

Electronic Filing
in the New York State Courts

2020

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

E-FILE

Electronic Filing
in the New York State Courts

2020

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

"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"



Chief Judge Janet DiFiore
Chief Judge of the Court of Appeals
and of the State of New York

Preface

February 13, 2020

I am pleased to submit this Report[1] on the status of New York State's electronic filing ("e-filing") program.

The success of this program has been the result of a group effort, and I want to acknowledge our many partners, including the bar, the County Clerks, and the Advisory Committees that have helped shape this program and ensure that it is responsive to the needs of all e-filers. I also want to thank the Legislature and the Governor for their significant support of the e-filing initiative of years past, and for considering the further legislative actions recommended herein to enable New York to make the best use of e-filing, and in a manner that best meets the needs of the bench, the bar, the County Clerks and, the People of New York.



Hon. Lawrence K. Marks
Chief Administrative Judge of the State of New York

1. This report complies with the mandate of Judiciary Law § 212 (2)(u)(i)(A) for an annual report that evaluates the state's experience with e-filing programs in the courts. It was prepared under the supervision of Jeffrey Carucci, Director and Statewide Coordinator of Electronic Filing in the New York State Courts, special thanks to Robert Meade, former Deputy to the Chief Clerk, New York Supreme Court, for his assistance in producing this report.

Table of Contents

I. Executive Summary 1

II. The Status of E-filing in the New York State Courts and Our Plans for the Future 3

A. E-Filing in Civil Cases 3

B. E-Filing in Criminal Cases, Housing Court, the New York City Civil Court, Family Court, and Town and Village Courts 4

1. Criminal Cases 4
2. Housing Court Cases 6
3. Cases in the New York City Civil Court 6
4. Family Court Cases 6
5. Town and Village Courts 7

C. Exemptions from E-Filing 7

1. Unrepresented Litigants 7
2. Attorneys 8

D. Improvements to Software and Productivity Enhancements 9

E. Training and Outreach to the Bar 10

III. The 2020 Report: Consultation, Outreach, and Input 11

A. Consultation and Outreach 11

B. Input Received and Responses Thereto 11

1. Overview of the Responses Received 11
2. Inclusion and Posting of All Comments, Summary of Comments, and NYSCEF Replies 14

IV. Legislative Recommendations 15

A. Summary of Proposed Legislative Changes and Reasons Therefor 15

1. Restrictions on Mandatory E-Filing In Matrimonial Cases 15
2. E-Filing in Foreclosure and Consumer Credit Cases 18
3. Extension of Time — Family Court and Criminal Cases 21

V. Conclusion 23

Appendices 25

Appendix A: Judiciary's Legislative Proposal 25
Appendix B: E-Filing Advisory Committees 35
Appendix C: Letters of the Chief Administrative Judge and Notices Seeking Comment 41
Appendix D: Persons, Entities, Agencies, and Groups to which Solicitations Were Sent 55
Appendix E: Submissions Received from the E-Filing Advisory Committees 85
Appendix F: Comments from County Clerks and Courts 121
Appendix G: Comments from Bar Associations and Other Groups 139
Appendix H: Summary and Discussion of Principal Comments Received 231

I. Executive Summary

In 2019, the e-filing program of the New York State Courts continued its expansion across New York State and reached another significant milestone. Last year, the number of cases electronically filed through the New York State Courts Electronic Filing System ("NYSCEF") passed **the two million mark.** In the past year, the expansion of e-filing in Supreme Court and Surrogate's Court continued and the Appellate Divisions have broadened the reach of eligible appellate e-filing.

In the year ahead, the Unified Court System ("UCS") will extend the e-filing revolution to even more cases, counties, and courts. Among other things, the development work we have been engaged in over the past year will, we anticipate, lead to the introduction of e-filing in the Superior Criminal courts and the New York City Housing Court in 2020.

Section II of this report describes the status of the e-filing program, provides detailed information on its progress, and explains our plans for the next year and those to follow. Among other things, we summarize the expansion of e-filing in Supreme Court, Surrogate's Court, and the New York City Civil Court; describe the growth of e-filing in the Appellate Divisions; report on our efforts to expand integration of NYSCEF with case management systems in Supreme Court; and summarize the status of our work to introduce e-filing in Family Court, the Superior Criminal courts, and New York City Housing Court. We also outline system improvements and the training and outreach we have provided.

Section III summarizes the comments and suggestions about e-filing received in response to solicitations by UCS from County Clerks, bar associations, other entities, individual attorneys, and others, and our responses thereto.

Section IV describes UCS's proposal for legislative changes. We propose legislation (Appendix A) that would do the following:

- repeal the restrictions on the discretion of the Chief Administrative Judge to mandate e-filing by attorneys in matrimonial cases;
- repeal the restrictions on the discretion of the Chief Administrative Judge to mandate e-filing by attorneys in residential foreclosure and consumer credit actions; and
- extend the current sunset date (September 1, 2020) on development and testing of e-filing in Family Court and criminal cases.

E-filing has been put into place in the New York State Court System with great deliberation and enormous care. We are currently in the 21st year of the rollout of e-filing, and although we have achieved a great deal, important progress remains: full e-filing for attorneys in matrimonial, residential foreclosure, and consumer credit cases and the introduction of e-filing in Criminal courts and in Housing Court. Given the great success e-filing has had in New York and the overwhelmingly favorable response it has garnered, this Report enthusiastically recommends these steps in the coming year.

II. The Status of E-filing in the New York State Courts and Our Plans for the Future

A. E-Filing in Civil Cases

Pursuant to legislation enacted in 2015 (L. 2015, Ch. 237), the Chief Administrative Judge designates the courts and counties in which e-filing may be employed on a consensual or mandatory basis.[1] E-filing is now authorized in at least one court in 60 of the State's 62 counties.[2] At present, e-filing is authorized as follows:

Consensual E-Filing. Consensual e-filing in civil cases is authorized:

- in Supreme Court in 52 counties;[3]
- in Surrogate's Court in 42 counties;
- in the Court of Claims in the Albany District (12 counties) and in the New York City District (seven counties); and
- in the New York City Civil Court for no-fault cases involving claims by providers of health-care services against insurers and for e-filed cases removed from New York County and Queens County Supreme Courts pursuant to CPLR 325 (d) (discussed in Section B below).

Mandatory e-filing. At present, mandatory e-filing is authorized in civil cases as follows:

- Coverage in various categories of cases in Supreme Court in 42 counties;[4] and
- in Surrogate's Court in 34 counties.[5]

From the introduction of e-filing in New York in 1999 through the end of 2019, **2,374,928 cases** have been e-filed with NYSCEF. Through the same period, **31,798,076 documents** have been e-filed.

134,845 attorneys and other persons have been active registered public users of the NYSCEF system (i.e., excluding court and County Clerk users) since its inception.[6] 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 authorized filing agents for attorneys.

16,146 unrepresented persons have been active NYSCEF filing users,[7] even though all of these users were under no obligation to take part. Further, **these users have e-filed 112,041 documents with NYSCEF.**[8] For these litigants, as for others and for attorneys, NYSCEF provides improved access to justice, a point to which we will return.

---

1. E-filing programs are authorized by administrative orders issued by the Chief Administrative Judge, which set forth the courts and case types in which e-filing may be employed. Current authorizations are listed in the most recent Administrative Order, AO/245/19, dated Nov. 7, 2019 (accessible on the NYSCEF website (www.nycourts.gov/efile)).
2. Greene County is authorized for e-filing as one of the counties in the Albany District in the Court of Claims.
3. Consensual e-filing is permitted in all kinds of actions (with narrow exceptions) in some of these counties and, in many others, in commercial, contract, tort, and tax certiorari cases.
4. In 27 of the 42 counties having mandatory e-filing in Supreme Court, all types of actions are authorized 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). In the remaining 15 counties having mandatory e-filing in Supreme Court, the categories of cases authorized are more restricted.
5. The cases subject to mandatory e-filing in the 34 Surrogate's Courts are probate and administration proceedings and miscellaneous proceedings relating thereto.
6. As of year end 2019. This does not include those who obtained IDs for the NYSCEF Practice System.
7. That is, they filed at least one document in an e-filed case. Data on unrepresented litigants is aggregated with data on *pro hac vice* filers. To arrive at a figure for unrepresented filers, it is necessary to examine cases in which the filer is a named party.
8. As of year end 2019.

Since the issuance of our 2019 report, mandatory e-filing programs have been initiated in Supreme Court in Chemung, Clinton, Columbia, Delaware, Rensselaer, Saratoga, Sullivan, and Ulster Counties. An existing mandatory e-filing program in Supreme Court in Albany County has been expanded to include all permitted mandatory case types. During this period, a consensual program has been established in Supreme Court in Schuyler County. Mandatory programs have been initiated in Surrogate's Court in Sullivan and Herkimer Counties and consensual programs have been introduced in that court in Chenango, Delaware, and Otsego Counties.

In March 2018, pilot projects in e-filing through the NYSCEF application were introduced in the Appellate Division statewide. Thus, there is a uniform system of e-filing on appeal through NYSCEF statewide, and between the trial courts and the Appellate Division.[9] A single set of statewide rules for the implementation of e-filing in the Appellate Division has been promulgated by these courts. Attorneys, then, e-file documents at the trial-court level and in the Appellate Division throughout the state through a single application, NYSCEF. This uniformity ensures efficiency and convenience for the bar, as well as for the courts and County Clerks.

Since March 2018, the number of case types open to e-filing in the Appellate Division has expanded. For example, as of January 1, 2020, in appeals in the Appellate Division, First Department, e-filing is mandatory in (i) all case types e-filed (mandatory or consensual) in the Supreme Court, New York and Bronx Counties, and (ii) contested matrimonial cases. We anticipate that this trend will continue.[10] Between March 2018 and the end of 2019, **7,621 appeals** have been e-filed in the Departments of the Appellate Division.

The growth of e-filing in New York State is shepherded by UCS's Statewide Director for Electronic Filing in the State Courts, Jeffrey Carucci, who is in frequent contact with court administrators and County Clerks across the state about e-filing. Through such contacts, the Director 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. He works closely with the courts, County Clerks, and E-Filing Advisory Committees to develop plans for introduction or expansion of e-filing that will meet the needs of all. With each e-filing rollout and expansion, we have provided advance public notice of our plans, solicited comments and suggestions, including by notices posted on the UCS website, and consulted broadly with the local bar and interested groups. Introductions and expansions in Supreme Court have always taken place by agreement of the County Clerk and the UCS.

Based upon consultations with County Clerks and courts, we expect that in 2020 additional counties will be added to the list of those now participating in the e-filing program in Supreme Court and Surrogate's Court. At this writing, nine new counties are awaiting the introduction of e-filing in one or more courts. We also expect that, in some venues in which e-filing is already operational, the types of cases subject to it will be broadened.

B. E-Filing in Criminal Cases, Housing Court, the New York City Civil Court, Family Court, and Town and Village Courts

In 2019, UCS consulted with the E-Filing Advisory Committees for Criminal and Family Court cases and continued our work in preparation for e-filing in these cases. E-filing staff also worked with the Civil Court Advisory Committee on expansion of e-filing in the New York City Civil Court and implementation of it in New York City Housing Court. Some development work was also done with the aim of bringing digital technology through NYSCEF to the internal operations of the Town and Village Courts.

1. Criminal Cases

UCS e-filing staff are working with the Advisory Committee on E-Filing in Supreme and County Court Criminal Cases (Hon. Michael V. Coccoma, Chair) on analysis and preparation for a pilot program for e-filing of the accusatory instrument and

9. In some venues, e-filing is not yet in operation in a particular type of case at the trial court level, but is available in the Appellate Division.

10. In 2019, NYSCEF functionality was made available for litigants in matters before the Litigation Coordinating Panel (Uniform Rule 202.69).

the filing and service of subsequent documents in Supreme Court and County Court. The Committee and its subcommittees have met more than a dozen times since the 2019 annual report on e-filing.

E-filing staff have developed procedures and a module for the internal processing of Article 730 orders and the resulting reports, and the distribution thereof by the court. The work done on this has assisted e-filing staff in regard to the broader development of criminal e-filing. The NYSCEF module will permit the electronic transfer of the proposed 730 order to the judge for signature and then back to the 730 clerk and to interested parties. A portal exists through which clinics can upload a report to the court. There is no public access to these documents during this process. The Article 730 processing will be introduced in Kings County in 2020.

With regard to e-filing in superior criminal cases more broadly, e-filing staff have worked with the Advisory Committee and a Working Group thereof, as well as with various stakeholder organizations. A flow chart has been created for Supreme Court and County Court criminal matters that illustrates typical filings and how they are processed by the court. A list has been developed of the documents that are regularly filed in a criminal case in these courts. Draft screens have been prepared that take account of and reflect document flow and processing in these cases.

Demonstration sessions were held over the past year for Committee members and stakeholder organizations to review and test the functionalities of the NYSCEF screens. The Committee also reviewed the document list and suggested requirements that need to be met for the types of documents filed, including with respect to sealing or restricted access.

Judge Coccoma reached out to superior criminal courts within the State to ascertain interest in proceeding with a pilot e-filing program. Courts in ten counties indicated an interest: those in Cortland, Erie, Kings, Monroe, New York, Onondaga, Queens, Richmond, Suffolk, and Westchester Counties. In 2018, there were 21,847 new criminal felony filings in superior Criminal Court in these ten counties.[11] Stakeholder groups were formed in these counties. UCS e-filing staff held meetings with nine of the groups and demonstrated/reviewed the e-filing process proposed for criminal cases and discussed the draft screens. Many of the organizations represented had little familiarity with NYSCEF and its capabilities prior to these meetings. Staff distributed questionnaires and requested comments regarding the proposed e-filing module and the draft screens. Input was received and reviewed and modifications were made to the screens as a result.

Images of the modified screens were resubmitted to the groups for further comment. Additional modifications were made. In June 2019, the Working Group and stakeholder representatives met with UCS e-filing staff and representatives of the UCS Division of Technology ("DOT") for a further review of the screens. After that, the screens were finalized with input from DOT staff. Programming began in January 2020. Following this, testing will take place, with further input from stakeholders. We plan to begin a pilot program for criminal e-filing in at least three counties in the first half of 2020. We will bring the remaining counties on board thereafter.

The rules subcommittee of this Advisory Committee has met numerous times to develop appropriate rules for criminal cases. In November, e-filing staff met with the subcommittee to draft rules. Work on the proposed rules continues. We expect that draft rules will be submitted to UCS Counsel in early 2020. Public comment will be sought once the proposed rules are completed.

We continue to keep in mind the objective of achieving a future in which data entered into NYSCEF and the case management program that is in place in some superior criminal courts can automatically be transferred between the two systems, thereby producing labor and cost savings for the courts. Thus, we plan to include in the pilot project at least one county in which this case management program is operating in the superior criminal court in order to explore this data transfer.

11. UCS Caseload Management Project – Supreme Criminal Felony Annual Trends for 2018; UCS Caseload Management Project – Superior Criminal Felony Annual Trends for 2018.

2. Housing Court Cases

The 2018 Report to the Chief Judge of the Special Commission on the Future of the New York City Housing Court recommended that the Housing Court make a transition from paper to e-filing. In 2018, there were 230,427 new filings in New York City Housing Court.[12] Since then, recognizing that expansion of e-filing to this court would represent a notable victory for the cause of access to justice,[13] UCS has been examining introduction of e-filing in that court.

In 2019, e-filing staff, working with the staff of the Housing Court, developed a module for e-filing in the Court on a consensual basis. As is the case in other courts, unrepresented litigants would be able to participate in e-filing in housing cases if they so choose, but need not do so even if another party to the case makes that choice. Revised consensual e-filing rules for the New York City Civil Court, which will cover Housing Court, were drafted[14] and were published for public comment. The comment period has ended, the comments have been reviewed, and changes to the rules are being considered. At the conclusion of this process, the final rules will be approved by the Administrative Board and an Administrative Order will follow. It is expected that the consensual e-filing program will begin in the Housing Court in New York County in the first half of 2020.[15]

3. Cases in the New York City Civil Court

A pilot program was introduced at the end of 2017 for the consensual e-filing and service of documents in actions commenced in Supreme Court, Civil Branch, New York County and later removed to the New York City Civil Court pursuant to CPLR 325 (d).[16] This project was extended to Queens County in December 2018. UCS expects to expand this program to Kings, Bronx, and Richmond Counties beginning in 2020.

UCS plans to introduce e-filing in the Civil Court in no-fault insurance matters in the first half of 2020. Two presentations were made on this subject to no-fault practitioners in 2019. After this e-filing is operational in the Court, consideration will be given to the utilization of e-filing in the Appellate Term.

4. Family Court Cases

NYSCEF staff have worked with Family Court staff on development of a Family Court module in NYSCEF. We are aiming to achieve significant labor and costs savings through data transfer from NYSCEF to case management systems not only for the Court, but for agencies that appear regularly in these cases.

The Family Court Advisory Committee met in 2019 to review work and discuss plans for the future. A new Chair of the Committee was designated to succeed the previous Chair, who had retired. A meeting has been scheduled for March 2020 at which e-filing staff, the Chair, and interested agencies will review the status of the project and plan for future developments.

A list of commonly-filed Family Court documents has been created. We have done work on draft NYSCEF screens for Family Court e-filing and a draft set of rules has been under study. E-filing staff discussed with the Committee the possibility of using NYSCEF to deliver documents in support proceedings to Support Magistrates. We are looking toward instituting a pilot program in which e-filing through NYSCEF would take place in Family Court cases in up to six counties and will consider concentrating on venues outside the City of New York. The Advisory Committee will continue to work with e-filing staff in development of a pilot program in authorized counties.

---

12. UCS Caseload Management Project – NYC Civil Court Annual Trends for 2018.
13. An attorney who in her comment this year urges expansion of e-filing to the Housing Court emphasizes that this is an access to justice issue. Message of Sophia B. Jayanty, Esq., Jan. 24, 2020.
14. Section 208.4-a of the Uniform Rules for the Trial Courts.
15. In a summary proceeding under Article 7 of the Real Property Actions and Proceedings Law, the petitioner may, under the rules, choose the option of having the clerk generate a postcard notice to respondents.
16. A party to such a case is not required to participate in e-filing in the Civil Court.

5. Town and Village Courts

E-filing staff are working on plans to introduce digital files in Town and Village Courts in 2020. This pilot program will permit these courts to maintain documents in electronic format in NYSCEF. At this stage, the process will be an internal one only, with no filing or service of documents by litigants. NYSCEF staff hope to begin the program in a few courts upstate. Electronic filing and service of documents by litigants in these courts have not been authorized by CPLR 2111 (a). If and when UCS is ready to proceed with such filing and service, it will of course seek legislative authorization for doing so.

C. Exemptions from E-Filing

The e-filing legislation provides special protections for unrepresented persons appearing in our courts and for attorneys who lack the knowledge or equipment needed to e-file.

1. Unrepresented Litigants

Unrepresented litigants are statutorily exempt from e-filing. They file and serve documents in hard-copy form and are served with documents in the same form. This exemption is automatic – they need take no action whatsoever to obtain or maintain it. The law bars courts and County Clerks from seeking to require such litigants to participate in e-filing in a venue where e-filing is in place. These litigants will e-file only if they want to do so and take action in order to be able to participate. If they wish to take part, they must have a computer and an e-mail address, apply for a user ID and password that are specific to their case, take whatever training they feel they need, in the same manner as all other parties in the case, and record their participation in NYSCEF for the case so that the system can recognize them when they submit filings.

The court system takes important steps to ensure that unrepresented litigants understand their position and their relationship to e-filing. First, when a new e-filed case is commenced in Supreme Court, for instance, the rules require the service of process in hard-copy form, which must be accompanied by a promulgated form "Notice of Electronic Filing" in hard copy informing the defendant/respondent that the filer has commenced the action electronically and clearly advising that unrepresented persons are statutorily exempt from e-filing. Those who might wish to e-file are referred to a dedicated court system website for the unrepresented.[17] Unrepresented persons who choose to e-file are also encouraged to contact the clerk or the Help Center[18] in the court where the action was filed.

In December 2018, specifically to assist the unrepresented, UCS promulgated and reissued many e-filing forms that explain, in a clear manner and using plain language, how e-filing works and what the rights of the unrepresented are.

Further, legislation and rules require that the clerk explain to an unrepresented party the options for e-filing in plain language and inquire whether he or she wishes to take part. Such litigant may participate only after having been presented with information in plain language about the program. The litigant's request to e-file shall be documented in the case file, which constitutes a mechanism to promote compliance by court and County Clerk staff. If an unrepresented party chooses to take part, he or she may revoke participation for any reason at any time merely by filing and serving a form so stating.

Over 16,000 unrepresented persons have voluntarily participated in e-filing – over 16,000 – but we have never had a meaningful number of complaints from these users. Nor have we had complaints over the past year in any significant

17. The NYSCEF website for the unrepresented is designed specifically for such litigants. There they can find, in clear language, detailed information about e-filing and their rights. There are instructions that walk the unrepresented through the process of obtaining an ID and Password and creating a NYSCEF account through which filings will be made. Unrepresented persons can make practice filings as often as they wish on a training site.

18. Help Centers exist in many courts to provide information about courthouse procedures to the unrepresented.

number from unrepresented persons in e-filed cases who have not taken part in e-filing.

In 2019, the UCS Administrator for Management Support and the E-Filing Director sent a memorandum to all County Clerks and Chief Clerks of the Supreme Court in the 52 e-filing counties in New York State, the Chief Clerks of the Surrogate's Court in the 42 counties in which e-filing is operational in that court, and to the Chief Clerk of the Court of Claims reminding them of the rights of unrepresented persons with regard to e-filing and of the procedures needed to safeguard those rights. This memo reminded the recipients of the address of the website for unrepresented persons and provided them with a copy of an "Unrepresented Litigant Fact Sheet" drawn from the website that can and should be used by clerks to provide information about e-filing to the unrepresented. The memo also transmitted to the recipients a revised form that clerks are to use to gather information about unrepresented litigants who do not choose to e-file so that the information can be included in NYSCEF; inclusion of this information will prevent attorneys who are participating in e-filing from inadvertently failing to serve documents in hard copy on litigants who are not participating, especially the unrepresented. Finally, the memo reminded the recipients of the law governing e-filing in foreclosure and consumer credit actions and the importance of ensuring that clerks are familiar with the precise nature of the authorization for e-filing in these cases in their jurisdiction.

In the past, some comments were received in response to UCS solicitations in connection with the Annual Report on E-Filing asserting that clerks on some occasions and in some venues had not handled filings by the unrepresented correctly. The 2019 memorandum will, we trust, help to prevent any such instances in the future.

Often, the incidents referred to in these comments were not brought to the attention of the Chief Clerk or County Clerk of the venue in question, a supervisor in the office, or UCS e-filing staff at the time they occurred, notwithstanding that UCS e-filing staff have repeatedly asked that they be informed whenever any such incident is thought to have taken place anywhere in the state. Absent notice about these previous incidents, the Chief Clerk, County Clerk, and e-filing staff were not able to take action to respond.

In the 2019 Annual Report, the Chief Administrative Judge wrote that UCS would, in an effort to improve communications, establish a statewide e-filing advisory committee on unrepresented litigants. In 2019, this committee was created and representatives of legal service groups were asked to take part and have done so. This committee met in January 2020 and plans to meet at least twice more later in the year.

Further, UCS e-filing staff created a central e-mail box that legal services attorneys statewide can and should use to provide contemporaneous notice to UCS e-filing staff of any suspected errors with regard to e-filing involving unrepresented litigants that they may encounter. UCS has urged legal services groups to inform all of their attorneys statewide about the existence of this e-mail box and to ask them to use it whenever they believe they have encountered a problem anywhere in the State.[19] The staff of the E-Filing Resource Center will respond promptly to all such communications.

2. Attorneys

Attorneys who lack the knowledge or equipment needed to e-file are not required to do so. To obtain an exemption from e-filing these attorneys need only file and serve a form certifying to their lack of knowledge or equipment.

19. *See* Footnote 44.

D. Improvements to Software and Productivity Enhancements

UCS e-filing staff continually monitor NYSCEF to ensure that it meets the needs of all users and that it remains as efficient, effective, and easy-to-use as is possible. UCS regularly incorporates enhancements into NYSCEF.

As indicated above, in 2019, we modified NYSCEF procedures to ensure that NYSCEF provides the address for service in hard copy of unrepresented litigants who have not chosen to participate in e-filing. In 2020, we will be looking into enhancing functionality for certificates and remittiturs in Appellate Division cases. We also made certain software enhancements for Surrogate's Court cases. In the near future, we will be studying changes in functionality to allow subfiles to be created that would conform to the case management system in use in Surrogate's Court.

In 2019, we modified the software to add an internal functionality that allows Supreme Court staff to record in NYSCEF certain mailings regarding default judgments in civil cases.

