

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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

April 3, 2018

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing in Otsego County Supreme Court – Civil Term

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 a mandatory e-filing program in Supreme Court, Otsego County, has been proposed by the District Administrative Judge of the Sixth Judicial District and the Otsego County Clerk to take effect **May 23, 2018**. The Sixth Judicial District has successfully implemented e-filing programs in Supreme Court in Broome, Chenango, Cortland, and Tompkins Counties. The implementation of the mandatory e-filing program will include all new civil actions, except:

- CPLR Art. 70 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 Sixth Judicial District and the Otsego County Clerk additionally propose to implement a consensual e-filing program composed of 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 May 16, 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, Otsego 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 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 training sessions is also available on the NYSCEF website: www.nycourts.gov/cfile, or by contacting the Resource Center at 646-386-3033 or efile@nycourts.gov.

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. Molly R. Fitzgerald
Hon. Kathy Sinnott-Gardner
Ronald P. Younkings, Esq.
John W. McConnell, Esq.
Gregory Gates
Michael McGovern
Jeffrey Carucci
Jessica M. Cherry, Esq.