



**Electronic Filing
in the New York State Courts**

2017

Report of the Chief Administrative Judge
to the Legislature, the Governor, and the
Chief Judge of the State of New York



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“Technology is critical to our efforts to enhance the efficiency and productivity of court operations, as well as to improve our service to the public. E-filing is the centerpiece of these efforts. It reduces costs and saves time for both the court system and litigants, improves access to the courts, and sharply reduces the environmental impact of litigation. E-filing is the future of our court system, and we must expand, thoughtfully and carefully, but also diligently, the use of this powerful tool.”

A handwritten signature in black ink that reads 'Janet DiFiore'.

Chief Judge Janet DiFiore
Chief Judge of the State of New York

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I. Executive Summary

The electronic filing program of the New York State courts and the computer application through which the program functions, *i.e.*, the New York State Courts Electronic Filing System (“NYSCEF”), have proven to be both reliable and successful. County Clerks, courts, judges, and the bar have become familiar with the many benefits of e-filing and have embraced it enthusiastically. As a result, with each passing year, the number of courts and venues in which e-filing is operational and the number and types of cases within particular courts in which it is used have grown, as has the number of filing users. To date, **more than 1.3 million cases** have been e-filed through NYSCEF. The e-filing program is one of the most successful projects, and certainly one of the most important, ever undertaken by the New York State Unified Court System (“UCS”). This project is transforming, very much for the better, the way attorneys conduct litigation and the way in which the courts and County Clerk offices in New York State operate.

In this report, the UCS provides an analysis and evaluation of the implementation of the e-filing program across the state and its impact on litigants, including the unrepresented, attorneys, and not-for-profit organizations, and on the courts and County Clerks.¹¹ This report highlights recent progress in e-filing across the state, provides an evaluation of the e-filing program as it functions today, and describes our plans for the future. We address here, among other things, the following: the status of our efforts to bring an up-to-date case management system to the Supreme Court statewide and to integrate that system with NYSCEF, thereby achieving important efficiencies and the saving of labor for the courts and the County Clerks; the discussions, analysis, and development that have been occurring since our last report to bring e-filing to the Appellate Divisions utilizing NYSCEF, thus achieving seamless e-filing in trial courts and on appeal; and the analysis and discussions that are occurring among the relevant Advisory Committees, courts and UCS e-filing staff that are aimed at expanding e-filing into criminal and Family Court cases. We also describe the training and outreach efforts the Judiciary has undertaken to aid users

new to NYSCEF and the assistance provided by the NYSCEF Resource Center Help Desk.

In 2015, the Legislature enacted a major reform of the State’s e-filing statutes upon the recommendation of the UCS. Our experience and that of users of the NYSCEF system since then make clear that the current legislative scheme is functioning well and that major modifications are therefore not necessary. There are, though, some respects in which that scheme can and should be improved. Thus, we propose four adjustments to the legislative framework, which we will describe in [Section IV](#) of this report. The modifications we propose are limited in scope, but will, we believe, improve the efficiency and effectiveness of the e-filing program and will have no adverse effect of note on any of those interested in or potentially affected by e-filing.

Finally, this report provides a vehicle for County Clerks, bar associations, not-for-profit entities, government agencies and other groups, individual attorneys, and the public to present comments on and suggestions for the e-filing program, including both its implementation and its impact on litigants and the courts. The comments and suggestions received and our responses are set forth in [Section III](#).

1. This report complies with the mandate of Judiciary Law § 212 (2)(t)(i)(A) for an annual report that evaluates the state’s experience with e-filing programs in the courts. It also provides the analysis and evaluation called for in the 2017 report by Judiciary Law § 212 (2)(t)(i) (B). This latter provision requires that, in the 2017 report, the Chief Administrative Judge, with the assistance of input from the Advisory Committees on E-Filing to the Chief Administrative Judge, “evaluate the impact of [e-filing] on litigants, including unrepresented parties, practitioners and the courts and... obtain input from those who are or would be affected by such electronic filing program...” E.g., Section 212 (2)(t)(ii). Later in this report we describe the efforts made by the UCS to obtain input from interested persons and groups, the consultations undertaken, and the input received.

II. The Status of E-filing in the New York State Courts

A. The 2015 and 2016 Reports and Chapter 237 of the Laws of 2015

In our e-filing report in 2015, we set forth in detail the history of e-filing in the New York courts. Those who wish to know the particulars of this history, with regard to legislation and otherwise, will find that information in that report. The history set forth there shows that after a slow beginning in 1999, e-filing has made significant and steady progress. E-filing has grown in reach and utilization and it has unquestionably become a major success. The NYSCEF application has shown itself to be reliable, efficient, convenient and secure, and it undergoes continual improvement to enhance the experience of all users.² Furthermore, the well-documented experiences of attorneys and other users, judges, courts and County Clerks – with consensual e-filing programs and, since their inception in 2010, with mandatory programs as well – have been overwhelmingly positive. As time has passed, users have steadily become more aware of, and appreciative of, the many benefits e-filing brings.³

In view of the solid track record of e-filing in New York through the NYSCEF system, the UCS submitted a legislative proposal in 2015 that was designed to extend throughout the court system the cost-savings, improved efficiency and countless

other benefits that e-filing has to offer. That proposal was enacted as Chapter 237 of the Laws of 2015. Chapter 237 made permanent aspects of the e-filing program, principally, mandatory e-filing, that had been scheduled to expire on September 1, 2015. Chapter 237 also streamlined the program's administration and gave the Chief Administrative Judge broad authority and discretion to administer e-filing, and to expand it in locations, courts and case types in ways and on schedules that make the most sense for all involved. With the qualifications set forth in [Section IV](#) of this report, this legislation continues to provide the courts with the flexibility necessary to move efficiently toward the fulfillment of our vision of a modern court system in sync with the digital age.

Furthermore, Chapter 237 simplified and clarified the legal landscape of e-filing. Chapter 237 incorporated all relevant statutory requirements for e-filing into a series of Consolidated Laws, *i.e.*, in the Civil Practice Law and Rules, the Surrogate's Court Procedure Act, the Criminal Procedure Law, the Court of Claims Act, the Family Court Act and the New York City Civil Court Act. These requirements are now more readily accessible and

2. The Managing Attorneys and Clerks Association, an organization of over 120 medium and large firms that are frequent users of e-filing, "give[s] NYSCEF high marks in usability and reliability," adding that "as one [MACA] member commented, 'the system is never down!'" Letter of Timothy K. Beeken, Esq., President, Managing Attorneys and Clerks Association, March 24, 2017.

3. The benefits of e-filing are significant and far-reaching. For counsel, among other things, it greatly simplifies, expedites, and reduces the cost of the filing and service of documents. It also is very convenient as it makes the case file accessible online to all counsel of record at any time and from anywhere. In addition, e-filing sharply reduces record storage and retrieval costs, eliminates the burden of serving hard-copy papers on opposing parties and minimizes the need to travel to the courthouse.

For courts and public officials, e-filing likewise has demonstrated many benefits. It has increased productivity and reduced costs for both the courts and the County Clerks. The County Clerks have made this clear in comments in connection with prior reports and do so again this year. E-filing has enhanced the efficiency and effectiveness with which judges can manage and administer their inventories, providing them and their law clerks with easy access to case files even on the weekends or at night from home. In our 2015 report, we provided estimates of the cost savings and improvements in productivity that e-filing has brought.

In addition to all of these benefits, e-filing contributes to a more environmentally responsible system of justice by sharply reducing both the vast amount of paper consumed by the litigation process and the need to travel to serve and file papers.

the e-filing scheme in New York much clearer and easier to navigate.⁴

Finally, Chapter 237 also made the following significant changes to the mandatory e-filing program:

- The pilot status of the mandatory program was eliminated and authorization for the program was made permanent;
- A few additional classes of cases were excluded from the mandatory e-filing program; and
- The Chief Administrative Judge was authorized administratively to add new courts to the mandatory program (formerly this could be done only through legislation).

In 2016, we submitted an annual report and, among other things, reviewed the progress achieved since the enactment of Chapter 237. We made no requests for legislative changes in that report.

B. E-Filing Today and Plans for the Future

1. Overview and Recent Developments

E-Filing procedures are set forth in the Uniform Rules for the Trial Courts. Administrative Orders issued by the Chief Administrative Judge specify in what courts, locations, and types of cases e-filing may be employed. These Orders are cumulative; that is, for the convenience of the bar and the public, each one lists all programs currently authorized in the state. The most recent Administrative Order (AO/84/17), dated April 27, 2017, addresses both consensual and mandatory e-filing. It authorizes consensual e-filing in the following courts:

- Supreme Court in 23 counties in a variety of types of actions, including all kinds of actions (with narrow exceptions) in some counties

and, in many others, commercial, contract, tort, and tax certiorari cases;

- Surrogate's Court in 27 counties, with Broome the most recent addition (as of May 3, 2017);
- The Court of Claims in the Albany District (12 counties) and in the New York City District (seven counties); and
- The New York City Civil Court for no-fault cases involving claims by providers of health-care services against insurers.

This Order also provides for mandatory e-filing in:

- Various categories of cases in Supreme Court in 20 counties; and
- Surrogate's Court in 15 counties.

The cases subject to mandatory e-filing in the 15 Surrogate's Courts are probate and administration proceedings and miscellaneous proceedings relating thereto. In the Supreme Court in eight of the 20 counties having mandatory e-filing, including New York, Rockland and Dutchess, the affected categories of cases consist of all types of actions excepting only the statutorily-exempt categories (*i.e.*, CPLR Article 70 and Article 78 proceedings, and matrimonial, Mental Hygiene Law and Election Law matters, as well as certain residential foreclosure actions involving a home loan, and certain proceedings related to consumer credit transactions).⁵ In the remaining 12 counties having mandatory e-filing in Supreme Court, the affected categories of cases are more restricted. For example, in Essex, they include only foreclosure actions involving real property and tax certiorari cases (excluding SCAR proceedings); in Kings, Commercial Division matters and torts; and, in Queens, commercial, medical, dental and podiatric malpractice actions and foreclosure actions addressing real property and mechanics liens.

4. Prior to 2015, the landscape had consisted of a lengthy series of complicated Unconsolidated Laws. Because of their location and awkward structure, and the recurring sunset dates that characterized them, these statutes made it a struggle for the bar to determine what the law governing e-filing was at any specific time.

5. CPLR § 2111 (b)(2)(A) provides that the mandatory e-filing program shall not include residential mortgage foreclosure actions involving a home loan and proceedings related to consumer credit transactions, except that the Chief Administrative Judge may require that the program apply to initial filings by represented parties of papers required to commence such matters. Section 2111 (b)(2-a), however, allows for mandatory e-filing in these two categories of case in venues in which the Chief Administrative Judge had already required e-filing in these categories prior to the effective date of this section.

From the introduction of e-filing in New York in 1999 through March 2017, **1,379,227 cases** have been e-filed with NYSCEF.⁶ Through the same period, **14,394,794 documents** have been e-filed.⁷ Some of these individual documents, of course, are short, but many are lengthy and any single one of them may run for hundreds of pages.

There have been **85,906 attorneys and other registered public users of the NYSCEF system** (i.e., excluding court and County Clerk users) since inception.⁸ This figure includes unrepresented litigants who have chosen to participate and attorneys appearing *pro hac vice* who register with NYSCEF on a case-by-case basis, as well as firms serving as authorized agents for attorneys.

We estimate that **5,684 unrepresented persons have been NYSCEF filing users since inception, and that they have e-filed 54,508 documents through NYSCEF.**⁹ In other words, whatever might have been assumed to be the case, a large number of unrepresented persons have used the NYSCEF system, despite the fact that these users had the right not to take part.

Since the issuance of our 2016 report, mandatory e-filing programs have been initiated in Supreme Court in Albany, Broome, Ontario, Orange, Putnam, and Richmond Counties. Also, existing mandatory e-filing programs in Supreme Court in Bronx, Nassau, Queens, and Suffolk Counties have been expanded to include additional case types. Consensual programs have been established in Supreme Court in Monroe, Oswego, and Putnam Counties. Mandatory programs have been initiated in Surrogate's Court in Albany, Jefferson, Oneida, Onondaga and Westchester Counties, and consensual programs have been introduced in Surrogate's Court in Broome, Dutchess and Orange Counties. With each e-filing rollout and expansion, we have provided advance public notice of our

plans, solicited comments and suggestions and consulted broadly with the Advisory Committees and interested groups.

The UCS's Statewide Coordinator for Electronic Filing in the State Courts, Jeffrey Carucci, is in frequent contact with court administrators and County Clerks across the state about the operation of e-filing in their courts and counties. Through such contacts, the Coordinator identifies courts and offices of County Clerks that may be ready to introduce e-filing, either on a consensual or mandatory basis, or to expand existing programs. If such expansion requires an adjustment or addition to the NYSCEF software to meet the needs of a court or County Clerk, the Statewide Coordinator examines whether such changes can be made from a technical perspective and when the expansion can occur. Formal notice and community consultation take place whenever an expansion is proposed. As provided in Chapter 237, the appropriate Advisory Committee is consulted as part of the process. And expansions in Supreme Court have always taken place by agreement of the County Clerk and the UCS.

We expect that, within a few months, a mandatory e-filing program will be proposed in Surrogate's Courts in Franklin, Montgomery, Schenectady, and Warren Counties. A consensual program has been proposed for matrimonial matters in Supreme Court, Civil Branch, New York County.

Further, we have had contacts with relevant officials in other venues and anticipate that, by the end of 2017 or early in 2018, other counties will be added to the list of those participating in the e-filing program, covering cases in both Supreme Court and Surrogate's Court. We also expect that in some venues in which e-filing is already operational expansions will occur in the types of cases subject to it. We expect to commence discussions

6. Data on Court of Claims and Surrogate's Court filings is as of March 20, 2017. Data for Supreme Court filings is as of March 24, 2017.

7. As of March 20, 2017.

8. As of March 24, 2017.

9. We use estimates of unrepresented filing users because statistically those users have been grouped together by NYSCEF with *pro hac vice* users. To produce an estimate that isolates the number of unrepresented users, we analyzed the cases in question and identified all those in which a user in the unrepresented/*pro hac* group who had participated in e-filing was also a named party in the case in which the user was filing.

regarding the possibility of expansion of e-filing in the Court of Claims in the near future.

2. Improvements to Software and Productivity Enhancements

The NYSCEF application was designed and built, and is maintained and enhanced, by UCS staff, including the UCS Division of Technology (“DOT”). We continuously monitor the NYSCEF system to ensure that it meets the needs of all users, including the courts, County Clerks, attorneys and participating unrepresented litigants, and that it remains as efficient, effective and easy-to-use as is possible. Through this monitoring, areas in which improvements can be made are identified and enhancements are made to the software over the course of each year. This method of proceeding is, of course, in keeping with standard practice in the field of technology generally.

From time to time, as well, improvements are made in response to suggestions or comments from attorneys, legal organizations, unrepresented persons, court staff, judges and representatives of County Clerks. Likewise, input is obtained from the several Advisory Committees. What one of the County Clerks has written about her county is accurate across the state and the courts: “[t]here is a constant collaboration between our county and the New York State Courts Electronic Filing System Resource Center (NYSCEF) to continuously improve and enhance the system. NYSCEF is always willing to address any concerns and provide improvements to the system.”¹⁰

For instance, we noted in the 2016 report some enhancements that had recently been introduced.¹¹ Since 2016, we have been working on, among other things, adding to the NYSCEF application functionality that will make e-filed documents text searchable. This capability will assist judges,

and lawyers too, as it will allow for automated searching of filed documents, whether affidavits, memoranda of law, or other documents, for key words and phrases, and for the easy copying and pasting of words, phrases or paragraphs into orders or briefs. This may also permit us to filter e-filed documents for any social security numbers that may have inadvertently found their way into them and to redact the numbers in accordance with governing law. We are also now accepting e-filed documents containing bookmarking, which will assist judges to navigate easily within e-filed documents.

We hope to begin a pilot project shortly in at least one venue that would permit the use of e-signatures by judges. Such signatures are authorized by Administrative Order under certain defined circumstances. At the same time, we are planning to test technology that will improve the ability of judges to work with, and issue as they find appropriate, judicial orders in e-filed cases.

We anticipate that other improvements to the NYSCEF software will be made in 2017 and into next year. We will especially be considering ways to avoid duplication of work and enhance efficiency throughout NYSCEF, for attorneys and other users, and for courts and County Clerks alike, as we did with the RJI and other improvements. This point deserves some further discussion.

In prior reports, we pointed out the potential e-filing offers for significant improvement in productivity in the courts and the County Clerk offices through reduction in data entry.¹² UCS has been very attentive to this possibility for quite some time. At least since 1986, case data, such as the caption, has been recorded in the records of the court and the County Clerk through manual key strokes at a computer terminal. E-filing presents

10. Letter of Hon. Audrey I. Pheffer, Queens County Clerk, March 15, 2017. The County Clerk of Nassau County wrote recently that e-filing “has been a collaborative effort” Letter of Hon. Maureen O’Connell, March 22, 2017.

11. Some months before, NYSCEF had introduced a new option for the filing of the Request for Judicial Intervention (RJI). Before that, an RJI form had to be completed by hand and then scanned into NYSCEF, even though the form calls for some information that would already have been electronically inputted into NYSCEF. As a result of this modification, however, there is now an alternative to completion by hand-scanning – *i.e.*, NYSCEF can create the RJI using data already inputted by the filer and then, with the click of a button, the completed RJI can be uploaded to the NYSCEF case file. And this data is then available to the court’s case management system, thereby saving labor by court staff.

12. There are other important respects in which e-filing enhances productivity, but we concentrate here on data transfer and data entry.

the opportunity for the electronic transfer of key elements of data from NYSCEF to the case management program of the court or County Clerk.¹³

In various counties around the state, as a result of consultations between NYSCEF staff and County Clerks and programming work by DOT staff, data can be and is regularly transferred from NYSCEF electronically to County Clerks who seek such data. This is done through what is known as a “web service,” which one might think of as an automated download of data on a regularly-scheduled basis. This process has worked smoothly and has proven helpful to the County Clerks, as is confirmed by comments they have made and included in [Appendix F](#) to this report.

In 2015, we reported that the UCS had installed up-to-date case management software in the Surrogate’s Court that would be capable of automatically accepting the electronic transfer of data from NYSCEF. This software, which is known as the Universal Case Management System (“UCMS”), is now operational in Surrogate’s Courts statewide. Integration of this software with NYSCEF has been implemented in various Surrogate’s Courts and will occur in Surrogate’s Courts statewide over the course of the next few months. As a result, data and images of documents will be easily transferred from NYSCEF into UCMS, thereby bringing about a significant improvement in productivity for the court.

UCMS is not yet operational in Supreme Court, Civil Term throughout the state. Although in many respects it is indeed universal, as its name suggests, this application must and does differ in some important aspects among the various trial courts. The reason for this is readily understood: there are very important differences in civil practice and in the types of documents filed in, for example, Supreme Court, on the one hand, and the Surrogate’s Court,

on the other, and so UCMS must be adjusted for each type of court. We have been working diligently to bring the UCMS to Supreme Court, Civil Term with the goal of integrating it with NYSCEF. Since our 2015 report, court staff have worked closely and intensively with the UCS DOT on this effort. The initial modifications or adjustments to the basic UCMS system that are needed for Supreme Court have been made. There now exists, in other words, a beta (test) version of the UCMS application for Supreme Court. The application has been presented to the Supreme Court, Civil Term in Westchester, Erie and New York Counties and training in the application for court staff there has been underway for months. A great deal of progress has been made in the training process.¹⁴ We anticipate that the UCMS for Supreme Court will be introduced on a test basis in Supreme Court, Civil Term this year, beginning with real cases in Westchester and New York County Supreme Courts, with Erie County Supreme Court to follow not long after. After a period of testing, UCMS will be rolled out to the rest of the state over the next two years. The UCMS application will be integrated with NYSCEF for initialization of cases so that information entered into NYSCEF will be imported into UCMS. As resources permit, UCMS and NYSCEF will be further integrated to create a seamless process that will greatly reduce data entry.

3. Training and Outreach to the Bar

Throughout the life of NYSCEF, the UCS has made a major effort to be responsive to the needs and concerns of the bar with regard to e-filing. NYSCEF is easy to understand and use. Nevertheless, we have recognized that, among the vast number of users of the system, some would feel the need for instructional tools and training. So, we provide instructional tools, including an on-line training program where users can experiment with all the

13. In the course of creating the case file in NYSCEF or filing an individual document in an existing case, the filer must enter identifying information about the case or filing in electronic format. Without it, NYSCEF cannot create an electronic case file, nor can it place a document being filed in the proper electronic file and in its correct location within that file. This data is subject to possible automated electronic transfer to the case management system of the court or County Clerk, provided that that system has been designed with the capacity to receive and incorporate such data. To the extent that this data can be so transferred, the workload of the staff of both court and County Clerk will be reduced.

14. Training is critical since current Supreme Court staff are familiar with and have used for years a case management program that is now distinctly outmoded.

functions of NYSCEF without limitation and at no charge. Assistance is also available from the court system's e-filing "help center," the UCS E-Filing Resource Center, by phone and e-mail throughout the business day, for anyone who may need it. The comments made about the Resource Center and its staff by users have long been very favorable and complimentary and continue to be so.¹⁵ We are most grateful to our staff for providing this outstanding level of service.

Training classes have been and continue to be offered in many locations. For example, we offer training on a weekly basis in New York City for users in the greater metropolitan area. Similar training is available in other participating counties around the state. Whenever NYSCEF is introduced into a new court or county, we provide training on an intensive basis. In addition, for over three years, the Resource Center has been offering regular live training on-line, through the NYSCEF website, which is clearly a great convenience for attorneys and other users, who can access it through their desktop or laptop. Attorneys can register for training classes through the website.

Training has always been, and continues to be, offered at no cost, and, with the cooperation of UCS's Judicial Institute, two hours of Continuing Legal Education (CLE) credit is made available to attorneys who participate in our two-hour course. Thus far, the UCS has provided thousands of hours of such free CLE credit. The UCS also has provided extensive training to judges and the staff of law firms, County Clerks and court personnel. We will

be continuing and expanding this training effort in 2017 and beyond.

4. Mandatory E-Filing

Much of the growth in e-filing has occurred since 2010, when mandatory e-filing was first authorized. By now, many tens of thousands of mandatory e-filing cases have been filed with the NYSCEF system in Supreme Court and Surrogate's Court. From the perspective of the courts and County Clerks, there have been very few problems with e-filing in these cases and no significant difficulties have come to the attention of the court system. Similarly, the response to mandatory e-filing by the Advisory Committees (with which we met most recently in early 2017), the bar, and the public has been extremely favorable. They have reported very few problems with mandatory e-filing, and their overall positive reaction is well demonstrated in the Comments section ([Section III](#)) of this report.

5. Exemptions from E-Filing

One potential concern is whether some prospective users might lack the knowledge or equipment necessary to e-file. The e-filing statutes and implementing rules provide that, even when e-filing is mandatory in the covered courts and case types, any attorney who lacks the equipment or the knowledge required to e-file can be exempted from doing so by filing a form certifying as much. Unrepresented parties likewise are not required to participate in e-filing and need take no action to be exempted from it, although they are free to take part if they so choose.¹⁶

15. For instance, the Managing Attorneys and Clerks Association, a group of managing attorneys and clerks from over 120 medium and large firms who are heavy users of electronic filing in the state and federal courts in New York and around the country, wrote to the Statewide Coordinator as follows in connection with this report: "[W]e are continually impressed with the extraordinary work you and your staff are able to accomplish Operating out of a small space in the New York County Courthouse with few staff but responsibilities that extend from Niagara Falls to the Montauk lighthouse and from Staten Island to Essex County and beyond, you are able to keep NYSCEF running and running well." Letter of Timothy K. Beeken, Esq., President, March 24, 2017. Another attorney wrote that "those folks tasked with answering questions by phone and email [the NYSCEF Resource Center] have been very helpful often with the patience of a saint; good for them." E-Mail of Robert M. Lefland, Esq., March 10, 2017. The County Clerk of Nassau County wrote to the Statewide Coordinator: "The quality of the e-filing program along with the accessibility of the outstanding NYSCEF Resource Center staff who are dedicated to the success of the program, continue to generate a significant amount of goodwill among the practitioners who rely on it, a direct result of the efforts of you and your team." Letter of Hon. Maureen O'Connell, March 22, 2017.

16. Chapter 237 undid what had been a presumption of participation for unrepresented litigants involved in mandatory e-filing cases. Whereas before 2015 such litigants could avoid participation in e-filing simply by filing an opt-out form, the law since then has been that unrepresented litigants are presumed to be non-participants in e-filing unless they affirmatively express the intent to take part. They are no longer obliged to file the opt-out form. In a mandatory e-filing case, they simply file and serve, and are served with, court documents in hard copy. If, however, they choose to e-file, they may do so, in which event all they need do is apply for a user ID and password, and e-file in the same manner as all other parties to the case.

As we noted earlier, many unrepresented persons have participated in e-filing over the years — almost 5,700, electronically filing through NYSCEF almost 55,000 documents — despite the right that these individuals have to not participate if that is their wish. Notwithstanding this significant level of participation, we have never had a meaningful number of complaints from these persons about e-filing, nor have we had complaints in any significant number from unrepresented persons in e-filed cases who have not taken part in e-filing. In the comments received in connection with this report, only one has come from an unrepresented person. It is reasonable to conclude, therefore, that NYSCEF has been and is working well for the unrepresented, just as it is for everyone else.

6. E-Filing in the Appellate Divisions

In our 2016 report, we discussed the introduction of e-filing in the Appellate Divisions. Under the direction of the Statewide Coordinator, a working group continues to examine the processing of documents in all the Departments and to study how best to implement e-filing utilizing NYSCEF in appellate cases. The goal is to develop a module for appellate e-filing—the same module for all four Departments. The module must, of course, efficiently accommodate all aspects of appellate practice, including briefs, records, and motions. E-filing needs to be smooth and seamless in cases in the trial courts and thereafter as well, in the Appellate Division. Discussions have been underway with all the Departments and an analysis of how best to proceed continues.

We expect to begin a pilot project this year that will introduce e-filing on appeal. Here, too, a test period is needed to ensure that the application functions correctly from a technical perspective and that, in practice, it satisfies all requirements of each of the Appellate Divisions, as well as the needs of appellate filers. Depending upon the results of this pilot project, modifications may be made to the design for appellate e-filing.

7. E-Filing in Criminal and Family Court Cases

UCS has consulted with the E-Filing Advisory Committees for criminal and Family Court cases. We have undertaken analyses of the kinds of matters in which e-filing has been authorized and have been studying ways in which NYSCEF can meet the needs of the courts, the judges, litigants, and the bar.

We are very much aware of the imperatives of security and confidentiality in these matters. Our analyses and experience indicate to us that NYSCEF will be able satisfactorily to address these vital concerns.

Pursuant to Chapter 237, the authorization for e-filing in criminal cases contained in that legislation shall not affect or change any existing law having to do with the sealing and confidentiality of court records in criminal cases, or access to court records by the parties, nor shall that legislation be construed to compel a party to file a sealed document by electronic means.¹⁷ Further, that legislation provides that no document e-filed in a criminal case in the Supreme or County Court shall be available for public inspection on-line.¹⁸

Of course, the dynamics of criminal and civil cases differ and the kinds of documents used in the two types of cases differ as well. Nevertheless, our experience with civil e-filing over many years gives us confidence that we will be able to insert in the criminal case section of the NYSCEF application functionalities and protections that will assure compliance with these security and confidentiality mandates.

There already exists, and has long existed, functionality in NYSCEF that ensures security and confidentiality in certain kinds of civil cases. If, by law, case files in certain kinds of civil matters be made accessible only to the parties to the case and their counsel, NYSCEF can enforce this restriction. NYSCEF will automatically recognize any such case and will apply to it a firewall that has been built

17. Chapter 237 of the Laws of 2015 § 4; Criminal Procedure Law § 10.40 (2) (d)(i).

18. Criminal Procedure Law § 10.40 (2) (d)(ii).

into NYSCEF to prohibit access to the case file by any unauthorized persons. If an individual document requires such treatment, NYSCEF is likewise able to recognize it automatically whenever a party seeks to e-file such a document and can protect that document behind the firewall.

NYSCEF has long provided such protection for documents when the judge in a civil case directs that a document or documents or an entire case file be sealed pursuant to Part 216 of the Uniform Rules for the Trial Courts. The County Clerk seals the document or documents or the entire file in accordance with the directive of the court and NYSCEF effectuates the sealing by ensuring electronically that access is barred to all persons other than those authorized to have access. Since the firewall is written into NYSCEF, there is no possibility of even an inadvertent error that allows an unauthorized person to see a sealed document. In the case of hard copy files, no ironclad protection of this sort can exist.

Furthermore, e-filing has been underway for some years on a consensual basis in matrimonial cases in some counties. Documents in these cases are confidential pursuant to DRL § 235. NYSCEF places each filing in such a case and the entire electronic file behind the firewall. Indeed, even the members of the County Clerk and court staff are barred from obtaining access to such a file unless the clerk in question has received a special ID and password that allows such access because the clerk works on the filings in question. There have been no reported problems from the perspectives of security and confidentiality in these cases. For more about this, see our discussion in the legislative proposal section of this Report (Subsection A of [Section IV](#)).

The law provides similar protections for any electronic filings that will be permitted under governing law in Family Court cases in the future.¹⁹

In the tests and pilot programs for e-filing in criminal and Family Court cases described hereafter, the court system will be discussing security and confidentiality extensively with the Advisory

Committees and relevant agencies, government officials and Bar groups. A basic element of this work is to ensure that appropriate measures are incorporated into the applicable sections of the NYSCEF software to comply with the legislative mandates.

We will proceed with e-filing in Family Court cases in several phases. In Phase 1 of this effort, with the assistance of Michael McLoughlin, Chair of the Advisory Committee on E-Filing in Family Court Cases, we have put into place a pilot project for e-filing using NYSCEF features and functions, with a minimum of modifications, in order to provide a test of our concept of e-filing in Family Court cases. Initiating documents in Family Court Act, Article 3 and Article 10 cases will be e-filed. This will save court staff from having to scan these documents into the court's case management system, which is the Family Court version of UCMS. Subsequent filings in these cases will also be e-filed and there will be remote access to the file for all parties (but no one else) so that the parties and counsel do not need to make trips to the courthouse.

We expect to begin piloting e-filing in real cases through NYSCEF in Phase I in up to six counties in 2018.

We will study closely the results of the pilot project and make such modifications as may turn out to be needed in Phase II.

A representative group of Family Court staff will work with NYSCEF staff to develop a NYSCEF module for these cases. A list of commonly-filed Family Court documents has already been created and will be added to NYSCEF. We will continue our analysis of these cases and plan to integrate e-filing with the UCMS case management system in Phase II or III so that the court can achieve significant labor savings.

With the assistance of the Advisory Committee on E-Filing in Supreme and County Court (Criminal) Cases chaired by the Hon. Michael V. Coccoma, analysis and preparation have likewise been underway for e-filing of the accusatory instrument in

19. Chapter 237 § 6; Family Court Act § 214 (d).

criminal cases in the Supreme and County Courts and for the filing and service of subsequent papers in such matters. Our plan is to follow an approach similar to that which is being used in Family Court e-filing.

To be more specific, through the efforts of a Working Subcommittee of the Advisory Committee, a flow chart has been created for Supreme Court and County Court criminal matters that illustrates the filings that are made in a typical case of this kind and how they are processed by the court. This chart will be further developed and refined as analysis proceeds. Though a technical process, this is an important one that needs to be done correctly. The NYSCEF module for criminal cases that will in due course be created, that is, a distinct section of NYSCEF that would, using fundamental NYSCEF concepts and functionality, house criminal case e-filing, must reflect accurately how documents in these cases are processed and the flow of documents within the courts, which are dictated by the courts' concern for efficiency. In large courts with many cases handled by multiple clerks, NYSCEF needs to incorporate all the steps that are taken in the processing of documents and the routes within the court that documents follow. For example, if within a large court there are three internal steps through which a particular filing must go and three different clerks or desks that perform those steps, NYSCEF must allow those things to take place. This module, however, must simultaneously meet the processing needs of smaller courts, which means in part that the module must not be overly complicated in practice for such courts. In regard to processing and routing of filed documents, then, the criminal module will need to be accurate, comprehensive and capable of meeting the needs of all participating criminal courts, whatever the size of their dockets may be.

Under the Working Subcommittee's aegis, a list has also been developed of the kinds of documents that are regularly filed in a criminal case in the Supreme and County Courts. The list of documents plays a major role in e-filing since it is the

vehicle through which future filers can make the designations of the document types being filed in such cases. The list must include all documents that might be filed in such cases, but also be as easy to use as possible. Without such a list in NYSCEF, the e-filing of documents would be impractical.²⁰

Although, of course, not every case conforms to a paradigm, this chart and list are sufficiently detailed and comprehensive at this stage as to permit the Committee and NYSCEF staff to conduct thorough, meaningful and accurate analyses of the sort needed to build the NYSCEF infrastructure that will support e-filing in these kinds of cases.

NYSCEF staff have begun the process of creating a NYSCEF module for criminal e-filing. With the information the staff have obtained from the flow chart and list of documents, and making limited modifications to the existing NYSCEF software and capabilities, we have created pages for this draft module that are intended to accommodate the electronic filing of an indictment and/or superior court information and the documents that might accompany them.

NYSCEF staff by now have acquired extensive experience across a complex array of civil cases and filings. Based upon that experience and the work of the Advisory Committee and the Subcommittee, we anticipate that, notwithstanding the substantive differences between civil and criminal filings, motion procedures in NYSCEF in e-filed Supreme and County Court criminal cases (the filing and service of all documents on motions and the issuance of decisions thereon) can be and will prove to be very similar to those that have been for years now functioning well in civil cases. We believe, therefore, that as we pursue development of the criminal module, NYSCEF's capabilities should adapt without significant difficulty to the particulars of motion practice on the criminal side. The convenience of e-filing documents alone has already made itself manifest to all participants during this phase of analysis and development.

20. The list cannot employ "other document type" or other similar formulation since doing so would make it difficult for users later to locate documents being sought and would make the case docket opaque to the users.

Recently, NYSCEF staff have been experimenting with the pages in this draft module in a test environment. NYSCEF staff plan to introduce this draft to interested parties (representatives of the court, the prosecutor, and the defense Bar) within the next few months through the very committed and enthusiastic Advisory Committee and the Working Subcommittee. These consultations will generate feedback, which will allow the staff to make appropriate and useful modifications to NYSCEF functionality, such as the filing procedures and routing structure. The feedback will also permit us to develop and incorporate into the module any modifications that may be found to be necessary to the limitations on access to documents in these cases that we are building in conformity with security and confidentiality concerns.

After testing out the draft module in this way and making modifications called for by the tests, NYSCEF staff will produce a revised version of the module that will be capable of use in real cases. We will put this version to work in real cases in what will be Phase I of a pilot project.

As we carry forward the analysis and testing just described, we are also considering counties in which to launch the pilot. We will be aiming to select a venue or venues that will provide us with sufficient use of the software so that during the pilot NYSCEF staff can receive further meaningful feedback about the functionality and adequacy of the module for cases of this kind. We will also be seeking to identify venues that will provide a representative universe of the criminal cases that are filed statewide in the Supreme and County Courts and will satisfactorily reflect criminal practice in these courts.

We foresee a future in which data entered into NYSCEF and UCMS²¹ can automatically be transferred between the two systems, thereby producing labor and cost savings for criminal courts. Thus, we plan to initiate a pilot in at least one county that has UCMS in place in the criminal court in order to explore this transfer of data.

We expect to begin e-filing in real cases through NYSCEF in Phase I of the pilot in 2018.

As work advances on these projects, we will be continuing our consultations with the designated Advisory Committees, the bar and the public. We are confident that once rules for criminal and Family Court matters are proposed, commented upon, modified as needed and then promulgated and implemented, the response of the bar and users to e-filing in these cases will be just as favorable as the response has thus far been in civil cases and Surrogate's Court proceedings.