In 2019, we began work to develop multi-language NYSCEF forms.

We continue our work on e-signatures by judges, which are authorized by Administrative Order under certain circumstances. Eight Justices in one venue in Supreme Court are now using the UCS e-signing program, which is integrated with NYSCEF. The plan is to add more Justices in 2020. After results and feedback have been received and evaluated, we hope to expand use of this application to other counties statewide.

UCS e-filing staff, working with DOT, have developed a bar coding application that is integrated with NYSCEF. This application allows court staff to scan conference orders into NYSCEF in an extremely rapid and efficient manner; the bar code on each order serves as the mechanism that ensures that the order is automatically filed in the correct case file in NYSCEF. This saves time and work for court clerks, provides quicker notification and access to the parties, and is a more accurate way to scan. The application is being used on a pilot basis in Supreme Court in one venue. The aim is to bring this application to other venues and courts and to other kinds of documents.

The e-filing staff are planning to begin discussions soon looking toward integration with the NYSCEF application and expansion of current UCS "do-it-yourself" ("DIY") programs that assist users to prepare for filing certain kinds of documents, such as various documents required in uncontested matrimonial cases. The DIY programs provide easy and clear instructions on how to complete forms specifically tailored to the unrepresented. Integrated and expanded programs would be able to assist unrepresented persons in, for example, these matrimonial cases to complete the required forms correctly and then, if those litigants choose to e-file, to file them with the court through NYSCEF.

We continue to devote attention to ways in which NYSCEF can further improve the productivity of courts and County Clerk offices and reduce costs for courts, County Clerks, and, ultimately, the taxpayer, such as by reducing data entry. E-filing gives us the opportunity for the electronic transfer of key elements of data from NYSCEF to the case management program of the court or County Clerk.

At present, NYSCEF data on the caption and from the Request for Judicial Intervention are automatically transferred from NYSCEF to and incorporated in the case management systems in Supreme Court.

In recent years, UCS installed up-to-date case management software, known as the Universal Case Management System ("UCMS"), in the Surrogate's Court and in some counties in Supreme Court. Integration of this software with NYSCEF has been operational in Surrogate's Courts statewide for more than three years and is now underway in some Supreme Courts where UCMS is in operation. UCMS will be introduced in additional counties in Supreme Court in 2020, including several in New York City. As a result, data and,

in some courts, images of documents are easily transferred from NYSCEF into UCMS, thereby bringing about a significant improvement in productivity for the court and the County Clerk.

UCS e-filing staff will be working in 2020 to expand transfer and integration of data as fully as possible in Surrogate's Court and Supreme Court.

E. Training and Outreach to the Bar

In 2019, we continued to make training and assistance easily available to attorneys. We continue to provide an on-line self-help training tool that allows users to experiment with all the 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, from 8 AM to 6 PM, for anyone who may need it. E-mails come into the Center throughout the night and the early morning and on weekends and are addressed the first thing in the morning every business day. The comments made by users about the Resource Center and its staff have long been very complimentary and continue to be so.

Training classes continue to be offered in many locations. For example, we offer in-person training on a weekly basis in New York City for users in the greater metropolitan area. Similar training is available as needed in other participating counties around the state. Whenever NYSCEF is introduced into a new court or county, we provide training on an intensive basis. Training now includes an explanation of the working of the e-filing system in cases on appeal.

In addition, for over five years, the Resource Center has been offering frequent live training on-line through Skype, which is accessible to attorneys and other users, including unrepresented persons who may be considering participating in NYSCEF filing, from their desktops or laptops. All users can register for training classes through the website. The ability to register on-line and take a training session through Skype is a great convenience for attorneys, the unrepresented, and paralegals seeking to learn how NYSCEF works.

E-filing staff are considering the preparation of short instructional videos on particular aspects of NYSCEF and the posting of these on the NYSCEF site.

Training has always been offered at no cost, and, with the cooperation of UCS's Judicial Institute, two hours of Continuing Legal Education (CLE) credit is made available free of charge to attorneys who participate in our two-hour on-site course. The e-filing staff will also be making CLE credit available in the future for attorneys who take an on-line NYSCEF course. UCS has provided thousands of hours of such free CLE credit. UCS also has provided extensive training to judges and County Clerk and court personnel. We will continue to provide training in 2020 and beyond.

III. The 2020 Report: Consultation, Outreach, and Input

A. Consultation and Outreach

For this 2020 report, the UCS again undertook large-scale efforts to consult with interested persons and groups about e-filing.

We posted notices seeking comment on the public UCS website and on the home page of the UCS e-filing website. Notice was also published in the *New York Law Journal*.

Further, we consulted with all six of the E-Filing Advisory Committees and sought input not only from their members, of whom there are 128, plus 21 members of the Criminal Committee's Working Group, but through them from other interested persons and groups. We also reached out directly to over 523 bar groups, legal services providers, and other interested groups and persons and solicited their comments and suggestions and, in the case of groups, those of their members. We wrote or sent e-mails to, among others, County Clerks in all 52 e-filing counties, public defenders, legal aid groups, state, city, county, and women's bar associations, agencies, 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.[20]

We sent one form of letter from the Chief Administrative Judge to most recipients. In addition, we sent a second, more targeted letter from Hon. Jeffrey S. Sunshine, Statewide Coordinating Judge for Matrimonial Cases, to 60 chairs of bar associations and family law and matrimonial law committees and solicited from them support for and comments about e-filing in matrimonial cases, in particular, a proposal for removing the limitation on the discretion of the Chief Administrative Judge in regard to mandatory e-filing in these cases. This is the third year in a row in which we have sought comment from matrimonial practitioners and bar groups about the possibility of a proposed legislative modification affecting matrimonial cases. Finally, the Statewide E-Filing Director wrote to the County Clerks to invite comment.

UCS believes that outreach to bar associations and other groups should have come to the attention of large numbers of individuals and organizations, an audience, we estimate, of many thousands of people.

Attached as Appendix B is a list of the E-Filing Advisory Committees and their memberships. Attached as Appendix C are copies of the letters of the Chief Administrative Judge, Justice Sunshine, and the Statewide E-Filing Director soliciting comment, and Notices posted on the UCS and NYSCEF websites and in the *Law Journal*. Attached as Appendix D are lists of the persons, entities, agencies and groups (not including the County Clerks) to which we sent letters or e-mail messages soliciting comment and suggestions.

B. Input Received and Responses Thereto

1. Overview of the Responses Received

Although we directed our solicitations at a large audience of practitioners, interested groups, and others across the whole of New York State, an audience of thousands, we received this year, as in prior years, a very modest number of responses: not including reports from the Advisory Committees and some comments by Committee members, we received comments from a total of only 58 individuals (attorneys, paralegals, administrative assistants, etc.) and groups (three bar associations, three legal services groups, and three other entities), as well

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

as communications, all very favorable, from nine County Clerks and the New York State County Clerks Association. We believe that the very low rate of response is explained by the fact that there is widespread satisfaction with e-filing in the New York State courts among the bar, legal groups, the public, County Clerks, courts, judges, and court and County Clerk staff. The Surrogate's Court Advisory Committee wrote that its members "feel that the NYSCEF program is a great product, and the lack of comments and/or issues is a verification of that."[21]

Of the total of 58 responses, 19 comments were favorable to e-filing, expressly advocating or supporting in many instances the expansion found in the Judiciary's proposed legislation or other and in some cases even greater expansion; one raised concerns; 35 consisted of suggestions for technical modifications to the software (frequently also coupled with compliments for the e-filing program); and only three contained objections (two to e-filing in matrimonial cases).

The following are excerpts from comments received this year:

The Women's Bar Association of the State of New York (WBASNY) "believes that expansion of mandatory electronic filing in matrimonial cases is warranted, and will be most welcome to both the bench and the bar."

Deirdre L. Hay, Esq.
President, WBASNY

"Please please please implement e-filing in matrimonial actions. Everything is done on a computer these days. Having to physically go to court to purchase an index number, file a complaint, or make a motion is a total waste of money, time and energy.…

"There's no doubt but that e-filing will become the norm and not the exception in every single type of case that we deal with; it only makes sense for matrimonial actions, and family and criminal court actions too, to be e-filed.

"E-filing was literally the best thing to happen to the court system in my lifetime. Please make mandatory e-filing on everything."

Laura M. Trachtman, Esq.

"What a great system. Keep doing what you are doing. I have been in practice for 27 years, and I don't know how we practiced without e-filing.

"No complaints whatsoever, and e-file support court personnel in the five boroughs are wonderful. Nassau, too."

Andrew Carboy, Esq.

"E-filing in Surrogate's Court is awesome!

"It should be mandated state wide…. It moves things along quickly, and we are seeing much more efficient turn-around from the Court system staff."

Julie Calareso, Esq.

"I am writing to support the expansion of e-filing.

"The expansion of e-filing will save clients' money and increase efficiency."

Bryan L. Berson, Esq.

"[O]ur committee has witnessed overwhelming support of e-filing in each and every county where it has been approved…. The successful implementation of the NYSCEF system has been the leading factor in this success."

Hon. Timothy C. Idoni
Chair, Supreme Court (Civil) Advisory Committee

…I love the system. It is such a time saver and it continues to be improved. You guys are doing a great job!"

Peter Schuyler, Esq.

21. Letter of Hon. Craig J. Doran, Chair, Surrogate's Court Advisory Committee, Dec. 18, 2019, p. 2.

"Our overall experience with NYSCEF continues to be very positive. Our membership gives the system high marks for usability and reliability. We give NYSCEF's developers and the Statewide Electronic Filing Resource Center staff equally high marks for the stability and good functionality of the application and for the level of support they provide to system users…. The value to the court system and the bar of staff who so readily engage in problem-solving, and coordinate with multiple constituencies to get the job done, is extremely high."

John D. Bove`
President, Managing Attorneys and Clerks Assn., Inc. [125 litigation firms], Jan. 24, 2020

"The electronic filing of matrimonial cases represents a significant advancement in the litigation process. Parties' and counsel's access to a central repository of the filed documents, instantly available to all involved in the case, allows everyone to stay informed of all developments and issues….

"…The technology of our times creates the reasonable expectation among our clients that the courts, and the processes on which they rely, utilize the technical advances that are common throughout society. Our competent representation of clients should not be constrained by the time consuming and archaic practice of punching holes in papers to affix them to binder clips, inserting exhibit tabs or pressing messengers into service to meet the requirements of serving and filing papers. In fact, it is the failure to require electronic filing that requires an explanation. The value of mandatory electronic filing is certainly, by now, self-evident to every litigator."

Susan Freedman, Esq.
New Rochelle Bar Assn.

"I fully support implementation of mandatory e-filing in matrimonial actions…. I can think of no good reason why matrimonial cases should be treated differently as it concerns the e-filing system."

Brett Kimmel, Esq.

"I … think [NYSCEF] is great.

"Any questions about its use that I have had have been answered [by] the resource center."

Richard Todd Hunter, Esq.

""E-filing is great !!!

"We do it in bankruptcy court all the time, if family court could do it too it would be awesome."

Mark C. Gugino, Esq.

"E-filing has revolutionized litigation practice. The efficiencies it has introduced are tremendous. The sooner that Matrimonial, Family Court and Criminal matters are included, the better."

John E. Finnegan, Esq.

"[T]he implementation of electronic filing of court cases in Richmond County has been a real success story. We have achieved levels of service excellence and user buy-in beyond our own projected expectations….

"[W]e strongly support and urge the expansion of mandatory e-filing in New York State. In particular, we believe the current restrictions imposed upon the Chief Administrative Judge as relates to mandatory e-filing programs in matrimonial cases, and in all aspects of residential foreclosure actions and consumer credit actions should be lifted. The NYSCEF has been proven to be a transformative success story on multiple fronts."

Hon. Stephen J. Fiala
Richmond County Clerk

"[T]he implementation of electronic filing throughout New York State has been a great success…."

Hon. Craig J. Doran
Chair, Surrogate's Court Advisory Committee

"I believe that the time has come for efiling in matrimonial matters. Most attorneys are adopting paperless procedures and efiling will save time, money and other resources."

Angela Barker, Esq.

"Efiling is going great!!

"Looking forward to the Criminal Action piece."

Hon. Mary F. Strickland
Livingston County Clerk

"I support mandatory efiling with some carve outs…."

Michael Stutman, Esq.
Past President, American Academy of Matrimonial Lawyers, New York

"The response to e-filing has been so positive that last year e-filing accounted for more than 90% of civil case filings."

Hon. Maureen O'Connell
Nassau County Clerk

"I think e-filing has been very successful and despite my initial trepidation I have been able to adapt and actually been able to e-file myself….

"Thank you very much for the ongoing technological innovations that you are continuing to make."

Linda Markowitz, Esq.

"E-filing's component of immediate access and retrieval of documents makes for a very efficient, customer friendly work environment. The electronic storage of these documents is another asset of the program.

"Our office feels that it would be most beneficial to expand the e-filing program to make all case types mandatory …."

Hon. Lisa Dell
Onondaga County Clerk

"The implementation of mandatory electronic filing of foreclosure, commercial and all tort matters has been very successful in Queens County…."

Hon. Audrey I. Pheffer
Queens County Clerk

"I strongly support any legislation presented to expand or extend the electronic filing of court documents in NYS. E-filing has proven to be a cost effective, efficient manner to file court documents and has improved the storage and preservation of these records as well."

Hon. Elizabeth Larkin
Cortland County Clerk

UCS has consulted closely with the six E-Filing Advisory Committees throughout 2019. We have received reports from all of them, as well as comments from some of their members. In general, these reports speak very favorably of progress to date and look forward to the further growth of e-filing.

2. Inclusion and Posting of All Comments, Summary of Comments, and NYSCEF Replies

All comments received in connection with this report are to be found in their entirety in Appendices E through G,[22] specifically, comments from: the various E-Filing Advisory Committees and some members thereof (Appendix E); County Clerks and courts (Appendix F); and bar associations, other groups, unaffiliated attorneys, and other individuals (Appendix G).

In Appendix H, we provide a summary of and discuss the principal comments received this year (to the extent the comments are not addressed in the body of this report).[23]

All submissions received have been posted on the UCS website.[24] In addition to the responses to the comments we are making in this report, Statewide Director Carucci is in the process of sending individual responses by letter or e-mail to commentators.

22. This complies with Judiciary Law 212(2)(u)(i)(A).

23. This complies with the obligation to "address … such comments" in this report. *Id.*

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

IV. Legislative Recommendations

Overall, e-filing continues to work very well in New York State. This is confirmed by the experience of the courts, County Clerks, and Advisory Committees in 2019 and over previous years; by the striking paucity of objections received in response to our solicitations for this report and previous reports; and by the very many favorable comments that have been made about e-filing over the years by County Clerks, Bar groups, individual attorneys, and many others in New York State, including frequent recommendations that e-filing be expanded. In short, it is indisputable that e-filing has been a major success.

Therefore, it is not necessary for the court system to seek large-scale modifications to the current legal framework. There are, however, three areas in which alterations are needed that will, if adopted, make a notable contribution to our efforts to improve the court system in New York through digital technology.

A. Summary of Proposed Legislative Changes and Reasons Therefor

The Judiciary proposes that the Legislature (i) repeal the restrictions on the discretion of the Chief Administrative Judge in regard to mandatory e-filing by attorneys in matrimonial cases; (ii) repeal the restrictions on the discretion of the Chief Administrative Judge to mandate e-filing by attorneys in residential foreclosure and consumer credit actions; and (iii) extend the current sunset date (September 1, 2020) on development and testing of e-filing in Family Court and Superior Criminal court cases.

1. Restrictions on Mandatory E-Filing In Matrimonial Cases

Current law prohibits the Chief Administrative Judge from exercising his generally-applicable discretion to mandate e-filing in matrimonial actions. This prohibition is no longer wise or useful. In our reports in 2018 and 2019, the Judiciary proposed that the Chief Administrative Judge be allowed to exercise discretion over mandatory e-filing by attorneys in matrimonial cases, as he does with most other case types. Although comment from the bar on the subject had been solicited that year, in 2018 this proposal was not formally presented to the Legislature for action because it was determined that the Legislature was not in a position at that time to address the merits of the proposal. In 2019, the proposal was submitted, but was not enacted.[25] The Judiciary submits this proposal for a third time with the hope that it will be possible for it to be addressed and enacted this year.

There is no basis for anxiety about this proposal. First, we seek authorization for the Chief Administrative Judge to act, but such action will not be taken unless the circumstances make mandatory e-filing by attorneys in matrimonial cases appropriate in the venue in question and at the time proposed.

Second, before the Chief Administrative Judge can proceed to require e-filing, he must consult with and obtain the approval of the County Clerk involved outside the City of New York,[26] and must consult 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 many others.[27] The Chief Administrative Judge must afford all an opportunity to submit com-

25. In 2018 and 2019, legislation was passed that merely extended sunset dates. L. 2018, Ch. 168; L. 2019, Ch. 212.

26. CPLR § 2111 (b)(2)(C). We have always sought and will seek the consent of affected County Clerks whether inside or outside the City.

27. CPLR § 2111 (b)(2)(C).

ments[28] about the proposal and he is obliged to consider such comments, which he would do in any event. These are not tasks the UCS takes on reluctantly, but rather have been the standard method of operation of the court system since the e-filing program began. Thus, e-filing will not proceed without a full opportunity for all stakeholders to make their views known, those views will be given thoughtful consideration, and e-filing will not move forward if some good reason for delay in a particular court or venue is presented to the Chief Administrative Judge nor over the objection of the County Clerk.

Third, there is no reasonable ground to oppose our proposal because of concern for the unrepresented litigant or for the attorney who lacks the knowledge or equipment to e-file. If the Chief Administrative Judge establishes mandatory e-filing in a particular court, e-filing there will be mandatory for attorneys and attorneys only, and subject to their ability to opt out of **e-filing if they lack the knowledge or equipment needed to e-file.**

The record of e-filing generally and the protections that apply in matrimonial cases assure us that we can approach e-filing in these cases on a mandatory basis with confidence that past experience will be replicated in this area of practice. The benefits that come to practitioners and litigants, County Clerks, and courts from e-filing should not be limited in this inventory, as is done by current law. The County Clerks, we know, are eager to reap more such benefits and so, we believe, is the matrimonial bar, as shown by the responses to our solicitations.

Matrimonial files are confidential (DRL § 235) and must remain so. Confidentiality, however, is entirely compatible with inclusion of these matters in the e-filing program. Any case designated in NYSCEF as a matrimonial matter would automatically, upon commencement, be placed behind a firewall that would prevent anyone from having access to the documents filed in that matter except for counsel on the case, any participating unrepresented parties, and only those County Clerk or court staff who have permission to work on such cases.[29] It would be impossible for other persons to access the case files.

To protect against the possibility of human error, NYSCEF includes among its functionalities an electronic audit trail. This means that, if an issue were ever to arise, NYSCEF could identify by User ID all those who had accessed confidential documents in a particular case. If unauthorized persons were to obtain access to matrimonial files, NYSCEF would maintain a record of such access.

Moreover, NYSCEF, as an automated application with built-in security, does not make errors that fallible humans sometimes make when dealing with hard-copy files. In NYSCEF, matrimonial files are not misdirected or inadvertently left on a copy machine or a counter for unauthorized persons to see. Therefore, we believe, the confidentiality of matrimonial files will be more secure if documents are filed with NYSCEF than if the current hard-copy regime persists.

Our confidence in NYSCEF security is grounded in experience. For years, NYSCEF has empowered the County Clerk to seal individual civil files or documents in NYSCEF when directed by the court pursuant to Part 216 of the Uniform Rules for the Trial Courts. The sealing functionality of NYSCEF works very effectively. It permits sealing in accordance with the particular requirements of any court order (e.g., sealing all documents to everyone other than the parties).

Furthermore, we have experience with maintaining the confidentiality of matrimonial cases themselves within the NYSCEF application. Under governing law matrimonial cases may be e-filed on a consensual basis when authorized by the Chief Administrative Judge. Beginning in April 2013, authorization was given for consensual e-filing in these cases in Supreme Court in an increasing

28. *Id.*

29. NYSCEF limits the court and County Clerk staff who may have access to these files to those who are authorized to work handling cases of this type. Staff without such rights cannot view these files through NYSCEF.

number of counties, now totaling 42.[30] Thus far, **19,345 matrimonial cases**[31] have been e-filed in the Supreme Court on a consensual basis. All the documents e-filed in these cases have been placed behind the firewall we mentioned earlier.[32] These cases have been kept confidential; indeed, confidentiality has been more secure since, as noted, the potential for human error in the handling of documents in the file has been eliminated. Although **362,112 documents have been e-filed** in these matrimonial cases,[33] we have been informed of no problems with the operation of NYSCEF's confidential shield in these cases. Thus, significant actual experience in matrimonial cases strongly supports the Judiciary's proposal.

Before consensual e-filing in matrimonial matters went into effect, the court system informed the Bar in the 42 affected counties and sought comment. We received very few comments from any members of the bar expressing doubt about the proposed introduction of consensual e-filing in these cases.

Furthermore, in response to our solicitations for this report, including one directed specifically to the matrimonial bar, despite the fact that thousands of attorneys have experienced e-filing in matrimonial cases already on a consensual basis, we received objections from only two matrimonial practitioners about the Judiciary's proposal regarding matrimonial cases, plus one practitioner who objected to e-filing generally. The results were very similar in response to our solicitations for the 2018 and 2019 reports. Last year the County Clerk of Westchester County reported that matrimonial e-filing, which has been authorized in that county on a consensual basis for almost seven years, "has been embraced by all parties involved."[34] In January 2019 and again in January 2020, the Executive Committee of the State Bar Family Law Section voted its support for legislation that would allow the Chief Administrative Judge to mandate e-filing in matrimonial cases. **The Women's Bar Association of the State of New York, which has almost 4,300 members, submitted a letter in which it stated as its official position that of its Matrimonial and Family Law Committee as set out in a prior memorandum in response to a solicitation for this year's Annual Report, thus indicating that the Association "believes that expansion of mandatory electronic filing in matrimonial cases is warranted, and will be most welcome to both the bench and the bar… Electronic filing is convenient, saving time and money. It saves paper, and is therefore good for the environment. It is also safe: none of our [originally Committee] members reported any instance of unauthorized access to matrimonial electronic files."**[35]

The New York Chapter of the American Academy of Matrimonial Lawyers has indicated its support for the UCS legislative proposal in regard to matrimonial cases.[36] The only conclusion that can be reached is that the matrimonial bar over-

30. The counties are: Albany, Broome, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Jefferson, Lewis, Livingston, Madison, Monroe, Nassau, New York, Onondaga, Ontario, Orange, Oswego, Otsego, Putnam, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, and Yates.

31. As of year end 2019.

32. The Administrative Order that authorizes consensual e-filing in matrimonial cases in the 42 counties 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. Administrative Order, AO/245/19, dated Nov. 7, 2019. The rules bar e-filing of forensic evaluation reports in custody, visitation and other matters concerning children. *Id.*

33. As of year end 2019.

34. Letter of Hon. Timothy C. Idoni, County Clerk, Westchester County, Jan. 18, 2019.

35. Letter of Deirdre L. Hay, Esq., President, Women's Bar Association of the State of New York, Feb. 6, 2020, approving Memorandum of Co-Chairs, Matrimonial and Family Law Committee, Women's Bar Association of the State of New York, Jan. 28, 2020. Committee members "spoke of their positive experiences with electronic filing" in Albany, Nassau, New York, Tompkins, and Westchester Counties, among others. *Id.*

36. Letter of Ronnie Schindel, Esq., President, Jan. 31, 2020.

whelmingly favors our efforts to expand e-filing in matrimonial cases.[37]

Failure to enact the Judiciary's proposal will prevent the achievement of notable efficiencies, reductions in costs, and other benefits for litigants and practitioners, as well as County Clerks and courts. Proceeding with e-filing only on a consensual basis causes inefficiency and potential confusion for courts and County Clerks due to the need to deal with and process e-filed files in some matters and paper ones in other matters of the same type.

For these reasons, we believe that the restrictions on the discretion of the Chief Administrative Judge in regard to matrimonial cases are outdated and should be removed without delay.

