cocco
Hon. Paula Feroletto
Hon. Larry Barmore

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Andrew Isenberg
Tracie Lorenzo
Jeffrey Carucci
Jessica Cherry, Esq.