21. UCMS is in place for some but not all venues in criminal cases.

III. Consultation, Outreach, Input and Responses

A. Consultation and Outreach

In connection with this report and the evaluations contained in it, the UCS has undertaken, as required by Chapter 237, extensive efforts to consult with interested persons and groups about e-filing. We have sought comments and suggestions from these individuals and groups about the experience with e-filing in New York and about the impact of e-filing on litigants, including the unrepresented, practitioners, and the courts.

We posted notices seeking comment on the public UCS website. A prominent notice appeared on the home page of the site, which linked to an internal page where we explained our outreach effort and solicited comments and suggestions. We also posted a notice prominently on the home page of the e-filing website, with a link to the full notice. We placed a notice in the *New York Law Journal* as well.

Further, we consulted with all the Advisory Committees and sought input not only from their members, of whom there are a total of 111, but, through them, from other interested people and groups. In addition, we reached out directly to many interested peoples and groups and solicited their comments and suggestions and, in the case of groups, those of their members, writing or sending e-mails to, among others, County Clerks,²² District Attorneys, public defenders, legal aid groups, state, city, county, and women's bar associations, the Office of Indigent Legal Services, specialty bar associations, appropriate government officials,

and representatives of victim rights organizations. We sent follow-up e-mails to a number of these recipients.²³

Through notices on our main public website, our e-filing website, and in the *Law Journal*, our solicitation of comments and suggestions came to the attention of large numbers of individuals and organizations. The solicitation reached others through our communications to the Advisory Committees and in turn through the outreach of the members thereof. In addition, we sent letters or e-mails directly to 654 additional entities, groups, agencies, officials, or others. Outreach to bar associations and other groups in turn would have come to the attention of bar group members and persons affiliated with other groups. We estimate, therefore, that our solicitation reached an audience of tens of thousands of people.²⁴

Attached as [Appendix A](#) is a list of the E-Filing Advisory Committees and their memberships. Attached as [Appendix B](#) are copies of the Notices posted on the UCS and NYSCEF websites.²⁵ Attached as [Appendix C](#) are lists of the persons, entities, agencies and groups to which we sent letters or e-mail messages soliciting comment and suggestions.

22. Our request for comments has been brought to the attention of all County Clerks in New York State.

23. These efforts at outreach comply with requirements of Judiciary Law § 212 (2)(t).

24. For example, our communications to the New York State Bar Association, the New York City Bar Association, and the New York County Lawyers Association alone would have brought our solicitation before a potential audience of approximately 105,000 persons.

25. Specifically, we attach there a "screen shot" of the home page of the UCS public website, at the top of which appeared, in a very prominent banner, a posting that informed visitors that UCS was seeking public comment on electronic filing. A link from that posting brought visitors to an internal page of the website on which was posted a notice soliciting comment and explaining the nature and context of the solicitation. A screen shot of this internal page is attached as part of [Appendix B](#). We also attach there a copy of the screen shot of a notice as it appeared on the home page of the NYSCEF website, which linked to the full notice just referred to.

B. Comments Received and Responses

1. Overview of the Comments Received

Despite having communicated our request for comments and suggestions, directly and indirectly, to an audience of vast numbers of practitioners and others, including bar associations and government agencies such as the New York State County Clerks, the New York City Administration for Children’s Services, the Bronx Defenders, and the Department of Social Services of Suffolk County, we have received a modest number of responses – fewer than 50, although some of those responding, such as the Richmond, Rockland, and Westchester Bar Associations and the Managing Attorneys and Clerks Association, submitted comments on behalf of their many members. We believe that the rate of response is due to the fact that, as we have noted on prior occasions, there is much satisfaction with, approval of, and even enthusiasm for, e-filing in the New York State courts among the bar, the public, legal service and other organizations, County Clerks, courts, judges, and court and County Clerk staff.²⁶ The following excerpts from comments received this year illustrate this:

“[P]ractitioners surveyed like the e-filing system and think it should be mandatory in every county in New York State. This would be consistent with a ‘Unified Court System.’ Those surveyed all agree the NYS e-filing system is much easier to use than the federal ECF system.”

Luis Rivera, Esq.

Executive Director, Westchester County Bar Association

“[T]he comments [of our membership] were overwhelmingly positive. Most attorneys loved the ease of filing which now removes the requirement of physically going to the Courthouse. Further, the ability to access e-filed documents from your office computer is extremely convenient and efficient.”

Christopher Caputo, Esq.

President, Richmond County Bar Association

“I canvassed members of our association ... [who] are attorneys and clerks in [over 120] middle to large firms who are heavy users of electronic filing in courts in New York and around the country. They are good judges of the effectiveness and ease of use of electronic court filing systems. The responses I received from our members were uniformly positive. They give NYSCEF high marks in usability and reliability: as one member commented, ‘the system is never down!’”

“Our members are eager for the commencement of e-filing [on appeal].... [W]e also continue to be interested in the further expansion of NYSCEF to all courts in New York ...”

Timothy K. Beeken, Esq.

President, Managing Attorneys and Clerks Association, March 24, 2017

“[Ours has been an] extremely positive experience with electronic filing through [NYSCEF].... Electronic filing through the NYSCEF system continues to transform our business techniques here in the Office of the Westchester County Clerk.

“Our office has experienced five years with the majority of new cases being commenced electronically and is extremely pleased and proud with the results for the following reasons:

26. The Surrogate’s Court Advisory Committee came to the same conclusion after receiving minimal response to its extensive efforts to solicit comment. “Our dedicated members, who represent a broad spectrum of the legal community, feel that the implementation of electronic filing throughout New York State has been a tremendous success, and the lack of comments and/or issues to consider for this year’s report is a testament to NYSCEF’s success.” Letter of Hon. Craig J. Doran, Committee Chair, April 3, 2017.

- NYSCEF provides tremendous convenience for our customers
- NYSCEF saves taxpayer dollars
- NYSCEF is easy to learn and use
- NYSCEF is a successful green initiative

"... Our goal here in Westchester is to become a comprehensive e-filing county where our customers and partners in the courts reap the benefits of these amazing advancements."

Hon. Timothy C. Idoni

County Clerk, Westchester County

"I was amazed at how easy it was to make use of the system, even for a semi-illiterate computer user like myself. The simplicity and ease of use of the system has been of significant benefit in our County, where most of the practitioners are either 'solo' or very small firm attorneys, who do not have in-house tech support."

"When I presented your request for comments to our Board of Directors ... I was not surprised at the unanimous vote of confidence and support given to e-filing by my fellow Board members. Hopefully, the system will continue to expand until it covers all of the courts in the State of New York."

Robert Marcus

President, Rockland County Bar Association

"[M]andatory e-filing in all courts where adopted has been very successful...We are excited as customers have embraced the new technology as well as how it has increased the productivity and efficiency of our offices."

Bradford Kendall, President, Michael Backus and Timothy C. Idoni, Co-Chairs, Legislative Committee, New York State Association of County Clerks

"My experience with the State of New York's electronic filing system has been – in a word – wonderful."

Chris Romanelli

Weitz & Luxenberg, PC

"[C]ongratulations on creating and administering such an efficient system that is easy to use (The Federal Courts have much to learn from you!!!)."

David M. Pincus

Legal Secretary

"The logistics are simple and can be mastered with a single CLE style forum.... There have been no problems with security and the global advantages have been extremely helpful to this writer as a solo practitioner with no paralegals or other employees."

Robert Cohen, Esq.

"It is easy to use and has become more efficient and user-friendly each passing year."

Minerva Sabas

Paralegal

"It saves time, postage and enormous amounts of natural resources, especially in cases with voluminous motions and several parties to serve."

Susan Davis, Esq.

Attorney in Two-Person Firm

"As a legal assistant of almost 30 years, I love the efile system ... I can't wait for the remaining counties to get on board! I'm surprised there are still counties pushing paper! From secretaries across the State, I thank you ..."

Judith Angle

"The implementation of electronic filing in the Office of the Kings County Clerk has been extremely successful. Attorneys as well as litigants continue to express their appreciation for the ease and efficiency of filing documents from their home, office or any remote location with appropriate computer access."

Hon. Nancy Sunshine
County Clerk, Kings County

"More and more attorneys are realizing the time and cost saved by e-filing and the ease of the process of e-filing. I am hoping to commence mandatory e-filing by January 2018.... E-filing has no effect on pro se litigants in Cortland County."

Hon. Elizabeth Larkin
County Clerk, Cortland County

"My office has found E-Filing to be easy, expedient, and [it] has had a positive impact on the work flow for our staff.... Online access to electronically filed records allows for remote viewing, and reduces the need to use microfiche and other obscure media. E-Filing has assisted greatly in this endeavor and, as time progresses, I look forward to more users initiating their casework electronically."

Hon. Adam J. Bello
County Clerk, Monroe County

"Mandatory electronic filing has proven to be very cost-effective. It has greatly reduced the number of paper filings in the system, conserving staff time, storage, paper and printing costs."

"Additionally, electronic filing promotes greater convenience to its users and the public."

Hon. Audrey I. Pheffer
County Clerk, Queens County

"After being in office for over a year now, I can absolutely say that the biggest advantage of e-filing is that it increases efficiency to our customers and the office staff...."

"Another tremendous advantage is that e-filing reduces the storage of paper in our office. We are overwhelmed with massive amounts of paper and even pay for outside storage. We are moving into the digital age with a new electronic management system being installed in our office this year where every piece of paper filed or recorded will be imaged and those public records will be immediately accessible. I would strongly encourage that there be mandatory e-filing on everything that is allowable, including criminal matters."

Hon. Lisa Dell
County Clerk, Onondaga County

"Suffolk County looks forward to further expanding electronic filing and building on the great progress already made."

Hon. Judith A. Pascale
County Clerk, Suffolk County

"Since [mandatory e-filing began], we have been very involved with the local bar in assisting and promoting e-filing. The general response has been very positive, and the roll-out and implementation in Albany County has been an overall success for the staff and court users. We are extremely pleased with e-filing and it has made our court even more efficient."

"One comment I have (personally) is that I think e-filing should be mandatory in all e-filing courts."

Hon. Deborah Kearns
Chief Clerk, Surrogate's Court, Albany County

E-filing is “[c]ost effective ... [s]aves us time by not having to shuffle and file paper documents ... [v]ery efficient – We have been able to do more work with less staff ... There has been a lot of positive feedback from everyone that utilizes NYSCEF”

Hon. Donna Silberman

Deputy County Clerk, Rockland County

“I write to urge the Supreme and County Court (Criminal) Advisory Committee on E-Filing and the Office of Court Administration to implement an e-filing program for New York City’s criminal courts as soon as possible. We ... urge the Committee and OCA to move ahead with implementation with all due haste....”

“A functioning e-filing system ... is absolutely necessary to ensuring full and meaningful due process for our clients.”

Alice L. Fontier, Esq.

Managing Director, Criminal Defense Practice, The Bronx Defenders

“As a practitioner, I want to plead with the court to expand e-filing as quickly as possible and be as aggressive as you can be in getting judges and litigants on board. It makes every single aspect of practice easier.”

Erin Lloyd, Esq.

Small Firm Practitioner

“As a litigator in a small practice, I rely daily on the e-filing system and generally find it well designed, easy to use, and reliable. Congratulations on a great system.”

Jonathan Wallace, Esq.

“I love the e-filing system. It is so convenient and easy to use.”

Marie Smith

Legal Secretary

“E-filing has proven to be a much more efficient method of doing the business of the court, from the perspective of the court and those who file with the court. I simply can’t imagine returning to paper.”

Mark L. Annunziata, Esq.

Chief Clerk, Monroe County Surrogate’s Court

“[T]he program runs very well and I prefer to use it over paper filing....I cannot imagine anyone not e-filing, it is just that much more convenient and efficient.”

Kameron Brooks, Esq.

Practitioner

“As one of the pilot counties for the NYSCEF program, my office was the first statewide to work with your staff [NYSCEF staff] and the Department of Technology for the purpose of implementing electronic filing of Small Claims Assessment Review (SCAR) petitions. Since e-filing of SCARs launched in 2009, more than 100,000 Nassau County SCAR petitions have been filed electronically through NYSCEF. ... [I]n 2016, e-filings surpassed paper filings in Nassau County for civil matters for the first time. The response to e-filing has been so positive that this year we are seeking to expand our mandatory e-filing cases”

Hon. Maureen O’Connell

County Clerk, Nassau County

A review of all of the comments received in their entirety finds no significant or substantive criticism of NYSCEF and the e-filing program in New York State.

2. Suggestions for Legislative Action

Included in the comments were some suggestions for legislative action. We address these comments later in [Section IV](#) of this report.

3. Technical Comments

Included in the submissions were some suggestions for improvements to certain aspects of the NYSCEF application. Indeed, most of the comments received fall into this category. Most of these comments are technical in nature, often highly so. In view of that, it is not necessary to discuss them in the body of this report. Instead, we summarize the suggestions presented and set forth our responses in [Appendix D](#).²⁷ We turn now to a description of, and our responses to, the less technical comments or suggestions.

4. Non-Technical Comments

(a) Family Court and Criminal E-Filing

Some commentators indicated strong support for e-filing in Family Court and criminal court and urged UCS to proceed expeditiously to implement e-filing in those courts. The Bronx Defenders, for instance, state that “[t]he lack of electronic filing is not only an anachronism, but it hampers the

efficient processing of cases and jeopardizes fundamental principles of due process.”²⁸

The Commissioner of the Department of Social Services for Suffolk County states that e-filing “has been a welcome and efficient enhancement to assisting our clients.”²⁹ His letter points to a number of benefits that e-filing brings in the litigation in which his department is involved. The New York City Administration for Children’s Services is participating in a test of e-filing underway at present.³⁰

(b) Common Motion Procedures

Two attorneys³¹ expressed frustration with the fact that motion procedures differ across counties. This is not, as one of the attorneys himself recognized, an e-filing issue as such. Nevertheless, the court system has made efforts to improve this situation over the years and uniformity, or at least a greater degree of communality, would be beneficial. It has been our experience, however, that progress in this area is difficult because of, among other things, variations among counties in regard to caseloads, the size of inventories, and the types of matters that predominate.³²

(c) E-Filing on Appeal

One commentator³³ inquired about e-filing in the Appellate Divisions. As explained earlier, we are actively working on this and expect to begin testing such e-filing soon.

27. All of the submissions in question are included in full in one or more of the other Appendices.

28. Letter of Alice L. Fontier, Esq., Managing Director, Criminal Defense Practice, The Bronx Defenders. One commentator who is participating in Family Court testing that is underway in Queens County made a suggestion for what should be included in future e-filing rules to address a particular issue. E-Mail of Ilene Kass, Esq., Chief, Special Projects, NYC Law Department, Family Court Administration, March 24, 2017. We will be carefully considering all aspects of rules for Family Court e-filing, including that raised, when we reach the stage of actually implementing a pilot project for NYSCEF filing in Family Court. A member of the Criminal Advisory Committee noted that the Federal courts have instituted a pilot program allowing some unrepresented litigants to e-file, even those incarcerated. E-Mail of Elizabeth Cronin, Esq., March 22, 2017. We already allow the unrepresented to e-file and that could include those incarcerated, who would of course need access to the technology.

29. Letter of Hon. John F. O’Neill, Commissioner, Department of Social Services, Suffolk County, March 23, 2017.

30. E-Mail of Nancy Thomson, Esq., Associate Commissioner, Division of Family Court Legal Services, NYC Administration for Children’s Services, March 22, 2017. The “e-filing” in question in this message and the letter cited in the immediately preceding footnote is not e-filing via NYSCEF, but filings in programs that pilot, respectively, the electronic exchange of data between ACS and the court and the electronic delivery of petitions to the court. Nevertheless, the comments made indicate, in our view, that the agencies in question will be as favorably disposed to e-filing through NYSCEF, indeed, more so given the multiple benefits that NYSCEF offers.

31. E-Mail of Robert J. Miletsky, Esq., March 14, 2017; Letter of James Montgomery, Esq., March 17, 2017.

32. Another attorney expressed concern about the differences in litigation procedures within individual courts. E-Mail of Robert M. Lefland, Esq., March 10, 2017. Various courts have promulgated “Protocols” that explain how traditional courthouse procedures, such as the filing of proposed orders to show cause, are implemented in e-filed cases. This guidance should address, in part at least, this concern.

33. E-Mail of Andrew T. Solomon, Esq., March 6, 2017.

**(d) Integration of NYSCEF and UCS
Applications for Practitioners**

Two attorneys³⁴ suggested that NYSCEF should be integrated, in the long term, with existing case tracking systems and linked to court rules. The court system is, as this report and our previous reports make plain, well aware of, and highly sensitive to, the imperatives of legal practice and the utility of promoting and advancing convenience and efficiency wherever possible, for courts and County Clerks, as well as for practitioners. That is why, for instance, from its earliest days, the NYSCEF system has provided for, not just the filing of documents, but also the *electronic service of those documents* through the application.³⁵ This is a major source of efficiency and convenience for practitioners and represents a vast improvement over the reality that has always obtained in the world of cases litigated in paper form. Another example of our sensitivity to the needs of practitioners is the fact that in Supreme Court, Civil Branch, New York County, the court makes available to practitioners and the public, at no charge, a case information application that incorporates non-confidential NYSCEF filings within it so that, in effect, an attorney can consult NYSCEF and other case information in one place.

Seeking further convenience and efficiency for practitioners, the UCS e-filing staff began some time ago an examination of the possibility of integration between NYSCEF and various court system technology programs, such as the UCS's application for the tracking of case developments, which is known as *e-Track*.³⁶ We hope to build upon this work and produce in time integrated programs that will achieve significant additional convenience for the bar - - a situation in which, for example, an attorney, through one portal, (i)

can file a document with the court and serve it on multiple adversaries without ever having to leave his or her desk; (ii) can consult from that same desk all documents in the court file whenever needed; and (iii) can have all developments in each case tracked electronically, with e-mail notifications provided to counsel promptly after, for example, a motion is filed or an appearance date is adjourned. Capabilities (i) and (ii) are available today through NYSCEF and capability (iii) is available today through *e-Track*. With integration, a user would not be required to log into and scroll through two applications, but could find everything in one place. The achievement of this vision, which we hope to bring about before long, would constitute another huge advance for the practicing attorney.

(e) Concern for the Unrepresented in Certain Cases

One commentator,³⁷ the director of a not-for-profit agency, expressed concern about the possible impact of e-filing on her clients, who are victims of child abuse, rape/sexual assault, stalking, elder abuse, and violence between intimate partners. These are, the commentator says, mostly indigent or low income people with limited proficiency in English who would be unable to navigate the e-filing system on their own. They may come to the agency after already having filed petitions in Family Court and Supreme Court. The commentator expressed concern about the possibility that mandatory e-filing would disadvantage these persons, even if an exception to its use is made for them.

This concern is addressed to instances in which these persons are representing themselves. If the agency appears on their behalf, the concern would not arise. With regard to any possible self-representation before the agency appears or otherwise, the

34. E-Mail of Marc M. Isaac, Esq., March 29, 2017; E-Mail of Jonathan Wallace, Esq., March 9, 2017.

35. In accordance with the e-filing rules, upon the e-filing of a document with NYSCEF, the application immediately and automatically serves the document upon all attorneys and unrepresented parties who are participating in e-filing in the case. Documents served upon parties to acquire jurisdiction over them must, however, be served in the traditional manner as provided in the CPLR.

36. The *e-Track* application is accessible on the UCS public website. There, attorneys may sign up to receive notifications in any case, or in every case, in which they or their firms appear in a county or multiple counties. The application covers, for instance, cases in Supreme Court in all 62 counties in the state. Once a case is recorded in *e-Track*, the application will transmit to the subscribing attorney an e-mail notification promptly after and regarding all developments in the case recorded in the court's case management system. The *e-Track* application also provides reminders to the subscribing attorney of all upcoming appearances in cases listed with the program. The application is available at no charge.

37. E-Mail of Lois Schwaeber, Esq., Director of Legal Services, The Safe Center LI, March 23, 2017.

following considerations would apply. First, court staff do not have discretion to exempt unrepresented persons from e-filing, as the commentator appears to fear. Rather, where e-filing is mandatory, as we have described above, unrepresented persons are *statutorily presumed not to be participating in e-filing*. They are required to do nothing to maintain that presumption. Unless such individuals take affirmative action to join in e-filing, their interactions with the courts and the litigation process will be exactly the same as they have always been. They will file papers in hard copy format, have them served in that format, and receive service of papers upon them in hard copy format, just as has always been the case. This is so regardless of the court in which the matter is proceeding.³⁸ Thus, there is no basis for nor possibility of disadvantage to such a person from non-participation in e-filing. The same is true, by the way, for an attorney who chooses to opt out of e-filing in accordance with the governing legislation.³⁹

Furthermore, if the clients about whom the commentator is concerned are involved in Family Court cases or criminal cases, then various limitations come into play. As we have noted, we have not yet initiated full NYSCEF pilot projects in these areas. These areas of possible mandatory e-filing are circumscribed by legislation to two kinds of Family Court matters and in up to six counties in criminal cases. Full-scale e-filing in these cases will not occur until NYSCEF pilot projects can be designed and, under the legislation, they cannot be put into effect without extensive consultation by the court system with all interested groups.

The legislation makes clear that if mandatory e-filing proceeds in Family Court cases and criminal cases, provisions for confidentiality that are currently operative will remain so. As we explained earlier, the technology exists already in the NYSCEF system to create electronic barriers that prohibit access to documents by people who are not entitled to such access. These barriers will be in place when e-filing moves forward in pilot projects in these areas. Thus, there is no reason to fear that people who are not participating in e-filed cases will be disadvantaged by infringements on confidentiality produced by e-filing by those who are participating in it.

(f) Concern About “Working Copies”

The issue most frequently raised by commentators who made submissions in connection with this report concerns “working copies.” These are hard copies that some judges require attorneys to submit on motions in e-filed cases. These commentators suggest that e-filing would work even more efficiently if the need for the filing of working copies were to be reduced or eliminated.

UCS is well aware of this issue. We discussed it in the 2016 report.⁴⁰ As we said then, we agree that requirements for the filing of hard copies of e-filed documents should be reduced. Our approach to this matter is to try to encourage less judicial reliance upon working copies.

We have been having some success in this effort. For example, in the Supreme Court, Civil Branch, New York County, the Administrative Judge, working in cooperation with UCS NYSCEF leadership, has been urging Justices of the court to forgo the use of working copies except in unusual situations (such as where there are legibility problems with

38. To assist unrepresented litigants who might wish to consider whether to opt in to e-filing, NYSCEF has created a section of its website devoted to explaining e-filing procedures to these litigants. With the assistance of the Hon. Fern A. Fisher, Deputy Chief Administrative Judge for the New York City Courts, and Rochelle Klempler, Esq., Chief Counsel, Access to Justice Program, forms have been changed and simplified with unrepresented litigants in mind.

39. In some venues, the County Clerk or the court might choose to scan hard copy documents into the e-filing system so that that system contains in one place all documents in the case. The e-filing rules permit this. If this is done, however, there is no adverse impact that can fall upon the person in question, who will still file and serve and be served in hard copy unless he or she chooses to take part in e-filing.

In addition to the unrepresented who choose not to e-file and attorneys who opt out, the rules provide a number of instances in which e-filing attorneys may nevertheless file documents in hard copy format in e-filed cases. For example, such an attorney may do this when seeking to avoid giving advance notice to adversaries when certain kinds of orders to show cause are sought. These filings, too, are not second class filings. There are no such things.

40. At p. 19.

documents attached as exhibits). This approach is especially appropriate for the less complicated motions. Four years ago, eight Justices in this court did not require the submission of working copies except in unusual cases. Now there are 13 Justices who work in this manner. In other courts, too, there are numbers of judges who do not require the submission of working copies, that is, who are “paperless.”⁴¹ As judges become more familiar with e-filing, they come to better understand its capabilities and increasingly to recognize that review of e-filed documents on line not only brings efficiencies to counsel and the County Clerk or clerk’s office, but also to the judge and the judge’s staff.

In addition, we are pursuing various initiatives that improve the efficiency and productivity of e-filing for judges and their staff members, which make full-scale utilization of e-files attractive and beneficial to them as they do their daily work. For instance, we are providing them with additional hardware, such as dual-screen monitors that can be used with PCs in Chambers. We are experimenting with the use of tablets by judges who do not require the submission of working copies. We are enhancing NYSCEF features whenever we can do so. We have made available to the judges and their staff members software that converts all e-filed documents into a fully text-searchable format. This allows judges and staff members easily to find the parts of documents they are looking for and it facilitates copying and pasting of portions of affidavits, memoranda of law or documents into decisions or orders of the court. We are testing

an application that allows judges and staff to annotate e-filed documents. With this application, staff and judges can make modifications to proposed orders and counter-orders submitted to the judge for action by the parties, just as has long been done by hand in paper. We are testing, in one court, an application that will allow for the drafting of decisions and long form orders using a database of language and forms of order suited to the judge’s needs, together with a functionality that will permit the use of electronic signatures by judges in accordance with standards established by the court system. Through these and similar means, we hope to continue to advance in the transition of individual courts and the court system generally to a digital, paperless environment and future.

(g) Posting and Attachment of All Comments

All comments received in response to our efforts at solicitation have been posted on the UCS website.⁴² In addition to the responses to the comments we are making in this report, the UCS Statewide Coordinator for Electronic Filing sent individual responses by letter or e-mail to various commentators. Attached to this report are the following: [Appendix E](#); the submissions received from the various E-Filing Advisory Committees, as well as comments received from some individual members thereof; [Appendix F](#); comments received from some courts and the County Clerks. [Appendix G](#); comments received from bar associations and other groups. [Appendix H](#); comments received from unaffiliated attorneys and other individuals.

41. For example, in Supreme Court in the following counties: five out of seven are “paperless” (Broome); only paper if over 50 pages long (Cortland); four paperless (Erie); two out of four paperless (Essex); eleven paperless (Monroe); one of four paperless (Niagara); two out of six paperless (Oneida); two out of seven paperless (Onondaga); paper very limited for all (Orange); one out of five paperless (Rockland); and ten paperless (Westchester).

42. This complies with a mandate of Judiciary Law § 212 (2)(t)(i)(A).

IV. Legislative Recommendations

Because e-filing is working so well, including for those unrepresented litigants who choose to participate, and because it is causing no disadvantage or trouble to non-participating unrepresented litigants and attorneys lacking the needed knowledge or equipment, we believe that it is unnecessary to seek extensive modifications to the current legal framework. We do propose some alterations, however, that will, if adopted, make a meaningful contribution to our efforts to improve the court system in New York through digital technology.

Our legislative proposal is attached as [Appendix J](#).

A. E-Filing In Matrimonial Cases

As mentioned earlier, current law contains a number of exceptions to the authority extended to the Chief Administrative Judge to require that parties e-file. The excepted categories of action are: CPLR Article 70 and 78 proceedings, Mental Hygiene Law matters, election law proceedings, certain foreclosure matters and certain consumer credit matters (other than initial filings by represented litigants), and matrimonial actions. The Judiciary proposes that the prohibition on mandatory e-filing in matrimonial cases be lifted.

We seek authorization for the Chief Administrative Judge to act, but that does not mean that such action needs to be taken in any particular venue and within any particular time, and such action will not be taken unless the circumstances make mandatory e-filing of this class of case appropriate in the venue in question and at the time proposed. The Chief Administrative Judge is in the best position to judge when and how to proceed in this area.

The governing legislation makes clear that before the Chief Administrative Judge proceeds to require e-filing, he must consult with and obtain the approval of the County Clerk involved outside the City of New York.⁴³ Further, the Chief Administrative Judge must consult in advance with the relevant Advisory Committee and with members

of the organized bar, including state, city, county and women's bar associations, institutional legal service providers, unaffiliated attorneys practicing in the field involved, and others.⁴⁴ The Chief Administrative Judge must afford all an opportunity to submit comments about the proposal and must consider such comments.⁴⁵ Thus, e-filing will not proceed without a full opportunity for all stakeholders to make their views known, as has been the process to date.

As we have seen in this report and its predecessors and from other sources, the record of e-filing in this state is outstanding. The bar is in favor of its expansion. We can therefore approach e-filing in matrimonial cases on a mandatory basis with confidence that past experience will be replicated in this area of practice. There is no good reason why the benefits that come to practitioners from e-filing should be limited in this inventory as is done by current legislation.

Nor is there good reason why the efficiencies that come to the County Clerk's offices from e-filing should be barred in this inventory. The County Clerks, as we have seen, are eager to reap more such benefits.

43. CPLR § 2111 (b)(2)(C).

44. *Id.*

45. *Id.*

What has prevented mandatory e-filing in these cases thus far has been one thing - - concern about the confidentiality of these proceedings. Matrimonial files are confidential (DRL § 235). They should remain so. Confidentiality, however, is entirely compatible with inclusion of these matters in the e-filing project.

Generally, electronic files are accessible to the public. As we have discussed earlier, however, NYSCEF has built into it, already, the capability to segregate defined groups of cases behind a firewall if a direction to do so is given. This is what would be done with matrimonial cases if our legislative proposal is enacted and the Chief Administrative Judge implements the authority thereby given, in a particular venue in Supreme Court. Any case designated as a matrimonial matter would be protected by a technological screen that would prevent anyone from having access to the documents filed in that matter except for counsel on the case and the parties.⁴⁶ NYSCEF would restrict the use of IDs other than those belonging to counsel and the parties and thereby prevent those others from reaching the screen.

To protect further against the possibility of human error, NYSCEF includes among its functionalities an electronic audit trail. If circumstances require it, NYSCEF can identify by User ID those who have accessed confidential documents. If persons other than the parties to a case and authorized court and County Clerk users were to obtain access to matrimonial files, NYSCEF can learn that. The existence of this functionality provides additional protection for the confidentiality of these records.

E-filing is more than merely consistent with the confidential mandate for matrimonial matters. In the real world of everyday processing of papers in hard copy format, fallible humans can sometimes make mistakes and misplace a file, resulting in its receiving access that it is not supposed to receive. This happens rarely, but it has sometimes

occurred, and that is always unfortunate. NYSCEF, as an automated application with built-in security, does not make such errors. Therefore, we believe, matrimonial matters will be more secure if filed with NYSCEF than if the current hard copy regime persists.

This is not merely so much hopeful thinking on our part. For years now, we have seen to it that the County Clerk can seal individual files or documents in NYSCEF, when and as directed by the court pursuant to Part 216 of the Uniform Rules for the Trial Courts. The sealing functionality of NYSCEF works very effectively. To the best of our knowledge, there have been no problems with the sealing of files in NYSCEF. Here, too, NYSCEF has prevented human error from occurring.

Furthermore, we have experience with maintaining the confidentiality of *matrimonial cases themselves*. This is because the governing law permits the e-filing of matrimonial cases on a consensual basis and the Chief Administrative Judge has authorized consensual e-filing in these cases in Supreme Court in some venues. Specifically, consensual e-filing has been authorized in eleven counties since April 2013, including Westchester (April 1, 2013) and Rockland (Jan. 6, 2014).⁴⁷ Seven of these counties have been authorized since 2015 or earlier and cases have been e-filed in all of the eleven counties. Thus far since April 2013, 5,757 matrimonial cases have been e-filed on a consensual basis. In Westchester County, e-filed consensual matrimonial cases have increased five-fold between 2013 and 2016 while the number of paper matrimonial cases has declined notably, going down in each year since 2013. In 2016, more cases were e-filed consensually in that county than were filed in paper form.⁴⁸ Documents have been e-filed in these cases behind the firewall or screen we mentioned earlier, in a separate, entirely segregated section of the NYSCEF software. The Administrative Order that authorizes consensual e-filing in matrimonial

46. And, of course, as necessary, court and County Clerk staff. As we noted above, NYSCEF limits the court and County Clerk staff who may have access to these files to those who actually work handling cases of this type. Other staff cannot view these files.

47. The nine other counties are: Cortland, Livingston, Ontario, Tompkins, Dutchess, Broome, Putnam, Orange, and Oswego.

48. A similar dynamic occurred, for instance, in Cortland County between 2014 and 2016; in 2016, more than twice as many e-filed cases were filed as were paper ones.

cases in the counties identified provides, among other things, that documents e-filed in these cases shall not be available for public inspection on-line or at any computer terminal in the courthouse or the office of the County Clerk.⁴⁹ These cases have been exactly as confidential as the law requires; indeed, they have been more secure, for the reason to which reference has been made. We have been informed of no problems with the operation of NYSCEF's confidential shield in these cases.⁵⁰

Thus, the need for confidentiality does not present a valid basis for objecting to the proposal we make here. Lest there be any doubt, however, the legislation we propose would require that mandatory e-filing in matrimonial cases be subject to DRL § 235.

Nor is there any reasonable basis to oppose our proposal based upon concern for the unrepresented litigant or the attorney who lacks the knowledge or equipment to e-file. As we have discussed, existing legislation contains the safeguards needed to protect the interests of these persons. The former are exempt and the latter may opt out.⁵¹

Before consensual e-filing went into effect in the eleven counties mentioned, the court system informed the Bar and sought comment. For instance, in November 2016, the court system wrote to interested Bar groups and persons about expansion of e-filing that was proposed to take place in Orange County in January 2017, including expansion to matrimonial cases on a consensual basis. A similar announcement of e-filing proposals and solicitation of comment was sent to the Bar in February 2017 in regard to the introduction of e-filing in matrimonial cases on a consensual basis in Supreme Court, Civil Branch, New York County. Copies of these two illustrative letters are annexed

to this report as [Appendix I](#). We are unaware of any complaints from the Bar that were raised in response to these and other communications or otherwise about the availability or proposed availability of e-filing in these cases in the counties mentioned above.

B. E-Filing in Foreclosure and Consumer Credit Cases

Residential foreclosure actions involving a home loan and proceedings related to consumer credit transactions are two case types that are currently exempt from mandatory e-filing, except that the Chief Administrative Judge may require e-filing of the initial filing by a represented party who commences the action.⁵² Chapter 237 also provides that the restriction on the Chief Administrative Judge's discretion in these two classes of cases does not apply to any county in which, prior to the effective date of Chapter 237, the Chief Administrative Judge had mandated e-filing in such foreclosure actions (seven counties) and in such consumer credit actions (five counties).⁵³ The sunset date of this provision regarding pre-237 e-filing is September 1, 2017.⁵⁴ The Judiciary proposes that the sunset date be eliminated and the provision authorizing pre-237 e-filing on a mandatory basis be made permanent.

Apart from confidentiality, the points we have made with regard to lifting the ban on matrimonial cases apply here as well. E-filing of these cases has worked well in the counties in which it has been permitted. Unrepresented individuals and attorneys who lack knowledge or equipment are protected in these cases, as in all the rest, from an obligation to e-file if they are unwilling or unable

49. Administrative Order (AO/84/17), dated April 27, 2017.

50. In Surrogate's Court cases, documents e-filed with NYSCEF are accessible on-line only to the parties to the cases; non-parties may view the documents at the courthouse. Close to 1,100,000 documents have been e-filed in this way since inception of e-filing in Surrogate's Court. Figure as of May 1, 2017. We are unaware of any difficulties that have arisen in regard to these filings.

51. The Westchester County Clerk favors allowing the Chief Administrative Judge to mandate e-filing in matrimonial cases when he finds doing so to be appropriate. Letter of Hon. Timothy C. Itoni, County Clerk, Westchester County, March 31, 2017.

52. CPLR § 2111 (b)(2)(A).

53. CPLR § 2111 (b)(2-a).

54. The counties in which such e-filing has been permitted in these foreclosure cases are Erie, Essex, New York, Queens, Rockland, Suffolk, and Westchester Counties. Those in which such e-filing has been permitted in consumer credit cases are Erie, New York, Onondaga, Rockland, and Westchester Counties. *Id.*

to e-file. We are not aware of any problems that have arisen in these cases. In particular, we are not aware of any difficulties that have arisen with respect to e-service in these cases.⁵⁵ It must be remembered that those who commence these actions (and any other e-filed matters as well) must serve the defendant in hard copy. E-filing has no effect upon service of process and the acquisition of jurisdiction.