2. E-Filing in Foreclosure and Consumer Credit Cases

Current law imposes substantial restrictions on the Chief Administrative Judge's ability to exercise discretion in residential foreclosure actions involving a home loan and proceedings related to consumer credit transactions. In these two classes of cases, consensual e-filing is permissible, but the Chief Administrative Judge is barred from mandating use of e-filing by attorneys, except for the commencement filing only by a represented party.[38]

The law also provides that this restriction does not apply to any county in which, prior to the effective date of Chapter 237 in 2015, the Chief Administrative Judge had mandated e-filing in such foreclosure actions (seven counties) and in such consumer credit actions (five counties, some of which overlap with the former group)(hereinafter "the grandfathered counties").[39] There is, however, a sunset date for this provision: September 1, 2020, having been extended by one year in 2019 (after a like extension in 2018).[40]

The Judiciary believes that the time has arrived to treat these two classes of cases as almost all other cases are treated – that is, to allow the Chief Administrative Judge to exercise his informed discretion in regard to mandatory e-filing.[41]

The points we have made about lifting the ban on matrimonial cases (apart from those regarding confidentiality) apply here as well. Here, too, we have actual experience that supports our proposal: mandatory e-filing of residential foreclosure and consumer credit cases has worked well in the grandfathered counties in which it has been permitted. And here too, of course, if the Chief Administrative Judge decides to exercise his discretion and establish mandatory e-filing in these cases in a particular court, **e-filing there will be mandatory for attorneys only.**

Some legal services groups submitted comments about e-filing and the unrepresented in residential foreclosure and consumer credit actions in connection with the Annual Report for 2019. Although they recognized the importance of improving access to justice in our state and that NYSCEF has the ability to do just that, including for the unrepresented, they were, at the same time, critical of its use in these cases. We did not believe that their criticisms were well-founded. We explained why in detail in an appendix to the 2019 report (Appendix I).

This year, these groups did not submit any comments in specific response to the solicitation of the Chief Administrative Judge described earlier.

---

37. The Managing Attorneys and Clerks Association, Inc. ("MACA"), representatives from 125 litigation firms, and the National Docketing Association ("NDA"), e-filing users from large and medium firms in New York and from outside the state, both support lifting the ban on mandatory e-filing in matrimonial cases. Letter of John D. Bove`, MACA President, Jan. 24, 2020; Message of Elaine Screechfield and JoAnn DiSanti, NDA, Jan. 24, 2020.

38. CPLR § 2111 (b)(2)(A).

39. CPLR § 2111 (b)(2-a). 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.*

40. L. 2019, Ch. 212.

41. The Judiciary's proposal would remove the provision on the grandfathered counties from the law as it would serve no purpose if discretion is extended to the Chief Administrative Judge.

A separate legal services group did submit a comment. This group, which provides representation to homeowners, reported that the staff of its foreclosure defense program "all stated that once they had learned the e-filing system they found it extremely useful. As such we do not have concerns with the proposal to lift [the] restraints" in foreclosure and consumer credit cases.[42]

In response to a request from the Chair, however, some issues were raised before the Legal Services Advisory Committee by members thereof who represent legal services organizations. These comments do not provide a good reason why our legislative proposal should be rejected, as we explain in detail in Appendix H to this year's report. Among other things, and despite UCS's numerous requests for contemporaneous notification about any claimed issues, as in previous years, legal services groups did not provide any such timely notices to the E-Filing Director or e-filing staff in 2019 about perceived problems nor have e-filing staff been advised that complaints were brought to the attention of County Clerks or Chief Clerks in the counties involved, the identity and number of which have not been made known.[43] The comments appear to rely upon anecdotes or generalizations. Furthermore, as we have repeatedly noted, the unrepresented litigants about whom the groups are concerned are automatically exempt from e-filing.

Beyond the comments in the Legal Services Advisory Committee just referred to, no one has submitted an objection to the legislative proposal insofar as it concerns these cases (although, as was noted above, one attorney objected to e-filing generally).

It is worth emphasizing that the court system has undertaken many efforts to inform unrepresented persons about their rights in plain language, including that they are not required to e-file, and we shall continue to do so. For example, the e-filing rules provide that an attorney commencing an action electronically must serve the commencement documents in hard-copy format and must append to them a Notice of Electronic Filing that informs unrepresented persons that they are not obliged to participate in e-filing. So, every single unrepresented person in an e-filed action in the state receives at the outset of the case a notice in paper form that he or she does not have to e-file. We mentioned earlier the 2019 memorandum to all County Clerks and Chief Clerks in e-filing counties in the state reminding them of the rights of the unrepresented and urging them to see to it that the clerks at the counters are fully aware of these rights and respect and enforce them every day.

As another step, the legislation that the Judiciary proposes this year would require the court system to post prominently in courthouses a notice providing information for the unrepresented about their rights in regard to e-filing. UCS will encourage County Clerks and courts to distribute this notice around our courthouses. The legislation would also require the court system to provide periodic notice about the availability of e-filing training, which is readily available on-line, free of charge, to bar groups, legal service providers, and the public.

In regard to the assertions that there have been problems in some counties for some unrepresented, it is also vital to keep steadily in mind that the legislative proposal seeks to extend discretion to the Chief Administrative Judge, not itself to mandate e-filing in every venue in the state or any particular venue. The Chief Administrative Judge will exercise that discretion carefully in relation to these cases, and will consult closely with all affected groups before implementing any new mandatory e-filing program for attorneys in any particular jurisdiction, as he has always done up to now. If it is determined that problems affecting

42. Letter of Michele Pollock Rich & Carla Brogoch, Esq., The Legal Project, Jan. 15, 2020.

43. In September 2019, UCS established an e-mail box as a mechanism so that individual legal services attorneys across New York State could alert e-filing staff to any issues with e-filing that they might encounter, thereby allowing NYSCEF staff to investigate the situation and take immediate action to correct any difficulties found. Notice of the establishment of this box was sent to 177 legal service agencies, which were asked to inform their attorneys about the box and its purpose. To date, no communications have been sent to this box by legal services attorneys or groups.

unrepresented litigants exist in a particular county in these cases, the Chief Administrative Judge can simply withhold approval for new mandatory e-filing in that county.

We have been focusing in this section of this Report on the statutory right of the unrepresented not to take part in e-filing unless they choose to do so and the many efforts that UCS makes to bring this information to the attention of the unrepresented. It is appropriate that we do this. But we must not lose sight of the very important benefits that NYSCEF brings to unrepresented persons (and represented ones too) who wish to take part in e-filing. As we alluded to earlier, NYSCEF constitutes a tremendous and unparalleled opportunity for improved access to justice across our state. For those who have the modest digital hardware and software required, whether attorneys in firms, solo practitioners, or unrepresented persons seeking to vindicate and protect their rights, NYSCEF provides to an extraordinary degree improved access to the courthouse without in many instances the need to travel to it. It provides a convenient mechanism for filing documents from home or office. It provides a means to serve papers that is about as easy and inexpensive as one could hope for. It provides instantaneous notice to participating filers of all filings, including filings by the court of decisions and orders and other court documents. The unrepresented who choose to take part and other filers thus have much greater access to case documents and the workings of the court than has ever been possible in the paper world, and have a vastly improved chance to understand and keep track of what is happening in the case. These benefits can be obtained through a system that is in large measure intuitive and with respect to which training can be obtained on-line, as well as in person. While it is vital that we continue to safeguard and implement the exemption of unrepresented persons from e-filing unless they choose to participate, as we are striving to do, we must also avoid sacrificing the interests of those who might decide to take part. Governing legislation needs to pay attention both to the unrepresented person who does not wish to take part and to the important opportunity for greater access to justice that NYSCEF offers for those who do. Our legislative proposal strikes a reasonable balance between these different interests.

Furthermore, NYSCEF brings much greater transparency to the workings of the court than has ever existed before. Justice, as we know, needs both to be done and be seen to be done, particularly in highly-charged cases such as residential foreclosure matters. Brighter light is shed by NYSCEF on the workings of the court than has ever previously been possible.

From the perspective of the court, NYSCEF allows greatly improved oversight of the progress of cases. A judge can easily see, at any time, including at night or over the weekend, all that is happening in a particular case, all the filings that have been made and the issues raised. The opportunity for better, more expeditious, and more thorough judicial oversight of cases in an inventory presents itself when the cases in the inventory are e-filed.

The New York State Association of County Clerks has indicated its strong support for our approach to e-filing in residential foreclosure and consumer credit actions. In 2017, the Association wrote that "[w]e strongly urge [the Judiciary] to support making permanent the ability of counties to require mandatory e-filing of cases." The Association expressed "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 …."[44] The Association added that "[a]llowing this provision to sunset would have a substantial negative fiscal impact in the affected counties…."

44. Letter of Bradford Kendall, President, and Michael Backus and Timothy C. Idoni, Co-Chairs, Legislative Committee, February 15, 2017.

This year, the Supreme Court (Civil) Advisory Committee "heartily endorses legislation to lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in matrimonial cases and in all aspects of residential foreclosure actions and consumer credit actions."[45] Nine County Clerks have submitted communications supporting further expansion of e-filing.[46] And the New York State Association of County Clerks states that it "wishes to continue its strong support for further expansion of this program," favoring the lifting of the restrictions on the discretion of the Chief Administrative Judge in matrimonial, residential foreclosure, and consumer credit cases, and in some other case types as well.[47]

Thus, there is no sound basis for continuing to deny to the Chief Administrative Judge discretion to mandate e-filing by attorneys in residential foreclosure and consumer credit cases.

3. Extension of Time — Family Court and Criminal Cases

Finally, current law contains a sunset provision with respect to the authorization for mandatory e-filing programs in Family Court and Criminal cases. Pursuant to legislation last year,[48] the time within which to develop and test such programs expires on September 1, 2020. Additional time is needed for UCS e-filing staff to pursue e-filing in these cases. There is no reason why this deadline should not be extended. The Supreme and County Court Criminal E-Filing Advisory Committee has expressed support for this proposed change.[49] No one has submitted a message expressing a contrary view. Therefore, we propose that the sunset date be extended until two years after the year in which rules authorizing e-filing in these types of cases go into effect. This will obviate the need for yet more and repeated legislative extenders of the sunset date and allow the court system to accumulate actual experience with e-filing in these cases before the sunset would take place. The court system and the Legislature will then have a reasonable basis in fact upon which to make decisions regarding future extensions.

---

45. Letter of Hon. Timothy C. Idoni, Chair, Supreme Court (Civil) Advisory Committee, Dec. 18, 2019, p. 2.

46. Letter of Hon. Nancy T. Sunshine, Kings County Clerk, Jan. 24, 2020; Letter of Hon. Maureen O'Connell, Nassau County Clerk, Jan. 14, 2020; Letter of Hon. Paul Piperato, Rockland County Clerk, Jan. 9, 2020; Letter of Hon. Joseph A. Jastrzemski, Niagara County Clerk, Jan. 13, 2020; Message of Hon. Lisa Dell, Onondaga County Clerk, Jan. 3, 2020; Letter of Hon. Stephen J. Fiala, Richmond County Clerk, Jan. 8, 2020; Letter of Hon. Audrey I. Pheffer, Queens County Clerk, Jan. 14, 2020; Letter of Hon. Elizabeth Larkin, Cortland County Clerk, Nov. 18, 2019. One County Clerk indicated that she believes that e-filing is going very well and that she looks forward to e-filing in criminal cases. Message of Hon. Mary F. Strickland, Livingston County Clerk, Dec. 30, 2019.

47. Statement of Hon. Sandra J. DePerno, Oneida County Clerk, New York State Association of County Clerks, received Jan. 29, 2020.

48. Ch. 212, Laws of 2019.

49. Letter of Hon. Michael V. Coccoma, Chair, Dec. 6, 2019, p. 4. The County Clerks Association also favors the elimination of sunset provisions. See Statement, note 47.

V. Conclusion

The record of our experience to date, with over 2.3 million e-filed cases and almost 31.8 million e-filed documents, and the comments we have received this year, in prior years, and in other settings demonstrate beyond dispute that e-filing is working very well in the courts of this state, for litigants, practitioners, judges, courts and County Clerks; that we continue to make encouraging progress across many fronts; and that, in short, we are moving increasingly toward the digital court system that Chief Judge Janet DiFiore and her recent predecessors, Chief Judges Jonathan Lippman and Judith Kaye, have envisioned. The legislative changes we propose are necessary to carry us further. In the 21st year of the e-filing program, the time has certainly arrived to take these reasonable additional steps.

The e-filing work that UCS is engaged in every day is transforming the courts of our state and the manner in which litigation is conducted here. The process of transformation shall advance even further if our legislative proposal is enacted. The Unified Court System and its e-filing staff will continue to work hard to build upon the very considerable success that has been achieved to date in this vital program.

Appendix A

Judiciary's Legislative Proposal

OCA 2020-69

An act to amend the civil practice law and rules and the judiciary law, in relation to electronic filing; to amend chapter 237 of the laws of 2015, amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the use of electronic means for the commencement and filing of papers in certain actions and proceedings; and to repeal paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, relating to residential foreclosure actions involving a home loan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 1 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:

1. (A) Except as otherwise provided in paragraph two of this subdivision, participation in this program shall be strictly voluntary, and will take place only upon consent of all parties in the action or special proceeding; except that a party's failure to consent to participation shall not bar any other party to the action or proceeding from filing and serving papers by facsimile transmission or electronic means upon the court or any other party to such action or proceeding who has consented to participation. Commencement of an action by electronic means or by facsimile transmission shall not require the consent of any other party. No party shall be compelled, directly or indirectly, to participate in e-filing. All parties shall be notified clearly, in plain language, about their options to participate in e-filing. Where a party is not represented by counsel, [the clerk shall explain such party's options for electronic filing in plain language, including the option for expedited processing, and shall inquire whether] he or she [wishes to participate, provided however the unrepresented litigant] may participate in the program only upon his or her request, which shall be documented in the case file, after said party has been presented with sufficient information in plain language concerning the program.

(B) The chief administrator shall cause each court in which he or she has authorized a program in the use of electronic means for the commencement of civil actions and proceedings and the filing and service of papers in pending actions and proceedings to post conspicuously, in one or more locations in the courthouse, a notice providing all unrepresented parties with information, in plain, objective and neutral language, concerning the electronic filing program and their options for participating in electronic filing in a case. Such notice shall include, in large type and in capital letters, the following statement: 'NOTICE TO UNREPRESENTED LITIGANTS: IF YOU ARE A PARTY TO A CASE IN A COURT, YOU ARE AUTOMATICALLY EXEMPT FROM HAVING TO FILE PAPERS IN YOUR CASE ELECTRONICALLY. NO JUDGE OR COURT EMPLOYEE MAY REQUIRE OR OTHERWISE INSIST THAT YOU DO SO. YOU MAY, HOWEVER, YOURSELF CHOOSE TO FILE YOUR PAPERS ELECTRONICALLY, IN WHICH CASE YOU SHOULD ASK ANY COURT EMPLOYEE FOR INSTRUCTIONS IN DOING SO.'

The chief administrator shall also cause this notice to be posted on the unified court system's public website.

§2. 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

§3. Paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules is REPEALED.

§4. Section 11 of chapter 237 of the laws of 2015, amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, as amended by chapter 168 of the laws of 2018, 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 on the first of 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, 2019] in the second calendar year following the year in which rules authorizing a program for the use of electronic means as permitted under such sections, respectively, first take effect; provided further, that the chief administrator of the courts shall notify the legislative bill drafting commission of the date such rules first take effect in order that the commission may maintain an

accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.

§5. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (u-1) to read as follows:

(u-1) Periodically notify the following as to the availability of such training as is provided by the office of court administration in the use of electronic means for the commencement of actions and proceedings and the service of papers therein as authorized by law: representatives of the organized bar, including but not limited to city, state, county and women's bar associations; institutional providers of legal services; not-for-profit legal service providers; and the general public.

§6. This act shall take effect immediately.

OCA 2020-69

IN SUPPORT OF

S.

A.

An act to amend the civil practice law and rules and the judiciary law, in relation to electronic filing; to amend chapter 237 of the laws of 2015 amending the judiciary law and other laws relating to use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the use of electronic means for the commencement and filing of papers in certain actions and proceedings; and to repeal paragraph 2-a of subdivision (b) of section 2111 of the civil practice law and rules, relating to residential foreclosure actions involving a home loan

This measure is being introduced at the request of the Chief Judge of the State and the Chief Administrative Judge.

This measure would eliminate a present prohibition on deployment of a program of mandatory e-filing in matrimonial cases in Supreme Court. It also would eliminate present restrictions on use of mandatory e-filing in certain residential foreclosure and consumer debt cases. Finally, it would change an existing sunset on authority for pilot programs in the use of e-filing in criminal and Family Courts so that the period in which those programs may be implemented runs from the day the programs are first implemented.

This measure has the support of the Women's Bar Association of the State (WBASNY) and the Executive Committee of the State Bar's Family Law Section.

As far back as 1999, the State began to introduce pilot programs in the use of electronic means to commence certain categories of cases and to file court papers with judges and with adverse parties ("e-filing"). See L. 1999, c. 367. In the years since, those programs have been continued and progressively expanded – to apply to a broader spectrum of cases in additional courts. As has been well-documented in numerous analyses and reports prepared over the years to assess the effectiveness of e-filing in New York's State courts, the pilot programs have been very successful and been greeted with great enthusiasm by both bench and bar.

Recognizing this, the Legislature, in 2015 (L. 2015, c. 237), made several major changes

in the statutes authorizing use of e-filing programs, to make them available on a more permanent and extended basis. These changes included (i) conferral of permanent authority upon the Chief Administrative Judge, with the agreement of County Clerks in affected counties and subject to categorical exclusion for certain case types (*i.e.*, *matrimonial actions*, CPLR Article 70 and 78 proceedings, MHL proceedings, Election Law proceedings and *certain residential foreclosure and consumer debt proceedings*), to require mandatory e-filing in Supreme Court civil parts in such counties and classes of cases as he or she shall specify; (ii) continued authorization, subject to a September 1, 2019 sunset, for use of e-filing, both consensual and mandatory, in criminal superior courts and Family Court; (iii) conferral of permanent authority upon the Chief Administrative Judge to institute programs of consensual and mandatory e-filing in Surrogate's Court and the New York City Civil Court; and programs for consensual e-filing (and filing by FAX) in the Court of Claims; (iv) authorization for use of e-filing in the Appellate Divisions at the discretion of each Judicial Department subject only to the same case exclusions for mandatory e-filing as are applied in the trial courts; and (v) relocation of statutes governing e-filing from the State's Unconsolidated Laws to appropriate locations in the Consolidated Laws. Last session, the Legislature built upon this framework by eliminating the exclusions from mandatory e-filing in the Appellate Divisions. L. 2017, c. 99.

The instant measure, following in the spirit of the 2015 legislation, would make several further changes in the e-filing statutes – for the purpose of enabling fuller deployment of what has been amply demonstrated to be a practical and economically sound use of technology to enable optimally expeditious and effective exchange of papers by parties to a lawsuit between themselves and with the court. The measure calls for:

- elimination of the present exclusion of matrimonial actions from mandatory e-filing programs in Supreme Court. E-filing in matrimonial cases has long been used on a consensual basis and all indications are that requiring its use in those cases would be no less appropriate than it is in other classes of cases that now are subject to mandatory e-filing. Indeed, we are advised that there are many in the matrimonial bar, along with most County Clerks, who strongly favor extending mandatory e-filing to matrimonial actions for many reasons not least of which is the fact that maintaining dual-track filing systems is cumbersome and costly. Most recently, the members of the Executive Committee of the Family Law Section of the State Bar voted unanimously to support this proposal.

- elimination of the present exclusion as to residential foreclosure and consumer debt actions from mandatory e-filing programs in Supreme Court. Under present law, other than for purposes of initial filings in these cases and, until September 1, 2020 (*see* L. 2019, c. 212), with exemption for certain statutorily-stipulated counties where mandatory e-filing was in effect prior to 2015, e-filing may not be made mandatory in these cases. And, yet, the experience we have had in the exempt counties since 2015 has been highly positive, with no indication of problems that would contraindicate continued application of mandatory e-filing in them beyond the coming sunset, or, indeed, that would dictate against permanent elimination of the existing exclusion for the benefit of practitioners in all counties.

- a reset of the September 1, 2020 sunset for use of e-filing in criminal and Family Court so that it will be two years after such use actually begins. As it is unclear at this time exactly

when pilot e-filing programs can be rolled out in these courts, having a fixed sunset makes little sense. In all likelihood, it will necessitate periodic trips back to the Legislature to re-up the sunset so as to permit a future pilot to go forth. A more practical approach, as promoted in this measure, would be for the sunset to be revised so that it is geared to kick in only after a pilot program is put in place.

This measure also inserts a special provision into the CPLR (*i.e.*, an addition to CPLR 2111(b)(1)) to ensure that each *pro se* litigant is fully aware that he or she is automatically exempt from having to e-file; and that any choice he or she should make to do so otherwise – *i.e.*, to e-file his or her case – must be an entirely voluntary one[1]. The measure also amends the Judiciary Law to require that the Chief Administrative Judge affirmatively provide notice of the e-filing training opportunities afforded by the Office of Court Administration to the general public and to representatives of the organized bar, institutional providers of legal services and not-for-profit legal service providers.

This measure, which would have no fiscal impact on the State or local government, would take effect immediately.

Legislative History: OCA 2019-1

[1] Several years ago, the Legislature, believing that *pro se* litigants might face greater difficulty in e-filing their court papers than attorneys appearing on behalf of other parties, established the present rule that *pro se* litigants are deemed *automatically* exempt from having to e-file even where the Chief Administrative Judge has directed that e-filing is mandatory. This rule does permit *pro se* litigants to e-file if they so choose, however, but it must be an entirely voluntary choice.

Appendix B

E-Filing Advisory Committees

Appendix B

SUPREME COURT (CIVIL) ADVISORY COMMITTEE ON E-FILING

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
Director, Statewide Coordinator for E-Filing

Staff
Jessica Cherry, Esq.
Phyllis Mingione, Esq.
Mindy Jeng, 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.
Acting Justice, Supreme Court, Bronx, NY

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

Hon. Judith M. Hunter
Steuben County Clerk
President NYS Assoc. of County Clerks, Bath, New York

Hon. Bradford Kendall
Dutchess County Clerk, 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

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 Feroleto, Buffalo, NY

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

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

Joseph Provoncha
County Clerk, Essex County, Elizabethtown, NY

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

SURROGATE'S COURT ADVISORY COMMITTEE ON E-FILING

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
Director, Statewide Coordinator for E-Filing

Staff
Michele Gartner, Esq.
Phyllis Mingione, Esq.
Mindy Jeng, Esq.

Members
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, Riverhead, NY

Allyn Crawford,
President, Richmond County Bar Association, Staten Island, NY

Heidi Dennis, Esq.
Executive Director Rural Law Center, Plattsburgh, NY

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

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

Maryann Joyner, Esq.
Rural Law Center, Plattsburgh, NY

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

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

John Olivieri, Esq.
White & Case LLP, New York, NY

Shannon Pozzuolo, Esq.
The Legal Aid Society of Rochester, Rochester, NY

John J. Reddy, Jr., Esq.
Reddy, Levey & Ziffer, PC, New York, NY

Kera 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

SUPREME AND COUNTY COURT (CRIMINAL) ADVISORY COMMITTEE ON E-FILING

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

Committee Chair
Hon. Michael V. Coccoma
Deputy Chief Administrative Judge for the, Courts Outside New York City

Committee Vice-Chair
Jeffrey Carucci
Director, Statewide Coordinator for E-Filing

Staff
Jessica Cherry, Esq.
Phyllis Mingione, Esq.
Mindy Jeng, 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

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, New York, NY

Hon. Lisa Dell
Onondaga County Clerk, Syracuse, NY

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

Anthony DiStefano
Chief Clerk, Criminal Term, Richmond County Supreme Court

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

Caroline R. Donhauser, Esq.
Kings County District, Attorney's Office, Brooklyn, NY

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

Lakisha C. Hickson
Chief Clerk, Westchester Supreme & County Court

Timothy W. Hoover, Esq.
Phillips, LLP, Buffalo, NY

Hon. Bradford Kendall
Dutchess County Clerk, 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

Eileen McCarthy
First Deputy District Attorney Office of the Westchester County District

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

Judith A. Pascale
Suffolk County Clerk, Riverhead, NY

William J. Perritt
Principal Management Analyst Office of the Deputy Chief Administrative Judge, Courts Outside of New York City, 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.
Executive Director, Brooklyn Defender Services, Brooklyn, NY

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

Frank Tropea
Chief Clerk, Suffolk County Court, Riverhead, NY

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

Working Committee List

Hon. Michael V. Coccoma (Chair)
Office of Court Administration
Supreme Court, Otsego County

Jeffrey Carucci (Vice-Chair)
Director, Statewide Coordinator for E-Filing

Daniel M. Alessandrino
Chief Clerk of Criminal Matters, Criminal Term, Kings Supreme Court

Ronda Brown
Deputy Chief Clerk, Supreme & County Court of Westchester County

Susan Bryant
Acting Director, New York State Defenders Association

Nicole Chavis
Deputy Chief of Staff, Office of the Kirigs County DA

Barbara DiFiore, Esq.
18-B Panel Administrator Assigned Counsel Plan

Christopher DiSanto
Chief Clerk of Criminal Matters, Supreme Court, Criminal Term, New York County

Anthony Distefano
Deputy Chief Clerk of Criminal Term, Richmond County Supreme Court

Kenneth Fay
Chief Clerk for Civil & Criminal Matters, Richmond County

Gregory Garone
Director Case Management Services, New York County District Attorney's Office

Phil Gary
Special Narcotics Prosecutor's, Office New York County

Chris Gibson
Court Clerk Specialist, Statewide NYSCEF Resource Center

Siobhan Shea-Gillespie
Case Management Coordinator, Criminal Term, Kings Supreme Court

Shannon Goldberg
Unit Chief, Litigation Support Unit, New York County District Attorney's Office

Lakisha Hickson
Chief Clerk,
Westchester Supreme
& County Court

Kenn Kern
Chief Information Officer, Special Assistant for International Relations, New York County District Attorney's Office

David Klestzick
Deputy Chief of the Trial Division, Kings County District Attorney's Office

Elizabeth Larkin
County Clerk, Cortland County, Cortland, NY

Eileen McCarthy
First Deputy District Attorney, Office of the Westchester County District Attorney Anthony A. Scarpino, Jr.

