

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 the Fulton, Saratoga, and Washington Counties Surrogate's Courts

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 **Fulton, Saratoga, and Washington Counties Surrogates' Courts** has been proposed by the District Administrative Judge of the 4th Judicial to take effect **October 17, 2018**. To date, mandatory e-filing programs have been successfully implemented in Surrogate's Courts within the 4th Judicial District in Franklin, Montgomery, Schenectady, and Warren Counties.

As of the effective date, the authorization will be to implement **mandatory e-filing in Fulton, Saratoga, and Washington Counties Surrogate's Courts for newly filed:**

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

The District Administrative Judge of the 4th Judicial District additionally proposes to implement **consensual e-filing** in these Courts 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 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 119M
New York, NY 10007

As we move forward with implementation of mandatory e-filing in Fulton, Saratoga, and Washington Counties, 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.

On-site training has been scheduled as follows, (pre-registration is required):
Thursday, August 30, 2018, 10:00 AM – 12:00 PM, 4th JD District Office, 65 South Broadway, Saratoga Springs, NY

Attorneys participating in an on-site session 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 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. Michael V. Coccoma
Hon. Vito C. Caruso
Hon. Polly A. Hoyer
Hon. Louise K. Sira
Hon. Richard Kupferman
Hon. Kelly S. McKeighan
Hon. Adam D. Michelini

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