Furthermore, none of those who have commented in response to our recent solicitations has raised any issues with limited e-filing in these two categories of cases. We see no reason why, having carried out mandatory e-filing in these cases in defined groups of counties without misadventure, the court system should soon be required to end this e-filing. Doing so would plainly be a step backward; there is really no other way to describe the expiration of this authorization.

In addition, we note that the New York State Association of County Clerks has expressed strong support for this proposal (indeed, for a proposal that would go beyond the one we present here). The Association expresses “great concern over the possibility that current legislation allowing certain counties to require mandatory e-filing of commercial credit and residential foreclosures may be allowed to sunset without legislation that would make this permanent. We strongly urge [the Judiciary] to support legislation that provides for mandatory e-filing of these two case types, not just in the grandfathered counties, but in all counties that request it.”⁵⁶ The Association adds that “[a]llowing this provision to sunset would have a substantial negative fiscal impact in the affected counties.... We strongly urge [the Judiciary] to support making permanent the ability of counties to require mandatory e-filing of cases.”

C. Elimination of Prohibitions on Mandatory E-Filing in the Appellate Divisions

Chapter 237 authorized e-filing in the Appellate Divisions, adding a Section 2112 to the Civil Practice Law and Rules so providing. Section 2112 qualified the authority thereby extended by prohibiting mandatory e-filing in certain categories of cases.⁵⁷ The Judiciary proposes that these prohibitions be eliminated.

The taking and perfection of appeals to the Appellate Divisions involve certain longstanding mandates, such as in regard to the provision of the record on appeal. If future rules mandate appellate e-filing, those rules will not add materially to the burdens attorneys must inevitably carry when taking, perfecting and presenting appeals, which obviously are matters of importance. To the contrary, we are confident that those rules will substantially simplify the process and make appellate practice notably more efficient and convenient for counsel, while also bringing new levels of efficiency and convenience to the Appellate Divisions and the Justices thereof. There is, therefore, no reason to prohibit the inclusion of the categories of cases referred to in future rules on mandatory e-filing in the Appellate Divisions. This prohibition does not assist the appellate bar; rather, it artificially and without sound justification prevents attorneys in some cases and the court and its Justices in those cases from receiving the benefits e-filing brings.

Further, Section 2112 provides the necessary protections that we have discussed earlier in this report. It requires that, prior to the promulgation of any such rules, there be an opportunity afforded to “all those who are or would be affected,” such as bar groups, legal service providers, and unaffiliated attorneys, to review the proposed rules and

55. The County Clerk of Suffolk County addresses this issue and reports that no difficulties have come to the attention of her office. Letter of Hon. Judith A. Pascale, County Clerk, Suffolk County, March 11, 2017.

56. Letter of Bradford Kendall, President, and Michael Backus and Timothy C. Idoni, Co-Chairs, Legislative Committee, February 15, 2017. The County Clerks of Suffolk and Westchester Counties also submitted letters supporting legislation to end the sunset in these cases, and indeed to end other restrictions on mandatory e-filing as well. Letter of Hon. Judith A. Pascale, County Clerk, Suffolk County, March 11, 2017; Letter of Hon. Timothy C. Idoni, County Clerk, Westchester County, March 31, 2017.

57. The categories are matrimonial, Mental Hygiene Law, CPLR Art. 70 and 78, and election law matters, certain residential foreclosure cases and certain proceedings related to consumer credit transactions.

to comment thereon. Section 2112 also exempts from any mandatory e-filing unrepresented litigants and attorneys who lack the knowledge or equipment needed to e-file. Thus, those who need protection already receive it. The prohibitions in 2112 are unnecessary and counter-productive.

D. Replacement of the Sunset on Authorization for E-Filing in Criminal and Family Court Cases

In authorizing e-filing in criminal and Family Court cases, Chapter 237 provided for expiration of such authorization on September 1, 2019.⁵⁸ The Judiciary proposes that this sunset date be eliminated and replaced by a provision that the authorization will expire and be deemed repealed on September 1st in the second calendar year following the year in which rules authorizing an e-filing program in these cases take effect.

This proposal would avoid the possibility that the Judiciary will need to request an extension, or more than one, of the sunset date now in effect. E-filing in criminal and Family Court cases is in its early stages at this point, as explained above. We are moving forward with e-filing as rapidly as we can, but the task is a mammoth one and the resources available to it are not unlimited. It is the view of the Judiciary that this proposal makes sense under the circumstances before us. It would ensure that the Legislature has an opportunity to reconsider the e-filing program in these categories of cases after there have been two years of experience with it in operation. We can think of no good reason why this proposal should not be enacted. No one will be adversely affected by its enactment.

Conclusion

The record of our experience to date, together with the comments we have received this year, in prior years, and in other settings, demonstrate that e-filing is working well in the courts of this state, for litigants, practitioners, judges, courts and County Clerks. The record also shows that we continue to make encouraging progress across many fronts, and that, in short, we are moving increasingly toward the digital court system for all that Chief Judge Janet DiFiore and her immediate predecessors, Chief Judges Lippman and Kaye, have envisioned. Enacting the legislative changes we propose will carry us further. The advance of e-filing has been causing no difficulties of note so far as we are aware. In particular, we believe that the current e-filing framework meets the needs of unrepresented litigants and attorneys who lack knowledge of e-filing processes and/or the equipment needed to e-file effectively.

The progress we have seen thus far and shall continue to witness in the future will prove to be transformative for the courts of this state. The UCS will continue to work diligently to build upon the success that has been achieved to date.

58. Section 11 of Chapter 237.

Appendix A

Membership of E-Filing
Advisory Committees

Appendix A

SUPREME CRIMINAL COURT E-FILING COMMITTEE

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair: **Hon. Michael V. Cocco**
Deputy Chief Administrative Judge for the
Courts Outside New York City

Committee Vice - Chair: **Jeffrey Carucci**
First Deputy Chief Clerk, NYS Supreme Court, New York
County, E-Filing Statewide Administrator

Staff: **Paul McDonnell, Esq.**

Members:

Jerry M. Ader, Esq.
Genesee County Public Defender
Batavia, NY

Michael Alperstein, Esq.
Administrator, Assigned Counsel Plan (18-B)
Appellate Division, First Department
New York, NY

Steven Bender, Esq.
Assistant District Attorney
Westchester County District Attorney's Office
White Plains, NY

Craig P. Carriero, Esq.
Franklin County District Attorney
Malone, NY

Elizabeth Cronin, Esq.
Director
New York State Office of Victim Services (OVS)
Albany, NY

Robert S. Dean, Esq.
Attorney in Charge, Center for Appellate Litigation
Member: Chief Defenders Association of New York; NYSBA – Criminal Justice Section
Executive Committee, 2007-present, House of Delegates, 2013-present.
New York, NY

Appendix A

Hon. Lisa Dell
Onondaga County Clerk
Syracuse, NY

Charles Diamond
Chief Clerk, Albany County Supreme Court
Albany, NY

Tim Donaher, Esq.
Monroe County Public Defender
Rochester, NY

Leroy Frazer, Esq.
Chief of Staff, Kings County District Attorney's Office
Brooklyn, NY

Alice Frontier, Esq.
Bronx Defenders, Executive Director
Bronx, NY

Risa Gerson, Esq.
Office of Indigent Legal Services
Director of Quality Enhancement for Appellate and Post-Conviction Litigation
Albany, NY

Timothy W. Hoover, Esq.
Phillips, LLP
Member: Bar Association of Erie County - Federal Practice Committee, Chair (2209-2013);
New York Association of Criminal Defense Lawyers, Director (2011 to present)
Buffalo, NY

Hon. Bradford Kendall
Dutchess County Clerk
NYS Association of County Clerks, President
Poughkeepsie, NY

Hon. Elizabeth Larkin
Cortland County Clerk
Cortland, NY

Justine Luongo, Esq.
Attorney in Charge of the Criminal Practice
The Legal Aid Society
New York, NY

Appendix A

Hon. Thomas Rainbow Morse
Acting Monroe County Court Judge
Rochester, NY

Charles F. O'Brien, Esq.
Managing Attorney, New York State Defenders Association
Albany, NY

Hon. Joseph Provoncha
Essex County Clerk
Elizabethtown, NY

Joseph C. Rotello, Esq.
Principal Attorney (Assigned Counsel Plan, Criminal Panel)
New York State Supreme Court, Appellate Division, Third Department
Albany, NY

David C. Schopp, Esq.
Chief Executive Officer
Legal Aid Bureau of Buffalo
Buffalo, NY

Lisa Schreibersdorf, Esq.
Brooklyn Defender Services – Executive Director
President – Chief Defenders Association of New York
Brooklyn, NY

Hon. Nancy T. Sunshine
Kings County Clerk
Brooklyn, NY

Frank Tropea
Chief Clerk
Suffolk County Court
Riverhead, NY

Lisa White
Case Management Coordinator, New York County Supreme Court
New York, NY

Victoria White, Esq.
Assistant District Attorney
Onondaga County District Attorney's Office
Syracuse, NY

Appendix A

FAMILY COURT E-FILING COMMITTEE

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair: Michael McLoughlin,
First Deputy Chief Clerk,
New York City Family Court

Committee Vice-Chair: Jeffrey Carucci
First Deputy Chief Clerk, NYS Supreme Court, New York
County, E-Filing Statewide Administrator

Staff: Janet Fink, Esq.

Members:

Angela Albertus, Esq.
Corporation Counsel, New York City Law Department
Chief of the Law Department's Family Court Division
New York, NY

Frank J. Boccio, Esq.
Chief Clerk, Erie County Family Court
Buffalo, NY

Margaret A. Burt, Esq.
Counsel – specializing in trial and appellate work in the child welfare area
Serves on Family Court Advisory and Rules Committee
Pittsford, NY

Angela Olivia Burton, Esq.
New York State Office of Indigent Legal Services
*Member: New York State Permanent Judicial Commission on Justice for Children,
Commissioner; New York State Court Improvement Project Statewide Multidisciplinary Team*
Albany, NY

George Cafasso,
Chief Clerk, New York City Family Court
New York, NY

Hon. Rita Connerton
Supervising Judge, Broome County Family Court
Binghamton, NY

Appendix A

Brian Dworkin, Esq.
Queens Legal Services/Legal Services NYC
Director, Family Law
Jamaica, NY

Elizabeth Fassler, Esq.
Co-Director, The Center for Family Representation
Queens Practice
Jamaica, NY

Adele Fine, Esq.
Special Asst. Public Defender, Office of the Monroe County Public Defender
Rochester, NY

Barbara Finkelstein, Esq.
Chief Executive Officer, Legal Services of the Hudson Valley
White Plains, NY

Kara M. Frank, Esq.
Law Office of Kara Frank
Albany, NY

Lisa A. Frisch
Executive Director, The Legal Project Inc.
Member: Capital District Women's Bar Association, Executive Director
Albany, NY

Linda Gehron, Esq.
Supervising Attorney, Hiscock Legal Aid Society
Family Court Program
Syracuse, NY

Dorchen A. Leidholdt, Esq.
Director, Sanctuary for Families Center for Battered Women's Legal Services
New York, NY

Susan Lindenauer, Esq.
Director of Legal Momentum,
Member: NYSBA - Executive Committee, Family Court Task Force Committee, Co-Chair
(2010-2013)
New York, NY

Hon. Karen Lupuloff
Judge, Family Court of the City of New York, Bronx County
Bronx, NY

Appendix A

Robert Marchiony, Esq.

Principal Attorney - Assigned Counsel Plan, Family Court - 18B
New York State Supreme Court, Appellate Division, Third Department
Albany, NY

Melissa Mills

Technical Manager, Division of Technology, New York State Unified Court System
Rensselaer, NY

Pamela Neubeck, Esq.

Chief Attorney, Attorneys for Children, Legal Aid Bureau of Buffalo, Inc.
Buffalo, NY

George Reed, Jr., Esq.

Law Offices of George Reed, Jr.
Member of the Assigned Counsel Panel (18B)
Family Law and Child Custody Practice
White Plains, NY

Rylan Richie, Esq.

Office of Albany County Public Defender
Supervising Attorney – Albany County Family Court
Albany, NY

Betsy Ruslander, Esq.

Director, Office of Attorneys for Children
New York State Supreme Court
Appellate Division, Third Judicial Dept.
Albany, NY

Alan Sputz, Esq.

Deputy Commissioner, Family Court Legal Services (FCLS) -
NYC Administration for Children's Services (ACS)
New York, NY

Tamara Steckler, Esq.

Attorney-in Charge, Juvenile Rights Practice, Legal Aid Society
New York, NY

Hon. Sharon S. Townsend

Justice New York State Supreme Court - 8th Judicial District
Vice Dean for Family and Matrimonial Law, New York State Judicial Institute
Buffalo, NY

Appendix A

Janet Tullo, Esq.
Office of the Dutchess County Attorney
Bureau Chief – Dept. of Community and Family Services Unit
Poughkeepsie, NY

Harriet Weinberger, Esq.
Director, Office of Attorneys for Children
Appellate Division, Second Judicial Department
Brooklyn, NY

Brian J. Zimmerman, Esq.
Member and President of Assigned Counsel/Attorney for the Child Panel (18-b) Kings County;
Member of the Executive Committee to the Administrative Judge of the Family Court for Child
Welfare Issues
Family Law and Domestic Relations Practice
Brooklyn, NY

Appendix A

NYC CIVIL COURT E-FILING COMMITTEE

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair: Carol Alt
Chief Clerk, New York City Civil Court
New York, NY

Committee Vice-Chair: Jeffrey Carucci
First Deputy Chief Clerk, NYS Supreme Court, New York
County, E-Filing Statewide Administrator

Staff: Holly Nelson Lütz, Esq

Members:

Jennifer A. Bentley Esq.
Certilman, Balin, Adler & Hyman LLP
Board Chair of the Long Island Advocacy Center
East Meadow, NY

Gina M. Calabrese
St. John's University School of Law
*Associate Director of the Consumer Justice for Elderly:
Litigations Clinic and Professor of Clinical Legal Education*
Queens, NY

David A. Glazer, Esq.
Shafer Glazer LLP
*Member: NYSBA-Editor Journal, Torts, Insurance and
Compensation Law Section (TICL)*
New York, NY

Janet Ray Kalson, Esq.
Himmelstein, McConnell, Gribben, Donoghue & Joseph
*Member: ABCNY - Civil Court Committee, Chair (2007-2010),
Council on Judicial Administration Committee*
New York, NY

Fay Leoussis
*Corporation Counsel, New York City Department of Law
Executive Assistant Corporation Counsel*
New York, NY

Appendix A

Richard W. Kokel, Esq.

Member: NYSBA - Membership Committee, Member of the Executive Committee for the Torts, Insurance and Compensation Law section, and the Chair of the No-Fault Committee (TICL).

New York, NY

Joseph Minogue

Deputy Chief Clerk V, New York City Civil Court - Kings County

Brooklyn, NY

Mitchell B. Nisonoff, Esq.

Department of Consumer Affairs, New York City

Member: NYCLA –Civil Court Practice Section Committee

New York, NY

Alia Razzaq

First Deputy Chief Clerk, New York City Civil Court - Citywide

New York, NY

Lawrence N. Rogak, Esq.

Lawrence N. Rogak LLC

Insurance Law Practice

Oceanside, NY

Michael James Rivers, Esq.

Law Offices of Aloy O. Ibuzor

(No fault defense for Travelers/Citi Group)

Member: NYSBA – Torts, Insurance and Compensation Law – No Fault Committee (TICL)

New York, NY

Rachel Siskind, Esq.

Silversmith & Associates Law Firm, PLLC

NYCLA –Civil Court Practice Section, Co-Chair

New York, NY

Serena Springle

Deputy Chief Clerk V, New York City Civil Court - New York County

New York, NY

Appendix A

SUPREME CIVIL COURT E-FILING COMMITTEE

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair: **Hon. Timothy C. Idoni**
County Clerk, Westchester County, NY
White Plains, NY

Committee Vice-Chair: **Jeffrey Carucci**
First Deputy Chief Clerk, NYS Supreme Court, New York County
E-Filing Statewide Administrator

Staff: **Holly Nelson Lütz, Esq.**

Members:

Michael Alperstein, Esq.
Administrator, Assigned Counsel Plan (18-B)
New York State Supreme Court, Appellate Division, First Department

Dennis J. Bischof, Esq.
Dennis J. Bischof, LLC
Williamsville, NY

Thomas F. Gleason, Esq.
Gleason, Dunn, Walsh & O'Shea
Albany, NY

Jeffrey Harradine, Esq.
Ward, Greenberg, Heller & Reidy, LLP
Rochester, NY

John R. Higgitt, Esq.
Principal Court Attorney-Referee
to the Administrative Judge,
12th Judicial District, Bronx, NY

Adrienne Holder, Esq.
Attorney-in-Charge, Civil Practice, Legal Aid Society
New York, NY

Karen Jordan
Chief Clerk, NYS Supreme Court, Cortland County
Cortland, NY

Appendix A

Hon. Bradford Kendall
Dutchess County Clerk
President, NYS Association of County Clerks
Poughkeepsie, NY

Henry Kennedy, Esq.
Willkie, Farr & Gallagher LLP
New York, NY

Adrienne Koch, Esq.
Katsky Korins, LLP
New York, NY

Fay Leoussis, Esq.,
Corporation Counsel, New York City Department of Law
New York, NY

Hon. Elizabeth Larkin
County Clerk, Cortland County
Cortland, NY

Lynn S. Levey
Syracuse University College of Law
Board Member, Empire Justice Center

John M. Lundin, Esq.
Schlam, Stone & Dolan LLP
New York, NY

Daniel Marren, Esq.
Principal Law Clerk, New York State Supreme Court,
8th Judicial District, Hon. Paula Feroletto
Buffalo, NY

Linda Mejias, Esq.
Principle Court Attorney, New York State Supreme Court
Farmingdale, NY

Hon. Anthony J. Paris
Justice, New York State Supreme Court, Onondaga County
Syracuse, NY

James M. Paulino, Esq.
Goldberg, Segalla
Rochester, NY

Appendix A

Joseph Provoncha
County Clerk, Essex County

Michael H. Reich, Esq.
Sweeney, Gallo, Reich & Bolz LLP
Rego Park, NY

Charles Small, Esq.
Chief Clerk, Civil Division, NYS Supreme Court, Kings County
Brooklyn, NY

Hon. Nancy T. Sunshine
County Clerk, Kings, County
Brooklyn, NY

Appendix A

SURROGATE'S COURT E-FILING COMMITTEE

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair: **Hon. Craig Doran**
Administrative Judge, 7th Judicial District

Committee Vice-Chair: **Jeffrey Carucci**
First Deputy Chief Clerk, NYS Supreme Court, New York
County, E-Filing Statewide Administrator

Staff: **Michele Gartner, Esq.**

Members:

Christopher Caputo, Esq.
President, Richmond County Bar Association
Staten Island, NY

Elena F. Cariola, Esq.
Gallo & Iacovangelo LLP
Rochester, NY

Ronald M. Cerrachio
Chief Clerk, New York Surrogate's Court, Richmond County
Staten Island, NY

Michael Cipollino
Chief Clerk, New York Surrogate's Court, Suffolk County

Rita K. Gilbert, Esq.
Hyman & Gilbert, PC
Larchmont, NY

Margaret M. Gribbon
Chief Clerk, New York Surrogate's Court, Queens County
Jamaica, NY

Michael P. Hausler
Chief Clerk, New York Surrogate's Court, Bronx County
Bronx, NY

Kevin M. Kearney, Esq.
Hodgson Russ LLP
Buffalo, NY

Appendix A

Deborah Kearns

Chief Clerk, New York Surrogate's Court, Albany County
Albany, NY

John Olivieri, Esq.

White & Case LLP
New York, NY

Susan Patnode, Esq.

Rural Law Center
Albany, NY

Shannon Pozzuolo, Esq.

The Legal Aid Society of Rochester
Rochester, NY

John J. Reddy, Jr., Esq.

Reddy, Levey & Ziffer, PC
New York, NY

Kara M. Reed, Esq.

Nancy Burner & Associates, PC
E. Setauket, NY

Charles T. Scott, Esq.

Greenfield, Stein & Senior LLP
New York, NY

Ronald J. Weiss, Esq.

Skadden, Arps, Slate, Meagher & Flom LLP
New York, NY


Appendix B

Notices Seeking Comments Posted
on Court System Websites


Appendix B

What's New


- ▶ Mar. 30 - Chief Admin. Judge Marks Announces Two Appointments
- ▶ Mar. 24 - NY Courts Announce Plan to Enhance Language Access
- ▶ Mar. 17 - NY Courts Access to Justice Program 2016 Report
- ▶ More What's New



Ensuring Language Access



State of Our Judiciary 2017



New York State Court System
e-FILE
Request for Public Comment

NYCOURTS.GOV

NEW YORK STATE UNIFIED COURT SYSTEM

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COURT ADMINISTRATION

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- e-Track
- Decisions

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- Do-It-Yourself (DIY) Forms
- Help Centers
- Legal Basics

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- Domestic Violence
- Foreclosure

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- Attorney Registration
- In-House Counsel
- Attorney / Client Relationship
- CLE
- Pro Bono


JUDGES

- Judges' Profiles
- Judicial Resources

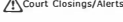
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NEW YORK STATE UNIFIED COURT SYSTEM

RULES

Rules of the:

- Chief Judge (#1 to 81)
- Chief Admin (#100 to 154)
- Trial Courts (#200 to 221)
- Joint Appellate Rules Governing Attorneys
- Amendments
- Requests for Public Comment
- Public Comment Received

E-Filing - Expansion of Mandatory E-Filing Programs in the New York State Courts

NOTICE SEEKING COMMENTS ON ELECTRONIC FILING PROGRAM

In accordance with Section 212 of the Judiciary Law, the Chief Administrative Judge of the State of New York will submit to the Legislature, the Governor, and the Chief Judge in April 2017 a report evaluating the state's experience with electronic filing for the commencement of actions and proceedings and the service and filing of papers therein and containing such recommendations for further legislation as are deemed appropriate. The report will also contain an evaluation of the impact of e-filing on filigants (including the unrepresented), practitioners, and the courts. The Unified Court System welcomes the submission of comments about the implementation and impact of the electronic filing program from persons who are interested in or who have been or may be affected by the program, including unrepresented filigants, sole practitioners, 18 B attorneys, other attorneys, representatives of victims' rights organizations and child protective agencies, criminal and Family Court practitioners, and others in the civil and criminal justice and Family Court communities. Comments received will be posted on the website of the Court System and included in the report. The report will also address such comments.

Comments should be submitted to Jeffrey Carucci, Statewide Coordinator for Electronic Filing, on or before March 23, 2017. Comments should be sent by e-mail or regular mail to one of the following addresses:

Jeffrey Carucci
 Statewide Coordinator for Electronic Filing
 NYS Unified Court System
 New York County Courthouse
 60 Centre Street, Room 119 M
 New York, New York 10007
efilingcomments@nycourts.gov

March 3, 2017

NYSCEF - Supreme & Court of Claims (Live System)

Login

This site allows NYS attorneys and other authorized persons to file legal papers by electronic means. E-filing is authorized for certain case types in certain courts. See our [Authorized Courts and Case Types](#) page.

BRONX E-FILING TRAINING - CLE

In anticipation of the expansion of mandatory E-Filing in Bronx County in May 2017, the Bronx County Bar association and the NYSCEF Resource Center are sponsoring a Free two-hour CLE Training Session on Wednesday, April 5th from 12:00pm - 2:00pm at the Bronx County Supreme Court, Room 600. Please click the Register Training Link to register.

NOTICE SEEKING COMMENTS ON ELECTRONIC FILING PROGRAM

In preparation for an annual report on e-filing, the Chief Administrative Judge is seeking comments from attorneys, litigants, and members of the public regarding the state's experience with e-filing and the impact of e-filing on litigants (including unrepresented litigants), practitioners, and the courts. Interested parties may email comments to efilingcomments@nycourts.gov or submit them by letter to: Jeffrey Carucci, Statewide Coordinator for E-Filing 60 Centre Street, Room 119M, New York, New York 10007. Comments must be received no later than March 25, 2017. [View Posted Notice](#)

IMMEDIATE VIEWING OF NEW E-FILED CASES IN NEW YORK COUNTY

Effective January 27, 2017, e-filed documents in newly initiated cases in New York County will be available immediately for online public viewing through the New York State Courts Electronic Filing system ("NYSCEF"). [Click here for Complete Notice to Bar](#)

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** If you have an Attorney Online Services account (created in Attorney Registration Online), you can now log into NYSCEF with your Attorney Registration Number and password. New attorney users can get immediate access to NYSCEF by clicking on the Create Account button and following the instructions after choosing Create Attorney Online Services Account. [More details.](#)*

Appendix C

Groups, Entities, Agencies
and Persons Directly
Solicited for Comments

Appendix C

1ST JUDICIAL DISTRICT - NEW YORK COUNTY

**American Academy of Matrimonial
Lawyers New York Chapter**
Law Office of Robert D. Arenstein
16th Floor
295 Madison Avenue
New York, NY 10017-6304
arensteinlaw@aol.com

**Asian American Bar
Assn. of New York**
20th Floor
45 Rockefeller Plz.
New York, NY 10111
main@aabany.org

**Assn. of Arbitrators, Inc. (Small
Claims Part), N.Y.C. Civil Court**
Room 322A
111 Centre Street
New York, NY 10013
igebbia@nycourts.gov

**The Assn. of the Bar of
the City of New York**
42 West 44th Street
New York, NY 10036-6690
efriedman@nycbar.org
mcilenti@nycbar.org

**Association of Black
Women Attorneys, Inc.**
11th Floor
1001 Avenue of the Americas
New York, NY 10018
info@abwanewyork.org

Brehon Law Society
693 Ninth Avenue
New York, NY 10036
Sid.esq@hotmail.com

Bronx Women's Bar Association
P.O. Box 779
New York, NY 10025-0779

Guild of Catholic Lawyers, Inc.
Kelley, Drye & Warren, L.L.P.
101 Park Avenue, 30th Floor
New York, NY 10178

**Columbian Lawyers Association
First Judicial Department**
8 E. 69th Street
New York, NY 10021
president@columbianlawyers.com

**The Defense Association
of New York, Inc.**
2 Rector Street, 14th Floor
New York, NY 10006
(Mailing Address)
The Defense Association
of New York, Inc.
P.O. Box 950
New York, NY 10274-0950

Dominican Bar Association
P.O. Box 203
Canal Street Station
New York, NY 10013
dominicanbarassoc@gmail.com

**Federal Bar Assn., Southern
District of New York Chapter**
Law Offices of Ira R. Abel
15th Floor
30 Vesey Street
New York, NY 10007-2988
iraabel@verizon.net

**Hispanic National Bar Association
Region 11--New York**
Municipal Credit Union
27th Floor
22 Cortlandt Street
New York, NY 10007-3107
nyhnba@gmail.com

Jewish Lawyers Guild, Inc.
Abrams, Gorelick, Friedman
& Jacobson, P.C.
4th Floor
One Battery Park Plz.
New York, NY 10004
Shoshanabesq@aol.com
braskin@raskrem.com

**Korean American Lawyers
Association of Greater New York**
Grand Central Station Post Office
P.O. Box 2152
New York, NY 10163-2152
kalagny@gmail.com

Lawyers Square Club of New York
29th Floor
-437 Madison Avenue
New York, NY 10022
legaleagle935@gmail.com

The LGBT Bar Assn. of Greater N.Y.
Suite 325-20
601 W. 26th Street
New York, NY 10001
info@le-gal.org

Metropolitan Black Bar Association
14th Floor
275 Madison Avenue
New York, NY 10016
info@mmbanyc.org

**National Employment
Lawyers Assn./New York**
39 Broadway, Suite 2420
New York, NY 10006
National Lawyers Guild
(New York City Chap.)
8th Floor
113 University Place
New York, NY 10003
nlgny@igc.org

New York City Trial Lawyers Alliance
Godosky & Gentile, P.C.
61 Broadway
New York, NY 10006
dg@godoskygentile.com

**New York County
Lawyers Association**
14 Vesey Street
New York, NY 10007
sgianacoplos@nycla.org

**New York Criminal and Civil
Courts Bar Association, Inc.**
30 Vesey Street, Suite 300
New York, NY 10007

New York Criminal Bar Association
23rd Floor
40 Fulton Street
New York, NY 10038
nycrimbar@nyc.rr.com
edward@saponelaw.com

**New York State Trial
Lawyers Association**
2nd Floor
132 Nassau Street
New York, NY 10038
info@nystla.org

New York Women's Bar Association
Suite 716
132 E. 43rd Street
New York, NY 10017-4019
info@nywba.org

Nigerian Lawyers Association
14th Floor
305 Broadway
New York, NY 10007
secretary@nigerianlawyers.org

**Protestant Lawyers Assn.
of New York, Inc.**
4th Floor
307 Fifth Avenue
New York, NY 10016
paulsiebert@aol.com

**Women's Bar Association of
the State of New York**
P.O. Box 936
New York, NY 10024-0546
info@wbasny.org

Appellate Advocates
111 John Street, 9th Floor
New York, NY 10038

**Office of the Appellate
Defender First Department
Assigned Counsel Corp.**
11 Park Place, Suite 1601
New York, NY 10007
info@appellatedefender.org

Appendix C

Asian American Legal Defense and Education Fund
12th Floor
99 Hudson Street
New York, NY 10013-2815
info@aaldef.org

Assigned Counsel Plan for the City of New York
253 Broadway, 8th Floor
New York, NY 10007
malperstein@cityhall.nyc.gov

Center for Appellate Litigation
rdean@cfal.org

Center for Constitutional Rights
7th Floor
666 Broadway
New York, NY 10012
info@ccriustice.org

Immigrant Defense Project
28 W. 39th Street, Suite 501
New York, NY 10018

Latino Justice PRLDEF
14th Floor
99 Hudson Street
New York, NY 10013
info@latinoiustice.org

Lawyers Alliance for New York
6th Floor
171 Madison Avenue
New York, NY 10016

Legal Action Center of the City of New York, Inc.
4th Floor
225 Varick Street
New York, NY 10014
lacinfo@lac.org
label@lawyersalliance.org
sdelany@lawyersalliance.org
info@lawyersalliance.org

The Legal Aid Society Administrative Offices - pbath@legal-aid.org
199 Water Street swiames@legal-aid.org
New York, NY 10038

The Legal Aid Society Civil Practice
199 Water Street
New York, NY 10038

The Legal Aid Society Civil Practice
Harlem Community Law Office
230 E. 106th Street
New York, NY 10029
The Legal Aid Society Civil Practice

Lower Manhattan Neighborhood Office
199 Water Street
New York, NY 10038
ishaw@legal-aid.org

The Legal Aid Society Civil Practice
The Manhattan Courthouse Office
111 Centre Street, Room 106
New York, NY 10013

The Legal Aid Society Criminal Practice
49 Thomas Street
New York, NY 10013
jmluongo@legal-aid.org

The Legal Aid Society Juvenile Rights Practice
199 Water Street, 6th Floor
New York, NY 10038

The Legal Aid Society Juvenile Rights Practice
60 Lafayette Street, Room 9A
New York, NY 10013

Jacob Inwald
Director of Foreclosure Prevention
Legal Services NYC
40 Worth Street, Suite 606
New York, New York 10013
jinwald@ls-nyc.org

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013
kso.be.ran.is@ls-nyc.org

Legal Services NYC
1 West 125th Street, 2nd Floor
New York, NY 10027

Manhattan Legal Services, Inc.
40 Worth Street, Suite 606
New York, NY 10013

MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
dschaefer@mfy.org

New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004

N.Y. State Defenders Association, Inc.
Suite 500
194 Washington Avenue
Albany, NY 12210-2314
info@nysda.org

New York County Defender Services - NYS Mental Hygiene Legal Service First Department
41 Madison Avenue, 26th Floor
New York, NY 10010

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
New York, NY 10005

Volunteer Lawyers for the Arts
The Paley Building
1 E. 53rd Street, 6th Floor
New York, NY 10022

Volunteers of Legal Service, Inc.
Suite 820
40 Worth Street
New York, NY 10013-2904
info@volspobono.org

MACA
tkbeeken@debevoise.com

Neighborhood Defender Service of Harlem
Jonathan Jay Pinn
Chief of Operations
New York City Law Department
212-356-4043
Mobile: 917-821-0712
jpinn@law.nyc.gov
sgerman@nycds.org
rjones@ndsny.org

2ND JUDICIAL DISTRICT-KINGS COUNTY

Bay Ridge Lawyers Association
7302 13th Avenue
Brooklyn, NY 11228
gborrino@carusobranda.com

Brooklyn Bar Association
123 Remsen Street
Brooklyn, NY 11201-4212
aokin@brooklynbar.org

Brooklyn Women's Bar Association, Inc.
Blank & Star, P.L.L.C.
387 New Lots Avenue
Brooklyn, NY 11207

Columbian Lawyers Association of Brooklyn
142 Joralemon Street
Brooklyn, NY 11201

Kings County Criminal Bar Association
32 Court Street, Suite 408
Brooklyn, NY 11201

Puerto Rican Bar Association, Inc.
Pacheco & Lugo
340 Atlantic Avenue
Brooklyn, NY 11201

Staten Island Women New York City Transit Authority
11th Floor
130 Livingston Street
Brooklyn, NY 11201
info@siwba.org

Appendix C

Asian American Legal Defense and Education Fund
99 Hudson Street, 12th Floor
New York, NY 10013-2815
info@aaldef.org
(Also serves Kings County)

Assigned Counsel Plan for the City of New York
2nd Department, 8th Floor
253 Broadway
New York, NY 10007
Attn: Barbara DiFiore
bdifiore@cityha11.nyc.gov

Bedford-Stuyvesant Community Legal Services Corporation
1360 Fulton Street, Suite 301
Brooklyn, NY 11216-2674
Brooklyn Defender Services
177 Livingston Street, 7th Floor
Brooklyn, NY 11201

Brooklyn Legal Services Corp. A
Suite 2
260 Broadway
Brooklyn, NY 11211
mneedelman@bka.org
pacinapura@bka.org
dbryan@bka.org

Brooklyn Legal Services
619 Thorpe Ave, 3rd Floor
Brooklyn, NY 11216
lschreib@bds.org
ksoberanis@ls-nyc.org

Lawyer Referral Service Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435-4097
info@qcba.org
(Also serves Kings County)

Lawyers Alliance for New York
6th Floor
171 Madison Avenue
New York, NY 10016
info@lawyersalliance.org
sdelany@lawyersalliance.org
eguggenheimer@lawyersalliance.org
agilberg@lawyersalliance.org
(Also serves Kings County)

Legal Action Center of the City of New York, Inc.
4th Floor
225 Varick Street
New York, NY 10014
lacinfo@lac.org
(also serves Kings County)

The Legal Aid Society--Kings County Brooklyn Office for the Aging
111 Livingston Street, 6th Floor
Brooklyn, NY 11201
pbath@legal-aid.org
dryan@legal-aid.org

Legal Aid Society Kings County Brooklyn Civil Neighborhood Office
111 Livingston Street, 7th Floor
Brooklyn, NY 11201

The Legal Aid Society--Kings County Criminal Defense Division
111 Livingston Street, 9th Floor
Brooklyn, NY 11201

The Legal Aid Society--Kings County Juvenile Rights Division
111 Livingston Street, 8th Floor
Brooklyn, NY 11201

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013

Legal Services NYC
1 West 125th Street, 2nd Floor
New York, NY 10027

Legal Services NYC - Brooklyn
105 Court Street, 3rd Fl.
Brooklyn, NY 11201

NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
(also serves Kings County)

Creedmoor Psychiatric Center
Bldg. 73 CBU #25

NYS Mental Hygiene Legal Service Second Department, -second, Eleventh & Thirteenth Judicial District Office
80-45 Winchester Blvd., 1st Fl.
Queens Village, NY 11427
(also serves Kings County)

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
New York, NY 10005
(also serves Kings County)

South Brooklyn legal Services
105 Court Street; 3rd Floor
Brooklyn, NY 11201

Shriver Tyler Macerate Center For Justice
260 Broadway, suite 2
Brooklyn, NY 11211

3RD JUDICIAL DISTRICT-ALBANY, COLUMBIA, GREENE, RENNELLAER, SCHOHARIE, SULLIVAN, ULSTER COUNTIES

Albany County

Albany County Bar Association
112 State Street, Suite 1120
Albany, NY 12207
Attn: Daniel W. Coffey, Esq. President
acba@albanycountybar.com