Jeanine Muratore
Office of the Westchester County Clerk, White Plains, NY

Phyllis Mingione
Principal Court Attorney, Statewide NYSCEF Resource Center

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

William J. Perritt
Principal Management Analyst, Office of the Deputy Chief Administrative Judge, Courts Outside of New York City

Christopher Pisciotta
Legal Aid Society, Criminal Division, Case Manager, Staten Island, NY

Lisa Preston
Chief Clerk, Monroe County Supreme and County Courts, Rochester, NY

Lawrence Salvato
Court Clerk Specialist, Supreme Court, Criminal Term, NY County

Amy Schwartz
New York County District Attorney's Office, One Hogan Place

Frank L. Tropea
Chief Clerk, Suffolk County Court, Cromarty Court Complex, Riverhead, NY

Lisa White-Tingling
Court Clerk Specialist, New York County Supreme Court, Criminal Term

NYC CIVIL COURT ADVISORY COMMITTEE ON E-FILING

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

Committee Chair
Alia Razzaq
Chief Clerk, New York City Civil Court, NewYork, NY

Committee Vice-Chair
Jeffrey Carucci
Director, Statewide Coordinator for E-Filing

Staff
Jessica Cherry, Esq
Phyllis Mingione, Esq.
Mindy Jeng, Esq.

Members
Jennifer A. Bentley Esq.
Certilman, Balin, Adler & Hyman LLP, East Meadow, NY

Gina M. Calabrese
St. John's University School of Law, Queens, NY

David A. Glazer, Esq.
Shafer Glazer LLP, New York, NY

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

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

Richard W. Kokel, Esq.
New York, NY

Joseph Minogue
Deputy Chief Clerk, New York City Civil Court, Kings County, Brooklyn, NY

Mitchell B. Nisonoff, Esq.
Department of Consumer Affairs, New York City, New York, NY

Lawrence N. Rogak, Esq.
Lawrence N. Rogak LLC, Oceanside, NY

Rachel Siskind, Rubin, Esq.
Silversmith & Associates Law Firm, PLLC, New York, NY

Michael James Rivers, Esq.
Law Offices of Aloy O. Ibuzor, New York, NY

FAMILY COURT ADVISORY COMMITTEE ON E-FILING

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

Committee Chair
Doreen Hanley
Chief Clerk, New York City Family Court

Committee Vice-Chair
Jeffrey Carucci
Director, Statewide Coordinator for E-Filing

Staff
Janet Fink, Esq.
Phyllis Mingione, Esq.
Mindy Jeng, Esq.

Members
Angela Albertus, Esq.
Corporation Counsel, New York City Department of Law, New York, NY

Kelly Buckley
Chief Clerk, Erie County Family Court, Buffalo, NY

Margaret A. Burt, Esq.
Counsel, Pittsford, NY

Angela Olivia Burton, Esq.
New York State Office of Indigent Legal Services,Albany, NY

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

Brian Dworkin, Esq.
Director, Legal Services of New York, Family Law, Jamaica, NY

Elizabeth Fassler, Esq.
Center for family Representation, Jamaica, NY

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

Appendix B

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., Albany, NY

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

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

Susan Lindenauer, Esq.
Co-chair, NYS Bar Association Family
Court Task Force, New York, NY

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

Robert Marchiony, Esq.
Principal Appellate Court
Attorney (Assigned Counsel
Plan, Family Court), New York
State Supreme Court, Appellate
Division, Third Department

Melissa Mills
Principle IT Analyst, Dept. of
Technology, New York State Unified
Court System, Rensselaer, NY

George Reed, Jr., Esq.
Law Offices of George Reed,
Jr.. White Plains, NY

Rylan Richie, Esq.
Albany County Public Defender,
Supervising Attorney, Albany
County Family Court, Albany, NY

Betsy Ruslander, Esq.
Director, Office of Children
Services, Appellate Division,
Third Dept., Albany, NY

Alan Sputz, Esq.
Deputy Commissioner, Family Court
Legal Services, NYC Administration
for Children's Services, New York, NY

Janet Tullo, Esq.
Office of the County Attorney,
Dutchess County, Poughkeepsie, NY

Lisa A. Virgilio
Deputy Chief Clerk, Erie County
Family Court, Buffalo, NY

Harriet Weinberger, Esq.
Director, Attorneys for Children
Program, New York State Supreme
Court, Appellate Division, Second
Department, Brooklyn, NY

Brian J. Zimmerman, Esq.
Brooklyn, NY

LEGAL SERVICES ADVISORY COMMITTEE ON E-FILING

Committee Chair
Jeffrey Carucci
Director, Statewide
Coordinator for E-Filing

Staff
Jessica Cherry, Esq
Mindy Jeng, Esq.

Members

Marc Bloustein
First Deputy Counsel &
Legislative Counsel, Office
of Court Administration

Maria DeGennaro
Empire Justice Center
Unit Director, HOPP Regional
Coordinator Public Advocacy
Center, Touro La\-\T Center

Barbara Finkelstein, Esq., CEO
Legal Services of the Hudson Valley

Chris Gibson
Court Clerk Specialist,
Deputy Statewide E-filing
Coordinator

Adrienne Holder, Esq.
Legal Aid Society New
York, New York

Hon. Timothy C. Idoni
Westchester County Clerk

Jacob Inwald
Director of Foreclosure
Prevention, Legal Services NYC

Catherine Isobe
Brooklyn Legal Services

Joseph Kelemen
Western Law Center,
Executive Director

Hon. Elizabeth Larkin
Cortland County Clerk

Daniel Marren
Supreme Court, Principal Law Clerk,
New York State Supreme Court,
8th Judicial District

Robert Meade, Esq.
Administrator (retired),
NYS Supreme Court,
New York County

Phyllis Mingione
Principal Court Attorney,
Statewide E-Filing Office

Mark Muoio, Esq.
Program Director, Housing Unit
Legal Aid Society of
Rochester, New York

Silvia Orna
Chief Operating Officer,
Latino Justice PRLDEF

Hon. Nancy Sunshine
Kings County Clerk

Maha Syed
Executive Director,
The New York Legal
Services Coalition

Appendix C

Letters of the Chief Administrative Judge and Notices Seeking Comment

STATE OF NEW YORK
UNIFIED COURT SYSTEM
360 ADAMS STREET
BROOKLYN, NY 11201
(347) 296-1527

LAWRENCE K. MARKS
Chief Administrative Judge

JEFFREY S. SUNSHINE
Statewide Coordinating Judge for
Matrimonial Cases

MEMORANDUM

To: Chairs of Bar Associations Family Law and Matrimonial Law Committees

From: Hon. Jeffrey Sunshine, Statewide Coordinating Judge of Matrimonial Cases

Re: Electronic Filing of Court Papers

Date: December 20, 2019

I write to ask your help concerning a proposal for expanding the use of mandatory electronic filing of court papers to matrimonial actions.

In 2015, the Legislature enacted CPLR 2111(b)(2)(A), which authorized the Chief Administrative Judge to mandate the electronic filing of court papers in all cases in Supreme Court with only a limited number of exceptions, among which is one for matrimonial actions. This enactment represented the culmination of more than 15 years of steady incremental growth in the breadth of electronic filing in the courts. Since 2015, and in response to strong expressions of interest from segments of the community, the Office of Court Administration ("OCA") has considered proposing a further step in the expansion of electronic filing: elimination of the statutory matrimonial action exception from mandatory electronic filing. Last year, OCA took the formal step of submitting a proposal to do this to the Legislature. Regrettably, notwithstanding that we had only heard uniformly supportive comments about our proposal from the bench and bar, this proposal was not enacted.

Now, as we approach the 2020 legislative session - during which OCA will again submit its proposal -we are inviting the support of the matrimonial bar for this effort.

Over the past two decades, the electronic filing of court papers in cases in the New York courts has grown increasingly common. As of today, more than 2 million cases have been filed

electronically in Supreme Court and in other courts. Subject to the aforementioned exceptions (for matrimonial actions, CPLR Article 70 and 78 proceedings, Election Law proceedings, cases under the Mental Hygiene Law and certain residential foreclosure and consumer debt actions), mandatory electronic filing has been implemented in 42 counties. Additionally, electronic filing is permitted, where the parties consent, in some case types in all of these counties plus another 10. Of note is the fact that, of the 52 counties now using some form of electronic filing, 42 permit consensual filing in matrimonial actions, with the result that, over the past six years, there have been almost 19,000 such actions electronically filed across the State.

Each time efforts to expand electronic filing in New York have been considered, the Chief Administrative Judge has sought input from bar groups to establish whether lawyers across the State are comfortable with such expansion, and whether they believe it can benefit their clients. Electronic filing can only be successful where the bar is supportive of the process and fully committed to its effectiveness as a means of furthering client interests and the administration of justice. Thus, we believe it essential now to enlist your assistance in our forthcoming effort.

I point out that, if the current statutory bar to mandatory electronic filing in matrimonial actions were eliminated, this legislation would not by itself impose electronic filing of papers in all such actions across the State. The legislation would, instead, permit the Chief Administrative Judge to mandate it in individual counties, on a county by county basis, after consulting with the local bench and bar and securing the approval of the County Clerk. Moreover, as is the case with mandatory electronic filing in all other classes of cases where it has been instituted: (i) unrepresented parties in matrimonial actions would be automatically exempt from having to file electronically (although they could choose to do so if they wished), and (ii) attorneys in such actions who lack the knowledge or equipment needed to file electronically could opt out of doing so by the filing of a simple form. Finally, consistent with section 235 of the Domestic Relations Law, papers in a matrimonial action that is electronically filed shall not accessible on-line to person other than the parties and counsel therein.

As has been amply demonstrated over the last two decades, during which time electronic filing has gradually been introduced in most classes of civil Supreme Court cases in New York, the benefits of the practice are many. For litigants and the bar, they include: a streamlined, easily-mastered process for the filing of litigation documents in courts across the State that is far more economical than traditional paper filing, convenient access by parties to case files; easier, more expeditious review of filed papers by court staff; enhanced security for all filings; convenient and easy notification where a party's papers require correction, and equally convenient and easy re-submission of corrected papers; free and fast service of subsequent papers upon all other parties who are electronically filing in a case; and instantaneous notification of signed orders and judgments. For the community, they include: diminished reliance upon paper, which promotes a greener environment; and public savings through more economical and more effective operations in court and County Clerks' offices that electronic filing enables.

The bar has consistently showed its strong support for electronic filing of civil cases in Supreme Court. I ask that you extend that support to our effort to expand use of electronic filing

in matrimonial cases. To this end, I would welcome any comments or suggestions as to the proposed legislation lifting the restraints upon the discretion of the Chief Administrative Judge to commence a mandatory e-filing program in matrimonial cases. Please send them, not later than January 17, 2020, to me, by email, at Jsunshin@nycourts.gov, or at the following address:

Hon. Jeffrey S.Sunshine
Statewide Coordinating Judge for Matrimonial Cases
360 Adams Street
Brooklyn , New York 11201

Thank you for your time and cooperation.

cc: Hon. Lawrence K. Marks, *Chief Administrative Judge*
John W. McConnell, Esq., *UCS Executive Director*
Nancy Barry; *UCS Chief of Operations*
Eileen D. Millett, Esq., *UCS Counsel*
Marc C. Bloustein, *UCS First Deputy & Legislative Counsel*
Jeffrey Carucci, *Statewide Coordinator for Electronic Filing*

State of New York
Unified Court System

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

Lawrence K. Marks
Chief Administrative Judge

December 23, 2019

To: Bar Associations, Legal Services Providers,
Other Interested Organizations, and Attorneys

Re: New York State Courts Electronic Filing Program

As you may know, the Office of Court Administration submits a report each February 1 to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the Unified Court System's electronic filing system. I write to invite your comments on electronic filing for inclusion in that annual report in 2020.

I write as well to solicit your observations, for inclusion in the February report, on proposed amendments to CPLR Article 21A and other relevant statutes to do the following:

1. Authorize the introduction of mandatory e-filing in matrimonial actions. (Such e-filing is now barred by statute.)

   Currently, e-filing in matrimonial cases on a consensual basis is authorized in 42 counties throughout New York State. Across these counties almost 19,000 matrimonial cases have been e-filed to date, and we have received requests from judges and practitioners to seek statutory authorization to make such e-filing mandatory. Comments from members of the bar with experience in consensual e-filing in matrimonial cases are particularly welcome.

   Should the bar to mandatory e-filing in matrimonial cases be lifted, a mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, legal services providers and other groups. Moreover, the consent of the County Clerk of an affected county outside New York City would be required.

2. Extend the time to develop and test e-filing programs in Family Court and Criminal Court (currently due to expire on September 1, 2020).

3. Lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in residential foreclosure actions and consumer credit actions.

These proposals would not alter requirements of consultation with the Bar, legal services providers and other groups (as well as the need for consent of the County Clerk in affected counties outside New York City in Supreme Court matters) in advance of any future expansion or affect other existing provisions in the e-filing legislation. Further, unrepresented persons in cases in which e-filing would otherwise be mandatory would continue to be exempt from e-filing unless they affirmatively choose to participate. Moreover, attorneys in such cases would continue to be able to opt out of e-filing if they lack the equipment or knowledge to participate. Finally, the proposal would not alter current requirements of confidentiality in the treatment of matrimonial actions.

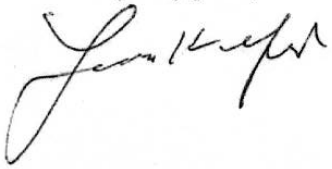
In order that we may have the time needed to prepare the report, I ask that you as a group or any of your individual members submit any comments by January 17, 2020. All comments received will be included in the Annual Report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
Office of Court Administration
25 Beaver Street, Rm 823
New York, New York 10004

efilingcomments@nycourts.gov

We look forward to your comments on this program and these proposals.

Very truly yours,



cc: John W. McConnell
Nancy Barry
Eileen D. Millett
Marc C. Bloustein
Jeffrey Carucci

NEW YORK STATE
Unified Court System
OFFICE OF COURT ADMINISTRATION

JOHN W. MCCONNELL, ESQ.
EXECTIVE DIRECTOR

JEFFREY CARUCCI
DIRECTOR - STATEWIDE COORDINATOR FOR E-FILING

Nancy J. Barry, ESQ.
CHIEF OF OPERATIONS

December 19, 2019

SENT VIA E-MAIL

Hon. Susan M. Dwyer
County Clerk, Cayuga County
County Office Bldg.
160 Genesee St.
Auburn, NY 13021

Re: New York State Courts Electronic Filing Program

Dear Ms. Dwyer:

Pursuant to Judiciary Law § 212, the Chief Administrative Judge of the State of New York must submit to the Legislature, the Governor, and the Chief Judge an annual report evaluating the state's experience with electronic filing and containing recommendations for further legislation. Preparation of this report includes consulting with County Clerks in whose counties an e-fling program has been implemented and solicitating comments from all County Clerks on both implementation and proposed legislation for inclusion in the report.

The Chief Administrative Judge is also inviting comments on proposed legislative changes being considered for inclusion in his annual report due this year on February 1, 2020. The changes under consideration relate to the authority of the Chief Administrative Judge to expand mandatory e-filing. Under current law, the Chief Administrative Judge decides the courts and case types in which e-filing should proceed. Mandatory e-filing, however, is prohibited in certain civil case categories in Supreme Court, such as Article 70, Article 78, election law, matrimonial, and Mental Hygiene Law cases.

In particular, we invite comment about the proposal with respect to matrimonial cases, residential foreclosure actions and consumer credit actions. The proposed legislation seeks to lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in matrimonial cases, and in all aspects of residential foreclosure actions and consumer credit actions.

As always, if any of the current legislative exclusions from mandatory e-filing were eliminated, a mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, the legal services providers and other groups.

See CPLR 2111(2)(C)(i). Moreover, in Supreme Court, the consent of the County Clerk of an affected county outside New York City would be required. CPLR 2111(2)(C)(ii).

This proposal would not alter other existing e-filing safeguards. Unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate; and attorneys lacking the equipment or knowledge would continue to have the right to opt out of e-filing. Finally, the e-filing system would continue to assure confidential treatment of cases such as matrimonial actions, as provided elsewhere under State law.

In order that we may have the time needed to prepare the report, Chief Administrative Judge Lawrence K. Marks has asked that you please submit any comments by January 17, 2020. All comments received will be included in the Annual Report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator
For Electronic Filing
Office of Court Administration
25 Beaver Street, Rm 823
New York, New York 10004

E-mail: Jcarucci@nycourts.gov

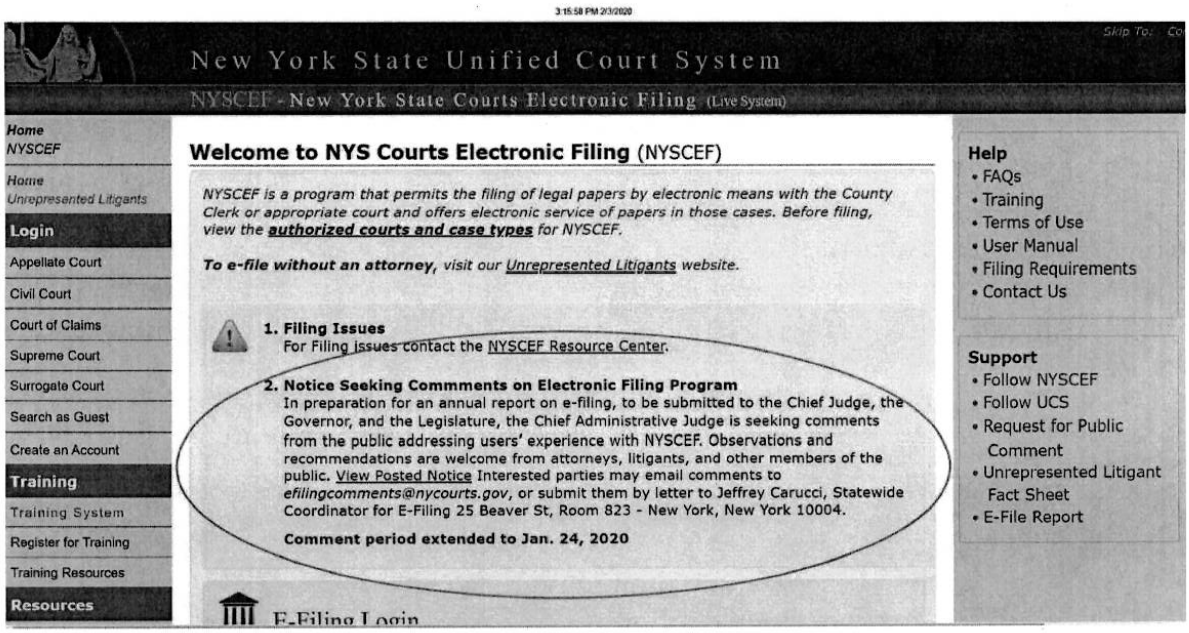
We look forward to your commentary: your observations are an important part of our efforts to ensure that the Court System's e-filing program continues to expand in a measured, responsive, and appropriate fashion. And as always, thank you for all your hard work, and that of your staff, to make e-filing a successful reality in your county.

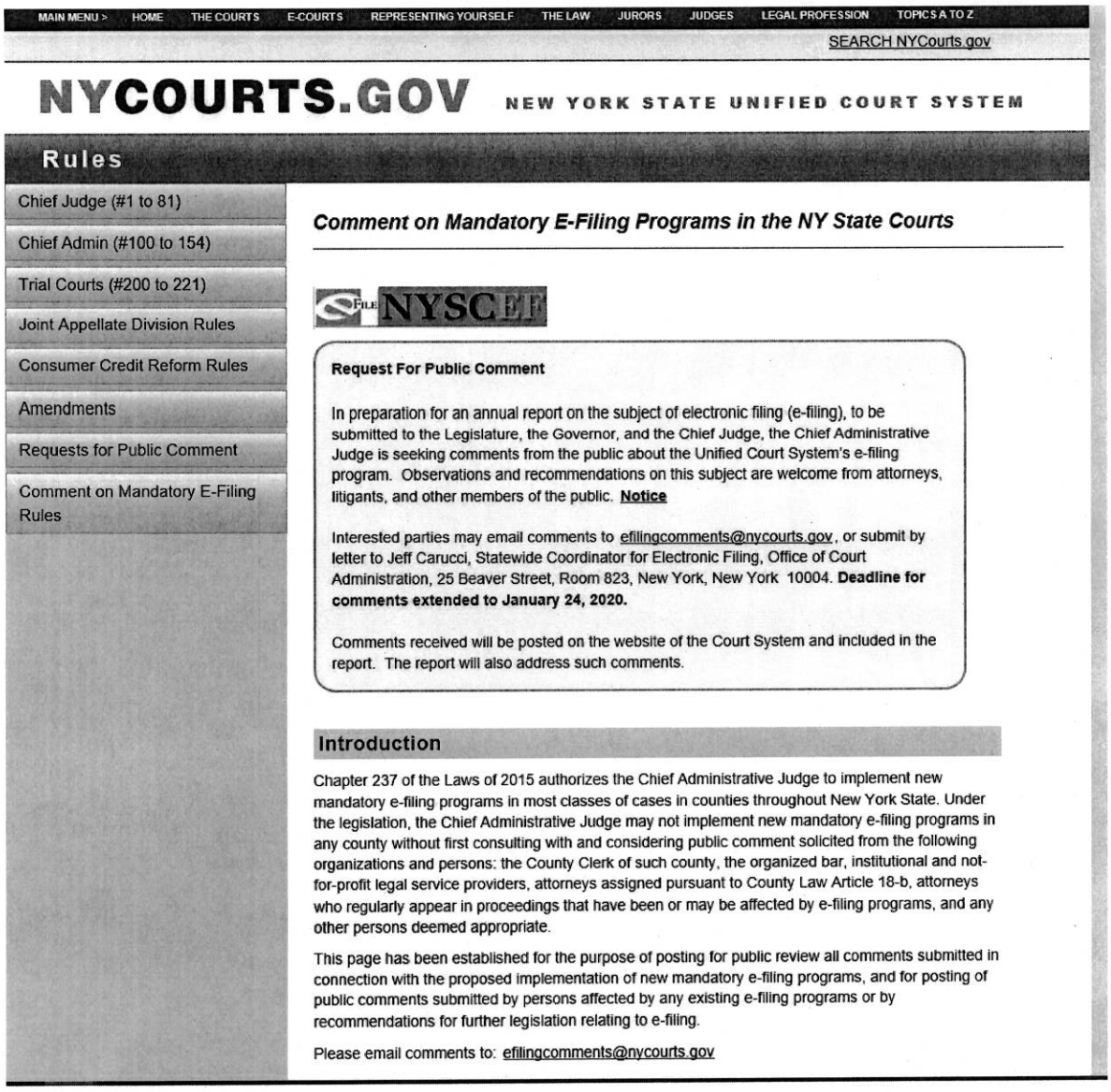
Yours truly,

Jeffrey Carucci

cc: Hon. Lawrence K. Marks, Chief Administrative Judge
John W. McConnell, Esq., UCS Executive Director
Nancy Barry; UCS Chief of Operations
Eileen D. Millett, Esq., UCS Counsel
Marc C. Bloustein, UCS First Deputy & Legislative Counsel

Appendix C


3:16:58 PM 2/3/2020
New York State Unified Court System
NYSCEF - New York State Courts Electronic Filing (Live System)
Home
NYSCEF
Home
Unrepresented Litigants
Login
Appellate Court
Civil Court
Court of Claims
Supreme Court
Surrogate Court
Search as Guest
Create an Account
Training
Training System
Register for Training
Training Resources
Resources
Welcome to NYS Courts Electronic Filing (NYSCEF)
NYSCEF is a program that permits the filing of legal papers by electronic means with the County Clerk or appropriate court and offers electronic service of papers in those cases. Before filing, view the authorized courts and case types for NYSCEF.
To e-file without an attorney, visit our Unrepresented Litigants website.
1. Filing Issues
For Filing issues contact the NYSCEF Resource Center.
2. Notice Seeking Commments on Electronic Filing Program
In preparation for an annual report on e-filing, to be submitted to the Chief Judge, the Governor, and the Legislature, the Chief Administrative Judge is seeking comments from the public addressing users' experience with NYSCEF. Observations and recommendations are welcome from attorneys, litigants, and other members of the public. View Posted Notice Interested parties may email comments to efilingcomments@nycourts.gov, or submit them by letter to Jeffrey Carucci, Statewide Coordinator for E-Filing 25 Beaver St, Room 823 - New York, New York 10004.
Comment period extended to Jan. 24, 2020
E-Filing Login
Help
• FAQs
• Training
• Terms of Use
• User Manual
• Filing Requirements
• Contact Us
Support
• Follow NYSCEF
• Follow UCS
• Request for Public Comment
• Unrepresented Litigant Fact Sheet
• E-File Report



MAIN MENU > HOME THE COURTS E-COURTS REPRESENTING YOURSELF THE LAW JURORS JUDGES LEGAL PROFESSION TOPICS A TO Z

SEARCH NYCourts.gov

NYCOURTS.GOV NEW YORK STATE UNIFIED COURT SYSTEM

Rules

- Chief Judge (#1 to 81)
- Chief Admin (#100 to 154)
- Trial Courts (#200 to 221)
- Joint Appellate Division Rules
- Consumer Credit Reform Rules
- Amendments
- Requests for Public Comment
- Comment on Mandatory E-Filing Rules

Comment on Mandatory E-Filing Programs in the NY State Courts

NYSCEF

Request For Public Comment

In preparation for an annual report on the subject of electronic filing (e-filing), to be submitted to the Legislature, the Governor, and the Chief Judge, the Chief Administrative Judge is seeking comments from the public about the Unified Court System's e-filing program. Observations and recommendations on this subject are welcome from attorneys, litigants, and other members of the public. **Notice**

Interested parties may email comments to efilingcomments@nycourts.gov, or submit by letter to Jeff Carucci, Statewide Coordinator for Electronic Filing, Office of Court Administration, 25 Beaver Street, Room 823, New York, New York 10004. **Deadline for comments extended to January 24, 2020.**

Comments received will be posted on the website of the Court System and included in the report. The report will also address such comments.

