

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: Dutchess County Surrogate's Court Mandatory E-Filing

Date: August 9, 2018

=====

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 Dutchess County Surrogate's Court has been proposed by the District Administrative Judge of the 9th Judicial District to **take effect October 17, 2018**. A successful consensual e-filing program commenced in Dutchess County Surrogate's Court in January 2017 and mandatory e-filing programs have been authorized in the Supreme Court-Civil Term, in all counties within the 9th Judicial District.

As of the effective date, the authorization will be to implement **mandatory e-filing for newly filed:**

- Probate and administration proceedings; and
- miscellaneous proceedings relating thereto.

The District Administrative Judge of the 9th Judicial District additionally proposes to modify the existing **consensual e-filing** program in Dutchess County Surrogate's Court to include such other types of proceedings as the court may permit.

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 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

As we move forward with implementation of mandatory e-filing in Dutchess 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.

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 "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. Kathie E. Davidson
Hon. James D. Pagonis.
John W. McConnell, Esq.
Nancy J. Barry, Esq.
Diane Clerkin, Esq.
Erica DeTraglia, Esq.
Jeffrey Carucci
Michele Gartner, Esq.