Albany County Assigned Counsel Plan Capital District Black & Hispanic Bar Association
P.O. Box 5252
Albany, NY 12205
Attn: Patricia LP. Rodriguez, Esq., President

Capital District Women's Bar Association
P.O. Box 3747
Albany, NY 12203
Attn: Linda B. Johnson, Esq., President

Victor P. DeAmelia, Esq.
Div of Human Rights
28th Floor Corning Tower
Empire State Plaza
Albany, NY 12205
deamelialaw@gmail.com

Empire Justice Center
119 Washington Avenue, 2nd Floor
Albany, NY 12210
santos@empirejustice.org

Office of Indigent Legal Services
State Capitol, Room 128
Albany, NY 12224

NYS Office of Indigent Legal Services
Alfred E. Smith Bldg
80 S. Swan Street, 29th
Albany, NY 12210
Info@ils.ny.gov
1rosen50@hotmail.com

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
lmoy@lasnny.org
(Serving Albany, Columbia, Greene, Rensselaer and Schenectady Counties)

The Legal Project, Capital District Women
· 24 Aviation Road
Albany, NY 12205
P.O. Box 3747
Albany, NY 12203
administrator@cdwba.org

Appendix C

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320

Prisoners' Legal Services of New York
Central Office, Suite M112
41 State Street
Albany, NY 12207

Public Defender Albany County
60 S. Pearl Street
Albany, NY 12207
Melissa.jeffers@albanycounty.com

Albany County Public Defender (Alternate)
112 State Street, Suite 1010
Albany, NY 12207
Shherri.Brooks@albanycountyny.gov

NYSSA
rkennedy@nysba.org;
jpatterson@nysba.org;

COLUMBIA COUNTY

Columbia County Bar Association
3223 Church Street, P.O. Box 811
Valatie, NY 12181

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
info@lasnny.org

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320

Public Defender Columbia County
610 State Street
Hudson, NY 12534
Robert.linvi lle@columbiacountyny.com

Columbia County Conflict Defender
necareer@excite.com

Columbia County 1st Alternate Conflict Defender
sp324@aol.com

Columbia County 2 nd Alternate conflict defender
dennismcevoylaw@gmail.com

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Columbia County)

GREENE COUNTY

Greene County Bar Association
Greene County Courthouse Library
320 Main Street
Catskill, NY 12414

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
info@lasnny.org
(also serves Greene County)

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Greene County)

Public Defender Greene County
Greene County Office Building
411 Main Street, 2nd Floor
Catskill, NY 12414
publicdefender@discovergreene.com
Ascaturro@discovergreene.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

RENSELAER COUNTY

Rensselaer County Bar Association
Rensselaer County Attorney Office
Ned Pattison Govt. Center
P.O. Box 395
1600 7th Avenue
Troy, NY 12181
info@renscobar.org

Rensselaer County Conflict Defender
smccarthy@rensco.com

Assigned Counsel Plan of Rensselaer County
Rensselaer County Attorney
Ned Pattison County Government Center
1600 7th Avenue
Troy, NY 12180

Stephen A. Pechenik, County Atty.
Assigned Counsel Plan of Rensselaer County
Rensselaer County Attorney
Ned Pattison County Government Center
1600 7th Avenue
Troy, NY 12180
spechenik@rensco.com

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
info@lasnny.org
(also serves Rensselaer County)

The Legal Project, Capital District Women
24 Aviation Road
Albany, NY 12205
info@legalproject.org
(also serves Rensselaer County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320

Public Defender Rensselaer County Courthouse
80 Second Street
Troy, NY 12180
jturi@rensco.com

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903

SCHOHARIE COUNTY

Schoharie County Bar Association
P.O. Box 613
Cobleskill, NY 12043

Assigned Counsel Plan of Schoharie County
P.O. Box 613
Cobleskill, NY 12043
shgraulich@gmail.com

Legal Aid Society of Northeastern New York, Inc.
1 Kimball Street
Amsterdam, NY 12010
(also serves Schoharie County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Schoharie County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Schoharie County)

SULLIVAN COUNTY

Sullivan County Bar Association
P.O. Box 424
Monticello, NY 12701

Appendix C

Women's Bar Assn of Orange & Sullivan Counties
P.O. Box 911
Warwick, NY 10990

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(also serves Sullivan County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(also serves Sullivan County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(also serves Sullivan County)

Sullivan Legal Aid Panel, Inc.
11 Bank Street
Monticello, NY 12701-1701

Sullivan County Conflict Legal Aid Bureau
joelmproyect@gmail.com

ULSTER COUNTY

Ulster County Bar Association
P.O. Box 3084
Kingston, NY 12402
ulstercountybar@gmail.com

Matthew M. Jankowski, President
Ulster County Bar Association
Ulster County District
Attorney's Office
275 Wall Street
Kingston, NY 12401

Farmworker Law Project Legal Aid Society of Mid-New York
52 S. Manheim Blvd.
New Paltz, NY 12561.
csibley@wnylc.com

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(also serves Ulster County)

Legal Services of the Hudson Valley
101 Hurley Avenue
Kingston, NY 12401

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320

Public Defender Ulster County
P.O. Box 1800
Kingston, NY 12402
akos@co.ulster.ny.us

4TH JUDICIAL DISTRICT- CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, MONTGOMERY, SARATOGA, SCHENECTADY, ST. LAWRENCE, WARREN, WASHINGTON COUNTIES

CLINTON COUNTY

Assigned Counsel Plan of Clinton County
Stafford, Piller, Murnane,
Kelleher & Trombley, P.L.L.C.
1 Cumberland Avenue
Plattsburgh, NY 12901

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989
100 Court Street
Plattsburgh, NY 12901

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(also serves Clinton County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

Prisoners' Legal Services of New York
121 Bridge Street, Suite 202
Plattsburgh, NY 12901

ESSEX COUNTY

Essex County Bar Association
P.O. Box 217
7551 Court Street
Elizabethtown, NY 12932
dscaglione@co.essex.ny.us

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989
100 Court Street
Plattsburgh, NY 12901
(also serves Essex County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Essex County)

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Essex County)

Essex County Public Defender
bboutelle@co.essex.ny.us

FRANKLIN COUNTY

Federation of the Bar Associations of the Fourth Judicial District
Suite 3
367 W. Main Street
Malone, NY 12953

Franklin County Bar Association
P.O. Box 788
Malone, NY 12953

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989
100 Court Street
Plattsburgh, NY 12901
(Also serves Franklin County)

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320

Public Defender Franklin County
Suite 237
355 W. Main Street
Malone, NY 12953
rbraley@co.franklin.ny.us
tsoucia@co.franklin.ny.us

Conflict Defender, Franklin County
18B assigned counsel
coordinator, Franklin County
sgordon@co.franklin.ny.us
lmiller@co.franklin.ny.us
jyder@co.franklin.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Franklin County)

FULTON COUNTY

Fulton County Bar Association
215 County Highway 155
Broadalbin, NY 12025

Legal Aid Society of Northeastern New York, Inc.
1 Kimball Street
Amsterdam, NY 12010
(Also serves Fulton County)

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NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Fulton County)

Public Defender Fulton County
55 E. Main Street, Suite 310
Johnstown, NY 12095
jgmjresq@fronteirnet.net

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
John.nasso@cc-fmc.org

HAMILTON COUNTY

Hamilton County Assigned Counsel Program
P.O. Box 205
Lake Pleasant, NY 12108

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 989
100 Court Street
Plattsburgh, NY 12901
pracette@lasnny.org
(Also serves Hamilton County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Hamilton County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903

MONTGOMERY COUNTY

Legal Aid Society of Northeastern New York, Inc.
1 Kimball Street
Amsterdam, NY 12010

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext,
Albany, NY 12203-6320
(Also serves Montgomery County)

Montgomery County Public Defender
billmart777@yahoo.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Montgomery County)

SARATOGA COUNTY
Saratoga County Bar Association
P.O. Box 994
Saratoga Springs, NY 12866

Assigned Counsel Plan of Saratoga County Bar Assn. Counsel to Indigent Defendants
40 McMaster Street
Ballston Spa, NY 12020

The Legal Project, Capital District Women's Bar Assoc.
24 Aviation Road
Albany, NY 12205
(Also serves Saratoga County)

Legal Aid Society of Northeastern New York, Inc.
40 New Street
Saratoga Springs, NY 12866

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Saratoga County)

Public Defender Saratoga County
40 McMaster Street
Ballston Spa, NY 12020
oschreiber@saratogacountyny.gov

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Saratoga County)

SCHENECTADY COUNTY

Schenectady County Bar Association, Inc.
P.O. Box 1728
Schenectady, NY 12301-1728
info@schenectadycountybar.org

Assigned Counsel Plan of Schenectady
620 State Street
Schenectady, NY 12307
Donald.DeAngelus@schenectadycounty.com

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
(Also serves Schenectady County)

The Legal Project, Capital District Women
24 Aviation Road
Albany, NY 12205
info@legalproject.org
(Also serves Schenectady County)

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Schenectady County)

Public Defender Schenectady County
519 State Street
Schenectady, NY 12305
Stephen.signore@schenectadycounty.com

Conflict Defender, Schenectady County
Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
Tracey.Chance@schenectadycounty.com
(Also serves Schenectady County)

ST. LAWRENCE COUNTY

St. Lawrence County Bar Association
117 Main Street
Canton, NY 13617

Assigned Counsel Plan of St. Lawrence County
Conboy, McKay, Bachman & Kendall, L.L.P. ..
2 Judson Street
Canton, NY 13617
sbgoldie@cmbk.com

Legal Aid Society of Northeastern New York, Inc.
P.O. Box 648
17 Hodskin Street
Canton, NY 13617

St. Lawrence County Public Defender
SBAllan@stlawco.org

St. Lawrence County Conflict Defender
adona@stlawco.org

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves St. Lawrence County)

WARREN COUNTY

Warren County Bar Association, Inc.
107 Bay Street
Glens Falls, NY 12801
wcbn-ny@verizon.net

Appendix C

Assigned Counsel Plan of Warren County
Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845
lafountainj@warrencountyny.gov

Legal Aid Society of Northeastern New York, Inc.
40 New Street
Saratoga Springs, NY 12866
(Also serves Warren County)

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Warren County)

**Marcy Flores, Public Defender
Public Defender Warren County**
Warren County Municipal Center
1340 State Route 9
Lake George, NY 12845

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Warren County)

WASHINGTON COUNTY

**Jillian M. Beecher, Secretary
Washington County Bar Association**
Courthouse, Building C
383 Broadway
Fort Edward, NY 12828

**Washington County
Assigned Counsel Plan**
mdrost@co.washington.ny.us

Legal Aid Society of Northeastern New York, Inc.
40 New Street
Saratoga Springs, NY 12866
(Also serves Washington County)

NYS Mental Hygiene Legal Service Third Department
Suite 205
286 Washington Avenue Ext.
Albany, NY 12203-6320
(Also serves Washington County)

Public Defender, Washington County
mmercure@co.washington.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Also serves Washington County)

5TH JUDICIAL DISTRICT- HERKIMER, JEFFERSON, LEWIS, ONEIDA, ONONDAGA, OSWEGO COUNTIES

HERKIMER COUNTY

Herkimer County Bar Association
47 First Street, PMB 368
Ilion, NY 13357

Assigned Counsel Program of Herkimer County
209 N. Washington Street
Herkimer, NY 13350
Keithbowerslawoffice@gmail.com

Legal Aid Society of Mid-New York, Inc. Main Office
268 Genesee Street, 2nd floor
Utica, NY 13502
creilly@wnylc.com
raielo@wnylc.com
(Also serves Herkimer County)

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876
(Also Serves Herkimer County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Herkimer County)

JEFFERSON COUNTY

Jefferson County Bar Association
200 Washington Street, Suite 301
Watertown, NY 13601

Legal Aid Society of Mid-New York, Inc.
44 Public Sq.
Watertown, NY 13601

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District Office
The Syracuse Building
224 Harrison Street, Suite 502
Syracuse, NY 13202
(Also serves Jefferson County)

**Public Defender Jefferson County
County Office Building**
175 Arsenal Street, 4th Floor
Watertown, NY 13601
jhutchins@cojefferson.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Jefferson County)

LEWIS COUNTY

Lewis County Bar Association, Inc.
7660 N. State Street
Lowville, NY 13367

Legal Aid Society of Mid-New York, Inc.
44 Public Sq.
Watertown, NY 13601
(Also serves Lewis County-see Jefferson County)

Lewis Defenders, P.L.L.C.
7659 N. State Street
Lowville, NY 13367
lewisdefender@gmail.com
mccluskylaw@yahoo.com

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876
(Also serves Lewis County-see Herkimer County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Lewis County)

ONEIDA COUNTY

**Diane M. Davis, Executive Director
Oneida County Bar Association**
258 Genesee Street, Suite 302
Utica, NY 13502-4636
diane@oneidacountybar.org

Assigned Counsel Plan of Oneida County
800 Park Avenue
Utica, NY 13501

Legal Aid Society of Mid-New York, Inc. Main Office
268 Genesee Street, 2nd Floor
Utica, NY 13502
(also serves Oneida - See Herkimer County- email address)

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876
(also serves Oneida county-see Herkimer County)

**Public Defender Oneida
County Civil Division**
Oneida County Office Building
800 Park Avenue, 9th Floor
Utica, NY 13501
pdcivil@ocgov.net
fnebush@ocgov.net

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**Public Defender Oneida
County Civil Division**
301 W. Dominick Street
Rome, NY 13440
ffurno@ocgov.net

**Public Defender Oneida
County Criminal Division**
250 Boehlert Center
321 Main Street
Utica, NY 13501
pubdef@ocgov.net

ONONDAGA COUNTY

**Central New York
Women's Bar Assoc.**
Downtown Station
P.O. Box 408
Syracuse, NY 13201-0408

Onondaga County Bar Association
431 E. Fayette Street, Suite 300
Syracuse, NY 13202
info1@onbar.org
director@ocbaacp.org
cchantler@onbar.org

**Assigned Counsel Program Inc.
Onondaga County Bar Association**
State Tower Building
109 S. Warren Street, Suite 6
Syracuse, NY 13202

Frank H. Hiscock Legal Aid Society
351 S. Warren Street
Syracuse, NY 13202-2057

**Legal Aid Society of Mid-
New York, Inc.**
Financial Plaza
221 S. Warren Street, Suite 400
Syracuse, NY 13202
srhorn@hiscocklegalaids.org
mail@hiscocklegalaids.org

**NYS Mental Hygiene Legal
Service Fourth Department,
Fifth Judicial District Office**
The Syracuse Building
224 Harrison Street, Suite 502
Syracuse, NY 13202

**Syracuse University College of Law
Office of Clinical Legal Education**
950 Irving Avenue
Syracuse, NY 13244

OSWEGO COUNTY

Oswego County Bar Association
P.O. Box 5453
Oswego, NY 13126
oswegocobarassociation@gmail.com

**Assigned Counsel Plan
of Oswego County**
46 E. Bridge Street
Oswego, NY 13126

**Legal Aid Society of Mid-
New York, Inc.**
108 W. Bridge Street
Oswego, NY 13126

**NYS Mental Hygiene Legal
Service Fourth Department,
Fifth Judicial District Office**
The Syracuse Building
224 Harrison Street, Suite 502
Syracuse, NY 13202
(Also serves Oswego County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Oswego County)

6TH JUDICIAL DISTRICT- BROOME, CHEMUNG, CHENANGO, CORTLAND, DELAWARE, MADISON, OTSEGO, SCHUYLER, TIOGA, TOMPKINS COUNTIES

BROOME COUNTY

Broome County Bar Association
53 Chenango Street, Suite 201
Binghamton, NY 13901

Sindy Garey, Executive Director
Broome County Bar Association
broomebar@stny.twcb.com

**Legal Aid Society of Mid-
New York, Inc.**
168 Water Street, 2nd Floor
Binghamton, NY 13901

**Mr. Jay L. Wilber, Esq.
Public Defender, Broome County**
George Harvey Justice Building
45 Hawley Street, 6th Floor
Binghamton, NY 13901
(Mailing Address)
P.O. Box 1766
Binghamton, NY 13902
jjwilber@co.broome.ny.us

**NYS Mental Hygiene Legal
Service Third Department**
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Broome County)

**Lawyer Referral Service Broome
County Bar Association**
53 Chenango Street, Suite 201
Binghamton, NY 13901

CHEMUNG COUNTY

Chemung County Bar Association
P.O. Box 908
305 Watkins Road
Elmira, NY 14902

**Legal Assistance of Western
New York, Inc.**
215 E. Church Street, Suite 301
Elmira, NY 14901-2889

Public Advocate, Chemung County
jbrennan@co.chemung.ny.us

Public Defender Chemung County
P.O. Box 588
163 Lake Street
Elmira, NY 14902-0588
sfierro@co.chemung.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 1290
(Also serves Chemung County)

**NYS Mental Hygiene Legal
Service Third Department**
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Chemung County)

CHEMUNG COUNTY

Chenango County Bar Association
P.O. Box 671
Norwich, NY 13815

Chenango County Public Defender
26 Conkey Avenue
Norwich, NY 13815
publicdefender@co.chenango.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Chenango County)

**NYS Mental Hygiene Legal
Service Third Department**
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Chenango County)

**Lawyer Referral Service Broome
County Bar Association**
53 Chenango Street, Suite 201
Binghamton, NY 13901
(Also serves Chenango County)

CORTLAND COUNTY

Cortland County Bar Association
P.O. Box 5381
Cortland, NY 13045

Appendix C

Cortland County Assigned Counsel Plan
llefevre@cortland-co.org

Legal Aid Society of Mid-New York, Inc.
111 Port Watson Street
Cortland, NY 13045

Public Defender, Cortland County
60 Central Avenue, Room 8-5
Cortland, NY 13045-5590
kddayton@cortland-co.org

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Cortland County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Cortland County)

DELAWARE COUNTY

Delaware County Bar Association
P.O. Box 194
Delhi, NY 13753

Assigned Counsel Plan of Delaware County
P.O. Box 494
Delhi, NY 13753
lobolenskiy@gmail.com

Legal Aid Society of Mid-New York, Inc.
P.O. Box 887, Suite 401
189 Main Street
Oneonta, NY 13820
(Also serves county of Delaware)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext.,
Suite 205
Albany, NY 12203-6320
(Also serves Delaware County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
MADISON COUNTY

Madison County Bar Association
P.O. Box 102
Wampsville, NY 13163

Madison County Assigned Counsel Plan
Tina.wayland-smith@madisoncounty.ny.gov

Legal Aid Society of Mid-New York, Inc. . Main Office
268 Genesee Street, 2nd Floor
Utica, NY 13502
(Also serves Madison County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Madison County)

Public Defender Madison County Madison County Office Building
P.O. Box 576
138 N. Court Street
Wampsville, NY 13163
PaulHadley33@gmail.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Madison County)

OTSEGO COUNTY

Otsego County Bar Association
197 Main Street
Cooperstown, NY 13326

Legal Aid Society of Mid-New York, Inc.
P.O. Box 887, Suite 401
189 Main Street
Oneonta, NY 13820

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue Ext.,
Suite 205
Albany, NY 12203-6320
(Also serves Otsego County)

Public Defender Otsego County
197 Main Street
Cooperstown, NY 13326
maxsonb@otsegocounty.com

Public Defender Otsego County
2.42 Main Street
Oneonta, NY 13820

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Otsego County)

SCHUYLER COUNTY

Schuyler County Bar Association
P.O. Box 135
Watkins Glen, NY 14891

Legal Assistance of Western New York, Inc.
(Chemung County Neighborhood Legal Services)
215 E. Church Street, Suite 301
Elmira, NY 14901-2889
(Also serves Schuyler County)

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Schuyler County)

Public Defender Schuyler County Unit 7
105 9th Street
Watkins Glen, NY 14891
wroe@co.schuyler.ny.us

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Schuyler County)

TIOGA COUNTY

Lawyer Referral Service Broome County Bar Association
53 Chenango Street, Suite 201
Binghamton, NY 13901
(Also serves Tioga County)

Tioga County Assigned Counsel Plan
graveni@co.tioga.ny.us

Legal Assistance of Western New York, Inc.
Tompkins/Tioga Neighborhood Legal Services
DeWitt Building
215 N. Cayuga Street, Suite 155
Ithaca, NY 14850-4901

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320

Public Defender Tioga County
P.O. Box 507
171 Main Street
Owego, NY 13827
geocawadjresq@yahoo.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Tioga County)

TOMPKINS COUNTY

Tompkins County Bar Association
P.O. Box 6629
Ithaca, NY 14851
tcba@clarityconnect.com

Appendix C

Assigned Counsel Program of Tompkins County
171 E. State Street, Suite 223
Ithaca, NY 14850
jhughes@tompkins-co.org
lsalisbury@tompkins-co.org

Legal Assistance of Western New York, Inc.
Tompkins/Tioga Neighborhood Legal Services
215 N. Cayuga Street, Suite 155
Ithaca, NY 14850-4901

NYS Mental Hygiene Legal Service Third Department
286 Washington Avenue
Ext., Suite 205
Albany, NY 12203-6320
(Also serves Tompkins County)

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Tompkins County)

Prisoners' Legal Services of New York
114 Prospect Street
Ithaca, NY 14850

**7TH JUDICIAL DISTRICT-
CAYUGA, LIVINGSTON,
MONROE, ONTARIO,
SENECA, STEUBEN,WAYNE,
YATES COUNTIES**

CAYUGA COUNTY

Cayuga County Bar Association
9 Court Street
Auburn, NY 13021
(MAILING ADDRESS)
Suite 202-279
144 Genesee Street
Auburn, NY 13021
sgiacona@giaconalaw.com

Assigned Counsel Plan of Cayuga County
Cayuga County Court House
152 Genesee Street
Auburn, NY 13021
defender@co.cayuga.ny.us
lhoskins@co.cayuga.ny.us
lhoskins@cayugacounty.us

Legal Aid Society of Mid-New York, Inc.
108 W. Bridge Street
Oswego, NY 13126

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Cayuga County)

LIVINGSTON COUNTY

Livingston County Bar Association
Cannon & Van Allen, L.L.P.
10 University Dr.
Geneseo, NY 14454
laf@laf.org

Public Defender Livingston County
Livingston County Govt. Center
Room 109
6 Court Street
Geneseo, NY 14454
lcpd@co.livingston.ny.us

Livingston County Conflict Defender
jeannie@jdmattorney.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Livingston County)

MONROE COUNTY

Greater Rochester Association for Women Attorneys
279 Castlebar Road
Rochester, NY 14610
info@grawa.org

Monroe County Bar Association
10th Floor
1 W. Main Street
Rochester, NY 14614-2098
reception@mcba.org
info@mcba.org
Mark Moretti - Pres. Monroe County Bar Assoc.
mmoretti@phillipslytle.com

Empire Justice Center
Telesca Center for Justice
1 W. Main Street, Suite 200
Rochester, NY 14614

Legal Aid Society of Rochester
1 W. Main Street, Suite 800
Rochester, NY 14614

Legal Assistance of Western New York, Inc.
1 W. Main Street, Suite 400
Rochester, NY 14614

NYS Mental Hygiene Legal Service Fourth Department
M. Dolores Denman Cthse.
50 East Avenue, Suite 402
Rochester, NY 14604

Public Defender Monroe County
10 N. Fitzhugh Street
Rochester, NY 14614
donaher@monroecounty.gov
tdonaher@monroecounty.gov

Monroe County Conflict Defender
Worker Justice Center of New York
1187 Culver Road
Rochester, NY 14609

ONTARIO COUNTY

Ontario County Bar Association
P.O. Box 381
Canandaigua, NY 14424
ontariocountybarassociation@yahoo.com

Assigned Counsel Program of Ontario County
144 Mill Street
Canandaigua, NY 14424
acpdefenders@yahoo.com

Conflict Defender of Ontario County
144 Mill Street
Canandaigua, NY 14424

Legal Assistance of Western New York, Inc .
361 S. Main Street
Geneva, NY 14456
laf@laf.org
kwoods@lawny.org
aelliott-engel@lawny.org

Public Defender of Ontario County
Ground floor
20 Ontario Street
Canandaigua, NY 14424
leanne.lapp@co.ontario.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Ontario County)

SENECA COUNTY
Seneca County Bar Association
P.O. Box 6
Seneca Falls, NY 13148
Ettman_law@juno.com

Public Defender Seneca County
P.O. Box 702
Seneca Falls, NY 13148
mjmirras@rochester.rr.com
midney12@rochester.rr.com

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Seneca County)

STEUBEN COUNTY

Bath Bar Association
12 Pulteney Sq., Box 528
Bath, NY 14810
lawmccarthy@verizon.net

Appendix C

Steuben County Bar Association
3 E. Pulteney Sq.
Bath, NY 14810

**Steuben County Assigned
Counsel Plan**
pelych@yahoo.com

Southern Tier Legal Services
104 E. Steuben St.
Bath, NY 14810

**Legal Assistance of Western
New York, Inc.**
P.O. Box 272
Bath, NY 14810

Public Defender Steuben County
3 E. Pulteney Sq.
Bath, NY 14810
PhilR@co.steuben.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Steuben County)

WAYNE COUNTY

Wayne County Bar Association
Hall of Justice
54 Broad Street
Lyons, NY 14489

**Wayne County Assigned
Counsel Plan**
bchamlaw@rochester.rr.com

Public Defender Wayne County
2nd Floor
26 Church Street
Lyons, NY 14489
jkernan@co.wayne.ny.us

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Wayne County)

YATES COUNTY

Yates County Bar Association
415 Liberty Street
Penn Yan, NY 14527

**Assigned Counsel Program
of Yates County**
Room 1055
417 Liberty Street
Penn Yan, NY 14527
yateslawpy5@gmail.com

Public Defender Yates County
P.O. Box 457
159 S. Main Street
Naples, NY 14512
lbrockman@frontiernet.net

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Yates County)

8TH JUDICIAL DISTRICT- ALLEGANY, CATIARAUGUS, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS & WYOMING COUNTIES

ALLEGANY COUNTY

Allegany County Bar Association
1584 Alma Hill Road
Wellsville, NY 14895
minerta@alleganyco.com

Allegany County Bar Association
213 County Office Bldg
7 Court Street,
Belmont, New York 14813

**Assigned Counsel Plan
of Allegany County**
Embers & Woltag, P.C.
164 N. Main Street
Wellsville, NY 14895
emberswoltag@yahoo.com

**Assigned Counsel Plan
of Allegany County**
3460 Riverside Dr.
Wellsville, NY 14895
andrewjcornelllaw@verizon.net

Public Defender Allegany County
7 Court Street
Belmont, NY 14813
Kelleybj@alle.ganyco.com

**Allegany Cattaraugus
Legal Services Inc.**
ahardinglaw@gmail.com

Southern Tier Legal Services
103 S. Barry Street
Olean, NY 14760
Director: Amy L. Christensen
(Serves counties of Allegany,
Steuben and Cattaraugus)

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Allegany County)

CATIARAUGUS COUNTY

Cattaraugus County Bar Association
Carr Saglimben, L.L.P.
235 N. Union Street
Olean, NY 14760
hatomes@cattco.org

**Assigned Counsel Plan of
Cattaraugus County**
303 Court Street
Little Valley, NY 14755
tawilliams@cattco.org

**Public Defender of
Cattaraugus County**
mwilliams@cattco.org
175 N. Union Street
Olean, NY 14760

**Legal Assistance of Western
New York, Inc.**
103 S. Barry Street
Olean, NY 14760
mwilliams@cattco.org

Southern Tier Legal Services
(see Allegany)
(Formerly Legal Aid of
Western New York, Inc.)
103 S. Barry Street
Olean, NY 14760
Director: Amy L. Christensen
(Serves counties of Allegany,
Steuben and Cattaraugus)

Rural Law Center of New York
(see Allegany)
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Cattaraugus County)

CHAUTAUQUA COUNTY

Public Defender Chautauqua County
Hall R. Clothier Building
Room 106
7 N. Erie Street
Mayville, NY 14757-1027
Taylorlork@co.chautauqua.ny.us
baronen@co.chautauqua.ny.us

**Legal Assistance of Western
New York, Inc.**
Hotel Jamestown Building
Suite 507
110 W. 3rd Street
Jamestown, NY 14701

Chautauqua Region Law Center
Suite 250
111 W. 2nd Street
Jamestown, NY 14701

Appendix C

Chautauqua Region Law Center
Dunkirk Office
314 Central Avenue
Dunkirk, NY 14048

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Chautauqua County)

ERIE COUNTY

Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202
kbifaro@eriebar.org

Neighborhood Legal Services
whawkes@nls.org

Erie County Bar Association
rconvissar@assigned.org

NYS Mental Hygiene Legal Service Fourth Department, Eighth Judicial District Office
438 Main Street, Suite 400
Buffalo, NY 14202
(see Allegany)

Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
Assigned Counsel Program
170 Franklin Street, Suite 400
Buffalo, NY 14202

Prisoners' Legal Services of New York
Suite 1535
237 Main Street
Buffalo, NY 14203

The Legal Aid Bureau of Buffalo, Inc.
Suite 1602
237 Main Street
Buffalo, NY 14203-2778
dschopp@legalaidthatbuffalo.org

The Legal Aid Bureau of Buffalo, Inc. Criminal Defense Unit
The Legal Aid Bureau of Buffalo, Inc.
4th Floor
50 Delaware Avenue
Buffalo, NY 14202

Neighborhood Legal Services, Inc.
14th Floor
237 Main Street
Buffalo, NY 14203

GENESEE COUNTY

Genesee County Bar Association
P.O. Box 1840
Batavia, NY 14020
Info@gcbany.com

Genesee County Assigned Counsel Plan
Michael.r.rivers@gmail.com

Neighborhood Legal Services, Inc. Oak Orchard Legal Services
5073 Clinton Street Road
Batavia, NY 14020-1126

Genesee County Legal Assistance Corp.
81 Main Street, Suite 1
Batavia, NY 14020

Genesee Legal Services Corp.
cohenr@lsc.gov

Public Defender Genesee County
iader@co.genesee.ny.us

Genesee County Courts Facility
1 W Main Street
Batavia, NY 14020
publicdefender@co.genesee.ny.us

NIAGARA COUNTY

Neighborhood Legal Services, Inc.
225 Old Falls Street, 3rd floor
Niagara Falls, NY 14302

Bar Association of Niagara County
PO Box 570
Lockport, NY 14095
brickelmer@aol.com

Bar Association of the Tonawanda's
Brick, Brick & Elmer, P.C.
P.O. Box 604
91 Tremont Street
North Tonawanda, NY 14120

Public Defender Niagara County
139 Niagara Street
Lockport, NY 14094

Public Defender Niagara County
Niagara County Courthouse
175 Hawley Street
Lockport, NY 14094-2740

Public Defender Niagara County
1925 Main Street
Niagara Falls, NY 14305

Niagara County Public Defender
David.Farrugia@niagaracounty.com

Niagara County Conflict Defender
Kathleen.Kugler@niagaracounty.com

ORLEANS COUNTY

Public Defender Orleans County
publicdefender@orleansny.com

Courthouse
Suite 5
1 S. Main Street
Albion, NY 14411

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Orleans County)

WYOMING COUNTY

Wyoming County Bar Association
11 Exchange Place
Attica, NY 14011
iwuick@daddandnelson.com

Assigned Counsel Plan of Wyoming County Bar Assn.
P.O. Box 238
11 Exchange Street
Attica, NY 14011
(see Allegany)

Attica Legal Aid Bureau, Inc. & Public Defender Wyoming County
18 Linwood Avenue
Warsaw, NY 14569
attlegal@yahoo.com

Rural Law Center of New York
Suite 203
22 U.S. Oval
Plattsburgh, NY 12903
(Serves Wyoming County)
(see Allegany)

9TH JUDICIAL DISTRICT- DUTCHESS, ORANGE, PUTNAM, ROCKLAND, WESTCHESTER COUNTIES

DUTCHESS COUNTY

Paul Ackerman, Esq.
Corporation Counsel
62 Civic Center, Plz. 3rd Floor
Poughkeepsie, NY 12601

Dutchess County Bar Association
P.O. Box 4865
Poughkeepsie, NY 12602

Legal Services of the Hudson Valley
331 Main Street, 2nd Floor
Poughkeepsie, NY 12601

NYS Mental Hygiene Legal Service Second Judicial Department
Suite 500
170 Old Country Road
Mineola, NY 11501
(Also serves Dutchess County)
mneville@nycourts.gov
lherman@nycourts.gov

Appendix C

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office Building 1
140 Old Orangeburg Road
jdayter@nycourts.gov
Orangeburg, NY 10962
(Also serves Dutchess County)

Public Defender Dutchess County
22 Market Street
Poughkeepsie, NY 12601
publicdefender@dutchessny.gov
tangell@dutchessny.gov

ORANGE COUNTY

Orange County Bar Association
P.O. Box 88
198 Main Street
Goshen, NY 10924

Kevin F. Preston, Esq.
Orange County Bar Association
Macvean, Lewis, Sherwin
& McDermott, P.C.
34 Grove Street,
PO Box 310
Middletown, NY 10940

Michael K. Burke, Esq.
Orange County Bar Association
Burke, Miele & Golden
40 Matthews Street, Suite 209
Goshen, NY 10924

Women's Bar Assn. of Orange & Sullivan Counties
P.O. Box 911
Warwick, NY 10990

Kara J. Cavallo, Esq.
President, Women's Bar
Association of Orange and
Sullivan Counties
Jacobowitz & Gubits, LLP
158 Orange Avenue
Walden, NY 12586

Legal Services of the Hudson Valley
1 Corwin Ct.
Newburgh, NY 12550

NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Orange County)

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office Building 1
140 Old Orangeburg Road
Orangeburg, NY 10962
(Also serves Orange County)

Assigned Counsel Plan of Orange County
Suite 102
P.O. Box 1028
15 Matthews Street
Goshen, NY 10924
lawoffice@mdsternlaw.com

Legal Aid Society of Orange County, Inc.
P.O. Box 328, 3rd Floor
14 Scotchtown Avenue
Goshen, NY 10924

PUTNAM COUNTY

Putnam County Bar Association
P.O. Box 44
Carmel, NY 10512
info@putnamcountybar.org

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
gabramson@lasocny.org
(Also serves Putnam County)

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office Building 1
140 Old Orangeburg Road
Orangeburg, NY 10962
(Also serves Putnam County)

NYS Mental Hygiene Legal Service Second Judicial Department
Suite 500
170 Old Country Road
Mineola, NY 11501
(Also serves Putnam County)

Putnam County Legal Aid Society, Inc.
47 Gleneida Avenue
Carmel, NY 10512
legalpaid@verizon.net
dsguirrell@pcclegalaid.com

Rural Law Center of New York
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Also serves Putnam County)

ROCKLAND COUNTY

Columbian Lawyers of Rockland County
35 Fourth Avenue
Nyack, NY 10960
gnd354@aol.com

Rockland County Bar Association, Inc.
Suite 1
337 N. Main Street
New City, NY 10956
office@rocklandbar.org

Assigned Counsel Plan of Rockland County
49 Maple Street
New City, NY 10956
keith@braunfotelandfrende.com
keith@BF-Legal.com

Legal Aid Society of Rockland County, Inc.
2 Congers Road
New City, NY 10956
info@legalaidrockland.org

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
(Also serves Rockland County)

Legal Services of the Hudson Valley
7 Perlman Dr.
Spring Valley, NY 10977

NYS Mental Hygiene Legal Service Second Judicial Department
Suite 500
170 Old Country Road
Mineola, NY 11501

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office Building 1
140 Old Orangeburg Road
Orangeburg, NY 10962

Public Defender Rockland County
11 New Hempstead Road
New City, NY 10956
licataj@co.rockland.ny.us

WESTCHESTER COUNTY

Columbian Lawyers Assn. of Westchester County
Pappalardo & Pappalardo, L.L.P.
Suite 355
700 White Plains Road
Scarsdale, NY 10583
johnd@pappalardolaw.com