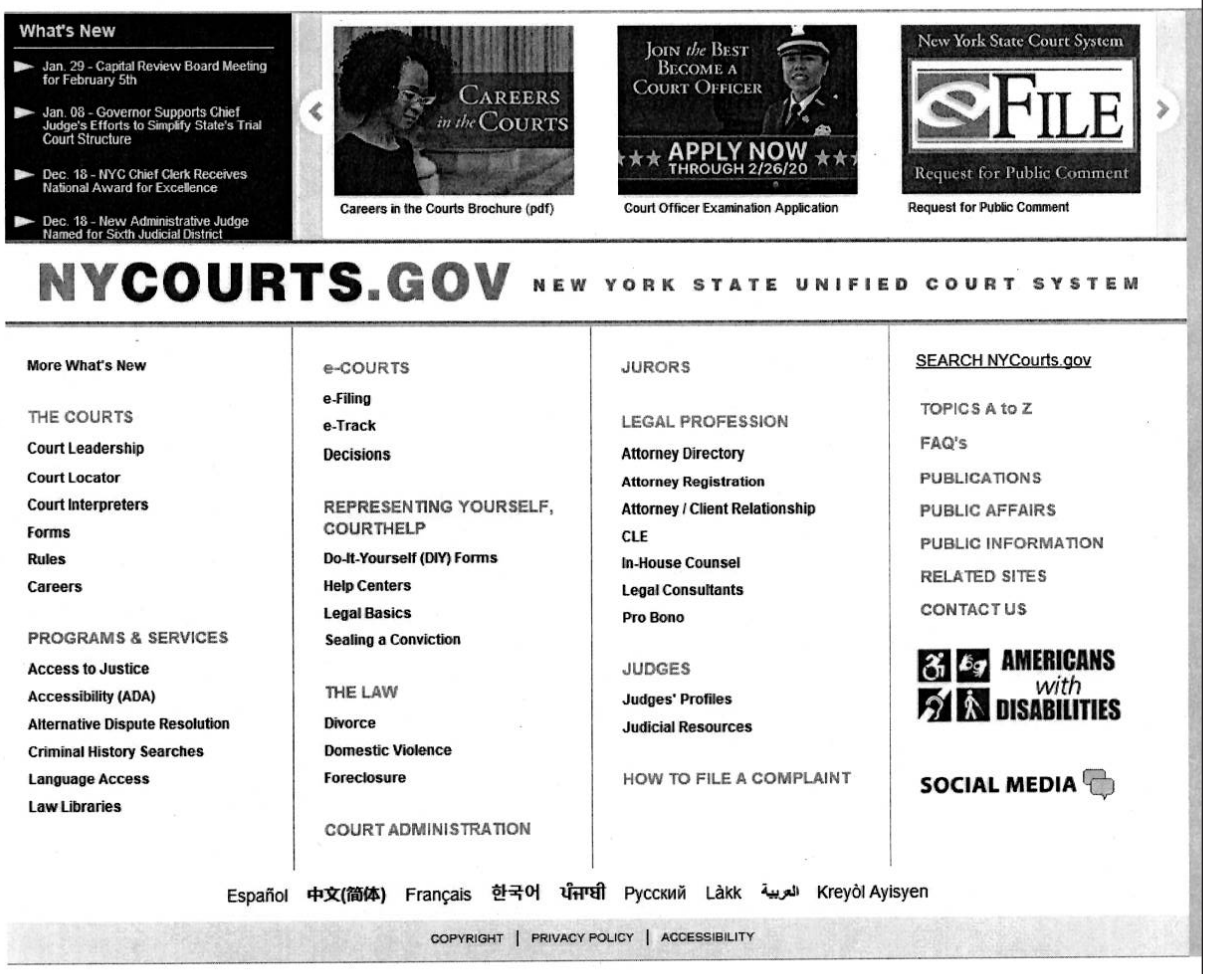
Introduction

Chapter 237 of the Laws of 2015 authorizes the Chief Administrative Judge to implement new mandatory e-filing programs in most classes of cases in counties throughout New York State. Under the legislation, the Chief Administrative Judge may not implement new mandatory e-filing programs in any county without first consulting with and considering public comment solicited from the following organizations and persons: the County Clerk of such county, the organized bar, institutional and not-for-profit legal service providers, attorneys assigned pursuant to County Law Article 18-b, attorneys who regularly appear in proceedings that have been or may be affected by e-filing programs, and any other persons deemed appropriate.

This page has been established for the purpose of posting for public review all comments submitted in connection with the proposed implementation of new mandatory e-filing programs, and for posting of public comments submitted by persons affected by any existing e-filing programs or by recommendations for further legislation relating to e-filing.

Please email comments to: efilingcomments@nycourts.gov

Appendix C


What's New
Jan. 29 - Capital Review Board Meeting for February 5th
Jan. 08 - Governor Supports Chief Judge's Efforts to Simplify State's Trial Court Structure
Dec. 18 - NYC Chief Clerk Receives National Award for Excellence
Dec. 18 - New Administrative Judge Named for Sixth Judicial District
Careers in the Courts
Careers in the Courts Brochure (pdf)
Join the Best Become a Court Officer
APPLY NOW THROUGH 2/26/20
Court Officer Examination Application
New York State Court System
eFILE
Request for Public Comment
Request for Public Comment
NYCOURTS.GOV
NEW YORK STATE UNIFIED COURT SYSTEM
More What's New
THE COURTS
Court Leadership
Court Locator
Court Interpreters
Forms
Rules
Careers
PROGRAMS & SERVICES
Access to Justice
Accessibility (ADA)
Alternative Dispute Resolution
Criminal History Searches
Language Access
Law Libraries
e-COURTS
e-Filing
e-Track
Decisions
REPRESENTING YOURSELF, COURTHELP
Do-It-Yourself (DIY) Forms
Help Centers
Legal Basics
Sealing a Conviction
THE LAW
Divorce
Domestic Violence
Foreclosure
COURT ADMINISTRATION
JURORS
LEGAL PROFESSION
Attorney Directory
Attorney Registration
Attorney / Client Relationship
CLE
In-House Counsel
Legal Consultants
Pro Bono
JUDGES
Judges' Profiles
Judicial Resources
HOW TO FILE A COMPLAINT
SEARCH NYCourts.gov
TOPICS A to Z
FAQ's
PUBLICATIONS
PUBLIC AFFAIRS
PUBLIC INFORMATION
RELATED SITES
CONTACT US
AMERICANS with DISABILITIES
SOCIAL MEDIA
Español 中文(简体) Français 한국어 ਪੰਜਾਬੀ Русский Làkk العربية Kreyòl Ayisyen
COPYRIGHT | PRIVACY POLICY | ACCESSIBILITY

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 not later than February 1, 2020, 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 Unified Court System welcomes the submission of comments about the implementation of the electronic filing program from the organized bar; legal services groups; public defenders; 18-B attorneys; unaffiliated attorneys; victims' rights organizations; persons in whose county a program has been implemented in any of the courts therein; unrepresented parties; and any other interested persons. 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 January 17, 2020. Comments should be sent by e-mail or regular mail to one of the following addresses:

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
Office of Court Administration
25 Beaver Street, Room 823
New York, New York 10004

E-mail: efilingcomments@nycourts.gov

January 6, 2020

Appendix D

Persons, Entities, Agencies, and Groups
to which Solicitations Were Sent

Appendix D

1ST JUDICIAL DISTRICT (NEW YORK COUNTY)

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

The Assn. of the Bar of the City of New York
42 West 44th Street
New York, NY 10036-6690
Roger J. Maldonado, President
rmaldonado@nycbar.org

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

Brehon Law Society
693 Ninth Avenue
New York, NY 10036
Jennifer Frankola Crawford, President
brehonlawsocietynyc@gmail.com
Sjd_esq@hotmail.com
cunningcd@aol.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
paolostrino@gmail.com

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
gloribelle.perez@gmail.com

Federal Bar Assn., Southern District of New York Chapter
Law Offices of Ira R. Abel
30 Vesey Street, 15th Floor
New York, NY 10007-2988
Hon. Mimi Tsankov
mimi.tsankov@gmail.com

French-American Bar Association
pierre_ciric@yahoo.com

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

Irish American Bar Association
jn@lmllawyers.com
oisin@szendel.com

Jewish Lawyers Guild, Inc.
Abrams, Gorelick, Friedman & Jacobson, P.C.
One Battery Park Plz., 4th Floor
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
Brian Song, President
bsong@Bakerlaw.com
Sapna Palla, President-Elect
spalla@wiggin.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
275 Madison Avenue, 14th Floor
New York, NY 10016
info@mbbanyc.org

National Employment Lawyers Assn./New York
39 Broadway, Suite 2420
New York, NY 10006

National Lawyers Guild (New York City Chap.)
113 University Place, 8th Floor
New York, NY 10003
nlgnyc@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
30 Vesey Street, Suite 300
New York, NY 10007

New York Criminal Bar Association
40 Fulton Street, 23rd Floor
New York, NY 10038
nycrimbar@nyc.rr.com
Frederick Sosinsky, President
Freds@newyorkcriminaldefense.com

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

NYSTLA
132 Nassau Street, Ste 200
New York, NY 10038
Michele S. Mirman, Esq., President
Edward A. Steinberg, Esq., President-Elect
eas@lstriallaw.com
info@nystla.org

New York Women's Bar Association
P.O. Box 936
New York, NY 10024-0546
Virginia A. LoPreto, President
president@nywba.org
ANorejko@nywba.org

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

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

Puerto Rican Bar Assoc. Inc.
Blugo@pachecolugo.com
president@prbany.com
reo@roesq.com

Woman's Bar Assoc state of NY
Diedre L. Hay, President
dhay@wbasny.org
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 D

Asian American Legal Defense and Education Fund
99 Hudson Street, 12th Floor
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
666 Broadway, 7th Floor
New York, NY 10012
info@ccrjustice.org

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

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

Lawyers Alliance for New York
171 Madison Avenue, 6th Floor
New York, NY 10016
info@lawyersalliance.org
label@lawyersalliance.org
sdelany@lawyersalliance.org

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

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

The Legal Aid Society Civil Practice
199 Water Street
New York, NY 10038
ishaw@legal-aid.org

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

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

Legal Information for Families Today
info@LIFTonline.org

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

Legal Services NYC
40 Worth Street, 6th Floor
New York, NY 10013
ksoberanis@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
ealterman@mfjlegal.org
jzelhof@mfjlegal.org

Mobilization for Justice, Inc. (formerly MFY Legal Services)
100 William Street, 6th Floor
New York, New York 10038
(212) 417-3700

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

NYSACDL
90 State Street, Suite 700
Albany, NY 12207
Jennifer L. Van Ort,
Executive Director

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

New York County Defender Services
sgerman@nycds.org

NYS Mental Hygiene Legal Service First Dept.
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.
40 Worth Street, Suite 820
New York, NY 10013-2904
info@volsprobono.org

MACA
tkbeeken@debevoise.com

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

Association of Black Women Attorneys, Inc.
ferrandm@fdny.nyc.gov

Metropolitan Black Bar Association
tgrays@metlife.com

Muslim Bar Association of New York
saira.f.hussain@gmail.com
Zuberi.madiha@gmail.com

South Asian Bar Association of New York
pnchowlera@yahoo.com
vichalk@gmail.com
gopinath@millercanfield.com

American Academy of Matrimonial Lawyers
Brooklyn-Manhattan Trial Lawyers
wmbellard@aol.com
cinclima@inclimalawfirm.com

Women's Bar Association of the State of New York
Post Office Box 936
New York, NY 10024-0536
Attn: Amy Baldwin Littman, Esq.
Greta K. Kolcon, Esq,

President elect
gkolcon@wbasny.org
info@wbasny.org

NYS Academy of Trial Lawyers
academy@trialacademy.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
Fcarone@abramslaw.com
aji@nyelderlaw.net
jrosato@rosatofirm.com

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
546 5th Ave,
New York, NY 10036
Michael Cibella, Esq.

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

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

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
Barbara DiFiore
bdifiore@cityhall.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
lschreib@bds.org

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

Brooklyn Legal Services
619 Thorpe Ave, 3rd Floor
Brooklyn, NY 11216

Brooklyn Legal Services
27 Albany Ave, Fl. 2
Brooklyn, NY 11216
Catherine Isobe
cisobe@legalservicesnyc.org

Brooklyn Volunteer Lawyers Project
44 Court Street, Suite 1206
Brooklyn, NY 11201
Sidney Cherubin, Esq.,
Director of Legal Services
scherubin@brooklynvlp.org

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

Legal Action Center of the City of New York, Inc.
225 Varick Street, 4th Floor
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
dryan@legal-aid.org

The 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

Children's Medical-Legal Partnership:
Kings County Hospital
451 Clarkson Ave.
Brooklyn, NY 11203

Neighbors Together
2094 Fulton St
Brooklyn, NY 11233

Ingersoll Community Center
177 Myrtle Ave.
Brooklyn, NY 11201

Jewish Board of Family & Children's Services
2020 Coney Island Ave.
Brooklyn, NY 11223

NYS Mental Hygiene Legal Service 2nd Judicial Dept.
170 Old Country Road, Suite 500
Mineola, NY 11501
(also serves Kings County)

Mental Hygiene Legal Service
Creedmoor Psychiatric Center
80-45 Winchester Blvd
Bldg. 73, 2nd Floor, CBU #25
Queens Village, NY 11427
pscheidt@nycourts.gov

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 MacCrate Center For Justice
260 Broadway, Suite 2
Brooklyn, NY 11211

Appendix D

3RD JUDICIAL DISTRICT (ALBANY, COLUMBIA, GREENE, RENSSELAER, SCHOHARIE, SULLIVAN, ULSTER COUNTIES)

ALBANY COUNTY

Albany County Bar Association
112 State Street, Suite 1120
Albany, NY 12207
Hon. Daniel J. Hurteau, President
acba@albanycountybar.com
chrissyleann@yahoo.com
mrhodes@albanycountybar.com

Albany County Assigned Counsel Plan
lrosen50@hotmail.com

Capital District Black & Hispanic Bar Association
P.O. Box 5252
Albany, NY 12205
Jennifer Richardson, Esq., President

Capital District Women's Bar Association
P.O. Box 3747
Albany, NY 12203
Ricja Rice-Ghyll, 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

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

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
41 State Street, Suite M112
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
Sherri.Brooks@albanycountyny.gov

NYSBA
One Elk Street
Albany, NY 12207
jnagel@nysba.org
rkennedy@nysba.org
Hank Greenberg, President
Scott M. Karson, President-Elect
smk@lambbarnosky.com
Kbaxter@nysba.org
ajasiewica@nysba.org

NYS Academy of Trial Lawyers
39 North Pearl Street, 6th Floor
Albany, NY 12207
Andrew Smiley, President
Francis Letro, President Elect
info@trialacademy.org
academy@trialacademy.org

NYSACDL
90 State Street, Suite 700
Albany, NY 12207
Jennifer L. Van Ort,
Executive Director

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

Women's Bar Association of the State of New York (WBASNY)
Post Office Box 936
Planetarium Station
New York, NY 10024-0536
Deidre L. Hay, Esq, President
dhay@wbasny.org
info@wbasny.org
Joy A. Thompson, President-Elect

NYSTLA
132 Nassau Street, Ste 200
New York, NY 10038
David M. Oddo, Esq., President
info@nystla.org

COLUMBIA COUNTY

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

Andrew Howard
Columbia County Bar Assoc.
441 East Allen St., Hudson, NY 12434

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

Columbia County Conflict Defender
Columbia County 1st Alternate conflict defender
necareer@excite.com
Columbia County 2nd 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

Monica Kenny Keff, Esq.
Greene County Bar
PO Box 358, Cairo, NY 12413

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

RENSSELAER 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
spechenik@rensco.com

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

Legal Aid Society of Northeastern New York, Inc.
55 Colvin Avenue
Albany, NY 12206
(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

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

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

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

John A. DeGasperis, Esq.
Ulster County Bar Association
P.O. Box 3084, Kingston, NY 12402
ulstercountybar@gmail.com
jad@baschkeegan.com

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
550 Aaron Court
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
Plattsburgh, NY 12901

NYS Mental Hygiene Legal Service 3rd Dept.
286 Washington Avenue
Ext., Suite 205
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

Appendix D

Clinton County Bar Association
Joseph Mucia, Esq., President
joseph@nilesbracy.com

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.
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
367 W. Main Street, Suite 3
Malone, NY 12953

Franklin County Bar Association
P.O. Box 788
Malone, NY 12953
Mark Flack Wells, Esq., President
mfw12937@gmail.com

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
355 W. Main Street, Suite 237
Malone, NY 12953
Thomas Soucia
tsoucia@co.franklin.ny.us
rbraley@co.franklin.ny.us

Conflict Defender, Franklin County
sgordon@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
Kelly Holt, Esq., - President

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

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
david.covey@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

Montgomery County Bar Association
Carol Dillon Pollard, Esq., President
cjjmd@aol.com

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
286 Washington Avenue Ext., Suite 205
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

The Legal Project, Capital District Women
24 Aviation Road
Albany, NY 12205
info@legalproject.org

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
Tracey.Chance@
schenectadycounty.com

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

ST. LAWRENCE COUNTY

St. Lawrence County Bar Association
117 Main Street
Canton, NY 13617
Nicole Duve
Lloyd Grandy, Esq., President
lgrandy@prestoncarlisle.com
nduve@nycourts.gov

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.
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.
16 Maple Street - Suite 3
Glens Falls, NY 12801

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

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
286 Washington Avenue
Ext., Suite 205
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
raiello@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

Justin F. Brotherton, Esq., President
Jefferson County Bar Association
200 Washington Street, Suite 301
Watertown, NY 13601
Brothertonlawfirm@gmail.com

Appendix D

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@co.jefferson.ny.us

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

LEWIS COUNTY

Todd W. McIntyre, Esq., President,
Lewis County Bar Association, Inc.
7660 N. State Street
Lowville, NY 13367
tmcintyr@nycourts.gov

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.
268 Genesee Street, 2nd Floor
Utica, NY 13501
(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

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

Hon. James Murphy
President, Onondaga County Bar Association
431 East Fayette Street, Suite 300
Syracuse, NY 13202
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
srhorn@hiscocklegalaid.org
mail@hiscocklegalaid.org
Legal Aid Society of Mid-New York, Inc.
Financial Plaza
221 S. Warren Street, Suite 400
Syracuse, NY 13202

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

NDNY Federal Bar Association
PO Box 7067
Syracuse, NY 13261

OSWEGO COUNTY

Oswego County Bar Association
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

Appendix D

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

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 915
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)

CHENANGO COUNTY

Chenango County Bar Association
c/o Michael D. Ferrarese, Esq.
19 Eaton Avenue
Norwich, NY 13815
mdf@mdf-lawyers.com

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

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

Courtland 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 B-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 494
Delhi, NY 13753

Assigned Counsel Plan of Delaware County
P.O. Box 494
Delhi, NY 13753
lobolenskylaw@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
Eric Jervis, President, Otsego County Bar Association
eric@harlemlawoffice.com

Legal Aid Society of Mid-New York, Inc.
P.O. Box 887, Suite 401
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
193 Main Street
Cooperstown, NY 13326
maxsonb@otsegocounty.com

Public Defender Otsego County
242 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 Count
105 9th Street, Unit 7
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
Hayden Brainard, President
hrb@millermayer.com

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

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
lhoskins@co.cayuga.ny.us
defender@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
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Cayuga County)

LIVINGSTON COUNTY

Livingston County Bar Association
Cannon & Van Allen, L.L.P.
10 University Dr.
Geneseo, NY 14454
lquintilone@co.livingston.ny.us
lafl@lafl.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
1 W. Main Street, 10th Floor
Rochester, NY 14614-2098
Mark Moretti - Pres. Monroe County Bar Assoc.
Jcicero@thecicerolawfirm.com
info@mcba.org

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 4th Dept.
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@monoroecounty.gov

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

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
lafl@lafl.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
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Ontario County)

SENECA COUNTY

Pres. Seneca County Bar Association
Michael Mirras, Esq.
Midey, Mirras & Ricci,LLP
54 Fall Street, 2nd Floor
Seneca Falls, NY 13148
315.568.5861

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
midey12@rochester.rr.com
publicdefender@co.seneca.ny.us

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

STEUBEN COUNTY

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

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

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

WAYNE COUNTY

Wayne County Bar Association
Hall of Justice
54 Broad Street
Lyons, NY 14489
pgchambe@syr.edu

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

Public Defender Wayne County
26 Church Street, 2nd Floor
Lyons, NY 14489

Rural Law Center of New York
22 U.S. Oval, Suite 203
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
417 Liberty Street, Room 1055
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
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Yates County)

8TH JUDICIAL DISTRICT (ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS & WYOMING COUNTIES)

ALLEGANY COUNTY

Allegany County Bar Association1
584 Alma Hill Road
Wellsville, NY 14895

Allegany County Bar Association
knappcm@alleganyco.com
213 County Office Bldg
7 Court Street,
Belmont, New York 14813
Tomminer@hotmail.com

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

Assigned Counsel Plan of Allegany County
3460 Riverside Dr.
Wellsville, NY 14895

Public Defender Allegany County
Kelleybj@alleganyco. com

Appendix D

7 Court Street
Belmont, NY 14813
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
22 U.S. Oval, Suite 203
Plattsburgh, NY 12903
(Serves Allegany County)

CATTARAUGUS COUNTY

Cattaraugus County Bar Association
Carr Saglimben, L.L.P.
235 N. Union Street
Olean, NY 14760
Assigned Counsel Plan of
Cattaraugus County
303 Court Street
Little Valley, NY 14755
Kevin@bkhfirm.com
Kevinhab@roadrunner.com
janinefodor@adelphia.net
tawilliams@cattco.org

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

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

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
22 U.S. Oval. Suite 203
Plattsburgh, NY 12903
(Serves Cattaraugus County)

CHAUTAUQUA COUNTY

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

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

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

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

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

ERIE COUNTY

Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202
Neighborhood Legal Services
gandriette@nls.org
lbreen@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

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
237 Main Street, Suite 1535
Buffalo, NY 14203

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

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

Neighborhood Legal Services, Inc.
237 Main Street, 4th Floor
Buffalo, NY 14203

GENESEE COUNTY

Genesee County Bar Association
P.O. Box 1840
Batavia, NY 14020
twilliams@williamslawllp.com
bbonarigo@
bonarigomccutcheon.com

