

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: Expansion of Mandatory Electronic Filing in Richmond County Supreme Court

Date: January 22, 2021

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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"). The District Administrative Judge of the 13th Judicial District and the County Clerk of Richmond County have proposed to expand the current mandatory e-filing program in the Supreme Court, Richmond County. As of February 16, 2021, the existing mandatory program **will be expanded to include all 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)

They have additionally proposed to modify the consensual e-filing program to include the case types listed above that are not subject to mandatory e-filing, and to include the consensual e-filing of documents filed subsequent to commencement papers in consumer credit transactions and residential foreclosure actions.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than February 12, 2021. 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
NYS Courts E-Filing Division
Office of Court Administration
25 Beaver Street, Room 823
New York, NY 10007

As we move forward with the expansion of mandatory e-filing in Supreme Court, Richmond County, please be assured that the staff of the E-Filing Resource Center will continue to offer training. The NYSCEF system is intuitive and easy to use, and attorneys participating in our virtual training sessions can receive CLE credit(s) free of charge. Information on virtual training sessions is available on the NYSCEF website: www.nycourts.gov/efile, or by contacting the Resource Center at NYSCEF@nycourts.gov. Attorneys, paralegals and interested filers may register on-line for upcoming training sessions.

Please note that by legislation and statute all unrepresented parties are automatically exempt from participating in e-filing in any case. However, unrepresented parties may choose to e-file. Information on how to do so is available at <http://www.nycourts.gov/e-file-unrepresented>. Attorneys who certify in good faith that they lack requisite hardware, electronic connection or technical knowledge to participate in e-filing, may opt out of e-filing.

E-filing represents an important and necessary advance for the courts and the legal profession in New York State, and continues to be invaluable as we confront the challenges created by the current public health emergency. 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. George J. Silver
Hon. Desmond A. Green
Hon. Stephen J. Fiala
John McConnell, Esq., Executive Director
Nancy Barry, Esq., Chief of Operations
Eileen D. Millet, Esq., OCA Counsel
Jeffrey Carucci, Dir., OCA E-File Division
Kenneth Fay, Chief Clerk
John Tenaglia
Jessica Cherry, Esq.
Mindy Jeng, Esq.