Eastchester Bar Association
McCarthy Fingar L.L.P.
11 Martine Avenue
White Plains, NY 10606
gboggio@mccarthyfingar.com

Federal Bar Council
Suite L-100
123 Main Street
White Plains, NY 10601-3104
federalbar@federalbarcouncil.com

Mamaroneck-Harrison-Larchmont Bar Assn.
Grean & Ward
222 Grace Church Street, Suite 206B
Port Chester, NY 10573
dpward@dpward.net

Appendix C

New Rochelle Bar Association
P.O. Box 1863
New Rochelle, NY 10802
president@nrbar.org

Northern Westchester Bar Association
3453 E. Tremont Avenue
Bronx, NY 10461
mailto:nwbany@yahoo.com
mailto:mseedorf@seedorflaw.com

Ossining Area Bar Association
130 Marlborough Road
Briarcliff Manor, NY 10510

Peekskill Bar Association
P.O. Box 105
1011 Park Street
Peekskill, NY 10566

Port Chester-Rye Bar Association
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
agioffre@cuddyfeder.com

Westchester County Bar Association
One N. Broadway, Suite 512
White Plains, NY 10601
executivedirector@wcbany.org

Westchester Women's Bar Association
P.O. Box 926
Hartsdale, NY 10530
president@wwbany.org
dgebhardt@mccarthyfingar.com

White Plains Bar Association
Stern, Keiser & Pan ken, L.L.P.
1025 Westchester Avenue, Suite 305
White Plains, NY 10604
info@whiteplainsbar.org
lkeiser@skpllp.com

Yonkers Lawyers Association
P.O. Box 115
Yonkers, NY 10704
YLA@yonkerslawyersassociation.com

Yorktown Bar Association
2000 Maple Hill Street
Yorktown Heights, NY 10598
adurante@dbtlaw.net

Empire Justice Center
John Jay Legal Services, PACE
University School of Law
80 N. Broadway
White Plains, NY 10603
info@empirejustice.org

Empire Justice Center
30 S. Broadway, 6th Floor
Yonkers, NY 10701

The Legal Aid Society of Westchester County
Suite 100
150 Grand Street
White Plains, NY 10601
cjd@laswest.org
KRN@laswest.org

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601

Legal Services of the Hudson Valley
100 E. First Street, 8th Floor, Suite 810
Mount Vernon, NY 10550

Legal Services of the Hudson Valley
1 Park Place, 3rd Floor
Peekskill, NY 10566

Legal Services of the Hudson Valley
30 S. Broadway
Yonkers, NY 10701

NYS Mental Hygiene Legal Service Second Judicial Department
Suite 500
170 Old Country Road
Mineola, NY 11501
(Also serves Westchester County)

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office
Building 1
140 Old Orangeburg Road
Orangeburg, NY 10962
(Also serves Westchester County)

Pro Bono Partnership
237 Mamaroneck Avenue, Suite 300
White Plains, NY 10605
Kwelch@bertinelaw.com
president@wbbany.org
jiacono@iaconolaw.net
nward-willis@kblaw.com
jeffrey.levin.law@gmail.com

10TH JUDICIAL DISTRICT- NASSAU AND SUFFOLK COUNTIES

NASSAU COUNTY

Brehon Law Society of Nassau County, New York
Grey & Grey, L.L.P.
360 Main Street
Farmingdale, NY 11735
bokeefe@greyandgrey.com

Columbian Lawyers
District Court
99 Main Street
Hempstead, NY 11550
clanassau@aol.com

Long Beach Lawyers Association
164 W. Park Avenue
Long Beach, NY 11561-0058

Nassau County Bar Association
15th & West Sts.
Mineola, NY 11501
info@nassaubar.org

Nassau Lawyers' Association of Long Island, Inc.
300 Garden City Plz., Suite 326
Garden City, NY 11530-3331

Network of Bar Leaders
DeMartini & Yi, L.L.P.
Suite 100
69 E. Jericho Tpk.
Mineola, NY 11501
networkofbarleaders@gmail.com
kyi@devillp.com

Hofstra Law Clinic
Maurice A. Dean School of Law
108 Hofstra Univ.
Hempstead, NY 11549-1080

Lawyer Referral Service Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435-4097
info@gcba.org

Legal Aid Society of Nassau County, N.Y.
Suite 300
40 Main Street
Hempstead, NY 11550
kmoston@nclas.org,
jgoldberg@nclas.org,
NSBanks@nclas.org

Nassau County Bar Association
Assigned Counsel Defender Plan, Inc.
15th and West Sts.
Mineola, NY 11501
acdpo@optonline.net

Nassau/Suffolk Law Services Committee, Inc.
400 Main Street
Riverhead, NY 11901-2480
jseigel@wnylc.com

Nassau/Suffolk Law Services Committee, Inc.
1757 Veterans Highway, Suite 50
Islandia, NY 11722

Nassau/Suffolk Law Services Committee, Inc.
5th Floor
1 Helen Keller Way
Hempstead, NY 11550-3903
jseigel@wnylc.com

Appendix C

NYS Mental Hygiene Legal Service
Second Judicial Department
Suite 500
170 Old Country Road
Mineola, NY 11501
mneville@nycourts.gov

NYS Mental Hygiene Legal Service
Second Department, Tenth
Judicial District Office
One Court Street
Riverhead, NY 11901

SUFFOLK COUNTY

**Amistad Long Island Black
Bar Association**
Suite 3300
320 Carleton Avenue
Central Islip, NY 11722
amistadblackbar@gmail.com

Commercial Lawyers Conference, Inc.
Smith Carroad Levy & Wan
5036 Jericho Tpke.
Cammack, NY 11725
twan@smithcarroad.com

Suffolk County Bar Association
560 Wheeler Road
Hauppauge, NY 11788-4357
scba@scba.org
jane@scba.org

**Suffolk County Criminal
Bar Association**
320 Carleton Avenue, Suite 1000
Central Islip, NY 11722

**Suffolk County Women's
Bar Association**
Suite 200
225 Broadhollow Road
Melville, NY 11747
suffolkcountywomensbar@gmail.com

**Assigned Counsel Defender
Plan of Suffolk County**
P.O. Box 5591
120 Fourth Avenue
Bay Shore, NY 11706
admin@suffolk18b.org

**Legal Aid Society of Suffolk
County Criminal Office**
ldmulry@optonline.com

Legal Aid Society of Suffolk County
Arthur M. Cromarty Court Complex
1st Floor
300 Center Dr.
Riverhead, NY 11901
admin@sclas.org

**Legal Aid Society of Suffolk
County District Court Office**
admin@sclas.org

Legal Aid Society of Suffolk County
John P. Cahalan, Jr. Court Complex
400 Carleton Avenue, 4th Floor
Central Islip, NY 11722
(Mailing Address)

**Legal Aid Society of Suffolk
County District Court Office**
P.O. Box 9082
Central Islip, NY 11722

Empire Justice Center
Public Advocacy Center,
Touro Law Center
Room 222
225 Eastview Dr.
Central Islip, NY 11722
mdegennaro@empirejustice.org

**Lawyer Referral Service Queens
County Bar Association**
90-35 148th Street
Jamaica, NY 11435-4097
info@qcba.org

**Legal Aid Society of Suffolk
County Administrative Office**
John P. Cahalan, Jr. Court Complex
400 Carleton Avenue, 4th Floor
Central Islip, NY 11722
admin@sclas.org

**Nassau/Suffolk Law Services
Committee, Inc.**
400 Main Street
Riverhead, NY 11901-2480
jseigel@wnylc.com

**Nassau/Suffolk Law Services
Committee, Inc.**
Suite 50
1757 Veterans Highway
Islandia, NY 11722
jseigel@wnylc.com

**Nassau/Suffolk Law Services
Committee, Inc.**
1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903

**NYS Mental Hygiene Legal Service
Second Judicial Department**
Suite 500
170 Old Country Road
Mineola, NY 11501
mneville@nycourt.gov

**NYS Mental Hygiene Legal
Service Second Department**
Tenth Judicial District Office
One Court Street
Riverhead, NY 11901

ADDITIONAL LIST FOR SUFFOLK

Babylon Town Attorney
arizwan@townofbabylon.com

Brookhaven Town Attorney
aaderesto@brookhaven.org

East Hampton Town Attorney
MSendlenski@ehamptonny.gov

Huntington Town Attorney
townattorney@HuntingtonNY.gov

Islip Town Attorney
townattorney@islipny.gov

New York State Bar Association
cgutkunst@nysba.org

NYS Attorney General
kimberly.kinirons@ag.ny.gov

Riverhead Town Attorney
rfk@townofriverheadny.gov

Shelter Island Town Attorney
ldowd@shelterislandtown.us

Smithtown Town Attorney
townattorney@tosgov.com

Southampton Town Attorney
lrush@southamptontownny.gov

Southold Town Attorney
bill.duffy@town.southold.ny.us

Brown, Dennis
Dennis.Brown@suffolkcountyny.gov

11TH JUDICIAL DISTRICT- QUEENS COUNTY

QUEENS COUNTY

Columbian Lawyers Association, Inc.
P.O. Box 630151
Little Neck, NY 11363
info@columbianlawyers.net

**John Marshall Lawyers
Association, Inc.**
114-06 Jamaica Avenue
Richmond Hill, NY 11418

Long Island City Lawyers Club
3119 Newtown Avenue, Suite 501
Long Island City, NY 11102-1392

Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435-4097
info@gcba.org

Appendix C

Queens County Women
Borough Hall Station
P.O. Box 585
Kew Gardens, NY 11424

Appellate Advocates
111 John Street, 9th Floor
New York, NY 10038
(serves Queens and New York County)

**Asian American Legal Defense
and Education Fund**
12th Floor
99 Hudson Street
New York, NY 10013-2815
info@aaldef.org
(serves Queens and New York County)

**Assigned Counsel Plan for
the City of New York**
253 Broadway, 8th Floor
New York, NY 10007
(serves Queens and New York County)

Community Legal Resource Network
CUNY School of Law
2 Court Sq.
Long Island City, NY 11101

Hofstra Law Clinic
Maurice A. Dean School of Law
108 Hofstra Univ.
Hempstead, NY 11549-1080
(serves Queens and Nassau/
Suffolk County)

Lawyer Referral Service
Queens County Bar Association
90-35 148th Street
Jamaica, NY 11435-4097

Lawyers Alliance for New York
6th Floor
171 Madison Avenue
New York, NY 10016
info@lawyersalliance.org
(Also serves Queens County)

**Legal Action Center of the
City of New York, Inc.**
4th Floor
225 Varick Street
New York, NY 10014
lacinfo@lac.org
(Also serves Queens County)

**The Legal Aid Society--Queens
County Civil Practice**
Queens Neighborhood Office
120-46 Queens Blvd., 3rd Floor
Kew Gardens, NY 11415

**The Legal Aid Society-
-Queens County**
Juvenile Rights Division
153-01 Jamaica Avenue, 3rd Floor
Jamaica, NY 11432

**The Legal Aid Society-
-Queens County**
Criminal Defense Practice
120-46 Queens Blvd.
Kew Gardens, NY 11415
trountree@legal-aid.org

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013
(serves Queens and New York County)

Legal Services NYC
1 West 125th Street, 2nd Floor
New York, NY 10027
(serves Queens and New York County)

M FY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
dschaefer@mfy.org
(serves Queens and New York County)

**NYS Mental Hygiene Legal Service
Second Judicial Department**
170 Old Country Road, Suite 500
Mineola, NY 11501

**NYS Mental Hygiene Legal
Service Second Department,**
Second, Eleventh & Thirteenth
Judicial District Office
Creedmoor Psychiatric Center
80-45 Winchester Blvd., 1st
Fir., Bldg. 73 CBU #25
Queens Village, NY 11427

Queens Law Associates
118-21 Queens Blvd., Suite 212
Forest Hills, NY 11375
jvaccarino@qlanyc.org

**Queens Legal Services Corporation
Long Island City Office**
89-00 Sutphin Blvd., Suite 206
Jamaica, NY 11435

**Queens Legal Services Corporation
Long Island City Office**
42-15 Crescent Street, 9th Floor
Long Island City, NY 11101

**Sanctuary for Families Center
for Battered Women**
30 Wall Street, 8th Floor
New York, NY 10005
(Also serves Queens County)

12TH JUDICIAL DISTRICT -BRONX COUNTY

BRONX COUNTY

Bronx County Bar Association
851 Grand Concourse
Bronx, NY 10451
mary@bronxbar.com

Bronx Women's Bar Association
P.O. Box 779
New York, NY 10025-0779

**Northern Westchester
Bar Association**
3453 E. Tremont Avenue
Bronx, NY 10461
nwbany@yahoo.com
mseedorf@seedorflaw.com

**Office of the Appellate
Defender First Department
Assigned Counsel Corp.**
Suite 1601
11 Park Place
New York, NY 10007
info@appellatedefender.org

**Asian American Legal Defense
and Education Fund**
12th Floor
99 Hudson Street
New York, NY 10013-2815
info@aaldef.org

**Assigned Counsel Plan for
the City of New York**
253 Broadway, 8th Floor
New York, NY 10007
(also New York County)
Center for Appellate Litigation
120 Wall Street, 28th Floor
New York, NY 10005-4003
malperstein@cityhall.nyc.gov
rdean@cfa.org

**Lawyer Referral Service Queens
County Bar Association**
90-35 148th Street
Jamaica, NY 11435-4097
(serves Bronx and Queens County)

Lawyers Alliance for New York
171 Madison Avenue, 6th floor
New York, NY 10016
label@lawyersalliance.org
sdelany@lawyersalliance.org
(serves Bronx and New York County)

**Legal Action Center of the
City of New York, Inc.**
225 Varick Street, 4th Floor
New York, NY 10014
(serves Bronx and New York County)
lacinfo@lac.org

**The Legal Aid Society--Bronx County
Civil Division** phiones@legal-aid.org
260 E. 161st Street, 8th Floor
Bronx, NY 10451

**The Legal Aid Society--Bronx
County Criminal Defense Practice**
The Legal Aid Society--Bronx County
10th Floor
260 E. 161st Street
Bronx, NY 10451

Appendix C

The Legal Aid Society--Bronx County Juvenile Rights Division
900 Sheridan Avenue, Room 6-C12
Bronx, NY 10451

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013
ksobranis@ls-nyc.org
(serves Bronx and New York County)

Legal Services NYC-Bronx
359 E. 149th Street, 10th Floor
Bronx, NY 10451

NYS Mental Hygiene Legal Service First Department
41 Madison Avenue, 26th Floor
New York, NY 10010
(serves Bronx and New York County)

MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
(serves Bronx and New York County)
dschaefer@mfy.org

Sanctuary for Families Center for Battered Women
30 Wall Street, 8th Floor
New York, NY 10005
(serves Bronx and New York County)

13TH JUDICIAL DISTRICT - RICHMOND COUNTY

RICHMOND COUNTY (STATEN ISLAND)

Richmond County Bar Association
152 Stuyvesant Place, Suite 203
Staten Island, NY 10301
Appellate Advocates
9th Floor
111 John Street
New York, NY 10038
(Also serves Richmond County)

Asian American Legal Defense and Education Fund
12th Floor
99 Hudson Street
New York, NY 10013-2815
<mailto:info@aaldef.org>
(Also serves Richmond County)

Assigned Counsel Plan for the City of New York
8th Floor
253 Broadway
New York, NY 10007
(Also serves Richmond County)

Lawyers Alliance for New York
6th Floor
171 Madison Avenue
New York, NY 10016
<mailto:info@lawyersalliance.org>
(Also serves Richmond County)

Legal Action Center of the City of New York, Inc.
4th Floor
225 Varick Street
New York, NY 10014
<mailto:lacinfo@lac.org>
(Also serves Richmond County)

The Legal Aid Society--Staten Island
60 Bay Street, 3rd floor
Staten Island, NY 10301

Legal Referral Panel Richmond County Bar Assn.
152 Stuyvesant Place, Suite 203
Staten Island, NY 10301
rcbaweb@gmail.com

Legal Services NYC
6th Floor
40 Worth Street
New York, NY 10013
(Also serves Richmond County)

Legal Services NYC
2nd Floor
1 West 125th Street
New York, NY 10027
(Also serves Richmond County)

M FY Legal Services, Inc.
4th Floor
299 Broadway
New York, NY 10007
(Also serves Richmond County)

NYS Mental Hygiene Legal Service Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
(Also serves Richmond County)

Sanctuary for Families Center for Battered Women
8th Floor
30 Wall Street
New York, NY 10005
(Also serves Richmond County)

NYS Mental Hygiene Legal Service Second Department, Second, Eleventh & Thirteenth Judicial District Office
Creedmoor Psychiatric Center
80-45 Winchester Blvd., 1st Fl., Bldg. 73 CBU #25
Queens Village, NY 11427
(Also serves Richmond County)

Richmond County Bar Assoc. Supreme Court Committee
AB@Bisignanolaw.com

President - Richmond County Bar Association
Dan@gabormarottalaw.com

President - SIWBA
btskolnik@aol.com

Past President - SIWBA
dawngreen@siwba.com

President - Staten Island Trial Lawyers Assoc.
Robert Mulhall, Esq.
President SITLA
1001 Clove Road
Staten Island, NY 10301

Christopher Caputo, President Richmond County Bar Association
152 Stuyvesant Place, Ste. 203
Staten Island, NY 10301
Phone: 718-442-4500
Fax: 718-442-2019
chris@ccaputo.com

CORPORATION COUNSEL

Paul Ackermann Esq., Corporation Counsel
62 Civic Center Plz., 3rd Floor
Poughkeepsie, NY 12601

Robert M. Agostisi Esq., Corporation Counsel
1 West Chester Street, Room 402
Long Beach, NY 11561

Timothy A. Ball Esq., Corporation Counsel
1100 City Hall
65 Niagara Sq.
Buffalo, NY 14202
tball@city-buffalo.com

William D. Bavoso Esq., Corporation Counsel
Bavoso & Plotsky
P.O. Box 3139
19 E. Main Street
Port Jervis, NY 12771-3139
wbavoso@optimum.net

Mark W. Blanchard Esq., Corporation Counsel
515 North Avenue
New Rochelle, NY 10801

William M. Borrill Esq., Corporation Counsel
1 Kennedy Plaza, 2nd Floor
Utica, NY 13502
wborrill@cityofutica.com

Appendix C

**John G. Callahan Esq.,
Corporation Counsel**
Room 204
255 Main Street
White Plains, NY 10601
jcallahan@whiteplainsny.gov

**Zachary W. Carter Esq.,
Corporation Counsel**
100 Church Street, 6th Floor
New York, NY 10007
zcarter@law.nyc.gov

**Brian Curran Esq.,
Corporation Counsel**
30 Church Street, Room 400A
Rochester, NY 14614

**Lawrence A. Porcari Esq.,
Corporation Counsel**
Dept. of Law
City Hall, Room 111
One Roosevelt Sq.
Mount Vernon, NY 10550

COUNTY ATTORNEYS

Stephen A. Pechenik, County Atty.
Assigned Counsel Plan of
Rensselaer County
Rensselaer County Attorney
Ned Pattison County
Government Center
1600 7th Avenue
Troy, NY 12180

Stephen M. Abdella, County Atty.
Chautauqua County
Gerace Office Building
3 N. Erie Street
Mayville, NY 14757

Robert Behnke, County Atty.
Broome County
County Office Building
P.O. Box 1766
Government Plaza
Binghamton, NY 13902
bclaw@co.broome.ny.us

Ellen Cocomma, County Atty.
Otsego County
County Office Building
197 Main Street
Cooperstown, NY 13326

Michael E. Davis, County Atty.
Monroe County
307 County Office Building
39 W. Main Street
Rochester, NY 14614

James M. Fedorchak, County Atty.
Dutchess County
County Office Building
22 Market Street
Poughkeepsie, NY 12601
countyattorney@dutchessny.gov

Christopher H. Gardner, County Atty.
Schenectady County
Cty. Ofc. Building
620 State Street
Schenectady, NY 12305-2114

Steven J. Getman, County Atty.
Schuyler County
County Office Building
Unit 5
105 Ninth Street
Watkins Glen, NY 14891

Alan E. Gordon, County Atty.
Chenango County
County Office Building
5 Court Street
Norwich, NY 13815

Beatrice Havranek, County Atty.
Ulster County
County Office Building
P.O. Box 1800
244 Fair Street
Kingston, NY 12402-1800

Kristin Hazlitt, Asst. County Atty.
Schuyler County
County Office Building
Unit 5
105 Ninth Street
Watkins Glen, NY 14891

Karen L. Howe, County Atty.
Cortland County
County Office Building
80 Central Avenue
Cortland, NY 13045

Thomas E. Humbach, County Atty.
Rockland County
County Office Building
11 New Hempstead Street
New City, NY 10956

Robert J. Malone, County Atty.
Herkimer County
County Office Building
Suite 1320
109 Mary Street
Herkimer, NY 13350

Hon. Carnell Foskey
Nassau County Attorney
One West Street
Mineola, NY 11501

Hon. Dennis M. Brown
Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Hwy
PO Box 6100
Hauppauge, NY 11788

Hon. Robert Meehan
Westchester County Attorney
148 Martine Ave
White Plains, NY 10601

Hon. Thomas E. Humbach
Rockland County Attorney
County of Rockland Law Department
11 New Hempstead Road
New City, NY 10956

Hon. Michael A. Siragusa
Erie County Attorney
Edward A. Rath County
Office Building
95 Franklin Street, Room 1634
Buffalo, NY 14202

Hon. Daniel Lynch
Albany County Attorney
Albany County Department of Law
Harold L. Joyce Albany
County Office Building
112 State Street, Room 600
Albany, NY 12207

Hon. Robert A. Durr
Onondaga County Attorney
Onondaga County
Department of Law
John H. Mulroy Civic
Center, 10th Floor
421 Montgomery Street
Syracuse, NY 13202

ADDITIONAL LIST FOR SUFFOLK TOWN ATTORNEYS

Babylon Town Attorney
arizwan@townofbabylon.com

Brookhaven Town Attorney
aeaderesto@brookhaven.org

East Hampton Town Attorney
MSendlenski@ehamptonny.gov

Huntington Town Attorney
townattorney@HuntingtonNY.gov

Islip Town Attorney
townattorney@islipny.gov

New York State Bar Association
cgutekunst@nysba.org

NYS Attorney General
kimberly.kinirons@ag.ny.gov

Riverhead Town Attorney
rfg@townofriverheadny.gov

Smithtown Town Attorney
townattorney@tosgov.com

Southampton Town Attorney
lrush@southamptontownny.gov

Southold Town Attorney
bill.duffy@town.southold.ny.us

Brown, Dennis
Dennis.Brown@suffolkcountyny.gov

Appendix C

OFFICE OF THE ATTORNEY GENERAL

Office of the Attorney General
Division of State Counsel
Office of the Attorney General
The Capitol
Albany, NY 12224-7341

**Office of the Attorney General
Division of State Counsel**
120 Broadway
New York, NY 10271-0332

OFFICE OF THE ATTORNEY GENERAL NASSAU REGIONAL OFFICE

Office of the Attorney General
Suite 240
200 Old Country Road
Mineola, NY 11501

**Office of the Attorney General
Rochester Regional Office**
Office of the Attorney General
Court Exchange Building
Suite 200
144 Exchange Blvd.
Rochester, NY 14614-2176

DISTRICT ATTORNEYS

Joel E. Abelove, D.A.
Rensselaer County
Courthouse
Congress & Second Sts.
Troy, NY 12180

P. David Soares, D.A.
Albany County
6 Lodge Street
Albany, NY 12207

Keith A. Slep, D.A.
Allegany County
Room 33
7 Court Street
Belmont, NY 14813

Darcel D. Clark, D.A.
Bronx County
198 E. 161st Street
Bronx, NY 10451

Jon E. Budelmann, D.A.
Cayuga County
1st Floor
95 Genesee Street
Auburn, NY 13021

Lori Rieman, D.A.
Cattaraugus County
County Office Building
303 Court Street
Little Valley, NY 14755

Weeden A. Wetmore, D.A.
Chemung County
226 Lake Street
Elmira, NY 14902-0588

Joseph McBride, D.A.
Chenango County
26 Conkey Avenue
Norwich, NY 13815

Andrew J. Wylie, D.A.
Clinton County
County Government Center
137 Margaret Street
Plattsburgh, NY 12901-2933

Paul Czajka, D.A.
Columbia County
325 Columbia Street, 2nd Floor
Hudson, NY 12534

Patrick A. Perfetti, D.A.
Corti and County
Courthouse
46 Greenbush Street, Room 101
Cortland, NY 13045-5590

William V. Grady, D.A.
Dutchess County
236 Main Street
Poughkeepsie, NY 12601

Kristy L. Sprauge, D.A.
Essex County
P.O. Box 217
7559 Court Street
Elizabethtown, NY 12932

John J. Flynn, D.A.
Erie County
25 Delaware Avenue
Buffalo, NY 14202

Craig P. Carriere, D.A.
Franklin County
355 W. Main Street, Suite 466
Malone, NY 12953-1826

Lawrence Friedman, D.A.
Genesee County
Genesee County Courts Facility
1 W. Main Street
Batavia, NY 14020

Kathleen B. Hogan, D.A.
Warren County
1340 State Rt. 9
Lake George, NY 12845

David M. Hoovler, D.A.
Orange County
40 Matthews Street
Goshen, NY 10924

John L. Hubbard, D.A.
Delaware County
Courthouse
P.O. Box 148
1 Court Street, Suite 5
Delhi, NY 13753

Krystina S. Mills, D.A.
Jefferson County
175 Arsenal Street
Watertown, NY 13601

Eric Gonzalez, D.A.
Kings County
Renaissance Plaza
350 Jay Street
Brooklyn, NY 11201-2908

Leanne K. Moser, D.A.
Lewis County
CourtHouse
7660 N. State Street
Lowville, NY 13367

William G. Gabor, D.A.
Madison County
P.O. Box 578
138 N. Court Street, Bldg. 2
Wampsville, NY 13163-0578

Sandra J. Doorley, D.A.
Monroe County
47 S. Fitzhugh Street
Rochester, NY 14614

Kelli P. McCoski, D.A.
Montgomery County
Courthouse
P.O. Box 1500
58 Broadway
Fonda, NY 12068-1500

Cyrus R. Vance Jr., D.A.
New York County
1 Hogan Place
New York, NY 10013

Caroline Wojtaszek, D.A.
Niagara County
175 Hawley Street
Lockport, NY 14094

Scott D. McNamara, D.A.
Oneida County
235 Elizabeth Street
Utica, NY 13501

William J. Fitzpatrick, D.A.
Onondaga County
505 S. State Street
Syracuse, NY 13202

R. Michael Tantillo, D.A.
Ontario County
Courthouse
27 N. Main Street
Canandaigua, NY 14424-1459

Joseph V. Cardone, D.A.
Orleans County
Suite 300
13925 Rt. 31
Albion, NY 14411

Appendix C

Gregory S. Oakes, D.A.
Oswego County
Public Safety Center
39 Churchill Road
Oswego, NY 13126

John M. Muehl, D.A.
Otsego County
County Office Building
197 Main Street
Cooperstown, NY 13326-1129

Barry L. Porsch, D.A.
Seneca County
Courthouse
48 W. Williams Street
Waterloo, NY 13165

Marsha King Purdue, D.A.
Hamilton County
P.O. Box 277
139 White Birch Ln.
Indian Lake, NY 12842

Richard A. Brown, D.A.
Queens County
Queens Criminal Court Building
125-01 Queens Blvd.
Kew Gardens, NY 11415

Michael McMahon, D.A.
130 Stuyvesant Place, 7th Floor
Staten Island, NY 10301

Thomas P. Zugibe, D.A.
Rockland County
County Courthouse
1 S. Main Street, Suite 500
New City, NY 10956

James L. Sacket, D.A.
Schoharie County
P.O. Box 888
157 Depot Lane
Schoharie, NY 12157

Karen A. Heggen, D.A.
Saratoga County
25 W. High Street
Ballston Spa, NY 12020

Robert M. Carney, D.A.
Schenectady County
Courthouse
612 State Street, 3rd Floor
Schenectady, NY 12305

Joseph G. Fazzary, D.A.
Schuyler County
County Office Building
105 Ninth Street, Unit 26
Watkins Glen, NY 14891

Madeline Singas, D.A.
Nassau County
County Courthouse
262 Old Country Road
Mineola, NY 11501

Joseph Stanzone, D.A.
Greene County
County Office Building
411 Main Street
Catskill, NY 12414

Brooks T. Baker, D.A.
Steuben County
3 E. Pulteney Sq.
Bath, NY 14810-1576

Thomas J. Spota III, D.A.
Suffolk County
North County Complex
Bldg. 77
725 Veterans Memorial Highway
Hauppauge, NY 11788

James R. Farrell, D.A.
Sullivan County
Lawrence H. Cooke Sullivan
County Cthse.
414 Broadway
Monticello, NY 12701

D. Holley Carn right, D.A.
Ulster County
County Courthouse
275 Wall Street
Kingston, NY 12401-0906

Matthew Van Houten, D.A.
Tompkins County
Courthouse
320 N. Tioga Street
Ithaca, NY 14850

Anthony Scarpino Jr., D.A.
Westchester County
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, NY 10601

Donald O'Green, D.A.
Wyoming County
147 N. Main Street
Warsaw, NY 14569

COMMISSIONERS

**Hon. Eric Brettschneider
Acting Commissioner**
NYC Administration for
Children's Services
150 William Street
New York, NY 10038

**Hon. John E. Imhof, Ph.D
Commissioner**
Nassau County Department
of Social Services
60 Charles Lindbergh Blvd
Uniondale, NY 11553-3656

Hon. John F. O'Neill Commissioner
Department of Social Services
3085 Veterans Memorial Hwy
Ronkonkoma, NY 11779

Hon. Kevin M. McGuire Commissioner
Department of Social Services
Westchester County
148 Martine Ave
White Plains, NY 10601

**Hon. Al Dirschberger,
Ph.d. Commissioner,**
Dept. of Social Services
Erie County
Roth County Office Building
95 Franklin Street
Buffalo, NY 14202

Hon. Michele McClave Commissioner
Dept. of Social Services
Albany County
162 Washington Avenue
Albany, NY 12210

**Hon. Ann Rooney Acting
Commissioner**
Department of Children
and Family Services
John H. Mulroy Civic Center, 8th Floor
421 Montgomery Street
Syracuse, NY 13202

Steven Banks, Commissioner
Department of Homeless Services
33 Beaver Street, 17th Floor
New York, NY 10004

**Mary Travis Bassett MD,
MPH, Commissioner**
Department of Health
and Mental Hygiene
42-09 28th Street
Long Island City, NY 11101

Anthony J. Annucci, Commissioner
Department of Corrections and
Community Supervision
Bldg. 2
1220 Washington Avenue
Albany, NY 12226

Ana M. Bermudez, Commissioner.
Department of Probation
33 Beaver Street, Room 2310
New York, NY 10004

Michael Forte, Deputy Commissioner,
Administration
Commissioner's Office, N.Y.C.
Department of Probation
Family Court of the City of New York
33 Beaver Street, 18th Floor
New York, NY 10004

**Donna Bradbury, Assoc.
Commissioner & Dir.**
Div. of Children & Family Services
Office of Mental Health
44 Holland Avenue
Albany, NY 12229

Appendix D

Summaries and Responses to
Technical Comments and Suggestions

Appendix D

As noted in the body of this report, most of the comments and suggestions received in response to the extensive solicitations and requests made and distributed by the Unified Court System in connection with this report are suggestions addressed to technical aspects of the NYSCEF application. Indeed, these are often extremely technical. Rather than take up space in the body of the report with summaries of, and our responses to, these suggestions, we set them forth here. We do so recognizing that Judiciary Law § 212 (2)(t)(i)(B)(I) provides that this report shall include “input received, all issues encountered or otherwise brought to the attention of the chief administrator or his or her agents, all solutions devised to address the issues, [and] presentment of all outstanding issues” See also Section 212 (2)(t)(i)(B)(II to V).

Accordingly, we offer the following summaries of, and responses to, the technical suggestions and comments.

(1) One commentator¹ noted the absence of page numbers on the User’s Manual posted on the NYSCEF site. The absence of page numbers is the result of a change to the format of the document that is in the process of being implemented, *i.e.*, a change to HTML from PDF, so that the Manual can be updated more frequently. An electronic index will be included in the document in the future. In any case, one can navigate the present Manual conveniently using bookmarks or NYSCEF’s word search capability.

(2) One commentator noted that users must file documents separately rather than in a group.² Another³ made the same observation and suggested that we require that e-filings be bookmarked in lieu of mandating that documents be filed separately. The commentators correctly describe NYSCEF procedure. The procedure derives from the basic operating requirements that NYSCEF be able to identify documents so that they can be routed properly to the clerk designated to handle them and so that each document filed can be recorded in the e-filing docket in a way that will allow judges and attorneys to locate particular items as needed. If documents cannot be routed by NYSCEF to the correct clerk, routing will have to be done by hand, which is inefficient and delays the processing of documents. If judges and attorneys were not easily able to identify and locate

documents in the NYSCEF docket for a case, they would undoubtedly find fault with us for that shortcoming. Although requiring bookmarking would assist judges and other users to navigate through documents, it would not obviate the need for separate identification to produce an appropriately detailed docket.

(3) Two commentators⁴ suggested modification of a feature of NYSCEF whereby if a filer makes an error during filing, the system returns to the previous page and highlights the error, but deletes any PDFs filed in that erroneous submission. The Statewide Coordinator responded that NYSCEF is aware of this issue and that we hope to resolve it in the near future.

(4) Two commentators⁵ suggested that on motions to reargue or renew and other motions e-filing rules should allow documents previously filed with NYSCEF to be cross-referenced in the motion papers without counsel being obliged to attach additional copies thereof. CPLR 2214 (c) resolves this issue by permitting cross-references by NYSCEF document number to documents previously e-filed.

(5) Some comments reflect misunderstandings of operational details of the NYSCEF application. One of these is a comment by a commentator who, unless we misunderstand the comment, may not have realized that NYSCEF allows users to complete a Request for Judicial Intervention (“RJI”) on-line and to file it with NYSCEF by clicking a button. A comment about the burden imposed by NYSCEF

1. E-Mail of Harold May, Esq., March 17, 2017.

2. E-Mail of Janine Segalini, March 8, 2017.

3. E-Mail of Michael Rivers, Esq., March 24, 2017.

4. E-Mail of Robert J. Miletsky, Esq., March 16, 2017; Letter of Luis Rivera, Esq., Executive Director, Westchester County Bar Assn., March 23, 2017.

5. Letter of James Montgomery, Esq., March 17, 2017; E-Mail of Andrew T. Solomon, Esq., March 6, 2017.

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in requiring the filing of an RJI by scanning and uploading a hard copy is not well-founded. If the commentator's concern is that certain information must be entered when the RJI is being automatically transmitted to NYSCEF,⁶ the answer is that this information is needed so that the filing can be routed through the court's case management system so as to reach the proper clerk. This is important, especially in the medium-size and larger courts. If this were not done, but instead all documents came into a single mailbox and had to be routed to the correct clerk by reviewing each one by hand, important time would be lost. Our procedure saves time and expedites the outcome for the litigants.

Another commentator suggests⁷ that we eliminate the requirement that paper copies be served on all adversaries in Civil Court cases after the service of the summons and complaint. Such interlocutory service is only required (by the CPLR) on non-participating unrepresented litigants or attorneys who have opted out under the rules. The NYSCEF system, which will govern Civil Court e-filing when that begins, otherwise provides for e-service of documents.

(6) One commentator⁸ suggested that NYSCEF should allow for e-filing of documents by persons who are associated with or helping unrepresented persons. The commentator appears to wish that NYSCEF create a special ID for those who assist the unrepresented. Unrepresented individuals can e-file documents on their own behalf if they choose to participate in e-filing. Questions may arise when it comes to individuals who assist the unrepresented but who are not attorneys of record. In any event, this is the first time this suggestion has been made since 1999. We are currently reviewing the need to expand user ID's and will conduct further analysis to determine if

creating an ID for a non-attorney representative of an unrepresented person is technically possible and appropriate under governing rules.