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

Neighborhood Legal Services, Inc.
45 Main Street
Batavia, NY 14020

Genesee Legal Services Crop.
cohenr@lsc.gov

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

NIAGARA COUNTY

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

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

Orleans County Bar Association
Orleans County District
Attorney's Office
cacole@courts.state.ny.us
cradick@apfwlaw.com

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

WYOMING COUNTY

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

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

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

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

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
170 Old Country Road. Suite 500
Mineola, NY 11501
(Also serves Dutchess County)
lherman@nycourts.gov
mneville@nycourts.gov

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

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

Hudson Valley Bankruptcy Bar Association
63 Washington Street
Poughkeepsie, NY 12601

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
140 Old Orangeburg
Road, Building 1
Orangeburg, NY 10962
(Also serves Orange County)

Assigned Counsel Plan of Orange County
P.O. Box 1028
15 Matthews Street, Suite 102
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
gabramson@lasocny.org

PUTNAM COUNTY

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

Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
Barbara Finkelstein, Esq., CEO
bfinkelstein@lshv.org
(Also serves Putnam County)

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

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

Putnam County Legal Aid Society, Inc.
47 Gleneida Avenue
Carmel, NY 10512
legalpcaid@verizon.net
dsquirrell@pclegalaid.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.
337 N. Main Street, Suite 1
New City, NY 10956
office@rocklandbar.org

Assigned Counsel Plan of Rockland County
49 Maple Street
New City, NY 10956
keith@BF-Legal.com
keith@braunfotelandfrendel.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
170 Old Country Road, Suite 500
Mineola, NY 11501

NYS Mental Hygiene Legal Service Second Department, Ninth Judicial District Office
140 Old Orangeburg
Road, Building 1
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.
700 White Plains Road, Suite 355
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

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: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 County Bar Association
4 Westchester Park Drive, Suite 155
White Plains, NY 10604
President@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 & Panken, 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
150 Grand Street, Suite 100
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
170 Old Country Road, Suite 500
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
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

Appendix D

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.
69 E. Jericho Tpk., Suite 100
Mineola, NY 11501
networkofbarleaders@gmail.com
kyi@deyillp.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@qcba.org

Legal Aid Society of Nassau County, N.Y.
NSBanks@nclas.org -
Attorney in Chief
Brian Davis, President
40 Main Street, Suite 300
Hempstead, NY 11550
kmoston@nclas.org

Nassau County Bar Association
Assigned Counsel Defender Plan, Inc.
15th and West Sts.
Mineola, NY 11501
NCACDP@nassau18b.org

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.
1 Helen Keller Way, 5th Floor
Hempstead, NY 11550-3903
jseigel@wnylc.com

NYS Mental Hygiene Legal Service
Second Judicial Department
170 Old Country Road, Suite 500
Mineola, NY 11501
mneville@nycourts.gov

NYS Mental Hygiene Legal Service
Second Department, Tenth
Judicial District Office
One Court Street
Riverhead, NY 11901

Lois Schwaeber, Esq.
Director of Legal Services
The Safe Center LI
15 Grumman Road West, Suite 1000
Bethpage, New York 11714
lschwaeber@tscli.org

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.
Commack, NY 11725
twan@smithcarroad.com

Suffolk County Bar Association
Justin M. Block, President
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
225 Broadhollow Road, Suite 200
Melville, NY 11747
suffolkcountywomensbar@
gmail.com

Assigned Counsel Defender Plan of Suffolk County
P.O. Box 5591
120 Fourth Avenue
Bay Shore, NY 11706
info@scacp.org

Legal Aid Society of Suffolk County Criminal Office
Legal Aid Society of Suffolk County
Arthur M. Cromarty Court Complex
300 Center Dr., 1st Floor
Riverhead, NY 11901
admin@sclas.org
ldmulry@optonline.com

Legal Aid Society of Suffolk County District Court Office
Legal Aid Society of Suffolk County
John P. Cohalan, 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
admin@sclas.org

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. Cohalan, 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.
1757 Veterans Highway, Suite 50
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
170 Old Country Road, Suite 500
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
baffa@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;
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>;
Southold Town Attorney
bill.duffy@town.southold.ny.us;
Brown, Dennis
Dennis.Brown@suffolkcountyny.gov

11TH JUDICIAL DISTRICT (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@qcba.org

Queens County Women Bar Assoc.
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
99 Hudson Street, 12th Floor
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
171 Madison Avenue, 6th Floor
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
trountree@legal-aid.org
Criminal Defense Practice
120-46 Queens Blvd.
Kew Gardens, NY 11415

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)

MFY 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
Flr., Bldg. 73 CBU #25
Queens Village, NY 11427

Queens Law Associates
jvaccarino@qlanyc.org
118-21 Queens Blvd., Suite 212
Forest Hills, NY 11375

Queens Legal Services Corporation Long Island City Office
89-00 Sutphin Blvd., Suite 206
Jamaica, NY 11435

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 Bar Association
198 East 161st Street
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
mseedorf@seedorflaw.com

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

Asian American Legal Defense and Education Fund
99 Hudson Street, 12th Floor
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
rdean@cfal.org
malperstein@cityhall.nyc.gov

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
(serves Bronx and New York County)
sdelany@lawyersalliance.org
label@lawyersalliance.org

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
phjones@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
260 E. 161st Street, 10th Floor
Bronx, NY 10451

The Legal Aid Society--Bronx County Juvenile Rights Division
900 Sheridan Avenue, Room 6-C12
Bronx, NY 10451
Legal Services NYC

ksoberanis@ls-nyc.org
40 Worth Street, 6th Floor
New York, NY 10013
(serves Bronx and New York County)

Legal Services NYC-Bronx
349 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
dschaefer@mfy.org
(serves Bronx and New York County)

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 Bar Association
152 Stuyvesant Place, Suite 203
Staten Island, NY 10301

Appellate Advocates
111 John Street, 9th Floor
New York, NY 10038
(Also serves Richmond County)

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

Assigned Counsel Plan for the City of New York
253 Broadway, 8th Floor
New York, NY 10007
(Also serves Richmond County)

Lawyers Alliance for New York
171 Madison Avenue, 6th Floor
New York, NY 10016
mailto:info@lawyersalliance.org
(Also serves Richmond County)

Legal Action Center of the City of New York, Inc.
225 Varick Street, 4th Floor
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
40 Worth Street, 6th Floor
New York, NY 10013
(Also serves Richmond County)

Legal Services NYC
1 West 125th Street, 2nd Floor
New York, NY 10027
(Also serves Richmond County)

MFY Legal Services, Inc.
299 Broadway, 4th Floor
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
30 Wall Street, 8th Floor
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 Floor, Bldg. 73 CBU #25
Queens Village, NY 11427
(Also serves Richmond County)
AB@Bisignanolaw.com

Richmond County Bar Assoc. Supreme Court Committee
Dan@gabormarottalaw.com
President - Richmond County Bar Association
btskolnik@aol.com
President - SIWBA
dawngreen@siwba.com
Past President - SIWBA

Robert Mulhall, Esq.
President, Staten Island Trial Lawyers Assoc.
President SITLA
1001 Clove Road
Staten Island, NY 10301

Richmond County Bar Association
152 Stuyvesant Place, Ste. 203
Staten Island, NY 10301
Phone: 718-442-4500
Fax: 718-442-2019
chris@ccaputo.com

Allyn J. Crawford, President
Richmond County Bar Association
25 Hyatt Street, Suite 203
Staten Island, NY 10301

Appendix D

LEGAL SERVICES LIST

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

Assigned Counsel Plan for the City of New York
253 Broadway, 8th Floor
New York, NY 10007

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

Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

City Bar Justice Center
42 West 44th Street
New York, NY 10036

The Defense Association of New York, Inc.
2 Rector Street, 14th Floor
New York, NY 10006

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

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

Legal Action Center of the City of New York, Inc.
225 Varick Street, 4th Floor
New York, NY 10014

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

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

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

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

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
ksoberanis@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

Mobilization for Justice
100 William Street, 6th Floor
New York, NY 10038

National Lawyers Guild (New York City Chap.)
113 University Place, 8th Floor
New York, NY 10003
nlgnyc@igc.org

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

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

New York County Defender Services New York State Trial Lawyers Association
132 Nassau Street, 2nd Floor
New York, NY 10038
sgerman@nycds.org

NYS Mental Hygiene Legal Service First Dept.
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.
40 Worth Street, Suite 820
New York, NY 10013-2904
info@volsprobono.org

Neighborhood defender Service of Harlem
rjones@ndsny.org

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

Assigned Counsel Plan for the City of New York
2nd Department, 8th Floor
253 Broadway
New York, NY 10007

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
lschreib@bds.org

Brooklyn Legal Services Corp. A
260 Broadway, Suite 2
Brooklyn, NY 11211
mneedelman@bka.org
ksoberanis@ls-nyc.org
Paul@millhill10.com

Sidney Cherubin, Esq.
Director of Legal Services
Brooklyn Volunteer Lawyers Project
44 Court Street, Suite 1206
Brooklyn, NY 11201
Info@BrooklynVLP.org

Erie County Bar Association Volunteer Lawyers Project
438 Main Street
Buffalo, NY 14202;
8 S Lyon Street
Batavia, NY 14020
ririzarry@ecbavlp.com
ebuckthal@ecbavlp.com
gstewart@ecbavlp.com

Brooklyn Legal Services
619 Thorpe Ave, 3rd Floor
Brooklyn, NY 11216

Catholic Migration Services
191 Joralemon Street, 4th Floor
Brooklyn, NY 11201;
47-01 Queens Boulevard, Suite 203
Sunnyside, NY 11104

Appendix D

Center for Elder Law & Justice
Karen L. Nicolson, Chief
Executive Officer
438 Main Street, Suite 1200
Buffalo, NY 14202
(716)853-3087
Info@elderjusticeny.org

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

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

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

The 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

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

NYS Mental Hygiene Legal Service 2nd Judicial Dept.
170 Old Country Road, Suite 500
Mineola, NY 11501

Creedmoor Psychiatric Center
NYS Mental Hygiene Legal
Service 2nd Dept,
2nd, 11th & 13th Judicial
District Office
80-45 Winchester Blvd., 1st Flr.
Bldg. 73 CBU #25
Queens Village, NY 11427

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

Shriver Tyler MacCrate Center For Justice
(Brooklyn Services Coropration A)
260 Broadway, suite 2
Brooklyn, NY 11211
Jessica Rose, Executive Director

Albany County Assigned Counsel Plan
lrosen50@hotmail.com
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

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

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

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
Sherri.Brooks@albanycountyny.gov

Public Defender Columbia County
610 State Street
Hudson, NY 12534

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

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

Rensselaer County Conflict Defender
smccarthy@rensco.com

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

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

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

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

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

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

Sullivan County Conflict Legal Aid Bureau
joelmproyect@gmail.com

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

Legal Services of the Hudson Valley
550 Aaron Court
Kingston, NY 12401

Appendix D

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

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
Plattsburgh, NY 12901

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

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

Conflict Defender, Franklin County
sgordon@co.franklin.ny.us;

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

Legal Aid Society of Northeastern New York, Inc.
1 Kimball Street
Amsterdam, NY 12010
Hamilton County Assigned Counsel Program
P.O. Box 205
Lake Pleasant, NY 12108

Montgomery County Public Defender
billmart777@yahoo.com

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

Public Defender Saratoga County
40 McMaster Street
Ballston Spa, NY 12020

The Legal Project
Capital District Women's Bar Assoc.
24 Aviation Road
Albany, NY 12205

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

Assigned Counsel Plan of Schenectady
620 State Street
Schenectady, NY 12307

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

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

St. Lawrence County Public Defender
SBallan@stlawco.org

St. Lawrence County Conflict Defender
adona@stlawco.org

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

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

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

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

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

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

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

NYS Mental Hygiene Legal Service Fourth Department, Fifth Judicial District
207 Genesee Street, Suite 1601
Utica, NY 13501-2876

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

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

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

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

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

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

Syracuse University College of Law Office of Clinical Legal Education
950 Irving Avenue
Syracuse, NY 13244
Assigned Counsel Plan of Oswego County
46 E. Bridge Street
Oswego, NY 13126

Appendix D

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

Mr. Jay L. Wilber, Esq.
Public Defender, Broome County
George Harvey Justice Building
45 Hawley Street, 6th Floor
Binghamton, NY 13901

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

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

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

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

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

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

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

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

Legal Assistance of Western New York, Inc.
(Chemung County Neighborhood Legal Services)
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

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

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

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

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

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

Public Defender Otsego County
242 Main Street
Oneonta, NY 13820

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

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

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

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

Assigned Counsel Program of Tompkins County
171 E. State Street, Suite 223
Ithaca, NY 14850

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

Assigned Counsel Plan of Cayuga County
Cayuga County Court House
152 Genesee Street
Auburn, NY 13021

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

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 4th Dept.
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

Worker Justice Center of New York
1187 Culver Road
Rochester, NY 14609

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

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

Legal Assistance of Western New York, Inc.
361 S. Main Street
Geneva, NY 14456
Principal Place of Business (Geneva)
kwoods@lawny.org
aelliott-engel@lawny.org

Legal Assistance of Western New York, Inc. (Rochester)
1 West Main Street, suite 400
Rochester, NY 14614

Legal Assistance of Western New York, Inc. (Olean)
103 South Barry Street
Olean, NY 14760

Legal Assistance of Western New York, Inc. (Jamestown)
115 East Third Street
Jamestown, NY 14701
(716) 664-4535

Legal Assistance of Western New York, Inc.
902 Taber Street, Suite 1
Ithaca, NY 14850

Appendix D

Joseph Kelemen
Western New York Law Center
Executive Director
Cathedral Park Tower
37 Franklin Street, 2nd Fl.
Buffalo, NY 14202
jak@wnylc.com

Legal Assistance of Western New York, Inc.
215 East Church Street, Suite 301
Elmira, NY 14901

Legal Assistance of Western New York, Inc.
16 W. William Street
P.O. Box 272
Bath, NY 14810

Public Defender Seneca County
P.O. Box 702
Seneca Falls, NY 13148
mjmirras@rochester.rr.com
midey12@rochester.rr.com

Steuben County Assigned Counsel Plan
pelych@yahoo.com

Southern Tier Legal Services104 E. Steuben St.
Bath, NY 14810

Public Defender Steuben County
3 E. Pulteney Sq.
Bath, NY 14810

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

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

Public Defender Wayne County
26 Church Street
Lyons, NY 14489

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

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

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

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

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

Allegany Cattaraugus Legal Services Inc.

Southern Tier Legal Services
103 S. Barry Street
Olean, NY 14760
Director: Amy L. Christensen
ahardinglaw@gmail.com

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

Public Defender of Cattaraugus County
175 N. Union Street
Olean, NY 14760

Legal Assistance of Western New York, Inc.
a103 S. Barry Street
Olean, NY 14760

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

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

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

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

Neighborhood Legal Services, Erie County
whawkes@nls.org

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
237 Main Street, Suite 1535
Buffalo, NY 14203

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

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

Neighborhood Legal Services, Inc.
237 Main Street, Room 400
Buffalo, NY 14203
jmorrisseynls@gmail.com

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

Genesee Legal Services Corp.
cohenr@lsc.gov

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

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

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

Public Defender Orleans County
publicdefender@orleansny.com

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

Attica Legal Aid Bureau, Inc.
18 Linwood Avenue
Warsaw, NY 14569

Appendix D

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

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

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

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

Assigned Counsel Plan of Orange County
P.O. Box 1028
15 Matthews Street, Suite 102
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
gabramson@lasocny.org

Barbara Finkelstein, Esq., CEO
Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, NY 10601
bfinkelstein@lshv.org

Putnam County Legal Aid Society, Inc.
47 Gleneida Avenue
Carmel, NY 10512
legalpcaid@verizon.net
dsquirrell@pclegalaid.com

Assigned Counsel Plan of Rockland County
49 Maple Street
New City, NY 10956
keith@braunfotelandfrendel.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

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

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

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

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

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

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

Pro Bono Partnership
237 Mamaroneck Avenue, Suite 300
White Plains, NY 10605

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

Legal Aid Society of Nassau County, N.Y.
40 Main Street, Suite 300
Hempstead, NY 11550
kmoston@nclas.org
NSBanks@nclas.org

Hudson Valley Justice Center
19 Court Street, Suite 400
White Plains, NY 0601
Attn: Virginia Foulkrod, Executive Director

Nassau County Bar Association
Assigned Counsel Defender Plan, Inc.
15th and West Sts.
Mineola, NY 11501
acdp@optonline.net

Nassau/Suffolk Law Services Committee, Inc.
400 Main Street
Riverhead, NY 11901-2480
jseigel@wnylc.com

Assigned Counsel Defender Plan of Suffolk County
120 Fourth Avenue, P.O. Box 5591
Bay Shore, NY 11706
admin@suffolk18b.org

Nassau/Suffolk Law Services Committee, Inc.
1757 Veterans Highway, Suite 50
Islandia, NY 11722

Nassau/Suffolk Law Services Committee, Inc.
1 Helen Keller Way, 5th floor
Hempstead, NY 11550-3903
jseigel@wnylc.com

Legal Aid Society of Suffolk County
Arthur M. Cromarty Court Complex
300 Center Dr., 1st. floor
Riverhead, NY 11901

Legal Aid Society of Suffolk County District Court Office
John P. Cohalan, Jr. Court Complex
400 Carleton Avenue, 4th Floor
Central Islip, NY 11722
admin@sclas.org

Empire Justice Center
Public Advocacy Center,
Touro Law Center
Room 222
225 Eastview Dr.
Central Islip, NY 11722
mdegennaro@empirejustice.org

John Marshall Lawyers Association, Inc.
Legal Services
114-06 Jamaica Avenue
Richmond Hill, NY 11418

Community Legal Resource Network
CUNY School of Law
2 Court Sq.
Long Island City, NY 11101

Community Legal Advocates of NY
38 Old County Road, #205
Garden City, NY 11530
info@cla-ny.org
Keiko Cervantes-Ospina, Esq.

The Community Service Society of New York
633 Third Ave, 10th FL
New York, NY 10017
info@cssny.org

The Legal Aid Society--Queens County Civil Practice
Queens Neighborhood Office
120-46 Queens Blvd., 3rd Floor
Kew Gardens, NY 11415

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

The Legal Aid Society--Bronx County Civil Division
260 E. 161st Street, 8th Floor
Bronx, NY 10451
phjones@legal-aid.org

Legal Services NYC - Bronx
349 E. 149th Street, 10th Floor
Bronx, NY 10451

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

The Family Center
493 Nostrand Avenue, 3rd Floor
Brooklyn, NY 11216
Ivy Gamble Cobb

Other Misc. Groups.

NYS Office for the Prevention of Domestic Violence (OPDV)
opdvldss@opdv.ny.gov

New York State Office of Victim Services (OVS)
ginny.miller@ovs.ny.gov

Crime Victim and Sexual Violence Center (Albany County - CVSVC)
CVSVC@albanycounty.com

NYS Justice Center (People with Special Needs)
William.reynolds@
justicecenter.ny.gov

Office of Alcoholism and Substance Abuse Services
communications@OASAS.ny.gov

In our own voices organization – Albany
info@inourownvoices.org
tlagrone@inourownvoices.org

Saratoga Center for the family
debtomaso@saratogacff.org;

Catholic Charities of Fulton Montgomery Counties
John.nasso@cc-fmc.org

NYS Office of Indigent Legal Services
info@ils.ny.gov

Advocates for Children of New York
151 West 30th Street, 5th floor
New York, NY 10001
info@advocatesforchildren.org
Kim Sweet, Executive Director
Matthew Lenaghan, Deputy Director

Her Justice
100 Broadway, 10th Floor
New York, NY 10005

CORPORATION COUNSEL

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

Charles Michael Geiger, Esq.
Corporation Counsel
1 West Chester Street, Room 402
Long Beach, NY 11561

Timothy A. Ball Esq.
Corporation Counsel
65 Niagara Sq., Suite 1101
Buffalo, NY 14202
tball@city-buffalo.com

William D. Bavoso Esq.
Corporation Counsel
P.O. Box 3139
19 E. Main Street
Port Jervis, NY 12771-3139
wbavoso@optimum.net

Kathleen Gill, Esq.
Corporation Counsel
515 North Avenue
New Rochelle, NY 10801
kgill@newrochelleny.com

William M. Borrill Esq.
Corporation Counsel
1 Kennedy Plaza, 2nd Floor
Utica, NY 13502
wborrill@cityofutica.com

John G. Callahan Esq.
Corporation Counsel
255 Main Street
White Plains, NY 10601
jcallahan@whiteplainsny.gov
law@whtieplainsny.gov

James E. Johnson, Esq.
Corporation Counsel
100 Church Street, 6th Floor
New York, NY 10007
jjohnson@law.nyc.gov

Timothy R. Curtin, Esq.
Corporation Counsel
30 Church Street, Room 400A
Rochester, NY 14614
TRC@lawcurtin.com

Craig H. Johnson, Esq.
Corporation Counsel
PO box 69
745 Main Street
Niagara Falls,NY 14302
Craig.johnson@niagarafallsny.gov

Brian Johnson, Esq
Corporation Counsel
Dept. of Law
City Hall, Room 111
One Roosevelt Sq.
Mount Vernon, NY 10550
BGJESQ2B@aol.com

Vincent J. DeLeonardis, Esq.
City Attorney
vince.deleonardis@
saratoga-springs.org

Kristen E. Smith, Esq.
Corporation Counsel
City Hall
233 E. Washington St., Room 300
Syracuse, NY 13202

William G. Kelly, Jr., Esq.
Corporation Counsel
City Hall
24 Eagle Street, Room 106
Albany, NY 12207

William Lorman, Esq.
Corporation Counsel
City of Amsterdam
61 Church Street
Amsterdam, NY 12010
lormanlaw@lormanlawfimr.com

Kenneth J. Frank, Esq.
Corporation Counsel
Binghamton City Hall
38 Hawley Street
Binghamton, NY 13901

Andrew Koldin
Corporation Counsel's Office
105 Jay Street, Room 201
Schenectady, NY 12305
akoldin@schenectadyny.gov

Office of Corporation Counsel, Yonkers, New York
Matthew Gallagher, Esq,
Corporation Counsel
Matt.Gallagher@yonkersny.gov

Appendix D

OFFICE OF THE ATTORNEY GENERAL OF NEW YORK

Office of the Attorney General
The Capitol – Albany Office
2 Empire State Plz, Ste 10
Albany, NY 12223
Casandra Walker – Capital Region/
North Country Regional Director

Office of the Attorney General
New York city Office
28 Liberty Street
New York, NY 0005
Kim Ramos, Director of
Intergovernmental Affairs

Office of the Attorney General
Binghamton Regional Office
State Office Building, 17th Floor
44 Hawley Street
Binghamton, NY 13901
James E. Shoemaker, Assistant
Attorney General In Charge

Office of the Attorney General
Brooklyn Regional Office
55 Hanson Place, Suite 1080
Brooklyn, NY 11217
Michael Barbosa, Assistant
Attorney General In Charge

Office of the Attorney General
Buffalo Regional Office
Main Place Tower, Suite 300A
350 Main Street
Buffalo, NY 14202
Michael J. Russo, Assistant
Attorney General In Charge

Office of the Attorney General
Harlem Regional Office
163 West 125th Street, Suite 1324
New York, NY 10027
Roberto G. Lebron, Assistant
Attorney General In Charge

Office of the Attorney General
Nassau Regional Office
200 Old Country Road, Suite 240
Mineola, NY 11501
Valerie Singleton, Assistant
Attorney General In Charge

Office of the Attorney General
Plattsburgh Regional Office
43 Durkee Street, Suite 700
Plattsburgh, NY 12901
Glen Michaels, Assistant
Attorney General In Charge

Office of the Attorney General
Poughkeepsie Regional Office
One Civic Center Plaza, Suite 401
Poughkeepsie, NY 12601-3157

Office of the Attorney General
Rochester Regional Office
144 Exchange Blvd
Rochester, NY 14614, Suite 200
Ted O'Brien, Assistant Attorney
General In Charge (AAGIC)

Office of the Attorney General
Suffolk Regional Office
300 Motor Parkway, Suite 230
Hauppauge, NY 11788
Kimberly Kinirons, Assistant
Attorney General In-Charge

Office of the Attorney General
Syracuse Regional Office
300 South State Street, Suite 300
Syracuse, NY 13202
Ed Thompson, Assistant
Attorney General In-Charge

Office of the Attorney General
Utica Regional Office
207 Genesee Street, Room 508
Utica, NY 13501
Patricia M. Bordonaro, Assistant
Attorney General In-Charge

Office of the Attorney General
Watertown Regional Office
Dulles State Office Building
317 Washington Street
Watertown, NY 13601
Deanna Nelson, Assistant
Attorney General-in-Charge