(7) One commentator⁹ states that it is inconsistent with the purpose of advanced technology for there to be a requirement that counsel for the plaintiff serve a court notice regarding the appearance date for a preliminary conference on parties to an e-filed case by mail if all are participating in e-filing. This comment does not concern the functioning of the e-filing system, but rather the continuation of a hard copy requirement in the e-filing context, which may have been an oversight. We agree with the observation.

This commentator also suggests that procedures be established in NYSCEF governing the filing of a proposed order to show cause or other filing via NYSCEF when sealing is sought. There are procedures in place for these situations, but the attorney wishes to see a change to NYSCEF to automate the steps involved within NYSCEF. We are aware of this limitation of the application, and we have already devised a methodology that can be used by NYSCEF that would ameliorate this issue. We hope to implement this modification to NYSCEF in an early revision.

(8) One commentator¹⁰ suggests that it would be helpful to allow attorneys to log in using their registered e-mail address in addition to their user name (attorney registration number). Among other considerations, this suggestion does not implicate an issue that requires an early commitment of scarce leadership and programmer time. Furthermore, it was a policy decision to have all attorneys use their Attorney Registration Number in order to have a more uniform process and limit the use of multiple ID's and passwords for the various court applications now and in the future.

6. E-Mail of Dina E. Farinaro, March 13, 2017.

7. E-Mail of Michael Rivers, Esq., March 24, 2017.

8. E-Mail of Alfred Dayton, March 5, 2017.

9. E-Mail of Anthony Pirrotti, Jr., Esq., March 23, 2017.

10. E-Mail of Scott McMurry, Esq., March 10, 2017.

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(9) One commentator¹¹ offers what he himself characterizes as a minor improvement. He suggests that a button for filing documents be added to the “Document List” page in NYSCEF. His work flow involves his going to the Document List page to examine the last activity in the case, after which he hits the “back” arrow to return to the filing page. This suggestion is a thoughtful one and we will consider the idea in the future.

(10) One commenting group¹² suggests that it would be beneficial if it were easier for attorneys to opt out of e-filing. The procedures currently in place are statutorily required since attorneys cannot opt out without submitting a certification that they lack knowledge or the equipment needed to e-file.

This commentator and another¹³ also recommended that NYSCEF be modified to allow attorneys who face multiple motions at one time and who wish to submit the same opposition documents for all of them to do so once rather than having to re-file papers on multiple motions. We are aware of this issue and will look into it.

(11) One commentator¹⁴ offered a concern regarding the next phase of the e-filing project for Family Court. The Administration for Children’s Services (“ACS”) wishes to have more than one staff attorney be able to access the electronic filings on cases (e.g., a supervisor may wish to receive notifications of new filings on a staff attorney’s case). The New York City Law Department raised a similar concern when we were discussing its participation in e-filing some years ago and we were able to address its concern satisfactorily. We believe that as the Family Court project proceeds, we will be able to resolve in a similarly satisfactory way the concern raised by ACS. See also Comment and Response (15) below.

(12) One commentator¹⁵ suggested that it would be helpful if NYSCEF could be modified to allow for automatic removal of a party from e-mail distribution lists once that party is no longer in an action. Before any representative of a party is removed from the service list, NYSCEF needs to confirm (by a manual process) that another attorney is appearing for the attorney who is being removed or that the party is aware of applicable CPLR provisions and the NYSCEF rules for self-representation. We will, however, examine the possibility of increased use of automation in this area.

(13) One commentator¹⁶ suggested that it would be useful if the layout of the service list on NYSCEF could be improved. NYSCEF staff are at present reviewing the display of the service list and will be looking to make improvements and will consider this comment.

(14) One commenting group¹⁷ suggests that the initial filing screen be modified to provide conveniently and more accurately for the creation of the caption in a special proceeding. NYSCEF staff will look into the feasibility of doing this.

(15) One commentator,¹⁸ who is concerned about e-filing in the Civil Court, suggested that e-filing should allow a main attorney to add additional e-mail addresses beyond that of the attorney so that filings are not inadvertently ignored when the main attorney is away or on vacation. (Of course, if the attorney is away, he or she could have access to the website if he or she brings along a laptop or a smart phone.) NYSCEF has this capability built into it already. When logged into the system with his or her credentials, the attorney can add up to four additional e-mail addresses to the case file in NYSCEF so that those persons will also receive all

11. E-Mail of Jonathan Wallace, Esq., March 9, 2017.

12. Letter of Luis Rivera, Esq., Executive Director, Westchester County Bar Assn., March 23, 2017.

13. Letter of Timothy K. Beeken, Esq., President, Managing Attorneys and Clerks Association, March 24, 2017.

14. E-Mail of Nancy Thomson, Esq., Associate Commissioner, Division of Family Court Legal Services, Administration for Children’s Services, New York City, March 23, 2017.

15. E-Mail of Ms. Minerva Sabas, Paralegal, March 22, 2017.

16. E-Mail of David M. Pincus, Legal Secretary, March 22, 2017.

17. Letter of Timothy K. Beeken, Esq., President, Managing Attorneys and Clerks Association, March 24, 2017.

18. E-Mail of Michael Rivers, Esq., March 24, 2017.

Appendix D

notifications from NYSCEF. The attorney can also institute a “rule” through his or her office e-mail system that will transmit copies of notifications from NYSCEF to as many other attorneys or staff as he or she wishes to receive them.

This commentator suggests that NYSCEF should create a system that allows offices to set up accounts to avoid individual attorneys having to use personal or corporate credit cards to pay fees. He makes this suggestion in the context of future no fault filings in Civil Court. Some County Clerks currently offer an option to filing users to establish an account in the County Clerk’s Office in the name of the firm. When filings are made by the firm, the County Clerk will debit the account for the fees involved. Perhaps a solution along these lines can be created when e-filing in Civil Court is being designed.

We note that large numbers of cases and documents are e-filed each year in tax certiorari and SCAR proceedings. Some of those filing in these matters file hundreds or even thousands of such cases during the annual filing seasons. They have been able to do so using firm cards, in many instances without encountering any difficulties.

(16) One commentator¹⁹ is uncertain as to whether discovery demands and responses to such demands can be e-filed. The rules governing e-filing in Supreme Court indicate that discovery materials can be e-filed. Uniform Rule 202.5-b (j). This rule states that the parties may e-file discovery materials if they have entered into a stipulation so providing. The rule does not prohibit the e-filing of discovery demands.

This commentator expresses a concern about electronic notices when the “red entry” does not give new information. This is a very technical question. It appears that the commentator is referring not to the NYSCEF system or any of its notices, but rather to notices in the court system’s e-Track case tracking and notification system. If a case is in e-Track (which is decided by an attorney on the case who subscribes to the service, for which

there is no charge) and if information on the case is updated in the court’s case management system, such as when, for example, a conference date is adjourned, a notification will be sent out to the subscribing attorney addressing the change. The notification will highlight the change in red for the convenience of the attorney.

We are not aware of any problems of note with the e-Track application. If, however, the attorney in the future believes that he has received a notification in which there is no new information, he should bring this to the attention of e-Track as soon as possible thereafter and provide staff with information about the case in question so that the problem can be investigated.

This commentator also expressed concern about the fact that in one case he submitted a proposed order to show cause and his adversary then submitted his objections before the judge had acted. The commentator wondered when this unorthodox procedure had become allowable.

The e-filing rules do not provide for such a procedure. The Uniform Rules for the Trial Courts do provide that where an attorney seeks a temporary restraining order, he or she must submit an affirmation of significant prejudice from giving of notice. In the absence of a showing of such prejudice, the affirmation must demonstrate that a good faith effort has been made to notify the party against whom the TRO is sought of the time, date, and place that the application will be made in a manner sufficient to allow the adversary an opportunity to appear in response to the application. Uniform Rule 202.7 (f). See also Commercial Division Rule 20 (Uniform Rule 202.70 (g), Rule 20). This does not appear to be the situation in the matter raised by the commentator.

The judge to whom the documents in question were referred no doubt knew how to address the situation since one of the things the judge does in regard to a proposed order to show cause is to submit a date by which opposition papers to the application are to be due

19. E-Mail of Robert M. Lefland, Esq., March 10, 2017.

Appendix E

Comments from Advisory Committee

Appendix E



WESTCHESTER COUNTY CLERK

Timothy C. Itoni
County Clerk

March 31, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Supreme Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of actions and proceedings and the service of papers therein.

The committee has met three times since the 2016 report on electronic filing:

- The first meeting was held on June 29, 2016, and focused on proposed mandatory e-filing in Albany County as well as the expansion of the existing mandatory program in Queens County. This meeting resulted in Administrative Order 151/16, which was signed on July 1, 2016 formally launching the mandatory e-filing program in Albany County, effective July 1, 2016, and expanding the existing mandatory program in Queens County, effective July 13, 2016.
- The second meeting was held on September 28, 2016, and focused on proposed mandatory e-filing in Broome and Richmond Counties, as well as the expansion of the existing mandatory program in Suffolk County. This meeting resulted in Administrative Order 224/16, which was signed on October 12, 2016, formally launching the mandatory e-filing program in Broome and Richmond Counties, and expanding the existing mandatory program in Suffolk County, effective October 19, 2016.

110 Dr. Martin Luther King, Jr. Blvd. White Plains, New York 10601 (914) 995-3080 FAX (914) 995-3172

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- The third meeting was held on January 5, 2017, and focused on proposed mandatory e-filing in Ontario and Orange Counties, as well as the expansion of the existing mandatory program in Suffolk County. This meeting resulted in Administrative Order 24/17, which was signed by the Chief Administrative Judge on January 10, 2017, formally launching the mandatory e-filing program in Ontario and Orange Counties, and expanding the existing mandatory e-filing program in Suffolk County, effective January 18, 2017.
- *In anticipation of the issues to be presented to the Chief Administrative Judge for the 2017 report, we circulated a memo offering the committee members an opportunity to submit comments regarding implementation of e-filing for inclusion in the report and requested they reach out to their agencies and to affected litigants, including unrepresented parties, practitioners, and the courts, to solicit their input.*

At each of the three meetings that focused on the creation or expansion of mandatory programs, committee members considered the steps taken to notify bar associations, legal organizations, and other interested persons of the proposed programs. There were only two comments received as a result of the exhaustive outreach, one regarding the implementation of the mandatory program in Richmond County and one regarding the expansion of the existing program in Queens County. Both comments were overwhelmingly positive and supportive of the e-filing programs with equal sentiments (and quoting from one comment) of looking forward to a time “when it will be possible to implement mandatory e-filing in all courts across all cases.”

Additionally, the legislation requires the committee for this year’s 2017 report to assist the Chief Administrative Judge in evaluating the impact of e-filing on litigants, including unrepresented parties, practitioners, and the Courts by seeking input from those affected, and offering recommendations. We have solicited comments from our committee members as they are representative of the affected parties outlined in the legislation, and have not received any comments critical of e-filing’s impact on affected litigants.

The committee also discussed the need to urge legislation that would lift the sunset provision on mandated e-filing in residential foreclosure actions involving home loans and consumer credit transactions that are now authorized in several counties. While this issue was not specifically raised in public comments, committee members acknowledged the tremendous support from the County Clerks that this authorization be continued and further that it be authorized in all counties that request it.

While our committee does not have many items for your consideration, our dedicated members, who represent a broad spectrum of the legal community, feel that the implementation of electronic filing throughout New York State has been a tremendous success, and the lack of comments and/or issues to consider for this year’s report is a testament to NYSCEF’s success. Customers enjoy the convenience of filing papers from a home or office and are supported by knowledgeable and dedicated staff at the E-filing Resource Center. The NYSCEF System provides transparency and accountability as litigants can see exactly where documents are and

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who has processed them. Document flow among the litigants, County Clerk, Chief Clerk of the Courts and judicial chambers occurs more quickly and is documented more accurately. This program's foundation is solid and is able to support continued expansion. It does appear that all parties long for mandatory e-filing in all courts.

Thank you for considering our input as you prepare your annual report evaluating the state's experience with electronic filing.

Sincerely,



Timothy C. Adoni
Westchester County Clerk
Chair, Supreme Court Civil Electronic Filing Advisory Committee

cc: Ronald Younkings, Esq.
John W. McConnell, Esq.
Jeffrey Carucci
Holly Nelson Lütz, Esq.
Michael Alperstein, Esq.
Dennis J. Bischof, Esq.
Thomas F. Gleason, Esq.
Jeffrey Harradine, Esq.
John R. Higgitt, Esq.
Adrienne Holder, Esq.
Karen Jordan
Hon. Brad Kendall
Hon. Henry Kennedy

Adrienne Koch, Esq.
Hon. Elizabeth Larkin
John M. Lundin, Esq.
Daniel Marren, Esq.
Linda Mejias, Esq.
Hon. Anthony J. Paris
James M. Paulino, Esq.
Jonathan Pinn
Hon. Joseph Provoncha
Michael H. Reich, Esq.
Charles Small, Esq.
Hon. Nancy T. Sunshine

Appendix E



STATE OF NEW YORK
UNIFIED COURT SYSTEM
EMPIRE STATE PLAZA
4 ESP, SUITE 2001
ALBANY, NY 12223-1450
TEL: (518) 453-8650

LAWRENCE K. MARKS
Chief Administrative Judge

MICHAEL V. COCCOMA
Deputy Chief Administrative Judge
Courts Outside New York City

April 4, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
Unified Court System
25 Beaver Street
New York, New York 10004

Dear Judge Marks:

The intent of this letter is to fulfill the Supreme and County Court (Criminal) Advisory Committee's obligation to consult with the Chief Administrative Judge regarding the state's experience with programs using electronic means (e-filing) for the commencement of proceedings and the service of papers therein, and to offer recommendations for further appropriate legislation.

The entire committee met once since the 2016 report on e-filing. Outlined below are details of the committee's activities:

- The meeting was held on March 8, 2017 with the main focus being on the use of electronic filing for the filing of accusatory instruments and the filing and service of papers in criminal actions and proceedings pending in the Supreme and County Courts. The Legislature has authorized consensual e-filing for these matters on a state-wide basis and has authorized mandatory e-filing in up to six counties, with the consent of the district attorney, criminal defense bar, and the county clerk. While the committee was hopeful to have a pilot and/or program to report on, the expansion of e-filing in other courts throughout the state made creating the pilot for criminal matters more difficult to achieve. However, the advisory committee, and its "working" committee, are committed to continue to move forward. A preliminary analysis has been compiled with information and data provided by our committee members and a format has been created as to what an e-filing system for authorized criminal matters may look like. There will be a push to move forward with a pilot within these next six months.
- The sub-committee ("working committee") met on June 10, 2016. In an effort to gain a more accurate understanding of the basic e-filing functions, and to consider these functions as they would apply to criminal filings, a demonstration on e-filing in Supreme Civil cases was held for these members on June 16, 2016, as well as a separate demonstration for representatives from the Legal Aid Society.

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- At the March 8, 2017 meeting, the committee discussed issues regarding the implementation of e-filing which would be presented to the Chief Administrative Judge for the 2017 report. Also, a memorandum was circulated to the committee members, with a request that they reach out to their agencies, affected litigants, unrepresented parties, practitioners, and courts, offering them the opportunity to submit comments regarding the implementation of e-filing, with anticipation that they would also be presented to the Chief Administrative Judge for the 2017 report.

Additionally, the legislation requires the committee, for this year's 2017 report, to assist the Chief Administrative Judge in evaluating the impact of e-filing on litigants, including unrepresented parties, practitioners, and the courts by seeking input from those affected, and offering recommendations. As indicated, we solicited comments from our committee members, as they are representative of the affected parties outlined in the legislation, and have not received any comments critical of e-filing's impact on affected litigants. In fact, the committee received a comment from a committee member urging the committee and OCA "to move ahead with implementation with all due haste," stating the "lack of electronic filing is not only an anachronism, but it hampers the efficient processing of cases and jeopardizes fundamental principles of due process." At this juncture, while this advisory committee cannot report on the specific experience with e-filing in these criminal matters in Supreme and County Courts, the committee has discussed the steps that must be taken to launch an e-filing program in these courts. The committee looks forward to continue working together and is determined, to the best of our ability, to "move ahead with implementation with all due haste."

Thank you for considering our input as you prepare your annual report.

Sincerely,



Hon. Michael V. Coccoma
Deputy Chief Administrative Judge

MVC/PM/JT

cc: Jerry M. Ader, Esq.
Michael Alperstein, Esq.
Steven Bender, Esq.
Craig P. Carriero, Esq.
Elizabeth Cronin, Esq.
Robert S. Dean, Esq.
Lisa Dell
Charles Diamond
Tim Donaher, Esq.
Leroy Frazer, Esq.
Alice Frontier, Esq.
Risa Gerson, Esq.
Timothy W. Hoover, Esq.
Bradford Kendall

Elizabeth Larkin
Justine Luongo, Esq.
Hon. Thomas Rainbow Morse
Charles F. O'Brien, Esq.
Joseph Provoncha
Joseph C. Rotello, Esq.
David C. Schopp, Esq.
Lisa Schreibersdorf, Esq.
Nancy T. Sunshine, Esq.
Frank Tropea
Lisa White
Victoria White, Esq.

Appendix E

STATE OF NEW YORK



Hon. Craig J. Doran
Supreme Court Justice

Seventh Judicial District
Administrative Judge

April 3, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Surrogate's Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of actions and proceedings and the service of papers therein.

The committee has met three times since the 2016 report on electronic filing:

- The first meeting was held on June 17, 2016 and focused on proposed mandatory e-filing in Oneida County Surrogate's Court. This meeting resulted in Administrative Order 151/16, which was signed on July 1, 2016 formally launching the mandatory e-filing program in Oneida County Surrogate's Court, effective July 13, 2016.
- The second meeting was held on September 27, 2016, and focused on proposed mandatory e-filing in Albany County Surrogate's Court. This meeting resulted in Administrative Order 224/16, which was signed on October 12, 2016, formally launching the mandatory e-filing program in Albany County Surrogate's Court, effective October 19, 2016.
- The third meeting was held on January 6, 2017, and focused on proposed mandatory e-filing in Jefferson County and Onondaga County Surrogate's Court. This meeting resulted in Administrative Order 24/17, which was signed by the Chief Administrative Judge on January 10, 2017, formally launching the mandatory e-filing programs in Jefferson County and Onondaga County Surrogate's Court, effective January 18, 2017.
- *In anticipation of the issues to be presented to the Chief Administrative Judge for the 2017 report, we discussed at our January 6, 2017 meeting and further circulated a memo offering the committee members an opportunity to submit comments*

COUNTY COURTHOUSE 27 NORTH MAIN STREET CANANDAIGUA, NY 14424
(585) 412-5292 FAX: (585) 412-5328 CDORAN@NYCOURTS.GOV

Appendix E

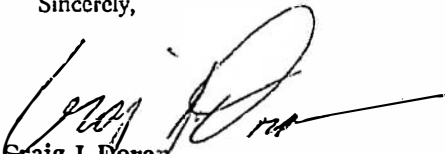
regarding implementation of e-filing for inclusion in the report and requested they reach out to their agencies and to affected litigants, including unrepresented parties, practitioners, and the courts, to solicit their input.

At each of the three meetings that focused on the creation of mandatory programs, committee members considered the steps taken to notify bar associations, legal organizations, and other interested persons of the proposed programs. Only one comment was received from a law firm as a result of the exhaustive outreach. The comment suggested a preference in logging into the NYSCEF system and was not a comment specifically regarding the proposed mandatory program. The E-Filing Resource Center responded to the law firm's comment.

Additionally, the legislation requires the committee for this year's 2017 report to assist the Chief Administrative Judge in evaluating the impact of e-filing on litigants, including unrepresented parties, practitioners, and the Courts by seeking input from those affected, and offering recommendations. As indicated, we have solicited comments from our committee members as they are representative of the affected parties outlined in the legislation, and have not received any comments critical of e-filing's impact on affected litigants. In fact, the one comment received from a committee member, was positive and suggested that e-filing "should be mandatory in all e-filing courts."

Our dedicated members, who represent a broad spectrum of the legal community, feel that the implementation of electronic filing throughout New York State has been a tremendous success, and the lack of comments and/or issues to consider for this year's report is a testament to NYSCEF's success. Thank you for considering our input as you prepare your annual report evaluating the state's experience with electronic filing.

Sincerely,



Craig J. Doran
Administrative Judge
Seventh Judicial District

Appendix E



JEANETTE RUIZ
ADMINISTRATIVE JUDGE
NEW YORK CITY FAMILY COURT

**Family Court of the State of New York
City of New York**

60 LAFAYETTE STREET
NEW YORK, N.Y. 10013

GEORGE CAFASSO
CHIEF CLERK

MICHAEL McLOUGHLIN
FIRST DEPUTY CHIEF CLERK

March 29, 2017

Honorable Lawrence K. Marks
Chief Administrative Judge
New York State Court System
25 Beaver Street
New York, N.Y. 10004

Re: Report of Family Court Advisory Committee on e-Filing

Dear Judge Marks,

This letter is intended to fulfill the obligation of the Family Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of proceedings and the service of papers therein and containing recommendations for further appropriate legislation.

The Committee met on March 10, 2017 to update the members on the progress toward electronic filing of Article 3 and Article 10 proceedings, to evaluate test filings that were performed in New York City and Westchester counties and to solicit feedback and comments from committee members. Progress toward an e-filing program in Family Court has been limited until recently. Office of Court Administration programming resources have been stretched to the limit addressing the needs of expansion of Supreme and Surrogate court electronic filing projects throughout the state. In addition, resources have been assigned to developing the electronic filing program for the Appellate Divisions.

However, in December, 2016 and January, 2017 pilot experiments of filing Article 3 and 10 petitions were performed and the results of those experiments were summarized and presented to the committee. A phased approach to the electronic filing project was proposed and reviewed and is also included in the summary. Concerns raised during the pilot experiments were discussed. Those concerns involved electronic signatures on e-filed documents, the possibility of interfaces with other computer systems and whether counties, other than the initial six identified as pilot counties, would be included in the project.

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Next steps to accomplish a pilot program as authorized by the legislature were discussed and agreed upon. While this advisory committee cannot report on the experience with e-filing in the Family Court we do believe we will make progress in the coming year on the proposed first phase of the project.

We have also requested comments from our members on behalf of their agencies regarding the plans for e-filing in Family Court. One comment was strongly supportive of electronic filing of Family Court petitions as more efficient, cost effective and expeditious method of filing. A second raised the issue of implementing a court rule to deem electronically filed documents as an original. We will make certain these issues are discussed in future meetings and that they are considered as we move forward with this project.

The committee looks forward to continue working together and expects to be able to report on the progress made toward implementing a program in the 2018 report. Thank you for considering our input regarding the plans for e-filing in Family Court.

Respectfully Submitted,



Michael McLoughlin
Chairperson,
Family Court Advisory Committee on e-Filing

cc: Ron Younkins, Esq.
John McConnell, Esq.
Barry Clark, Esq.
Jeffrey Carucci
Janet Fink, Esq.
Committee Members

Appendix E

Civil Court
of the
City of New York



CAROL ALT
CHIEF CLERK

111 CENTRE STREET
NEW YORK, NY 10013

April 3, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Dear Judge Marks,

This letter is intended to fulfill the obligation of the NYC Civil Court Advisory Committee to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of proceedings and the service of papers therein, and containing recommendations for further appropriate legislation.

The Committee met on March 8, 2017 to update the members on the progress toward electronic filing in New York City Civil Court since the filing of the 2016 report on electronic filing. Progress has been limited, while we were hopeful to have more to report regarding pilot programs, the expansion of Supreme and Surrogate court electronic filing programs made creating the pilot program for Civil Court matters more difficult to achieve. However, the Advisory Committee has discussed the steps that must be taken to launch an e-filing program in this court and are committed to move forward with the analysis of Civil Court matters and continue to consider formats on what an e-filing system for authorized matters will look like.

We also discussed the Committee's additional charge for this year's report to assist the Chief Administrative Judge in evaluating the impact of e-filing on litigants, including

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unrepresented parties, practitioners, and the Courts by seeking input from those affected, and offering recommendations. In anticipation of these responsibilities, we circulated a memo offering committee members an opportunity to submit comments for inclusion in the report and requested they reach out to the agencies they represent for input. One comment from a member representing a major insurance company raised several concerns regarding the potential impact on litigants e-filing in NYC Civil Court, such as allowing for attorneys to add an additional notification e-mail and eliminating the requirement that paper copies of documents be served on adversaries after the Summons and Complaint have been served on the defendant. These concerns have already been resolved during the development, implementation, and 10 + years of experience using the NYSCEF program in the Supreme Court – Civil Term.¹ We expect that any program development for NYC Civil Court will also have the functionality and features of the NYSCEF program in the Supreme Court, therefore resolving these same concerns. However, we will make certain these and any concerns are discussed in future meetings. We have not received any further comments critical of e-filing's impact on these parties.

While this Advisory Committee cannot report specifically on the experience with e-filing in the NYC Civil Court, the Committee looks forward to continue working together and expects to be able to report on the progress made in the 2018 report.

Sincerely,



Carol Alt
Chief Clerk & Committee Chair

cc: (all committee members)

¹ Attorneys can direct notifications to additional colleagues and there is e-service of all documents after serving the Summons and Complaint in paper.

Appendix E

From: Gina Calabrese [mailto:calabreg@stjohns.edu]
Sent: Monday, April 03, 2017 5:52 PM
Subject: RE: 2017 Civil Court Advisory Committee on E-Filing - Information for Legislative Report

Thank you. While I was not able to submit comments for inclusion to this report, I agree with Ms. Alt's conclusion that many of the concerns raised can find their solution in the existing NYSCEF system for Supreme Court e-filing. As Chair of the NYC Bar Civil Court Committee, I'll share the Committee's overall view that the e-filing in NYC Civil Court should first be implemented in cases where both sides appear by an attorney. For example, No-Fault cases would be a good place to start. Of course, a severe and persistent filing backlog continues to affect all cases in Civil Court, so even some e-filing would reduce the burden of paper storage and management that is placed on the clerks. A consumer who seeks to vacate an old default judgment must wait 6 to 8 weeks for an old paper file to be retrieved from storage; in the meantime, the consumer-defendant's bank account might be restrained while he waits for the process to run its course. Having less paper to manage would be expected to reduce the wait time. Unfortunately, while electronic storage of case files might help with file access, individuals sued in consumer debt cases are rarely represented by attorneys. More often than not, the consumer will not have access to computers and will not have the skills, software, or equipment needed to use an e-filing system. E-filing should not be mandated for consumer debt cases.

Turning to this Advisory Committee's composition, I've removed the late Janet Kalson's email address from this chain. Some of you may have heard the sad news that Janet, an active and respected member of the bar, passed away last month.

Sincerely,

Gina M. Calabrese
Professor of Clinical Education & Associate Director
Consumer Justice for the Elderly: Litigation Clinic
Co-Director, Public Interest Center
St. John's University School of Law
8000 Utopia Parkway
Jamaica, NY 11439
(718) 990-1848

Appendix E

From: Cronin, Elizabeth (OVS)

Sent: Wednesday, March 22, 2017 1:28 PM

Subject: RE: Supreme and County Court (Criminal) Advisory Committee on E-Filing - information regarding committee's responsibility to Chief Administrative Judge for his annual report.

The federal courts have instituted a pilot program allowing some pro se litigants, even those incarcerated, to e-file. This may be something we would want to look at.

Elizabeth Cronin

**The Bronx
Defenders**

**Redefining
public
defense.**

March 23, 2017

Hon. Michael V. Coccoma
Deputy Chief Administrative Judge
for Courts Outside New York City

Re: The Bronx Defenders' Comments on E-Filing

Dear Judge Coccoma:

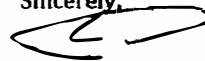
I am the Managing Director of the Criminal Defense Practice at The Bronx Defenders. I write to urge the Supreme and County Court (Criminal) Advisory Committee on E-Filing and the Office of Court Administration to implement an e-filing program for New York City's criminal courts as soon as possible.

We are heartened by the Committee's commitment to creating a pilot e-filing program for criminal matters, but urge the Committee and OCA to move ahead with implementation with all due haste. For far too long, the city's criminal courts have lagged behind other state courts and criminal courts across the country in e-filing. The Bronx criminal courts handle tens of thousands of criminal matters every year. The lack of electronic filing is not only an anachronism, but it hampers the efficient processing of cases and jeopardizes fundamental principles of due process. In high-volume courthouses such as ours, where court staffing changes week to week and physical court files are routinely shuffled from courtroom to courtroom, important motions and other filings regularly go missing or only make it to the proper destination after lengthy delay. Judges and judicial staff lack the time to carefully consider legal issues and often have to do so with incomplete information. The lack of an e-filing system makes substantive communication with the courts between court dates virtually impossible. And ineffective service and notice are endemic problems.

A functioning e-filing system need not fully displace the physical filing system currently in place--indeed, given size and complexity of the system, physical filing is an important safety net--but it is absolutely necessary to ensuring full and meaningful due process for our clients.

Thank you for your consideration.

Sincerely,



Alice L. Fontier
Managing Director of the
Criminal Defense Practice
The Bronx Defenders

The Bronx Defenders

360 East 161st Street
Bronx, NY 10451

t: 718.838.7878
f: 718.665.0100

www.bronxdefenders.org

FW: email to committee - what do you think

KI Kass, Ilene (Law) <ikass@law.nyc.gov> Reply all |
Fri 3/24, 12:01 AM
eFiling Comments; Albertus, Angela (Law) <aalbertu@law.nyc.gov>; +1 more

Inbox

The message sender has requested a read receipt. To send a receipt, click here.

E file art 3 and 10 test n...
46 KB

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Since the Queens Family Court has been part of the eFiling pilot on Art. 3 cases, we wanted to share an issue our office encountered. As the Presentment Agency on delinquency matters, our office files a petition packet with the Court which contains the petition and as part of an agreement to assist the Court, we also attach a cover sheet to each petition, as well as the RAI prepared by the Dept. of Probation. The petition itself is a multi-page document which consists of the original signed & notarized petition form, count sheets and original supporting depositions & in some cases original lab reports. The Court then scans these documents into their system and those documents appear on the Judge's computer screen when the case is called. Since Queens is "paperless", the original documents are not in the Courtroom.

With certain types of proceedings on delinquency cases, such as violations of probation and probable cause hearings, at times it is necessary for us to offer a petition, supporting deposition or Lab Report into evidence. On at least one occasion when we attempted to do this since the paperless system began, legal challenges were raised that what the Judge had on his/her computer screen was not the original. In light of this, our suggestion is that a Court rule be enacted stating that when the Court scans originals into their system, that what appears on the Judge's computer screen shall be deemed an original. This will ensure that the purpose of eFiling and a paperless system is accomplished.

Thank you for giving us the opportunity to comment and pass this suggestion on. We hope it will be helpful to all involved, so that we can all continue to collaborate together to make the eFiling system effective and efficient for all parties involved. I would be happy to discuss this further or provide any additional information that any Committee members would like.

Thanks, ILENE

Ilene Kass, Esq.
Chief, Special Projects
NYC Law Dept. - Family Court Administration
100 Church Street | New York, NY 10007
Tel: (212) 356-3203
ikass@law.nyc.gov

Appendix E

COUNTY CLERK'S OFFICE – CORTLAND COUNTY

ELIZABETH LARKIN
County Clerk

TAMMY L BARRIGER
Deputy County Clerk

BROOKE KEMAK
Deputy County Clerk

Sonia Ganoung
Director, Motor Vehicles

Courthouse
46 Greenbush Street, Suite 105
Cortland NY 13045
(607) 753-5021
Fax (607) 753-5378

Motor Vehicle (607) 753-5023
Fax(607) 753-5500



elarkin@cortland-co.org

March 09, 2017

Hon Michael V Coccooma
Deputy Chief Administrative Judge
Advisory Committee Chair for Electronic Criminal Filing
Office of Court Administration
4 ESP, Suite 2001
Albany, NY 12223

Dear Judge Coccooma,

I am honored to be appointed to work on this historic initiative and to comment on progress made this past year.

In February, 2016, a committee was appointed to work on the project of criminal e-filing in NYS. After several conference calls, it was determined that a "working committee" should be established to research some of the detailed points needed to make this project successful. This "working committee" produced major results, including a flow chart of how criminal actions progressed through prosecution from the lower town/city courts to the grand jury and possibly county court. Following the example of civil e-filing which provides hundreds of names for docket items for submitters to choose from, this "working committee" also produced a docket list of criminal filings and a chart showing the different offices that would need access to these filings. This criminal docket list will have to be an amendable list so that changes can be made when needed.

As we continue to work to make this criminal e-filing a success in New York State, my biggest concern is for the confidentiality of the accused and the victims. Historically, as criminal e-filing has been discussed, it was reiterated that these records would never be available on-line for the public to view. While the 2012 amendment to Chapter 367 of 1999 states that *"Notwithstanding any other provision of this chapter, no paper or document that is filed by electronic means in a criminal proceeding in supreme court or county court shall be available for public inspection on-line"*, this same section also allows for *"posting papers or documents.....(if).to do so would be in the public interest"* Once a document is on the internet it is available permanently. It would not matter if the document were removed from NYSCEF's site. Once it is available on the internet it can be copied, pasted, printed, distributed etc. As we move forward we need to insure that the rights of victims and the accused that were exonerated or had their cases sealed by the court, for whatever reason, will not suffer from criminal e-filing.

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elarkin@cortland-co.org

Although, it is uncommon to have a pro se defendant in a criminal case in Cortland County, if there was someone who did not have internet access, their rights would not be affected. Since we currently scan all criminal records, the Cortland County Clerk's staff would electronically file criminal papers for any defendant who was unable to electronically file for themselves.

The plan for 2017 is to have an in person meeting of committee members and establish committees to investigate various aspects related to criminal e-filing. The goal is that a pilot county will voluntarily commence criminal e-filing before the end of the year.

I am excited to participate in the endeavor and look forward to future discussions and meetings.

Sincerely,


Elizabeth Larkin
Cortland County Clerk

Appendix E

From: Rivers, Michael [mailto:MRIVERS2@travelers.com]

Sent: Friday, March 24, 2017 8:51 AM

Subject: Comments for 2017 E-filing Report

Good morning,

I apologize for the delay. Below are the comments (concerns) that came from my office when asked about the impact of e-filing on our office.

- **Law Office sign-on:** Currently in the Supreme Court the sign-on for NYSEF is one's attorney sign-on. There is a concern that crucial information would be potentially missed if an attorney is on vacation or leaves the company. To remedy this problem was suggested that:
 - A mechanism be created for companies create an office sign-on; and/or
 - Allow for attorneys to add an additional notification e-mail (i.e. for his or her secretary).
- **Payment System:** Create a system that allows law offices to set up accounts to avoid individual attorneys having to use their personal and/or corporate credit cards to pay court fees. The volume of no-fault will create a very cumbersome process for reimbursement and will increase the potential for fraud due to compromised financial information.
- **Document Upload:** An option to upload a single document. For example, upload the entire summary judgment motion instead of splitting it up by the Notice of Motion, exhibits, affidavits, and etc.
 - Require that PDFs are bookmarked in lieu of splitting the motion into its separate parts.
- Eliminate the requirement that paper copies of documents be served on adversaries after the Summons and Complaint have been served on the Defendant.
- Mandate that the judges do not request courtesy copies since everything has been electronically uploaded to the court's system.
- **Privacy Issues**
 - Will redaction be required for documents marked non-viewable on the NYSEF system? I guess the question is whether the documentation is still obtainable by any member of the public that requests it?

Thank you!

Michael Rivers | Associate Counsel
Law Offices of Aloy O. Ibuzor
445 South Street | Suite 300
Morristown, NJ 07960
W: 917.778.6542 F: 855.872.7925



Appendix F

Comments from County
Clerks and Courts

Appendix F

COUNTY CLERK'S OFFICE – CORTLAND COUNTY

ELIZABETH LARKIN
County Clerk

TAMMY L BARRIGER
Deputy County Clerk

BROOKE KEMAK
Deputy County Clerk

Sonia Ganoung
Director, Motor Vehicles

Courthouse
46 Greenbush Street, Suite 105
Cortland NY 13045
(607) 753-5021
Fax (607) 753-5378

Motor Vehicle (607) 753-5023
Fax(607) 758-5500

elarkin@cortland-co.org



March 6, 2017

Jeffrey Carucci, State Wide Coordinator for E-filing
Office of Court Administration
60 Centre Street
New York, NY 10007

Dear Mr. Carucci:

Thank you for inviting us to comment on NY State's e-filing system, NYSCEF. Cortland County began consensual e-filing in January of 2014. Over the past three years the number of e-filed cases has increased steadily. More and more attorneys are realizing the time and cost saved by e-filing and the ease of the process of e-filing. I am hoping to commence mandatory e-filing by January 2018.