Office of the Attorney Genera
Westchester Regional Office
44 South Broadway
White Plains, NY 10601
Gary S. Brown, Assistant
Attorney General In Charge
Anne Louis DePalo, Esq. - co-
chair - Matrimonial Committee
94 Hancock Street
Staten Island, N.Y. 10305
718-351-3748
aldp@aldplaw.net

MATRIMONIAL BAR

American Academy of Matrimonial Lawyers
Ronnie Schindel
schindellAamsllp.com

New York Women's Bar Association
P.O. Box 1207 New York, N.Y. 10150
mfchairs@nywba.org

Matrimonial and Family Law
Nina Gross, Esq. - co-chair
Matthew Goodwin, Esq. - co-chair
Olivia Lee, Esq. - co-chair

WBASNY
Diedre Hay, President
Matrimonial and Family Law
Committee Co-Chairs
Delores Gebhardt
Michelle Haskin
Amy Saltzman
Jennifer Sundt

MACA
Jack Bove
Managing Clerk, Mound Cotton
Wollan & Greengrass LLP
One New York Plaza
New York, NY 10004
jbove@moundcotton.com

Timothy K. Beeken
Debevoise & Plimpton, LLP
919 Third Avenue
New York, N.Y. 10022
tkbeeken@debevoise.com

NYCB
Dylan S. Mitchell
Chair of City Bar Matrimonial
Committee
1271 Avenue of the Americas
New York, N.Y. 10020
dmitchell@blankrome.com

Family Court & Family Law Committee
Michelle Burrell, Esq., Chari
42 West 44th Street
New York, N.Y. 10036
mburrell@ndsny.org

Brooklyn Bar Association
Family Court Committee
Hon. Micky Morgenstern - co-chair
320 Jay Street, Brooklyn, N.Y. 11201
emorgens@courts.state.ny.us
Robert A. Ugelow - co-chair
26 Court Street - Suite 2403
Brooklyn, N.Y. 11242
robertu2626@yahoo.com

New York County Lawyers Association
14 Vesey Street
New York, N.Y. 10007
David J. Lasner, Esq. – chair

Committee on Family Court and Child Welfare
dlansner@lanskub.com
Felicia L. Boles, Esq. - co-chair

Matrimonial Law Section
fboles@mandellawfirm.com
Martha Cohen Stine, Esq. - co-chair
Matrimonial Law Section
mstine@crsslaw.com
smandel@mandellawfirm.com

Appendix D

Albany County Bar Assoc
John Harwick, Esq.
112 State Street - Suite 545
Albany, N.Y. 12207
jharwick@joneshacker.com

The Capital District Women's Bar Association
Leyla A. Kiosse, Esq. - president
P.O. Box 3747, Albany, N.Y. 12203
administrator@cdwba.org
Susan Pattenaude, Gayle Hartz
domesticviolence@cdwba.org

The legal Project
Michele Pollock Rich,
Executive Director
Jessica Lennon, Associate
Executive Director
Carla Brogoch, Esq., Legal Director
24 Aviation Road, Suite 101
Albany, NY 12205

NYS Office of Indigent Legal Services
William J. Leahy, Esq. - director
Alfred E. Smith Bldg.
80 S. Swan Street - Suite 1147
Albany, N.Y. 12210
bill.leahy@ils.ny.gov
Info@ils.ny.gov

NYSBA
Committee on Family Court
Elizabeth Anne Douglas,
Esq. - co-chair
300 Hamilton Avenue - Suite 304
White Plains, N.Y. 10601
elizabeth@edouglaslaw.com
Robert M. Preston, Esq. - co-chair
Greenspoon Marder, LLP
590 Madison Avenue - Suite 1800
New York, N.Y. 10022
preston@prestonlegal.com

Family Law Section
Eric A. Tepper, Esq. - chair
113 Saratoga Road - Suite 100
Schenectady, N.Y. 12302
518-399-5400
etepper@gtdlaw.com
elizabeth@edouglaslaw.com

Bar Association of Erie County
MATRIMONIAL AND FAMILY
LAW COMMITTEE
Matrimonial and Family
Law Committee
Erica M. Zeis, Esq. - chair
1000 Olympic Towers
300 Pearl Street
Buffalo, N.Y. 14202-7503
716-854-3400
ezeis@paulvancelaw.com
Board Liaison
Susan S. Hogan
Susanh@sshoganlaw.com

Monroe County Bar Association
Family & Matrimonial Law Section
Mary Beth Conway, Esq.
One West Main Street, 10th floor
Rochester, N.Y. 14614
info@mcba.org

GRAWA (Greater Rochester Association for Women Attorneys)
Cary Ann Denefrio, Esq, President
PO Box 14002
Rochester, N.Y. 14614
info@grawa.org

ROCHESTER BLACK BAR ASSOCIATION
Anthony L. Orphe, Esq., President
P.O. Box 14569
Rochester, N.Y. 14614
rbbalaw@gmail.com

Nassau County Bar Association
Matrimonial Law Committee
15th and West Streets
Mineola,NY 11501
epollack4@gmail.com

Matrimonial Law Committee
Samuel J. Ferrara, Esq. - chair
3 Dakota Drive - Suite 300
Lake Success, N.Y. 11042
sferrara@abramslaw.com

New Rochelle Bar Association
Ronald V. Zezima, Esq. - president
P.O. Box 1863
New Rochelle, N.Y. 10802
rvzesq@aol.com
sf@susanFreedman.com

ONONDAGA COUNTY BAR ASSOCIATION
Family Law Committee
Bob Jenkins, Esq.
Karen Docter, Esq.
CNY Philanthropy Center - Suite 300
431 East Fayette Street
Syracuse, N.Y. 13202
info1@onbar.org

Ontario Bar Association – Family Law Section
P.O. Box 381, Canandaigua, NY 11424
OntarioCountyBar@gmail.com

Queens County Bar Association
Family Law Practice
90-35 148th Street
Jamaica, N.Y. 11435
718-291-4500
info@qcba.org

Queens County Women's Bar Association
Adrienne D. Williams,Esq. - president
P.O. Box 585
Borough Hall Station
Kew Gardens, N.Y. 11424
info@qcwba.org
Matrimonial and Family
Law Committee

Collaborative Family Law Center (divorce)
80 Centre Street, Room 133
New York, NY 10013
matrimonialmediation@
courts.state.ny.us

Westchester County Bar Association
Domestic Relations and Family Law
James Nolletti, Esq. - chair
1 North Lexington
Avenue - 15th Floor
White Plains, N.Y. 10601
jnolletti@nollettilawgroup.com
Bronx County Bar Association

Family and Matrimonial Committee
Sergio Villaverde, Esq.
5030 Broadway – suite 720
New York, NY 10034
Sergio@Villaverde-Law.com

Latino Lawyers Association of Queens County
Thomas Oliva, Esq. - president
Forest Hills Station
PO Box 751235
Forest Hills, NY 11375
Info@latinolawyers.org

LeGal's – Family and Matrimonial Law Section
fmlc@le-gal.org
Anthony M. Lise – chair
Jonathan Latimer – vice chair

Suffolk County Bar Association
Lynn Poster-Zimmerman, Esq.
president
560 Wheeler Road
Hauppauge, N.Y. 11788-4357
scba@scba.org
Matrimonial Committee
Chairs: Catherine Miller cmiller@
catherinemillerlaw.com
Thomas W. McNally
mcnallyesq@hotmail.com

SUFFOLK COUNTY MATRIMONIAL BAR ASSOCIATION
Justin M. Block, Esq. - president
Justin M. Block PC
354 Veterans Memorial
Highway - Suite 3
Commack, N.Y. 11725
jblock@jmbpc.com
Catherine E. Miller cmiller@
catherinemillerlaw.com

Matrimonial and Family Law
New York Women's Bar Association
Judith White, Chair
132 East 43rd Street, #716

Appendix D

New York, NY 1017
President@nywba.org
ED@nywba.org

Susan L. Bender, Esq.
Bender & Rosenthal, LLP
451 Park Avenue South, 8th floor
New York, NY 10016

Jessica Badt
New York Law School
Jessica.Badt@law.nyls.edu

Staten Island Women's Bar Association
Rosa Pannitto, Esq. - president
P.O. Box 140813
Staten Island, N.Y. 10314
rpannitt@nycourts.gov

Co-Chair of Family Law Committee
Karen B. Soren, Esq.
Soren & Soren
One Edgewater Plaza - Suite 304
Staten Island, NY 10305
karen@sorenlaw.com

Richmond County Bar Association Chair of Family Court Committee
Kathleen Garrigan, Esq. - chair
Family Court Committee
1475 Hylan Boulevard
Staten Island, N.Y. 10305
GarriganLaw@gmail.com
Erin Colgan, Esq. - co-chair -
Matrimonial Committee
235 Forest Avenue
Staten Island, N.Y. 10301
ekcolgan@gmail.com

Anne Louis DePalo, Esq. - co-chair - Matrimonial Committee
94 Hancock Street
Staten Island, N.Y. 10305
aldp@aldplaw.net

ROCKLAND COUNTY BAR ASSOCIATION
Keith I. Braunfotel, Esq. - president
337 N. Main Street - Suite 1
New City, N.Y. 10956
office@rocklandbar.org
Executive Director - Nancy
Low-Hogan, Ph.D.
Family Law Committee - Co-Chairs
Laurence McCarron, Esq.
Meryl Neuren, Esq.
Martin Butcher, Esq.

ROCKLAND COUNTY WOMEN'S BAR ASSOCIATION
Larraine Feiden, Esq. - president
146 Maple Avenue
New City, N.Y. 10956
larraine@feidenlaw.com
President@RCWBA.org
larraine@feidenlaw.com

BERKMAN, BARRY, ESQ.
Berkman Bottger Newman
& Schein, LLP
521 Fifth Avenue - 31st Floor
New York, N.Y. 10175
bberkman@berkbot.com

Adam J. Berner, Esq.
Berner Law & Mediation Group
260 Madison Avenue - 22nd Floor
New York, N.Y. 10016
info@mediationoffices.com

Glenn E. Dornfeld, Esq.
Family & Divorce/Mediation & Law
647 West 184th Street - Suite 3F
New York, N.Y. 10033
dornfeldesq@earthlink.net

Marc Fleisher, Esq.
Berkman Bottger Newman
& Rodd, LLP
521 Fifth Avenue - 31st Floor
New York, N.Y. 10175-3300
mfleisher@berkbot.com
Mediator and Counselorat-Law
98 Riverside Drive, Suite 1-B
New York, NY 10024
marcfleisher@mindspring.com

Alan L. Frankel, LCSW
153 East Main Street - Suite G
Mt. Kisco, N.Y. 10549
alfrankel54@gmail.com

Martin Gofberg, Esq.
Equitable Solutions = Quality
100 Alnwick Road
Malverne, N.Y. 11565
516-599-4606
ergllc@yahoo.com
mjgmediator@aol.com

Lori H. Goldstein, Esq.
Mediator and Collaborative Attorney
355 Lexington Avenue - Suite 401
New York, N.Y. 10017
212-594-4115
lori@lorigoldstein.net
Family and Business Mediation
lorigoldstein@divorcesource.com

Rachel Fishman Green, Esq.
ReSolutions Mediation Services
120 Garfield Place - Suite A6
Brooklyn, N.Y. 11215
rachel@mediate2resolution.com

June Jacobson, Esq., MSW
303 Fifth Avenue - Suite 1407
New York, N.Y. 10016
jacobsonmediation@gmail.com
junejacobson@earthlink.net

Katz, Elana, M.S.W.
Ackerman Institute for the Family
936 Broadway, 2nd floor
New York, NY 10010
149 East 78th Street New
York, NY 10075 –
ekatz@ackerman.org
elanakatz@gmial.com

Elaine B. Kirsch, Esq.
Collaborative Law/Mediation
355 Lexington Avenue - Suite 401
New York, N.Y. 10017
elaine.kirsch@gmail.com

Law and Mediation Offices of Elaine Kirsch
20 Soundview Circle White
Plains, NY 10606 - -
ebkirsch@att.net

Paula Pace, Esq.
180 W 93rd St Apt 6 A
New York, NY, 10025-7567
plpace7@gmail.com

Barbara Ellen Swartz, Esq.
Touro Law School
300 Nassau Road
Huntington, N.Y. 11743-4346
beeacat@aol.com
207 Prospect Place
Brooklyn, NY 11238

Eli Uncyk, Esq.
Kamerman, Uncyk,
Soniker & Klein, P.C.
1700 Broadway - 42nd Floor
New York, N.Y. 10019
Euncyk@kusklaw.com
Uncyk, Borenkind & Nadler, LLP
114 West 47th Street New
York, NY 10036

WALKER, DOLORES DEANE, Esq.,
LCSW 119 Washington Place,
Suite C New York, NY 10014
dwalkermed@aol.com

Joseph A. DeMarco
Schlissel Ostrow Karabatos, PLLC
200 Garden City Plaza, Suite 301
Garden City, NY 11530
jdemarco@soklaw.com

Alyssa Eisner, Esq.
Sager Gellerman Eisner LLP
118-35 Queens Boulevard, suite 1705
Forest Hills, NY 11375
contact@sgematlaw.com

David P. Badanes, Esq.
842 Route 25A
Northport, NY 11768
david@dbnylaw.com

Appendix E

Submissions Received from the
E-Filing Advisory Committees

WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

December 18, 2019

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 (Civil) Electronic Filing 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 services of papers therein.

The committee has met twice since the 2019 report on electronic filing:

- The first meeting was held on May 9, 2019 and focused on mandatory e-filing in Chemung County and Sullivan County Supreme Court in all civil cases except CPLR Article 70 (habeas corpus) proceedings, CPLR Article 78 proceedings, Election law proceedings, matrimonial matters, Mental Hygiene matters, consumer credit transactions as defined in CPLR §105(f), and residential foreclosure actions as defined in RPAPL §1304 (except in commencement papers by a representative party, which is mandatory). In addition, it was proposed that authorization be given to implement a consensual e-filing program comprised of e-filing of documents filed subsequent to commencement papers in consumer credit transactions as defined in CPLR §105(f) and residential foreclosure actions as in RPAPL §1304. The success of the review resulted in the signing of Administrative Order 137/19, effective on June 3, 2019.

- The second meeting was held on November 4, 2019 and focused on proposed mandatory e-filing programs for the Supreme Court Civil Branch of the following counties: Columbia County, Rensselaer County, Ulster County, Clinton County, Saratoga County and Delaware County. In addition, it was proposed that the Supreme Court Civil Branch of Albany County be allowed to expand its mandatory e-filing program. The successful review resulted in the signing of Administrative Order 245/19, which became effective on November 20, 2019.

110 Dr. Martin Luther King, Jr. Blvd. White Plains, New York 10601 (914) 995-3080 FAX: (914) 995-3172

Each of our meetings includes ideas and opinions on the potential expansion of e-filing programs across the state. To date fifty-two (52) counties in the Supreme Court (Civil branch) are providing e-filing capabilities to their constituents with forty-two (42) now allowing mandatory e-filing in their jurisdictions.

With this in mind, our committee heartily endorses legislation to lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in matrimonial cases and in all aspects of residential foreclosure actions and consumer credit actions. We stand ready to actively support these worthwhile expansion efforts.

In conclusion, our committee has witnessed overwhelming support of e-filing in each and every county where it has been approved both mandatorily and consensually. The successful implementation of the NYSCEF system has been the leading factor in this success. We again thank and credit the dedicated staff of the Office of Court Administration for its work product and its assistance to our committee for leading our counties to these successes. The foundation this system has laid has led to more and more success stories. And we believe with further legislation, it will proceed even faster and better.

Thank you for considering our input as you prepare your annual report. We look forward to continuing as partners on the path toward great automation and efficiency of the State Court's filing systems.

Sincerely,

Timothy C. Idoni
Westchester County Clerk/Chair OCA (Civil) E-Filing Advisory Committee

HON. MICHAEL V. COCCOMA
Supreme Court Justice
Sixth Judicial District

Phone: 607-322-3165
Fax: 607-240-5963

Mailing Address:
Hon. Michael V. Coccoma
197 Main Street
Cooperstown, New York 13326

Physical Address:
Supreme Court Chambers
32 Chestnut Street
Cooperstown, New York 13326

December 6, 2019

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, NY 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 Committee, its "working" subcommittee, and its "rules" subcommittee had a very busy and productive year, meeting more than a dozen times since the 2019 report on e-filing. We summarize below the committee's activities:

- The "working" subcommittee consisting of representatives from various Courts, County Clerk's Offices, District Attorney Offices, Criminal Defense Bar, Public Defender Offices, and other Legal Service Organizations has been working with e-filing staff over the last two years and together they have developed procedures and draft screens that will be the basis for the Criminal NYSCEF module which will enable the e-filing of accusatory instruments and the filing and

service of papers in pending criminal actions and proceedings in Supreme and County Courts, as authorized by legislation. Since our last report, demonstration sessions were held for committee members and their related associations to review the developed screens' functionalities in NYSCEF. The committee also reviewed document lists and suggested requirements as to the type of documents filed, the need to identify "grouping" of documents, and the documents that may need to be sealed or restricted. We reached out to Courts throughout the state to ascertain interest in proceeding with a pilot e-filing program in their Superior Court. Nine counties indicated such an interest: Cortland, Erie, Kings, Monroe, New York, Queens, Richmond, Suffolk, and Westchester Counties - each of these counties have formed stakeholder groups.[1] We have held meetings with all nine groups and demonstrated/reviewed the e-filing process and discussed the proposed screens. We requested comments from these groups, as well as from the subcommittee and their associations, regarding the proposed screens and the criminal e-filing module.

- We met with the "working" subcommittee and representatives from the stakeholder groups on June 18, 2019 at the New York State Judicial Institute - where we reviewed the further developed screens based on the input from these groups. Representatives from DoT were present for most of our meetings to monitor the logic and functionality required to be built into the NYSCEF program for these criminal filings. We submitted final screens and an approved plan to DoT as a result of the June 18th meeting. DoT has begun developing this challenging new criminal module/platform, and as the program and functionality of the screens are built, the

[1] Onondaga has also expressed an interest and is assembling a stakeholder's group.

group will be able to further review and test as we prepare to launch this amazing program. We anticipate the "roll out" of a pilot program in at least 3 counties within the first quarter of 2020. It was decided the pilot program would begin in stages with 3-4 courts initially implementing the program to follow shortly with an additional 1-2 courts and incrementally bring on the remaining counties.

- The "rules" subcommittee has also met numerous times to examine the general provisions of the consensual e-filing rules set forth in 22NYCRR 202.5-b and consider their application in the electronic filing of an indictment and SCI. While the consensual e-filing rules may be generally relied upon, this group must draft equivalent rules for the electronic filing of documents in the Superior Court that are not adequately addressed in the existing e-filing rules. This group meets regularly as these rules must be established before the e-filing pilot program can be implemented. We anticipate providing the proposed rules to Counsel's office and the Administrative Board to begin the process of approval by early January 2020. This group will also be establishing a uniformed e-filing protocol for the Superior Court – however each court may amend the protocol to conform with their specific/local practices.
- During the teleconference of October 31, 2019, the full committee was updated as to the outstanding work and progress made by the "working" subcommittee regarding the launching of the pilot program within the next few months. While the full committee, comprised of dedicated members who represent a broad spectrum of the legal community, is unable to report on specific e-filing experience(s) at this time, the committee will soon be able to report on the pilot program, expected to commence within the first quarter of 2020 for authorized filings in

the Superior Court. Additionally, the committee also discussed the need to urge legislation to lift the sunset provision to continue authorization for the e-filing pilot program for criminal filings. The time within which to develop and test such programs expires on September 1, 2020. The Committee supports proposed legislation extending this deadline.

- As a result of this meeting, the committee has received two comments from committee members on behalf of their associations regarding the implementation of an e-filing program for criminal matters. The attached letters are generally supportive of an e-filing program and a system that would assist in establishing a complete record of the criminal proceeding for purposes of an appeal.

The committee looks forward to continuing working together to test the functionality of this new and exciting e-filing module as it develops and in the drafting of appropriate e-filing rules for these matters. We look forward to being able to report on the implementation of the pilot e-filing program in the Superior Court in our 2021 submission. Thank you for considering our input as you prepare your annual report.

Very truly yours,

Michael V. Coccoma

Hon. Michael V. Coccoma
Supreme Court Justice

cc: Committee

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

November 18, 2019

Honorable Lawrence K Marks
Chief Administrative Judge
25 Beaver Street
New York, NY 10004

Dear Honorable Marks:

Thank you for this opportunity to comment on the expanding e-filing program in NYS. I have served on the Civil E-filing Advisory Committee since October of 2015. The committee has a well-established procedure of reviewing the requests from counties to commence e-filing. The committee reviews each request and any comments made for or against the program. When it is apparent that all conditions of the e-filing statute have been met, the Advisory Committee votes to recommend approval by the Chief Administrative Judge. This system has worked well and e-filing programs have been approved in all but 10 counties. The excellent working relationship between the NYS County Clerks and the Office of Court Administration has proven to be invaluable in making this program a success. Any issues that have arisen, we have tackled them together to work out a solution that benefits not only the courts, county clerks and submitters but the public as well, whom we all serve.

I have also had the honor to participate on the Criminal E-filing Advisory Committee. Even though civil e-filing has set the template for electronic filing of court documents, submission of criminal papers and providing limited access to filed documents has proven to be a bit of a challenge. The input and comments of many different offices has resulted in a very nearly completed product. The goal is to commence a few pilot criminal e-filing programs in early 2020.

Neither civil nor criminal e-filing would have been possible in NYS without the dedication of Jeffrey Carucci and his staff, especially Phyllis Mingione. The committees' ideas are documented by the e-filling staff and presented at the following committee meeting for review. Changes are made to the criminal e-filing screens to reflect suggestions, comments and amendments by committee members and presented for discussion before the next committee meeting. The committee meetings are scheduled and largely run by Jeff Carucci and his staff.

While there is work to be done and the e-filing system is such that it can be improved as situations arise, I strongly support any legislation presented to expand or extend the electronic filing of court documents in NYS. E-filing has proven to be a cost effective, efficient manner to file court documents and has improved the storage and preservation of these records as well.

Sincerely,,

Elizabeth Larkin
Cortland County Clerk

Hon. Michael V. Coccoma
NYS Unified Court System
197 Main Street
Cooperstown, NY 13326
BY EMAIL: mvcoccoma@nycourts.gov

Re: Criminal E-filing Rules

Justice Coccoma:

I write in my capacity as a member of the Rules Sub-Committee of the Advisory Committee on Criminal E-Filing, to comment upon the proposal to implement e-filing in the Supreme Court, Criminal Term. As the Attorney-in-Charge of the Center for Appellate Litigation, I have an interest in ensuring that e-filing requirements, if implemented, assist in establishing a complete record of the proceedings in the trial courts for purposes of the defendant's criminal appeal.

The Center for Appellate Litigation is a 48-lawyer not-for-profit law firm that represents indigent clients in criminal appeals and post-conviction proceedings in the Appellate Division, First Department, and in Bronx and Manhattan Supreme Court. CAL prides itself on its outstanding oral and written appellate advocacy, its commitment to high quality and holistic indigent defense, and its dynamic and innovative approaches to representing its clients.

The implementation of an e-filing system in Supreme Court, Criminal Term, should include rules and procedures designed to ensure that all significant documents in the litigation make it into the system. Because many documents, beyond just formal motion papers, are submitted by the parties in court, more or less formally, the e-filing system must have the capacity to capture and record those documents.

Many criminal cases include pro se motions by defendants and letters by family members. There is e-mail correspondence by the litigants over matters like requests to charge. Cases may also include documents filled out in court, such as waivers of the right to be present at side bar conferences, waivers of the right to appeal, and waivers of indictment. And those cases could well include documents generated in court, including jury notes, predicate felony statements, and commitment sheets. Additional documents, such as court decisions handed up to the bench in support of an argument and hard-copy requests to charge are frequently generated.

Many of these documents fail to make it into the Supreme Court file that becomes, for the indigent defendant, the "record on appeal" in cases heard on the original record in the First Department. Rarely do all of them make it. Rather, they must be painfully reconstructed by the litigants to supplement the record provided to us by the appellate court, often delaying the appeal by several months.

In order to ensure that those documents make it into any e-filing system, the court staff

must have the capacity as well as the obligation to scan, save, and record those filings in the e-filing system. Any e-filing system that fails to capture those critical documents would not serve as a substitute for the actual court file and would not be useful in ensuring a complete record of the proceedings.

Additionally, the gathering of critical trial exhibits often, in an of itself, delays the perfection of an appeal by an additional two to three months, as these exhibits are kept in the trial ADA's file, which has already been sent to storage by the time that the defendant's appellate counsel is assigned. If these exhibits could be scanned into the e-filed record at the time of trial, appeals would be speeded up significantly.

Moreover, anything that could be done to reduce the often-significant lag time between the filing of the notice of appeal for indigent criminal defendants and the assignment of appellate counsel would be most welcome.