Occasionally, a unique situation arises in court cases, whether they are e-filed or hard copy filed. The resource center has been extremely helpful addressing these rare instances.

E-filing has no effect on pro se litigants in Cortland County. If a case is commenced by e-filing and the Defendant brings us their hard copy papers to file, my staff files these in NYSCEF. Once this is filed in NYSCEF the Plaintiff is notified that the Defendant is not e-filing and that hard copy communication and notices must be sent or delivered. My staff continues to enter the Defendant's submissions into NYSCEF and the Plaintiff continues to e-file their documents until the case is closed. All filings are pulled from the NYSCEF site into the County Clerk's electronic document management system every half hour. Any public civil case, whether it is e-filed or hard copy filed, is available on the internet on the Cortland County Clerk's website within 8 hours of submission and can be viewed or printed at no fee. Public documents are viewable at the County Clerk's Office within minutes of receiving them.

As technology advances, the NYSCEF staff is willing to work with our vendor to continually improve the e-filing process. This benefits not only the court system and our offices but the filers and submitters as well.

In Cortland County we look forward to working with the NYSCEF staff to further civil e-filing and to commence criminal e-filing.

Sincerely,

Elizabeth Larkin
Cortland County Clerk

State of New York




Nancy T. Sunshine
County Clerk, Kings County

360 Adams Street
Brooklyn, NY 11201

MEMORANDUM

March 21, 2017

TO: Jeffrey Carucci
Statewide Coordinator for Electronic Filing
VIA EMAIL jcarucci@nycourts.gov

FROM: Hon. Nancy T. Sunshine 
County Clerk, Kings County

RE: 2017 Comments on E-filing

The implementation of electronic filing in the Office of the Kings County Clerk has been extremely successful. Attorneys, as well as litigants, continue to express their appreciation for the ease and efficiency of filing documents electronically from their home, office or any remote location with appropriate computer access.

The success and positive experience with the NYSCEF system is proven by the significant and continuing increase in the e-filing of civil cases each year. As of March 20, 2017, 5,520 civil actions have been commenced electronically in the Kings County Clerk's Office via NYSCEF, which is approximately 1,500 more than were e-filed on March 20, 2016. The success of the NYSCEF system in the office of the Kings County Clerk is further demonstrated by the enthusiastic support for the expansion of mandatory e-filing for all tort cases commenced as of March 21, 2016. In fact, the ratio of cases electronically filed to traditional paper cases is over 5 to 1.

The Kings County Clerk looks forward to expanding e-filing to more case types. In consideration of the expansion of NYSCEF to include matrimonial cases, I note that pursuant to DRL 235(1):

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An officer of the court with whom the proceedings in a matrimonial action or a written agreement of separation or an action or proceeding for custody, visitation or maintenance of a child are filed, or before whom the testimony is taken, or his clerk, either before or after the termination of the suit, shall not permit a copy of any of the pleadings, affidavits, findings of fact, conclusions of law, judgment of dissolution, written agreement of separation or memorandum thereof, or testimony, or any examination or perusal thereof, to be taken by any other person than a party, or the attorney or counsel of a party, except by order of the court. (Emphasis supplied)

To harmonize the directive of DRL 235(1) to prevent disclosure of certain matrimonial documents and to further the dialogue regarding expansion of e-filing into matrimonial actions, I recommend adding to the Document Security screen, a section on matrimonial actions, similar to what there is now for confidential information and social security numbers, as an example, add the following questions for filing parties to check:

- This is not a Matrimonial Action, Annulment or Dissolution of Marriage, Action for Separation or Divorce, Child Custody, Visitation or Maintenance (22 NYCRR 202.5(c)).
- This is a Matrimonial Action, Annulment or Dissolution of Marriage, Action for Separation or Divorce, Child Custody, Visitation or Maintenance (22 NYCRR 202.5(c)) - if checked a mechanism to mark confidential.
- This is an Action which contains Matrimonial Documents e.g. contract action, writ of habeas corpus - if checked - a mechanism to mark confidential.

This improvement would, in effect, constitute a best practice, by mirroring the additional document security steps already implemented for documents containing confidential personal information - a duty of the filing party.

Providing this level of document security for e-filing matrimonial documents, which the law directs the court not to disclose (except to specified parties, attorneys or others authorized by court order) would be a very important and in my opinion, a necessary NYSCEF update. Furthermore, the addition of search terms of key words to identify a matrimonial action could be implemented to flag documents which are filed but have not been identified as matrimonial cases. This improvement could likewise prevent or minimize inadvertent disclosure of matrimonial documents to unauthorized parties, the public and the media.

Thank you for the opportunity to comment on the current success of e-filing in Kings County, and to contribute my thoughts regarding improvements to further enhance NYSCEF.

Request for comments re: New York State Courts Electronic Filing Program

From: MStrickland@co.livingston.ny.us [mailto:MStrickland@co.livingston.ny.us]

Sent: Thursday, March 23, 2017 2:39 PM

Re: Follow-up: Request for comments re: New York State Courts Electronic Filing Program

Good afternoon Jeff:

I have no comments. Things are going very well and we look forward to the future!

Mary F. Strickland
Livingston County Clerk
6 Court Street Room 201
Geneseo, New York 14454
(585) 243-7010

Appendix F



Office of the County Clerk

Monroe County, New York

Adam J. Bello
County Clerk

Jeffery L. McCann
Deputy County Clerk

March 23, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
60 Centre Street, Room 629
New York, New York 10007

Re: Monroe County E-Filing

Dear Justice Marks:

I am writing to submit my comments on the progress of E-Filing in Monroe County. As you know, we commenced voluntary E-Filing of civil cases on January 18, 2017, pursuant to your Administrative Order AO/24/17.

At the submission of these comments, the Monroe County Clerk's office has issued over 300 E-File index numbers to new electronically-filed cases ranging in case types from medical malpractice to money judgments. My office has found E-Filing to be easy, expedient, and has had a positive impact on the work flow for our staff.

In addition to the impact on Clerk staff, members of the media and the public have applauded the accessibility of documents filed through the New York State Courts Electronic Filing (NYSCEF) website. An important function of the Clerk's Office is to make public records more accessible and readily-available. Online access to electronically filed records allows for remote viewing, and reduces the need to use microfiche and other obscure media. E-Filing has assisted greatly in this endeavor and, as time progresses, I look forward to more users initiating their casework electronically.

I would also like to commend the United Court System's staff for their assistance and partnership in implementing this program. Jeffrey Carucci and the NYSCEF Resource Center have been invaluable resources for any questions that arise about types of filings, document types and monetary transactions. Thanks to their diligence and expertise, we were able to uncover and end the assessment of a fee improperly applied to certain transactions. Without the constant support of the Staff and their willingness to walk through new concepts, E-Filing would not be as successful as it is today and we would not have found the erroneous fee structure utilized by the previous administration.

I look forward to the next stages of E-Filing and to increasing my own outreach efforts so that more attorneys and staff are familiar with the ease of which these transactions can take place. Thank you for allowing me this opportunity to comment and for your steady support of improving business in Monroe County. If I may be of any assistance to you as this process continues, please do not hesitate to call upon me.

Sincerely,

Adam J. Bello
Monroe County Clerk

101 County Office Building • 39 West Main Street • Rochester, N.Y. 14614

(585) 428-5177 • fax: (585) 428-5447 • www.monroecounty.gov • e-mail: mcclerk@monroecounty.gov

Appendix F

March 17, 2017

Mr. Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007

RE: New York State Courts Electronic Filing Program

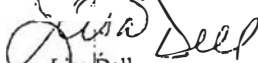
Mr. Carucci,

After being in office for over a year now, I can absolutely say that the biggest advantage of e-filing is that it increases efficiency to our customers and the office staff. E-filing has been proven in our office that it requires less people to do the work. In fact I was able to reduce my staffing levels through attrition in 2016 and not have to replace those positions. This is a direct cost savings for our taxpayers.

Another tremendous benefit is that e-filing reduces the storage of paper in our office. We are overwhelmed with massive amounts of paper and even pay for outside storage. We are moving into the digital age with a new electronic management system being installed in our office this year where every piece of paper filed or recorded will be imaged and those public records will be immediately accessible. I would strongly encourage that there be mandatory e-filing on everything that is allowable, including criminal matters. I would also like to see more counties not only get into e-filing but expand into mandatory e-filing.

I am very pleased to say that my office has an excellent working relationship with our court system here in Onondaga County and I look forward to continuing to work with them and all parties involved with this process.

Very Truly Yours,


Lisa Dell

Appendix F



Queens County Clerk
Clerk of the Supreme Court
Commissioner of Jurors



Audrey I. Pfeffer
*Queens County Clerk
Clerk of the Supreme Court &
Commissioner of Jurors*

Alexis Cuffee
First Deputy County Clerk

Ruth Deutsch
Second Deputy County Clerk

March 15, 2017

Francis K. Kenna, Esq.
Chief Deputy County Clerk

Jo Ann Shapiro
Second Deputy County Clerk

Jeffrey Carucci
Office of Court Administration
60 Centre Street
New York, NY 10007

Alexandra Zervopoulos, Esq.
Counsel to the County Clerk

Dear Mr. Carucci,

Queens County has been very satisfied with the implementation of mandatory electronic filing in foreclosure, medical malpractice and commercial matters and hopes that the order requiring mandatory electronic filing in residential foreclosure actions in Queens County, due to expire this summer, is extended and made permanent as it has been very successful. Queens County also looks forward to the further expansion of electronic filing to tort actions as well as other case types in the near future. Mandatory electronic filing has proven to be very cost-effective. It has greatly reduced the number of paper filings in the system, conserving staff time, storage, paper and printing costs.

Additionally, electronic filing promotes greater convenience to its users and the public. It provides instant access to court records without the need to come into the courthouse. Users and the public are able to commence actions, file and view court documents from their own computers even in off hours, weekends and snowstorms.

There is a constant collaboration between our county and the New York State Courts Electronic Filing Resource Center (NYSCEF) to continuously improve and enhance the system. NYSCEF is always willing to address any concerns and provide improvements to the system. We look forward to continue working with NYSCEF to expand mandatory electronic filings in all case types in Queens County.



Very Truly Yours,
Audrey I. Pfeffer
Audrey I. Pfeffer
Queens County Clerk

EXECUTIVE OFFICE: 88-11 Sutphin Boulevard, Room 805, Jamaica, New York 11435, (718) 298-0601
89-17 Sutphin Boulevard, Room 244, Jamaica, New York 11435, (718) 262-7223
120-55 Queens Boulevard, Room CJ1, Kew Gardens, New York 11415, (718) 298-0621
25-10 Court Square, Room B58, Long Island City, New York 11101, (718) 298-0624

Appendix F

PAUL PIPERATO
County Clerk



COUNTY OF ROCKLAND
OFFICE OF THE COUNTY CLERK

1 SOUTH MAIN STREET - SUITE 100
NEW CITY, NEW YORK 10956-3549

Phone # (845) 638-5070

Fax # (845) 638-5647

E-Mail: piperatp@co.rockland.ny.us

Website: rocklandcountyclerk.com

Deputy County Clerks

Donna Gorman Silberman
Jamie Maria Graham
Joseph Alongi

March 13, 2017

Mr. Jeffrey Carucci
Statewide Coordinator for E-Filing
New York State Unified Court System
New York County Courthouse
60 Centre Street, Room 119M
New York, NY 10007

Dear Mr. Carucci:

I am pleased to provide comments about the implementation and impact of e-filing. Our positive and negative experiences have been as follows:

Positive

- Cost effective
- Saves us time by not having to shuffle and file paper documents
- Very efficient - We have been able to do more work with less staff
- There has been a lot of positive feedback from everyone that utilizes NYSCEF
- The pro-se litigants that come to our office can opt out of e-filing without incident. If a case comes in as e-filed, and a pro-se litigant wants to have the papers uploaded, we do the filing for them

Negative

- Attorneys complain that the judges still require working copies

Overall, we have been pleased with e-filing and hope that all case types will soon be mandatory.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Silberman".

Donna Silberman
Deputy County Clerk

Appendix F

COUNTY OF SUFFOLK



JUDITH A. PASCALE
COUNTY CLERK

March 11, 2017

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
Office of Court Administration
60 Centre Street
New York, NY 10007

Dear Mr. Carucci:

Thank you for the opportunity to provide comments on Suffolk County's experience with electronic filing ("E-filing") through the New York State Courts Electronic Filing ("NYSCEF") System.

2017 marked the beginning of the fifth year that Suffolk County has truly been an active E-filing county. Mandatory electronic filing of Commercial Division and medical malpractice cases began in March, 2013. Tax certiorari, foreclosure actions and other commercial and tort actions were consensual. Foreclosure actions became mandatory at the end of March, 2014. Effective December 15, 2015, the scope of mandatory case types was expanded significantly to include most case types which could be made mandatory. With additional mandatory expansions in October, 2016 and January, 2017, seventy-five percent (75%) of all new cases filed in Suffolk County are filed electronically. This is up from sixty percent (60%) as of this time last year.

On the whole, my staff, Court staff, attorneys and the public have become even more comfortable with and knowledgeable about E-filing. In an effort to further educate the public and promote the use of E-filing, continuing education seminars were presented by staff from my office, the Supreme Court and the NYSCEF Resource Center on both ends of Suffolk County. These seminars covered the expansion of the mandatory case types and the nuts and bolts of how to properly file papers. I was very pleased by how well-attended the sessions were by both attorneys and non-attorneys and the extent of positive feedback received.

Operationally, an electronic stamping program has recently been implemented to reduce the processing time of certain judgments. Coordinating functionality in our minutes system with that available in NYSCEF has allowed for a less system intensive solution. Although only in the early stages, we have already seen substantial improvement in the number of judgments able to be processed on a daily basis. Resource Center staff was of tremendous help in setting up testing and getting our system live.

Appendix F

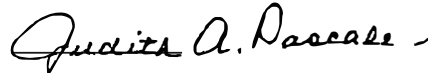
Suffolk County was an authorized mandatory county for residential foreclosure actions prior to the enactment of Article 21-A of the Civil Practice Law and Rules. This legislation specifically grandfathered Suffolk County, and a handful of other counties, permitting them to continue to be mandatory for residential foreclosures. Unfortunately, these permission sunsets on September 1st of this year. Neither I nor my staff has received any comments, calls, letters or other information suggesting any defendants did not receive proper notice, that any due process rights have been violated or any outcomes which prompted sun setting of this authorization. This is in fact the most common case in which we receive hard copy submissions from defendants. The loss of mandatory authorization in these cases could potentially lead to an up to twelve percent (12%) reduction in cases filed electronically.

It is my hope that not only will residential foreclosures and consumer credit cases be made mandatory on a permanent basis, but that the consensual only cases referred to in Article 21-A be authorized to be filed on a mandatory basis. In this way, each county can choose for itself what it wants to file electronically. It is our experience in Suffolk County that mandatory, rather than consensual, authorization significantly reduces the rate at which opt-outs are filed. For instance, a law firm which practices in both Nassau and Suffolk Counties in personal injury defense would routinely opt-out of E-filing in Suffolk but would E-file in Nassau. The difference was that torts were mandatory in Nassau and consensual in Suffolk. Since torts became mandatory in Suffolk, this firm no longer opts-out of the newly E-filed cases.

Suffolk County looks forward to further expanding electronic filing and building on the great progress already made. As you know, Suffolk County is eager to be one of the pilot counties when County Court filings are authorized. Should you have need of my assistance in this regard, please let me know.

Thank you again for the opportunity to allow this Office to share its experience with E-filing. We look forward to continuing to work together to make this program a success.

Sincerely,



Judith A. Pascale
Suffolk County Clerk

Appendix F



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

March 31, 2017

Mr. Jeffery Carucci
Statewide Coordinator for Electronic Recording
New York State Unified Court System
New York County Courthouse
60 Centre Street
New York, New York 10007

Dear Mr. Carucci:

Once again thank you for inviting my office to comment on our extremely positive experience with electronic filing through the New York State Courts Electronic Filing ("NYSCEF") system. Please feel free to include our comments in your report on electronic filing to be submitted to the Governor, Legislature and Chief Judge of the state of New York.

Electronic filing through the NYSCEF system continues to transform our business techniques here in the Office of the Westchester County Clerk. I trust you would agree the results are impressive. Our customers can choose the convenience of filing papers from their office or homes saving significant time, resources, transportation costs and creating positive effects on our environment. They appreciate the support they receive from the knowledgeable and dedicated staff at your E-filing Resource Center. The NYSCEF system continues to provide a true transparency and accountability as litigants can see exactly where documents are and who has processed them. We continue to work with your staff to make cost improvements in the allowance of movement of documents through the system, from litigants to County Clerk, Chief Clerk of the courts and judicial chambers. They arrive quickly and, yes, more accurately. Our local tax dollars are saved by eliminating the need to scan documents, enter indexing data or process payments by cash or check.

At present in Westchester, all civil actions with the exception of Article 70, Article 78, Election Law, Matrimonial, Mental Hygiene, and Name Change *must* be commenced electronically, except for those who qualify to opt-out. The electronic filing of Article 70, Article 78, matrimonial and Name Change actions are permissible but not required. We are pleased that the Office of Court Administration is supporting the mandating of matrimonial cases for those counties, including Westchester, which currently has been very successful under the permissible legislation. We remain extremely proud of the significant volume of documents entering and leaving our office electronically each day.

110 Dr. Martin Luther King, Jr. Blvd. White Plains, New York 10601 (914) 995-3080 FAX (914) 995-3172

Appendix F

In 2016, 18,293 of our 22,187 civil actions, or 82.4 percent were commenced electronically. The number of electronically submitted documents, which range from Affidavits of Service to judgments to Summons and Complaints, increased this year. In 2016, we received 374,375 documents electronically, an increase of 24,289 over last year.

Our office has experienced five years with the majority of new cases being commenced electronically and is extremely pleased and proud with the results for the following reasons:

- NYSCEF provides tremendous convenience for our customers
- NYSCEF saves taxpayer dollars
- NYSCEF is easy to learn and use
- NYSCEF is a successful green initiative

In Westchester County, the Office of the Westchester County Clerk recognized that electronic filing could bring efficiencies and cost-savings at exactly the right time. Our office has been able to achieve the following cost savings through the implementation of e-filing:

- \$ 220,000 per year for legal document scanning
- \$ 36,000 for legal document storage
- \$ 5,000 for legal file jackets
- Hundreds of thousands of dollars in personnel costs each year

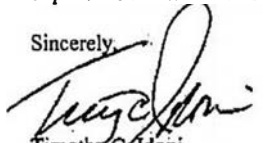
In 2016, we continued to see improvements to both the NYSCEF system and the e-filing process which supported pro-se litigants.

As to the future, the Office of the Westchester County Clerk would like to see e-filing expanded so that Election Law and Mental Hygiene cases are eligible for both voluntary and eventually mandatory e-filing. Further, we would like Article 70 and Article 78 cases to be made eligible for mandatory e-filing. We are also very supportive of the possible legislative removal of the sunset provisions for mandatory submission of residential foreclosure and consumer credit commencing coming this September. We hope that mandatory e-filing of Matrimonial cases, so successful here in Westchester as permissible, will be made so through State legislation.

NYSCEF has become a solid foundation of court administration. Our goal here in Westchester is to become a comprehensive e-filing county where our customers and partners in the courts reap the benefits of these amazing advancements.

Thank you for the opportunity to share how successful electronic filing of civil actions in the Supreme Court has been in Westchester County.

Sincerely,



Timothy C. Idoni
Westchester County Clerk

Appendix F

MAUREEN O'CONNELL
County Clerk



OFFICE OF THE COUNTY CLERK

240 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501-4249
TELEPHONE: 516 571-2661
FAX: 516 742-4099

March 22, 2017

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street
New York, New York 10007

Dear Mr. Carucci,

Please allow this correspondence to serve as a reply to your request seeking comments evaluating our experience at the Nassau County Clerk's Office with the NYSCEF e-filing program. It is my hope that this information will assist Chief Administrative Judge Lawrence K. Marks as he prepares his annual report on electronic filing for submission to the Legislature, the Governor and the Chief Judge.

As one of the pilot counties for the NYSCEF program, my office was the first statewide to work with your staff and the Department of Technology for the purpose of implementing electronic filing of Small Claims Assessment Review (SCAR) petitions. Since e-filing of SCARs launched in 2009, more than 100,000 Nassau County SCAR petitions have been filed electronically through NYSCEF. In addition, the majority of our civil filings have been comprised of consensual cases mostly in torts, contracts, consumer credit transactions and medical malpractice. Nassau has now more recently adopted mandatory e-filing in commercial, civil forfeiture, and tax certiorari case types. In fact, in 2016, e-filings surpassed paper filings in Nassau County for civil matters for the first time. The response to e-filing has been so positive that this year we are seeking to expand our mandatory e-filing cases to include torts, contracts and medical malpractice. Additionally, we are seeking to include residential foreclosure actions in our consensual e-filing cases. Along with the Tenth District's Chief Administrative Judge, Hon. Thomas Adams, Nassau County looks forward to adding these and other additional case types in the future.

The conferences you have tirelessly conducted with the court staff, county departments, and members of the Nassau County Bar Association with a view toward making enhancements, reviewing specifications, and describing programmatic changes necessary to participate, have been a model to follow as we expand mandatory e-filing in our county to include as many case types as possible. The quality of the e-filing program along with the accessibility of the outstanding NYSCEF Resource Center staff who are dedicated to the success of the program,

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continue to generate a significant amount of goodwill among the practitioners who rely on it, a direct result of the efforts of you and your team.

I want to take this opportunity to thank you for continuing to dedicate the resources necessary to make this program better every year. This has been a collaborative effort, and I am appreciative of your commitment to enhance the system, streamline filing requirements, and be responsive to the needs of practitioners, while reducing paper consumption. I hope the relationship that has developed between Nassau County and NYSCEF may continue to serve as a model throughout the state.

Sincerely,



Maureen O'Connell
Nassau County Clerk

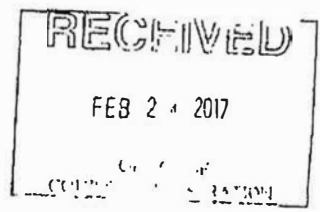
cc: Hon. Thomas A. Adams
Administrative Judge
100 Supreme Court Drive
Mineola, New York 11501

Appendix F

New York State Association of County Clerks



PM



February 15, 2017

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

RE: Pending Sunset of Permissive E-Filing - Residential Foreclosures and Commercial Credit Cases in New York Supreme Court

Dear Judge Marks:

We are writing with great concern over the possibility that current legislation allowing certain counties to require mandatory e-filing of commercial credit and residential foreclosures may be allowed to sunset without legislation that would make this permanent. We strongly urge you to support legislation that provides for mandatory e-filing of these two case types, not just in the grandfathered counties, but in all counties that request it. Allowing this provision to sunset would have a substantial negative fiscal impact in the affected counties.

In fact, mandatory e-filing in all courts where adopted has been very successful. New counties are asking to be approved by your office virtually every month. We are excited as customers have embraced the new technology as well as how it has increased the productivity and efficiency of our offices. Thousands of cases now flow through the NYSCEF system with new counties being added every three months.

We strongly urge you to support making permanent the ability for counties to require mandatory e-filing of cases. If you still have reservations, please allow the existing law to continue for those counties that have successfully implemented it to date.

We thank you for your assistance in this important matter.

Sincerely,

Bradford Kendall
President

Michael Backus
Co-Chair, Legislative Committee

Timothy C. Idoni
Co-Chair, Legislative Committee

22 Market Street, Poughkeepsie, New York 12601
Legal Division (845) 486-2120 Fax (845) 486-2138 Motor Vehicle Bureau (845) 486-2130
www.dutchessny.gov/countyclerk

Appendix F

Re: comment

Page 1 of 1

From: Mark Annunziata
Sent: Friday, March 10, 2017 5:02 PM
To: eFiling Comments
Subject: comment

Dear Jeffrey – as you know, Monroe County Surrogate’s Court has been participating in E-filing since 2010. E-filing has proven to be a much more efficient method of doing the business of the court, from the perspective of the court and those who file with the court. I simply can’t imagine returning to paper. Geoff Huth said it best, “Paper will kill the court system.” We should continue to take steps to make our e-filing system as “paperless” as possible, including amending the rule that requires the filing of a paper death certificate. Uniform Rule 207.15 gives each court the discretion to accept the digital image of the death certificate as evidence of death. The E-filing rule should be amended to comport with Rule 15. Respectfully submitted.

Mark L. Annunziata, Esq.
Chief Clerk
Monroe County Surrogate’s Court

<https://outlook.office365.com/owa/cfilingcomments@nycourts.gov/?viewmodel=ReadMes...> 3/30/2017

Appendix F

From: Deborah Kearns
Sent: Friday, March 24, 2017 4:29 PM
Subject: RE: E-Filing Input due by March 23

Albany County Surrogate's Court began its mandatory e-filing program on October 19, 2016. Since that time, we have been very involved with the local bar in assisting and promoting e-filing. The general response has been very positive, and the roll-out and implementation in Albany County has been an overall success for the staff and court users. We are extremely pleased with e-filing and it has made our court even more efficient. Some of the constructive feedback that we have received relates to frustrating technical glitches, which creates additional time for the attorneys using the system. I do not think that this is the forum to relay the technical glitches, but if you would like to hear about them I would be happy to talk with you about it. They are relatively minor complaints. We would like to see e-filing implemented for guardianships at some point in the near future given the volume of the proceedings in our court. We would also like to see e-filing more widely used amongst pro-se litigants. It saves them the time and expense of coming to the court or paying for postage and speeds up the process.

One comment I have (personally) is that I think e-filing should be mandatory in all e-filing courts. There are so many opt out provisions so that mandatory does not mean mandatory and if we let attorneys opt out easily, as it is with a consensual program, the system would not be as widely used. There is always a little resistance on the part of more seasoned attorneys, but we have been pleasantly surprised with the willingness to learn the system. I personally think for the system to be a success it has to be done under the mandatory rules.

I am not sure how helpful this is, but I hope you can take something from this.

Appendix G

Comments from Bar Associations
and Other Groups

MANAGING ATTORNEYS AND CLERKS ASSOCIATION, INC.

Timothy K. Beeken, *President*
Dennis Murphy, *Vice-President*
Owen G. Wallace, *Treasurer*
Peter McGowan, *Secretary*

Maura A. McLoughlin, *Immediate Past President*

Richard V. Conza
Henry J. Kennedy
Poppy B. Quattlebaum
Robert T. Westrom
Ira E. Wiener
Directors

Timothy K. Beeken, Esq.
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
212 909 6518
tkbeeken@debevoise.com

March 24, 2017

Mr. Jeffrey Carucci
State Wide Coordinator for Electronic Filing and
Vice Chair of the Advisory Committee on Electronic Filing
New York County Courthouse
60 Centre Street, Room 119M
New York, NY 10007

Re: NYSCEF Comments

Dear Mr. Carucci:

On behalf of the Managing Attorneys and Clerks Association, Inc. ("MACA"), I write in response to your recent invitation to comment on New York State Courts Electronic Filing System ("NYSCEF").

After receiving your invitation, I canvassed members of our association seeking comments and suggestions for improving the system. As you know, our members are attorneys and clerks in middle to large firms who are heavy users of electronic filing in courts in New York and around the country. They are good judges of the effectiveness and ease of use of electronic court filing systems. The responses I received from our members were uniformly positive. They give NYSCEF high marks in usability and reliability; as one member commented, "the system is never down!"

Our members are eager for the commencement of e-filing in the Court of Appeals and Appellate Divisions. As we previously have written, we also continue to be interested in the further expansion of NYSCEF to all courts in New York, including County and Surrogate's courts as well as local courts such as the NY City Civil Court.

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Appendix G

I did receive a few specific suggestions from our members. One suggestion is to allow filers to combine motion sequence numbers when filing papers that are responsive to more than one motion and/or cross motion. Such a change would reduce multiple filings of the same document in the same action. Another suggestion is to change the initial filing screen to provide for the commencement of special proceedings. As it stands now, the initial filing screen contemplates only a law action, *i.e.* plaintiff and defendant. Consequently, if a bank dissolution proceeding is commenced, for example, a name needs to be added to the defendant field in order to proceed with the filing even though there is no defendant in the proceeding.

Most importantly, we are continually impressed with the extraordinary work you and your staff are able to accomplish with the very limited resources available to you. Operating out of a small space in the New York County Courthouse with few staff but responsibilities that extend from Niagara Falls to the Montauk lighthouse and from Staten Island to Essex County and beyond, you are able to keep NYSCEF running and running well. We thank you for that and urge that the Office of Court Administration provide you with necessary resources to expand your operation to meet the court system's growing needs as more and more courts come on line.

We are grateful for this opportunity to comment on NYSCEF. Should you need any further comments or clarification of the contents of this letter, please do not hesitate to contact me.

Respectfully,

s/Timothy K. Beeken

Counsel & Managing Attorney,
Debevoise & Plimpton LLP

Reply all | Delete Junk |

Comments on e-filing from the Richmond County Bar Association

CC Chris Caputo <chris@ccaputo.com>
Thu 3/23, 1:30 PM
eFiling Comments

Reply all |

To Whom It May Concern:

This email is sent in response to your invitation seeking comments on e-filing. I have asked our membership to give me their unfiltered opinions so that I could report back. In summary, the comments were overwhelmingly positive. Most attorneys loved the ease of filing which now removes the requirement of physically going to the Courthouse. Further, the ability to access e-filed documents from your office computer is extremely convenient and efficient. There were some negative comments which were mostly reflected by more seasoned or veteran practitioners who believed the process was "complicated" and "technology without improvement". I would venture to say that those comments were not only in the severe minority but were also made on behalf of attorneys who are not the most versed in using a computer, email, etc....

One overwhelming comment made by all those who responded was that the practice of requiring "working copies" of motions to the Judges seems to defeat the purpose of e-filing in the first place. Maybe the system can be improved in the near future to eliminate that step.

Respectfully submitted,

Christopher Caputo
President
Richmond County Bar Association c/o

Law Office of Christopher Caputo, PC
1860 Clove Road
Staten Island, NY 10304
Ph: 718-420-0750
Fx: 718-420-0780
Email: chris@ccaputo.com

Appendix G



ROCKLAND COUNTY BAR ASSOCIATION
337 NORTH MAIN STREET
SUITE 1
NEW CITY, NEW YORK 10956
845-634-2149

FAX (845) 634-1055
e-mail office@rocklandbar.org

March 15, 2017

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NANCY LOW-HOGAN, Ph.D.
Executive Director

Mr. Jeffrey Carucci,
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Center Street, Room 119M
New York, New York 10007

Dear Mr. Carucci:

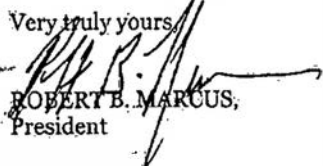
I am writing to you today both as President of the Rockland County Bar Association and also as a practicing attorney who is a devoted fan of the electronic filing system (E-filing) in the New York State Court system.

As you are probably aware, Rockland County was one of the very first to implement e-filing through the efforts of our outstanding Rockland County Clerk, Paul Piperato. I was amazed at how easy it was to make use of the system, even for a semi-illiterate computer user like myself. The simplicity and ease of use of the system has been of significant benefit in our County, where most of the practitioners are either "solo" or very small firm attorneys, who do not have in-house tech support.

I recently concluded a case in Orange County, which has only joined e-filing in the past year. I hope that is the last case I ever have to handle without benefit of the e-filing system. I was also very pleased to see that the system is being expanded into the Surrogate's Courts.

When I presented your request for comments to our Board of Directors on March 8th, I was not surprised at the unanimous vote of confidence and support given to e-filing by my fellow Board members. Hopefully, the system will continue to expand until it covers all of the courts in the State of New York.

Very truly yours,


ROBERT B. MARCUS,
President

RBM/mn

Via Email: - efilingcomments@nycourts.gov
Jcarucci@Nycourts.gov

Cc: Paul Piperato, RCC

Appendix G

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

**DEPARTMENT OF
SOCIAL SERVICES**

JOHN F. O'NEILL
COMMISSIONER

March 23, 2017

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119M
New York, NY 10007

Re: NYS Courts Electronic Filing Program

Dear Mr. Carucci,

The Suffolk County Department of Social Services (SCDSS) continuously strives to improve upon its service delivery methods. E-filing has been a welcome and efficient enhancement to assisting our clients. Two of our program areas, Family and Childrens Services Administration (FCSA) and Child Support Enforcement Bureau (CSEB), currently e-file 1027 petitions and non-TA intake initial support & paternity petitions, respectively, and would like to see e-filing expand.

SCDSS Family & Children's Services Administration:

- Suffolk County Family Court made the decision to restrict e-filing to 1027 petitions and limited emergency petitions for expiring orders.
- When the agency requests that a child be remanded to foster care, a parent is entitled to an emergency preliminary hearing under Family Court Act 1027. 1027 hearings take place when the child has been removed without a court order and no later than one day after the filing of a petition. These represent a small fraction of the orders Suffolk files every year.
- E-filing eliminates photocopying at FCSA offices; staff scans and emails the petitions to Family Court where they make the copies. FCSA would like to see e-filing expanded to all petitions including modifications and extensions.

SCDSS Child Support Enforcement Bureau:

- CSEB is currently e-filing Non-TA Intake initial support and paternity petitions.
- E-filing of petitions has many benefits for the petitioning party. Court dates are assigned immediately and are calendared approximately 3-4 weeks from the date of filing. The retroactive date of support is the filing date, so the petitioner does not miss any support due to the lag between signing the petition and the date it is logged in at court. Petitioners have been very pleased with the process.

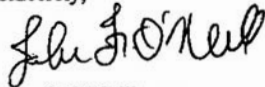
P.O. Box 18100, Hauppauge, NY 11788-8900 | www.suffolkcountyny.gov/departments/socialservices

Appendix G

Although limited, e-filings have been positive and convenient for SCDSS FCSA and CSEB. E-filed petitions are less time consuming, require fewer paper copies, and are easier to track and verify. Paper petitions require FCSA to make eight paper copies for the court, attorneys and respondents and require CSEB to make photocopies as well for the court and respondents. E-filing virtually eliminates copying and manually transmitting or hand delivering petitions.

Should you require further information or clarification, please contact Marie Buday at 631-854-9748.

Sincerely,

A handwritten signature in black ink that reads "John F. O'Neill". The signature is written in a cursive style with a large, prominent "J" and "O".

John F. O'Neill
Commissioner

Appendix G



KELLY M. WELCH
PRESIDENT

STEPHANIE BURNS
PRESIDENT-ELECT

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VICE PRESIDENT

DIANA BUNIN KOLEV
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TREASURER

P. DANIEL HOLLIS III
IMMEDIATE PAST PRESIDENT

LUIS RIVERA
EXECUTIVE DIRECTOR

Thursday, March 23, 2017

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
NYS Unified Court System
New York County Courthouse
60 Centre Street, Room 119 M
New York, New York 10007
Sent Via Email

Re: Comments on Electronic Filing Program

Dear Mr. Carucci,

Below please find the Westchester County Bar Association's comments regarding the Unified Court System's implementation and impact of the electronic filing program.

Overall, practitioners surveyed like the e-filing system and think it should be mandatory in every county in New York State. This would be consistent with a "Unified Court System". Those surveyed all agree the NYS e-filing system is much easier to use than the federal ECF system. To be able to file a lawsuit, or motion papers, at any time on any day, is very convenient.

One issue that frequently arises is that practitioners will draft one affirmation in opposition to multiple motions, if, for example, multiple defendants file motions for summary judgment. Whenever opposition to a motion is filed, attorneys have to reference, in a drop down box, the motion sequence they are filing under. So, for example, if attorneys have to file the same opposition, with Exhibits, on 3 separate motion sequences, we have to file everything 3 times. It would be preferable at the beginning to be able to select multiple motions in the drop down box, then file all opposition papers simultaneously for all motions.

Another issue occurs when attorneys forget to upload or insert the file for an Exhibit, which causes one to get an error message – but the error message won't just say that the e-filer did not insert the file that was missed. It will delete all inserted files on that "page", and users have to re-insert all other files on that page.

One North Broadway, Ste. 512, White Plains, New York 10601 ~ 914.761.3707 ~ fax 914.761.9402 ~ wcbany.org

Appendix G

An additional observation is that opting out of a case should be simpler. Just like there's a "Consent/Represent" option, there should be one for "removal" instead of having to e-mail the resource center and provide them the case name, index #, court, etc.

Lastly, some judges require "working copies" of e-filed motions, which seems to negate one of the purposes of e-filing.

Should you have any questions related to the comments above, please do not hesitate to contact the undersigned.

Kind Regards,



Luis Rivera, Esq.
Executive Director, Westchester County Bar Association

Efiling

Page 1 of 1

Reply all | Delete Junk |

Efiling

LS Lois Schwaeber <LSchwaeber@TSCLI.ORG>
Thu 3/23, 10:09 AM
eFiling Comments

Reply all |

Inbox

I am the Director of Legal Services for the Safe Center LI, Inc., a private not for profit agency working with victims of child abuse, rape/sexual assault, stalking, elder abuse, and intimate partner violence in Nassau County. Many of our clients come to our agency for legal assistance having already filed petitions in both family court and supreme court. These are mostly indigent or low income persons with limited English proficiency who are victims and who would be unable to navigate the e-filing system. I am concerned that mandatory e-filing would disadvantage these victims as well as deter them from accessing the courts and even if an exception is made for them would be disadvantaged throughout the litigation process.

Lois

Yours,

Lois Schwaeber, Esq.
Director of Legal Services
The Safe Center LI
15 Grumman Road West, Suite 1000
Bethpage, New York 11714
Tel: 516.465.4700 FAX: 516.465.4750
LSchwaeber@tscli.org
[www.tscli.org]www.tscli.org

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Appendix G

From: Thomson, Nancy (ACS) <Nancy.Thomson@acs.nyc.gov>
Sent: Wednesday, March 22, 2017 2:47 PM
To: eFiling Comments
Cc: Sputz, Alan W (ACS); Swee, Donna (ACS); Rodin, Lisa (ACS)

Subject: Comments on Family Court Electronic Filing Project

Hello. The Administration for Children's Services (ACS) appreciates the opportunity to participate in the implementation of an electronic filing system for New York State Family Courts. We understand that as ACS currently files petitions electronically in New York City Family Court, the Queens pilot project will not include filing new Article 10 cases through the New York State Court Electronic Filing (NYSCEF) system.

ACS has the following comment on the next phase of the Family Court implementation of NYSCEF that would involve all parties electronically filing supplemental documents through NYSCEF. As ACS has a large staff of attorneys in each of our offices, we need to be able to have more than one attorney have access to the electronic filings on cases. An attorney supervisor may need to receive notification of new filings on a staff attorney's case and access to the electronic file for a case if the assigned attorney is out of the office. We look forward to working with the committee to address this concern that is likely shared with other institutional providers.

Thank you for considering our comment.

Nancy Thomson | Associate Commissioner
Division of Family Court Legal Services
Phone: 212-341-2713 | Mobile: 347-882-0373
Nancy.Thomson@acs.nyc.gov

Appendix H

Comments from Unaffiliated
Attorneys and Other Individuals

Appendix H

Re: NYS efile comment

Page 1 of 1

From: Judi Angle <judi@tharboldlaw.com>
Sent: Thursday, March 16, 2017 2:41 PM
To: eFiling Comments
Subject: NYS efile comment

As a legal assistant of almost 30 years, I love the efile system. The ease and convenience of the website, as well as the extremely less amount of paper used in litigation, is very encouraging. The fact that service upon all parties through the file system is automatically procured is also a very helpful benefit. I cant wait for the remaining counties to get on board! I'm actually surprised that there are counties still pushing paper! Keep up the great work!

From secretaries across the State, I thank you.....
Judith Angle

Re: E-Filing comments

Page 1 of 1

Sent: Monday, March 13, 2017 1:37 PM
To: eFiling Comments
Subject: E-Filing comments

Jeffrey – I have been e-filing since Erie County Surrogate's Court was mandatory and now also file in Chautauqua, Cattaraugus & Allegany counties. Aside from a couple of very small glitches, the program runs very well and I prefer to use it over paper filing. It doesn't necessarily save much office time, but the knowledge that the documents are almost instantaneously filed and we don't have to make separate copies for the file is a great improvement. I cannot imagine anyone not e-filing, it is just that much more convenient and efficient.

Kameron Brooks
Brooks & Brooks, LLP
207 Court St.
Little Valley, NY 14755
(716) 938-9133
kbrooks@brookslaw.biz

Appendix H

Re: Commentary

Page 1 of 1

From: Robert Cohen <bob@midtel.net>
Sent: Thursday, March 16, 2017 11:28 AM
To: eFiling Comments
Subject: Commentary

I have been using the federal electronic filing system for the past decade or so and find the process to be light years ahead of the non-electronic filing era. The logistics are simple and can be mastered with a single CLE style forum. Anyone familiar with the federal system would have no problem immediately assimilating to a state system. The time and expense would be tremendously scaled down with savings to both clients and attorneys, allowing for a greater degree of representation to the public and, in particular with indigent clients. There have been no problems with security and the global advantages have been extremely helpful to this writer as a solo practitioner with no paralegals or other employees. I feel that the immediate deployment of an electronic filing system at the state level would be one of the greatest innovations in memory, particularly with the pending budget slashing in Washington.

Re: ELECTRONIC FILING PROGRAM

Page 1 of 1

From: Dina Farinaro <dina@ajlounyinjurylaw.com>
Sent: Monday, March 13, 2017 3:40 PM
To: eFiling Comments
Subject: ELECTRONIC FILING PROGRAM

My name is Dina and my comment on the Electronic filing program is as follows:

1. I have been a paralegal since 1996 and the electronic filing program is wonderful with the exception of one thing.....The judges. Most if not all require working copies so the system negates itself because we still have to print and mail documents to defendants and/or judges.
2. When you file an RJI you cant just upload it you have to fill out the Court System RJI so in essence firms have to do two RJIs.

Thank you in advance for your time and attention to this matter.

Dina E. Farinaro
Paralegal to Salvatore A. Asaro, Esq.

Paul Ajlouny & Associates
320 Old Country Road, Suite 205
Garden City, New York 11530
Phone (516) 535-5555
Fax (516) 535-5556
dina@ajlounyinjurylaw.com

Appendix H

Re: E-filing comments

Page 1 of 1

From: nylawai@aol.com <nylawai@aol.com>
Sent: Wednesday, March 22, 2017 10:30 AM
To: eFiling Comments
Subject: E-filing comments

Dear Sir or Madam:

As a small law firm of 2 attorneys, we have found the e-filing system extremely beneficial. It saves time, postage and enormous amounts of natural resources, especially in cases with voluminous motions and several parties to serve. The system allows us to confirm that opposing counsel were served with papers and allows easy retrieval of filed documents.

If you have any questions or require additional information, please contact us.

Thank you.

Very truly yours,

Susan Davis, Esq.
The Law Offices of Anthony Iadevaia
1932 Second Avenue
New York, NY 10029
Tel. 212-996-8700
Fax 212-996-4235

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Appendix H

Re: Pro Se Efiling Support

Page 1 of 1

From: esub <esub@adayton.com>
Sent: Sunday, March 5, 2017 6:01 PM
To: eFiling Comments
Subject: Pro Se Efiling Support

The present pro se site REQUIRES an existing or future case / case ID for registering an e-file ACCOUNT.

There needs to be a e-file account registration to validate associated support persons or organizations [Non-Attorney] that assist pro se litigants Such as " friend of Court " , counselors, paralegal clerk/typists, ombudsman, and other such individuals or entities that provide non Attorney assistance in supporting Pro Se individuals in activities related to e-file submissions. These support entities need account registration for contact purposes [vetting] and e-mail validation but should not at account registration require an case ID. Case ID would be supplied at the time of each particular e-file submittal.

Regards,

Alfred Dayton

<https://outlook.office365.com/owa/efilingcomments@nycourts.gov/?viewmodel=ReadMes...> 3/30/2017

Appendix H

Comment on E-filing

Page 1 of 1

Reply all | Delete Junk |

Comment on E-filing

MI Marc M. Isaac <misaac@mmipllc.com>
Yesterday, 10:13 AM
eFiling Comments

Reply all |

Inbox

Dear Madam or Sir:

I writing to comment with respect to e-filing. One issue that I have had is that etrack, which provides notices of future court appearances, and e-filing are separate systems. You need to sign up separately to receive future appearance notices in etrack for cases that are e-filed via NYSCEF. I would hope that, in the future, the systems would interface so that a filer receives notices for future appearances for every e-filed case without having to also enter the case into etrack.

Sincerely,
Marc M. Isaac

Law Office of Marc M. Isaac PLLC
23 South Main Street, Suite 30
Freeport, NY 11520-3603
(516) 750-1422 (phone)
(866) 342-2903 (fax)
[www.mmipllc.com]www.mmipllc.com
[misaac@mmipllc.com]misaac@mmipllc.com

<https://outlook.office365.com/owa/efilingcomments@nycourts.gov/?viewmodel=ReadMes...> 3/30/2017

Appendix H

comment on eFiling

Page 1 of 2

comment on eFiling

RL Robert M. Lefland <rml@Jacobowitz.Com>
Fri 3/10, 4:46 PM
eFiling Comments

Reply all |

Inbox

I am a 61 year old civil litigation practitioner. I graduated law school just as Westlaw was being introduced on those very slow modems. While I enjoy reading and holding a book, as you can tell from this missive I use technology. I often tell clients and non-lawyers that we in the profession, and the courts in particular, have been slow to adopt technology. Paper still overwhelms the office and practice of law still requires many trees to be cut.

E-filing has been the notable exception and a welcome one. It has generally been a boon to the practice, making it more convenient. While the lawyers sometimes seem to be an afterthought when utilization of the court system is concerned, this has made litigation more streamlined and is a benefit to counsel. The ease of filing is very helpful and has brought the civil litigation system somewhat into the 21st century. Even the e-filing website seems intuitive. By the way, those folks tasked with answering questions by phone and email have been very helpful often with the patience of a saint; good for them.

Now the comments.

One issue is with the NYS Uniform Court Rules v. the completely Ununiform Rules of the IAS judges. A second is with the uncertainty with filing in efiled cases. A third is with what is generated by the system.

While the pleadings must be filed in certain actions in certain counties, and service of the answer by eFiling is service on any party that has appeared, can I e-file discovery demands? And if so, does that effect service on all appearing parties? It is unclear, at least to me. Can I e-file my response to discovery demands in e-filed cases? And if not, why not? Cutting down on expenses and saving trees is desired. Also, electronic notices can be confusing when the red entry doesn't give new information. [After typing that, I received an email notice about a case with NO red markings but indicating it was the first electronic notification; it wasn't.] Finally, I recently e-filed a motion to be relieved. Before the Order to show cause to be relieved was signed, my adversary had submitted a letter to the judge explaining his objections. When did that become allowed? Perhaps updates to the CPLR to clarify and codify is in order.

The Uniform vs. Ununiform Rules is next. As e-filing goes forward, some judges have written rules, some don't. Some address e-filing, some don't. Some require hard copies of e-filed documents, some don't. The permutations go on. It is difficult enough for lawyers to go between departments and the Rules; it is much more complicated when within a given courthouse, one

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comment on efilng

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judge requires something that the judge next door does not. Perhaps updates to the CPLR to clarify and codify is likewise in order.

I hope to still be practicing when the entire state is electronic [what's with the years-long roll out?], paper kept to a minimum and perhaps someone can even invent a method of conducting some court conferences by telephone!



Robert M. Lefland

Senior Counsel
Jacobowitz & Gubits, LLP
158 Orange Avenue
Walden, NY 12586
[845] 778-2121 ext 262
Fax [845] 778-5173
rm1@jacobowitz.com

Appendix H

Re: Comments on E-Filing

Page 1 of 2

From: Erin Lloyd <el@lloydpatel.com>
Sent: Friday, March 17, 2017 1:06 PM
To: eFiling Comments
Subject: Comments on E-Filing

Dear Mr. Carucci,

I would like to share my experience with the e-filing system.

I was a court attorney for about five years prior to entering private practice as a solo and now small firm attorney. As a court attorney, I experienced the rollout of e-filing but until I moved to the commercial division with Judge Kapnick in 2010, only engaged with e-filing sporadically. When I was there, the biggest issue with e-filing was with getting folks to deliver courtesy copies so that we had physical copies to work with. We often had to print our own copies out which, of course, meant that they weren't properly bound, etc. Otherwise, it was wonderful because we knew that parties would be immediately alerted to anything posted.

As a practitioner, I want to plead with the court to expand e-filing as quickly as possible and be as aggressive as you can be in getting judges and litigants on board. It makes every single aspect of practice easier. I do not have to keep original motions in my office for years because I have the electronic versions; even if I misplace a document, it is online and can be easily retrieved without having to go to court or pay someone else to go to court and get a copy. When I file something through e-filing, service is automatic and except in some exceptional circumstances, I do not bear (or more correctly, my clients do not bear) the added expense of separately serving documents.

I recently litigated a case in Suffolk County, which would have been prohibitively challenging logistically if it weren't for e-filing, because the time and expense of having someone file everything we needed or pull everything we needed would have meant the client would have had to find a local attorney.

Additionally, the e-filing system allows attorneys to research prior cases involving a party more efficiently and to pull documents without burdening the clerk's office. This has reduced my overhead and allowed me to keep my fees more reasonable, thereby affording more access to my services for people who may not otherwise be able to afford it.

My biggest suggestion is that as e-filing becomes more prominent and clerks in the motion support office are freed up from processing the physical files, it seems to me that if a judge wants courtesy copies of an electronically filed document, the motion support office could designate clerks to compile and deliver courtesy copies. It is often difficult to understand the purpose of electronic filing by litigants in circumstances where I still have to print one or more courtesy copy and deliver it to the court. For example, just today I had to deliver a courtesy copy of a motion per a judge's rules no less than 48 hours in advance of oral argument; however, my reply papers are not due until the day before oral argument, so this courtesy copy rule just reduced the time I have for my reply papers pursuant to the CPLR by more than 24 hours, not to

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Re: Comments on E-Filing

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mention the time and expense that my client could have avoided paying for just for us to get the physical copy to the courthouse.

Thank you for your time and consideration.

Best,

Erin Lloyd, Esq.
Lloyd Patel LLP
el@lloydpatel.com

****PLEASE NOTE OUR NEW ADDRESS****

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New York, New York 10006
Ph: (212) 729-4266
F: (212) 729-4299

www.lloydpatel.com

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Re: Comments- User manual

Page 1 of 1

From: Harold May <HMay@NapoliLaw.com>
Sent: Friday, March 17, 2017 11:34 AM
To: eFiling Comments
Subject: Comments- User manual

Trying to update our files.
The NYSCEF user manual online has no page numbers nor has an index anymore.
?
Very non user friendly.

Harold May

From: McMurry, Scott A.

Sent: Friday, March 10, 2017 2:35:30 PM (UTC-05:00) Eastern Time (US & Canada)

To: eFiling Comments **Subject:** Comments on ECF

It would be helpful to allow attorneys to login using their registered email address, in addition to their username (reg. no.)

Thanks,

Scott

Scott McMurry MAYER ♦ BROWN
Tel: +1 212 506 2216
Fax: +1 212 849 5656
1221 Avenue of the Americas
New York, NY 10020-1001
smcmurry(5@maverbrown.com)
www.maverbrown.com

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From: McMurry, Scott A. <SMcMurry@mayerbrown.com>

Sent: Friday, March 10, 2017 2:36 PM

To: eFiling Comments Subject: RE: Comments on ECF

It would be helpful to allow attorneys to e-file in NY Family Courts, assuming a system could be put in place to keep such filings confidential.

Thanks, Scott

Scott McMurry

MAYER ♦ BROWN

Tel: +1 212 506 2216 Fax: +1 212 849 5656

1221 Avenue of the Americas New York, NY 10020-1001

smcmurry@mayerbrown.com

www.mayerbrown.com

From: Robert Miletsky

Sent: Thursday, March 16, 2017 3:22:24 PM (UTC-05:00) Eastern Time (US&Canada)

To: eFiling Comments Subject:

RE: E-Filing Comments

Mr. Carucci:

Thank you for your response. I did want to pass along one other issue that I recently had (and forgot to mention). If we make a mistake (for example, forget to describe the category document being filed) the system will return to the previous page and highlight the mistake, but remove all the pdfs that had been attached. That can be cumbersome if we are filing a motion with numerous exhibits. Those exhibits then have to be uploaded again. Does the system have to delete the attachments when it returns to a prior page?

Robert J. Miletsky, Esq. Contributor:

Expert Commentary - Construction Law:

International Risk Management Institute, Inc. (IRMI.com)

Former Editor and Writer: Contractors Business Management Report

Appendix H

Re: E-Filing Comments

Page 1 of 1

From: Robert Miletsky <rjmiletsky@rjmiletsky.com>
Sent: Tuesday, March 14, 2017 12:31 PM
To: eFiling Comments
Subject: E-Filing Comments

Good afternoon Mr. Carucci:

Just a few comments on the e-filing system. The system has gotten much easier to use. It is becoming a very convenient way to do business – even better than the Feds. I have just a few comments:

1. Filing a Notice of Petition and Petition. I have not filed these in a while, but I recall issues with how the menu was set up for these documents. If I recall, you could not file the Notice of Petition separate from the Petition – and it was an issue. However – I apologize, since I have not filed these papers recently and do not recall the exact issue – but I recall it being challenging to get these filed.
2. Motion Support procedures. It seems like each County has a different procedure for answering the calendar once a motion is e-filed. It would be much easier if there were a uniform system for all counties. I know you can't control this, but it is frustrating dealing with different rules for each County.
3. Working copies. I thought the idea was to go paperless. Now it is more cumbersome since we have to spend time e-filing motion papers and still make copies for the Parts that want working copies. In addition, Judges (and Motion Support Parts) seem to have different rules on how and when to submit working copies. It would be better to have one rule fit all. Good luck with that.

Thank you

Robert J. Miletsky, Esq.
Contributor: Expert Commentary - Construction Law:
International Risk Management Institute, Inc. (IRMI.com)

Fmr Editor and Writer: Contractors Business Management Report

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Appendix H

JAMES MONTGOMERY, ESQ., PLLC
Attorneys-at-Law

267 Fifth Avenue, Suite SB-100
New York, NY 10016
Tel: 212.889.9828 Fax: 212.889.9818

New York; England (barrister)

Mar. 17, 2017

VIA U.S. MAIL

Jeffrey Carucci
Statewide Coordinator for E-Filing
60 Centre Street, Room 119M
New York, NY 10007

Dear Mr. Carucci:

I am a solo practitioner and a firm supporter of the e-filing system in civil matters. I would like to see the elimination of all paper copies apart from at trial, when obviously jurors need to see exhibits, etc. The changes I would like to see and the reasons for them are set out below:

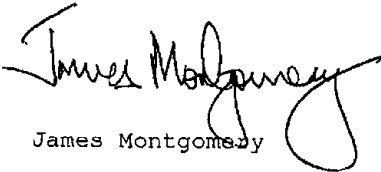
1. Abandonment of paper/working copies: I believe it is now time to embrace e-filing fully and for the system no longer to require judges be provided with working copies, other than when papers are required for trial. To provide working copies is an expensive, substantial duplication of effort and a waste of time. If judges want printed copies then the motion fee could be increased to cover the cost of production of copies by court staff.
2. Abolish the procedural requirement to re-file exhibits on successive motions, etc.: At the moment, for example, one has to re-file the previously filed pleadings on a motion for summary judgment. This is silly, antiquated and I expect clogs up the NYS Court server. I suggest that it should be sufficient to refer back to any previously filed document via its "document number" on the e-filed document

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list. A party or attorney could simply refer to a list of previously filed documents via their document numbers, rather than re-submitting the same documents over and over again. This would represent an obvious saving of time and effort.

3. Abolish county by county distinctions: We still have many distinctions in procedure by county, which is frankly absurd. For example, Room 130 in NY County operates a pretty streamlined system but that cannot be said for Queens, where one has to go and sit in the Centralized Motion Part on the return date and wait up to an hour, just to hand in hard copies, even on an e-filed case! It is totally at odds with any modern, rational approach to running the courts to require thousands of work hours to be wasted every day of the week just to hand in paper.
4. Criminal cases: I am against the extension of the e-filing system for the same reasons it does not exist in divorce cases - individual privacy. Prior to conviction, a person's prosecution should not be made public, discoverable information. Criminal defendants should enjoy the same privacy as parties in divorce proceedings, I respectfully suggest. I remain,

Sincerely,



James Montgomery

Appendix H

RE: Efiling Comments

Page 1 of 1

From: David Pincus <david@malaperoprisco.com>
Sent: Monday, March 20, 2017 4:44 PM
To: eFiling Comments
Subject: Efiling Comments

Dear Sir/Madam:

Thanks so much for the opportunity to comment on the experience of Efiling.

My one major comment has to do with the difficulty in determining the full service list(s) for all participating parties.

As ECF is such an efficient tool for the filing of legal documents (and so well-administered by the various counties' Support Staff – I am continually amazed at their general good nature and helpful attitude!), it would be so helpful to be able to find, on one page or location, the full service list for any particular matter. This list would include names of attorneys, firm names, parties that are being represented, email and phone number contact info. On large cases it is sometimes very difficult to maintain an accurate service list, and if ECF made the compiling of that information a bit easier, so much time would be saved in Law Offices throughout the City.

Again, congratulations on creating and administering such an efficient system that is easy to use (The Federal Courts have much to learn from you!!!).

All my best,

David M. Pincus
Legal Secretary
MALAPERO & PRISCO LLP

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Appendix H

e-Filing Comments

AJ Anthony Pirrotti Jr. <anthony@pirrottilawfirm.com>
Thu 3/23, 8:03 PM
eFiling Comments; Alan Scheinkman

Reply all |

Dear Mr. Carucci:

My personal comments about e-filing are as follows:

1. The system is generally excellent.
2. If we all sign on to e-filing, a "Court Notice" of Preliminary Conference should only have to be mailed by the plaintiff if there is a party that is not represented or proceeding pro-se that did NOT sign on to e-filing. If all parties are represented and everyone agreed to e-filing, there should be no mailing required by the plaintiff; it defeats the purpose of e-filing.
3. If we want to submit a document under "seal", there is no way to do this. For instance, let's say we submit an Order to Show Cause to Compromise an Action in a medical malpractice case, and the terms are confidential, we can't upload it under seal.....we have to send it to the Court in a working copy/hard copy format, which defeats the purpose of e-filing. We should be able to submit the OTSC under seal and if the Court disagrees with the filing under seal, then it can make it public. However, under the current system, the Court has to scan it in itself, or call the plaintiff's lawyer to have them e-mail it to the Court, and then the Court has to upload everything, which must be very time consuming for the Court...let the attorneys do the work and upload it under seal, and if the Court disagrees, it is easier for the Court to "un-seal" the OTSC, in my opinion.

Other than as set forth above, we think the e-filing is great.

Best regards...Anthony
Anthony Pirrotti, Jr.
Pirrotti & Glatt Law Firm PLLC
2 Overhill Road, Suite 200
Scarsdale, New York 10583
phone: (914) 723-4333
fax: (914) 723-4838

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* Selected Top 25 Lawyers in Westchester Area by *Super Lawyers*®, 2012, 2013, 2014, 2015 & 2016

* Selected for inclusion in Metro New York *Super Lawyers*® 2007, 2010, 2011, 2012, 2013, 2014, 2015 & 2016

Comments

RC Romanelli, Chris <CRomanelli@weitzlux.com>
Fri 3/10, 1:19 PM
eFiling Comments

Reply all |

Flag for follow up. Start by Thursday, March 16, 2017. Due by Thursday, March 16, 2017.

My experience with the State of New York's electronic filing system has been – in a word – wonderful.

It is easy to use to initiate a case. It is easy to file various types of documents.

It has been a pleasure.

Chris Romanelli
WEITZ & LUXENBERG, PC
700 Broadway, 7th Fl.
New York, NY 10003
(212) 558-5815

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Re: 2017 Annual Report on Efiling_public comments

Page 1 of 1

From: Minerva Sabas <paralegal@gzmlaw.com>
Sent: Tuesday, March 21, 2017 6:18 PM
To: eFiling Comments
Subject: 2017 Annual Report on Efiling_public comments

Dear Mr. Carucci:

Thank you for this opportunity to provide feedback concerning our firm's utilization of NYSCEF.

It is easy to use and has become more efficient and user-friendly each passing year.

However, I hope your office will be able to address one practical problem, that is, how to automatically remove a party from email distribution lists once that party is no longer in an action.

I observed some parties successfully removing themselves from email distribution once they were dismissed in New York County/Supreme Court. So, I attempted to get our office removed from a case in Bronx County/Supreme once we filed a stipulation of discontinuance. Unfortunately, we continue to receive notifications in that case.

All in all, e-filing is a great thing. Keep up the good work!

Minerva Sabas
Paralegal
Guararra & Zaitz LLP
1185 Avenue of the Americas, 18th Floor
New York, NY 10036
212-696-9190

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Re: Notice Seeking Comments on Electronic Filing Program,

Page 1 of 1

From: Janine Segalini <janineonly@gmail.com>
Sent: Wednesday, March 8, 2017 10:06 AM
To: eFiling Comments
Subject: Notice Seeking Comments on Electronic Filing Program,

Dear Sir/Madam:

In response to the Notice Seeking Comments on Electronic Filing Program, I am a secretary at a law firm.

I find it very time-consuming to upload documents individually, i.e. Notice of Motion, Affirmation in Support, Affirmation of Good Faith, Exhibits, and affidavit of service.

It is also time-consuming and annoying to print each document - one at a time - and then compile it together in office and hope that we printed and assembled all correctly - especially when it's a very large motion.

We don't submit motions on paper that way to the court - why do it in eFiling?

Just sayin'. You asked. Thanks for listening.

Janine

Re:

Page 1 of 1

From: Marie Smith <msmith@npfslaw.com>
Sent: Friday, March 10, 2017 11:14 AM
To: eFiling Comments
Subject:

I love the eFiling system. It is so convenient and easy to use. I just wish we did not also have to forward working copies to the court.

Marie Smith

Legal Secretary to John R. Ferretti, Esq.
Nicolini, Paradise, Ferretti & Sabella
114 Old Country Road #500
Mineola, NY 11501
516-741-6355

Appendix H

Re: Comments on NYS eFiling

Page 1 of 1

From: Solomon, Andrew T. <asolomon@sandw.com>
Sent: Monday, March 6, 2017 1:54 PM
To: eFiling Comments
Subject: Comments on NYS eFiling

Dear Mr. Carucci

E-filing is great. But I have three comments for improvement: (1) Eliminate the requirement for filing paper copies with the Clerk. If a judge requires a courtesy copy, the judge can request it in his rules and the copies can be sent directly. But really judges should be encouraged to cut down on papers, just as litigants do. (2) Motion for reconsideration and renewal should be able to cite to the electronic dockets only (3) What about the Appellate Division? It should have electronic filing and briefs should be available on line.

Thank you,

Andrew Solomon

Andrew T. Solomon
Attorney at Law

Sullivan & Worcester LLP
1633 Broadway • New York, NY 10019

T 212 660 3023
F 212 660 3001
asolomon@sandw.com
www.sandw.com

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Re: E-Filing comments

Page 1 of 2

From: Jonathan Wallace <jonathan.wallace80@gmail.com>

Sent: Thursday, March 9, 2017 7:00 AM

To: eFiling Comments

Subject: E-Filing comments

As a litigator in a small practice, I rely daily on the e-filing system and generally find it well designed, easy to use, and reliable. Congratulations on a great system.

There are a few changes I would like to see, ranked from major to minor.

1. Extend coverage to Civil Court, Housing Court etc.

2. Merge the WebCourts system so that E-filing also keeps track of dates. There is no reason in the long term why practitioners should have to use two separate systems to keep track of each case.

<https://outlook.office365.com/owa/efilingcomments@nycourts.gov/?viewmodel=ReadMes...> 3/30/2017

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Re: E-Filing comments

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3. You could also eventually link the court, part and judge's rules, etc.--the goal would be to be able to work in the E-file system all day rather than doing separate searches on the court's web site and elsewhere. It can be confusing to correlate all

the rules which may apply to your case--CPLR, local rules, Commercial Division, e-filing rules, etc. A "Documents List" page which also contained links to all rules applying to the particular case would be amazing.

3. On the "Document List" page, add a button for filing documents. This option only seems to exist from the "My Cases" page. The actual flow of work is that I go into the "Document List" to verify what the last activity was, then have to page back to file

my new document. So it would be a minor but meaningful improvement to be able to move directly to filing without having to hit the back arrow.

Thanks for listening!

<https://outlook.office365.com/owa/efilingcomments@nycourts.gov/?viewmodel=ReadMes...> 3/30/2017

Appendix I

Sample Notices to Interested Parties

Appendix I

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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

November 2, 2016

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing in Orange County Supreme Court

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 the mandatory e-filing program in Supreme Court, Orange County, has been proposed by the District Administrative Judge of the 9th Judicial District and the Orange County Clerk to take effect in January 2017. To date, mandatory e-filing programs have been successful in the Supreme Court in Dutchess, Westchester, and Rockland Counties. Additionally, a consensual program for e-filing in Orange County Supreme Court began in February 2016. **The following 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
- Mental Hygiene Law matters
- residential foreclosure actions as defined in RPAPL § 1304
- consumer credit transactions as defined in CPLR 105(f)
- matrimonial matters
- RPTL § 730 proceedings

As to the consensual e-filing that began in Supreme Court, Orange County in February 2016, an additional proposal by the District Administrative Judge of the 9th Judicial District and the Orange County Clerk, is to **modify the existing consensual e-filing program to include the following cases types:**

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- residential foreclosure actions as defined in RPAPL § 1304
- consumer credit transactions as defined in CPLR 105(f)
- CPLR Art. 78 proceedings
- matrimonial matters
- RPTL § 730 proceedings

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than December 16, 2016. A new page has been created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - for the purpose of providing notice to the public of proposed new or expanded mandatory e-filing programs and for the 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 expanded implementation of mandatory e-filing in Supreme Court, Orange County, 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 and paralegals may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties may schedule and advertise their own 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. Alan D. Scheinkman
Hon. Annie Rabbitt
Ronald P. Younkins, Esq.
Lynn McKelvey
John W. McConnell, Esq.
Jeffrey Carucci
Holly Nelson Lutz, Esq.

Appendix I

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

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

February 28, 2017

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Consensual Electronic Filing of Matrimonial matters in New York 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, expansion of the consensual e-filing program has been proposed by the District Administrative Judge of the 1st Judicial District and the New York County Clerk to take effect in May 2017. A successful consensual program for e-filing in Supreme Court Civil Term, New York County began in July 2016 for CPLR Article 70 and CPLR Article 78 proceedings. As of the effective date, the authorization will be to expand the consensual e-filing program to include all new matrimonial matters.

New York County has also successfully implemented in Supreme Court Civil Term mandatory e-filing in all actions with the exception of:

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- matrimonial matters
- Mental Hygiene Law matters

As always when we enter a new phase of e-filing in New York, we very much welcome the input of your members, including any specific recommendations or concerns they may have regarding e-filing in the New York State Courts. Please forward any comments to:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119M
New York, NY 1000
jcarucci@nycourts.gov

Appendix I

As we move forward with the expansion of the consensual e-filing program in Supreme Court, New York County to include **matrimonial matters**, please be assured that we will work with the local bar associations to provide the 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 provided by the staff of the E-Filing Resource Center both on-line and on-site. Attorneys in the on-site sessions receive two CLE hours 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 and other interested persons may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties may schedule and advertise their own training sessions.

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. Fern A. Fisher
Hon. Peter H. Moulton
Hon. Milton A. Tingling
Ronald P. Younkings, Esq.
John Werner, Esq.
John W. McConnell, Esq.
Jeffrey Carucci
Holly Nelson Lutz, Esq.

Appendix J

UCS Legislative Proposal

AN ACT to amend the civil practice law and rules and chapter 237 of the laws of 2015, in relation to use of electronic means for the commencement and filing of papers in certain actions and proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (A) of paragraph 2 of subdivision (b) of section 2111 of the civil practice law and rules, as added by chapter 237 of the laws of 2015, is amended to read as follows:

(A) one or more classes of cases (excluding [matrimonial actions as defined by the civil practice law and rules,] election law proceedings, proceedings brought pursuant to article seventy or seventy-eight of this chapter[,], and proceedings brought pursuant to the mental hygiene law[,], residential foreclosure actions involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law and proceedings related to consumer credit transactions as defined in subdivision (f) of section one hundred five of this chapter, except that the chief administrator, in accordance with this paragraph, may eliminate the requirement of consent to participate in this program insofar as it applies to the initial filing by a represented party of papers required for the commencement of residential foreclosure actions involving a home loan as such term is defined in section thirteen hundred four of the real property actions and proceedings law and the initial filing by a represented party of papers required for the commencement of proceedings related to consumer credit transactions as defined in subdivision (f) of section one hundred five of this chapter) in supreme court in such counties as he or she shall specify], and

§2. Paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules is REPEALED.

§3. Section 2112 of the civil practice law and rules, as added by chapter 237 of the laws of 2015, is amended to read as follows:

§ 2112. Filing of papers in the appellate division by electronic means. Notwithstanding any other provision of law, and except as otherwise provided in subdivision (c) of section twenty-one hundred eleven of this article, the appellate division in each judicial department may promulgate rules authorizing a program in the use of electronic means for: (i) appeals to such court from the judgment or order of a court of original instance or from that of another appellate court, (ii) making a motion for permission to appeal to such court, (iii) commencement of any other proceeding that may be brought in such court, and (iv) the filing and service of papers in pending actions and proceedings. Provided however, [the appellate division may not eliminate the requirement of consent to participation in appeals in such a program involving matrimonial actions as defined by this chapter, election law proceedings, proceedings brought pursuant to article seventy or seventy-eight of this chapter, proceedings brought pursuant to the mental hygiene law, residential foreclosure actions involving a home loan as such term is

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defined in section thirteen hundred four of the real property actions and proceedings law and proceedings related to consumer credit transactions as defined in subdivision (f) of section one hundred five of this chapter; and] such rules shall not require an unrepresented party or any attorney who furnishes a certificate specified in subparagraph (A) or (B) of paragraph three of subdivision (b) of section twenty-one hundred eleven of this article to take or perfect an appeal by electronic means. Provided further, however, before promulgating any such rules, the appellate division in each judicial department shall consult with the chief administrator of the courts and shall provide an opportunity for review and comment by all those who are or would be affected including city, state, county and women's bar associations; institutional legal service providers; not-for-profit legal service providers; attorneys assigned pursuant to article eighteen-B of the county law; unaffiliated attorneys who regularly appear in proceedings that are or have been affected by the programs that have been implemented or who may be affected by promulgation of rules concerning the use of the electronic filing program in the appellate division of any judicial department; and any other persons in whose county a program has been implemented in any of the courts therein as deemed to be appropriate by any appellate division. To the extent practicable, rules promulgated by the appellate division in each judicial department pursuant to this section shall be uniform.

§4. Section 11 of chapter 237 of the laws of 2015 is amended to read as follows:

§11. This act shall take effect immediately; provided that sections four, five, six and seven of this act shall each expire and be deemed repealed September [1, 2019; and provided that paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, as added by section two of this act, shall expire and be deemed repealed September 1, 2017] first in the second calendar year following the year in which rules authorizing a program in the use of electronic means as permitted under such section first take effect.

§5. This act shall take effect immediately.

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