In addition to ensuring a complete record, an e-filing system must have the capacity to handle sensitive, non-public documents. In a typical criminal case, numerous documents are submitted to the court that by statute cannot be publicly disseminated, including criminal history reports, presentence investigation reports, and C.P.L. § 730 reports. In addition, other documents, such as pre-pleading memorandums, may well contain personal, medical, or psychiatric records or information, that ought not to be shared beyond the litigants. While an e-filing system must protect the confidentiality of such documents, it should be designed so that those documents – frequently the critical documents to the case and the appeal – are available to the litigants at the trial proceedings and subsequently on appeal.

Lastly, any e-filing system should be designed to prevent the mining of information by companies for potential resale or reuse. Although some court documents are publicly available during the pendency of a case, those same documents would have to be sealed upon dismissal, acquittal, post-conviction reversal, or imposition of youthful offender status. The e-filing system should be designed so that documents, though publicly available during the pendency of the matter, cannot be bulk downloaded by data mining companies at that stage so as to undermine any subsequent sealing.

In sum, any e-filing system should be designed with the appellate process in mind. The system should be designed to contain a complete set of all necessary documents, should address confidentiality concerns, and should ensure proper sealing of information upon post-conviction relief being granted.

Thank you for your attention to this matter.

Sincerely,

Robert S. Dean
Attorney-in-Charge

STATE OF NEW YORK

Hon. Craig J. Doran
Supreme Court Justice

Seventh Judicial District
Administrative Judge

December 18, 2019

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 and to recommend further appropriate legislation.

The committee has met two times since the 2019 report on electronic filing:

- The first meeting was held on May 8, 2019 and focused on proposed mandatory e-filing in Sullivan County Surrogate's Court. This meeting resulted in Administrative Order 137/19, which was signed on May 31, 2019, formally launching the mandatory e-filing program in the above-mentioned Courts, effective June 3, 2019.

- The second meeting was held on November 12, 2019 and focused on a proposed mandatory e-filing program in Herkimer County Surrogate's Court. This meeting resulted in Administrative Order 245/19, which was signed on November 7, 2019, formally launching this mandatory e-filing program effective November 20, 2019. Additionally, in anticipation of the issues to be presented to the Chief Administrative Judge for the 2020 report, members were asked to submit comments regarding implementation of e-filing for inclusion in the report and requested they reach out to their agencies to solicit their input. We further discussed issues to be presented to the Chief Administrative Judge for the 2020 report.

- At each of the meetings that focused on the creation of mandatory programs, committee members considered the comprehensive steps taken to notify bar associations, legal organizations, and other interested persons of the proposed programs. After intensive

County Courthouse **27 North Main Street** **Canandaigua, NY 14424**
Phone: 585-412-5292 **Fax: 585-412-5328** **cdoran@nycourts.gov**

outreach, there was only one comment, from a "senior solo lawyer" opposing e-filing in Surrogate's Court, stating he was "comfortable" with the "way things are" and "loathes to learn something technical." Jeff Carucci, Statewide Coordinator for E-Filing, appropriately addressed his concerns in a response, detailing available options within the e-filing rules to assist attorneys who are unable to participate in e-filing. The rules provide that an attorney shall be exempt from having to file and serve documents electronically by filing a form prescribed by the Chief Administrator indicating in good faith that he/she lacks the required computer hardware and/or equipment; or lacks the requisite knowledge in the operation of such computers necessary to e-file. He also provided information regarding e-filing training by the NYSCEF Resource Center and offered their assistance if the attorney chose to e-file.

The committee, comprised of 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 great success and they did not have any negative or critical issues/comments to present to the Chief Administrative Judge for the 2020 report. One committee member representing the Chief Clerk's Office of the Surrogate's Court, did report to the committee that "consensual" e-filing creates an "administrative nightmare" for the Courts and further suggested that all e-filing programs in Surrogate's Court should be mandated. The members of the committee feel that the NYSCEF program is a great product, and the lack of comments and/or issues is a verification of that. The committee suggested that an extra effort be made to reach out to the 20 remaining Surrogate's Courts without an e-filing program, to reinforce the many benefits of e-filing.

Thank you for considering our input as you prepare you annual report evaluating the state's experience with electronic filing.

Sincerely,

Craig J. Doran
Supreme Court Justice
Seventh Judicial District Administrative Judge

cc: Committee

County Courthouse
Phone: 585-412-5292

27 North Main Street
Fax: 585-412-5328

Canandaigua, NY 14424
cdoran@nycourts.gov

CIVIL COURT OF THE CITY OF NEW YORK
111 CENTRE STREET
NEW YORK, NY 10013

ALIA A. RAZZAQ
CHIEF CLERK

January 7, 2020

Honorable Lawrence K. Marks
Chief Administrative Judge
New York State Court System
25 Beaver Street
New York, N.Y. 10004

Re: Report NYC Civil Court Advisory Committee on E-Filing

Dear Judge Marks,

This letter is intended to fulfill the obligation of the NYC Civil Court Advisory Committee on E-Filing 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 December 19, 2019 to update the members on the progress toward electronic filing in New York City Civil Court since the filling of the 2019 report on electronic filing. Feedback and comments have been solicited from committee members.

The Civil Court in coordination with the NYS Court's E-filing group has implemented the digital filing of matters transferred from the Supreme Court in NY and Queens Counties. In coordination with the NYSCEF the e-filing of 325D cases is expected to be implemented in Kings Civil Court by 2nd quarter.

There were two (2) introductory demonstrations of e-filing presented to the No Fault practitioners via SKYPE by the NYSCEF Unit in August 2019. There was a strong interest in the demo and each session was well attended. We expect to add the e-filing of No Fault matters to Civil Court sites on an incremental basis in mid to late 2020.

In addition to the developments in the Civil Part, we can report that a consensual pilot program has been developed for the NYC Housing Court and the Division of Technology has begun the programming necessary for implementation. It is anticipated that the program will be implemented within the first quarter of 2020. This initiative will add ease of access to the users of

the Housing Court as well as address one of the goals suggested by The Special Commission on the Future of Housing Court formed by the Chief Judge. The committee will also be reviewing the rules that were developed for e-filing in civil court and the comments received as a result of the public posting of these rules.

The committee looks forward to continuing working together and expects to be able to report on the progress made in next year's report.

Respectfully Submitted,



Alia Razzaq
Chairperson,
Civil Court Advisory Committee on e-Filing

cc: Committee Members

Family Court of the State of New York
City of New York

60 LAFAYETTE STREET
NEW YORK, N.Y. 10013

DOREEN M. HANLEY
CHIEF CLERK

STEPHEN G. BYRNES
FIRST DEPUTY CHIEF CLERK

January 7, 2020

Honorable Lawrence K. Marks
Chief Administrative Judge
New York State Court System
25 Beaver Street
New York, N.Y. 10004

Re: Family Court Advisory and Rules Committee Report on E-Filing

Dear Hon. Judge Marks:

This letter is intended to fulfill the obligation of the Family Court Advisory and Rules 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 December 18, 2019 to update the members on the progress of electronic filing of Article 3 and Article 10 proceedings. Feedback and comments were solicited from committee members.

Progress toward an e-filing program in Family Court has been limited as programming resources have been allocated to "Raise the Age" (RTA) legislation, and other initiatives. The development of screens to allow the initialization of Article 3 and Article 10 proceedings in the New York State Courts Electronic Filing (NYSCEF) system has already been discussed as an initial phase to electronic filing in Family Court. The first phase will include utilizing NYSCEF to electronically deliver documents to the court and electronic service of papers on the parties. Future phases will include the transfer of data directly into the court's case management system (UCMS) and to compatible systems used by litigating agencies.

The Advisory Committee cannot at this time report on the experience with e-filing in the Family Court. However, as the first phase of the project is currently under analysis, the committee believes it will be able to report on it next year. The committee has also discussed the need to develop rules and will work with Counsel's Office once the rules are proposed. The committee will also be working with the Department of Technology to program initialization screens and to consider and identify counties to pilot these authorized electronic filings.

The committee can report that the Third and Fourth Departments are now authorizing e-filing in Family Court matters. Having the ability to electronically transfer data and case files through NYSCEF from Family Court to the Appellate Division will be a great convenience to the Court and an added incentive to implement an e-filing program for authorized Family Court filings. One committee member with experience in the e-filing of Family Court matters authorized within the Appellate Division commented: "In all, the transition to e-filing has been successful and very few of the attorneys on the Court's assigned panels have opted out of e-filing."

The committee looks forward to continuing the effort to effectuate the electronic filing legislation and expects to be able to report on the progress made toward implementing a program in the next report. Thank you for considering our input regarding the plans for e-filing in Family Court.

Respectfully Submitted,

Doreen M. Hanley
Chairperson,
Family Court Advisory and Rules Committee on e-Filing

cc: Committee Members

From: Robert Marchiony <rmarchio@nycourts.gov>
Sent: Monday, December 30, 2019 3:02 PM
Subject: RE: Family Court Advisory Committee on E-filing – Committee Member Comment

December 18, 2019 @ 12:30 PM

The Appellate Division, Third Department instituted mandatory e-filing for all Family Court appeals filed after January 1, 2019. We began preparation in the latter half of 2018, working with the OCA staff to make the necessary changes to the NYSCEF platform to accommodate appeals. In some cases this was difficult, as the appellate process has a different flow than that of the trial court and the software did not always logically track with the processes of this Court. The Court worked with a few selected Family Court cases that were electronically filed in late 2018 that allowed us to identify and correct more bugs with the system. Ultimately, enough changes were made and workarounds found that the system allowed the Court to capture the relevant information and allowed filers to upload the necessary information.

One advantage of using NYSCEF with the Court's Family Court cases is that the vast majority of these appeals are prosecuted by assigned counsel, therefore, we had a relatively small universe of attorneys that needed to be trained. To that end, the Court produced instructional videos encompassing both the new Appellate Division rules and the NYSCEF e-filing system and made them available on the Court's website for CLE credit. There was still a steep learning curve and the assigned counsel office spent the bulk of the first quarter of 2019 educating attorneys on the process of e-filing and trouble shooting the system to make it work more effectively.

One major deviation from the rules is that very few trial level attorneys register the appeal with NYSCEF. Instead, attorneys generally still file the notice of appeal and application for assigned counsel in hard copy with the Family Court and the attorney assigned to prosecute the appeal is responsible for registering the appeal with NYSCEF. In fact, the orders of assignment were changed to direct the assigned attorney to do so. In addition, the Court's orders appointing counsel for respondents and attorneys for the children now likewise direct that the attorney check NYSCEF to determine if the appeal has been registered and, if so, to note their appearance.

In all, the transition to e-filing has been successful and very few of the attorneys on the Court's assigned panels have opted out of e-filing and continue to file and serve hard copies of their submissions.

Please let me know if you have any other questions about the Court's experience

NEW YORK STATE
Unified Court System
OFFICE OF COURT ADMINISTRATION

JOHN W. MCCONNELL, ESQ.
EXECTIVE DIRECTOR

NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

JEFFREY CARUCCI
DIRECTOR, OCA DIVISION OF E-FILING

January 30, 2020

Hon. Lawrence K. Marks
Chief Administrative Judge
25 Beaver Street
New York, New York 10004

Re: Legal Services Advisory Committee on E-Filing

Dear Judge Marks:

In the 2019 Annual Report on Electronic Filing of the Chief Administrative Judge, it was announced that the Unified Court System ("UCS") would establish a Legal Services Advisory Committee on Electronic Filing. The purpose of this committee is to serve as a vehicle for effective communications between the legal services community and the Court System with regard to electronic filing. The Committee is interested in information regarding electronic filing and the unrepresented in residential foreclosure and consumer credit cases, including information about any difficulties that the unrepresented might encounter anywhere in the state. Further, the Committee is interested in suggestions about how to improve electronic filing for the unrepresented in these cases, but also in other kinds of matters, in addition to any concerns the legal services community might have about other aspects of electronic filing.

The Committee was established in 2019. It joins five Advisory Committees on Electronic Filing established by Ch. 237 of the Laws of 2015 in consulting with the Chief Administrative Judge about electronic filing in the New York State courts. The Committee met for the first time earlier this month.

At its meeting, the Committee reviewed its purpose. The Chair of the Committee, the undersigned, then reported on a number of steps that had been taken to improve the processing of electronic filing for unrepresented litigants.

First, it was reported that in September 2019, the then-Administrator for Management Support of the Unified Court System and the undersigned, the Statewide Director for Electronic Filing, had written a memorandum to all County Clerks and Chief Clerks of the Supreme Court in the 52 e-filing counties, to all Chief Clerks of the Surrogate's Court in the 42 e-filing counties, and to the Chief Clerk of the Court of Claims. This memorandum reminded all recipients of the rights of the unrepresented in electronically-filed cases in the state. The recipients were asked to see to it that members of their staffs who deal with these matters daily are fully informed about those rights. "[C]areful adherence to the legal requirements summarized here is critical to the proper operation of the e-filing program."

25 BEAVER STREET, NEW YORK, NEW YORK 10004 * PHONE 212-256-7778 * JCARUCCI@NYCOURTS.GOV

The memorandum reviewed the history of e-filing in New York and how the law has affected the unrepresented. The memorandum brought to the attention of the recipients a modified redaction form by which unrepresented persons who do not take part in e-filing provide their address so that it may be included in the case file in the e-filing application (the New York State Courts Electronic Filing Program ("NYSCEF")) in order to prevent participating attorneys from inadvertently forgetting to serve the unrepresented person or a non-participating attorney in hard-copy form. The memorandum also transmitted to the recipients an Unrepresented Litigants Fact Sheet containing information about the rights of the unrepresented derived from the special UCS website for unrepresented persons. This Fact Sheet was created to help explain e-filing to the unrepresented and to assist clerks in explaining e-filing to an unrepresented party.

Finally, the memorandum asked the recipients to bring immediately to the attention of the writers any instances in which complaints had been made about the application of the rights of the unrepresented litigants in e-filed cases. The recipients did not report any such instances to the writers. A copy of this memorandum is annexed.

Second, the Committee was advised that UCS had promulgated or reissued many e-filing forms in December 2018. These forms were modified to make clearer the rights of the unrepresented in e-filed cases, including through the use of plain language. One of these forms was the Notice Terminating Limited Appearance. Suggestions for modifications to this form had been made by a legal services representative and now a member of the Committee and changes to the form were accordingly made and a new version promulgated. This member approved of the new form and expressed appreciation for UCS's having taken action on this matter. An additional suggestion for this form was made and will be incorporated in the form to improve it further. We hope to submit a revised form to you for future reissuance.

Third, the Committee was informed that in September 2019 UCS had created a special e-mail box in conformity with a commitment made in the 2019 Annual Report. The purpose of this dedicated box is to provide a vehicle whereby legal services attorneys anywhere in New York State can inform e-filing staff whenever they encounter what is thought to be an instance of erroneous processing or provision of information by a member of the staff of the County Clerk or Chief Clerk in an e-filed case affecting an unrepresented person. Notification of the creation of this box was sent to 177 legal services groups in September 2019 and those groups were asked to inform their staff attorneys of the existence of the box and ask them to use it. If such information is provided, e-filing staff can and will take immediate action to remedy any difficulties and see to it that any clerk involved is informed of the correct way to proceed.

Fourth, the Committee was advised about the Annual Report on E-Filing of the Chief Administrative Judge for 2020. The plan for the Report was reviewed.

Fifth, Marc Bloustein, Esq., First Deputy Counsel and Legislative Counsel of the UCS and a member of the Committee, reviewed and explained the e-filing legislative proposal that will accompany the Annual Report and be submitted to the Legislature for action this year.

The Chair stated that e-filing staff and this Committee will continue to look for ways to alert the unrepresented of their rights and to remind clerks of the rights of the unrepresented parties.

Mr. Bloustein pointed out that the proposed legislation contains a provision that would require the prominent posting in every courthouse in which e-filing is operational of a notice to the unrepresented about their rights. The Committee discussed the idea of also distributing the proposed notice throughout courthouses. The proposed notice would be in addition to the other forms of notice currently given by the court system, and the website that exists for the unrepresented. Among these is the Notice of Electronic Filing, which, in every e-filed case, must be served upon the defendant or respondent with the commencement documents in hard-copy format. The Notice informs the unrepresented person, at the very outset of the case, in hard-copy form, that he or she is exempt from e-filing and will only e-file if the choice to do so is made by the litigant.

Some members of the Committee have made other suggestions for improvements to the processes used in e-filed cases. One Committee member stated that unrepresented persons sometimes make known to legal services attorneys that their papers have been rejected, but without a reason for the rejection having been given. This member urged that clerks should provide a reason for any rejection to unrepresented litigants. See Uniform Rule 202.5 (d) (2), which states that County Clerks and Chief Clerks who reject a document in accordance with that rule shall provide a reason for that action on the document and shall place a stamp thereon indicating when the rejection occurred. The Director of E-Filing will send a reminder to the County Clerks and Chief Clerks about the need for adherence to this Rule and will add a reference to the Rule to the Fact Sheet and other forms where appropriate.

Another member has suggested that e-filing forms should be in other languages in addition to English, at least in Spanish. The Chair informed the members that UCS e-filing staff has begun to consult with a UCS committee that works on the creation of forms in multiple languages with a view towards having e-filing forms initially in Spanish and with a goal to expand to additional languages.

A member reviewed some concerns with e-filing and the unrepresented that he had previously raised. He also provided after the meeting an account from a legal services attorney of an instance of an unrepresented litigant who had had some difficulty with e-filing.

One of the concerns mentioned had to do with some clerks who, it is believed, seek improperly to persuade unrepresented litigants to choose to e-file when it is not in the interest of those persons to e-file and to receive papers only on their smartphones. Another is the fact that the requirement to use a credit card to pay fees in e-filing creates a barrier to the use of NYSCEF by impecunious self-represented litigants. Mention was also made of the fact that some courts (one county was identified) refuse to accept the filing of answers with third-party complaints. This last issue involves counsel as well as the unrepresented, is not restricted to residential foreclosure and consumer credit cases, and concerns paper cases as well as e-filed ones.

Another member also expressed concerns about instances of clerks providing inaccurate information to unrepresented persons and attorneys as well, for example with regard to proper filing of poor person affirmations. This member urged the need for uniformity in implementing electronic filing rules and procedures. The member also recommended that the Committee should be consulted about and have an opportunity to review efforts to expand e-filing in the state prior

to implementation, such as with regard to Housing Court. The Committee will look into these issues and will seek to find solutions in the future and will have an opportunity to offer comments on future expansions.

The Chair said that he would look into the question of payment of fees via credit card. This is a matter that affects the County Clerk. He would also look into the issue of the rejection of answers combined with a third-party complaint in the jurisdiction cited.

Subsequent to the meeting, a Committee member, Daniel J. Marren, Esq., Confidential Law Clerk to Paula L. Feroleto, S.C.J., submitted a letter setting forth some views about the UCS legislative proposal. A copy of this letter is annexed.

Subsequent to the meeting, another Committee member, Hon. Nancy T. Sunshine, County Clerk of Kings County, submitted a letter setting forth views on topics raised at the meeting. A copy of this letter is annexed.

County Clerk Sunshine mentions the processing of poor person orders, which was a subject touched on at the Committee meeting. The Chair will consult with NYSCEF staff and, with input from the Committee, courts and County Clerks, will work on developing a solution to issues surrounding the processing of poor person orders so that they might be filed with NYSCEF and processed efficiently in electronic format. Here again, of course, the unrepresented would not be required to e-file since they are statutorily exempt, but an electronic solution for those who wish to e-file would be beneficial.

The Committee will work on all of the proposals for improvements that were made at the meeting or in the communications mentioned and will make recommendations as appropriate.

The Committee will continue to pursue the exchange of views and suggestions among its members. Another meeting of the Committee will be held in May 2020, although one will be scheduled earlier if there is need to do so. The Committee also hopes that use will be made of the special e-mail box by legal services attorneys whenever they encounter any problems with e-filing affecting an unrepresented litigant anywhere in the state so that e-filing staff can intervene promptly and correct the difficulties.

The Committee looks forward to its work this year and in the coming years and hopes to be able to make a contribution to an electronic filing program that works well for all litigants and all attorneys in New York State.

Very truly yours,



Jeffrey Carucci
Chair

cc: Committee Members

NEW YORK STATE
Unified Court System
OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. MCCONNELL, ESQ.
ADMINISTRATOR FOR MANAGEMENT SUPPORT

MEMORANDUM

September 30, 2019

To: County Clerks
Chief Clerks of Supreme Court
Chief Clerks of the Surrogate's Court
Chief Clerk of the Court of Claims

From: John W. McConnell
Jeffrey Carucci

Re: Electronic Filing – Procedures Regarding Unrepresented Persons

---

This memorandum provides a summary explanation of the rights of unrepresented litigants in electronically-filed (e-filed) cases in New York, and a clarification of certain administrative practices instituted to protect those important rights. Please share this memorandum with members of your staff who may address these issues in their daily duties. As you know, careful adherence to the legal requirements summarized here is crucial to the proper operation of the e-filing program. On occasion, we continue to receive complaints that the protections afforded to unrepresented litigants in e-filing have not been properly applied. If you become aware of any such complaints, please bring them to our attention immediately.[1]

Summary

- In contrast to represented litigants, unrepresented litigants have no obligation, under any circumstances, to participate in "mandatory" electronic filing matters -- although they may voluntarily choose to do so.

- Prior to August 31, 2015, unrepresented litigants in mandatory cases who wished to decline to e-file were required to file and serve an "opt-out" form notifying other parties of that intent. In contrast, since August 31, 2015, unrepresented litigants are statutorily exempt from e-filing and if they do not wish to e-file in consensual or mandatory cases they are not required to take any action to notify the court or other parties of that decision: it is assumed, at the start of every case, that an unrepresented party will file in hard copy rather than e-file. Consequently, the "opt-out" form used in prior years is no longer required or allowed to be filed by unrepresented parties. In addition, under current rules an unrepresented party who does not choose to participate in e-filing is not

[1] Please report such complaints even when they are undocumented, anecdotal or anonymous.

25 BEAVER STREET, NEW YORK, NEW YORK 10004 • PHONE: 212-428-2120 • FAX: 212-428-2190 • JWMCCONN@NYCOURTS.GOV

required to file a Notice of Hard Copy Filing whenever hard copy papers are delivered to the Court or County Clerk.

Only in cases where an unrepresented litigant affirmatively chooses to e-file will that party participate in e-filing. The party will announce participation by obtaining an ID and password, entering the New York State Courts Electronic Filing System ("NYSCEF"), registering as a participant in the case file in the system and recording consent to e-file there. Once such a party has registered as a participant, he or she is bound by the e-filing rules, including the obligation to serve non-participating parties with documents in hard-copy format. Unrepresented litigants who choose to participate in e-filing and register with NYSCEF may thereafter withdraw from e-filing at any time by filing and serving a "Notice of Intent to Cease E-Filing in this Case" form (Exh.A) – but unless that form has been filed and served, such litigants must continue to file documents electronically.

- Under current law (CPLR 2111[b][3][B]), court and County Clerk staff are required to provide unrepresented litigants with explanatory information about e-filing in plain language and neutral terms, without seeking to persuade the litigant to participate. At no time should staff direct or insist that an unrepresented person e-file a matter. Nor may court and County Clerk staff reject or refuse to accept for filing a document in hard-copy format in an e-filed case from an unrepresented person solely because that party has not chosen to e-file and register with NYSCEF.

Background and Explanation

1. Practice Prior to August 2015. For more than fifteen years, New York's e-filing program has had two basic categories of cases: mandatory cases (in which represented litigants must e-file), and consensual cases (in which represented litigants may choose to e-file or not).

Prior to 2015, unrepresented persons could opt out of electronic filing in mandatory cases only by filing and serving an e-filing "opt out" form. After opting out, they could file and serve papers in hard copy, but were required to attach another form – the "Notice of Hard Copy" – to each such filing.

2. 2015 Legal Changes. These procedures were dramatically altered by the Legislature in 2015 (L. 2015, c. 237). Beginning on August 31st of that year, unrepresented persons were automatically deemed exempt from having to file electronically in litigation subject to electronic filing. No longer would they be required to decline or opt out of electronic filing. Instead, such litigants would take part in e-filing only if they chose to file electronically and registered and recorded their participation or consent in the NYSCEF case file. Accordingly, the opt out form used in years prior to 2015 no longer has any function with respect to non-participating unrepresented persons.[2] Consequently, court and County Clerk staff should never ask non-participating unrepresented persons to file such a form, nor should they accept one if presented to them.

[2] The opt out form to be used by attorneys who lack the knowledge or equipment to participate in electronic filing. See, CPLR 2111(b)(3)(B).

3. Clerk's Duty to Inform. Under the 2015 law, court and County Clerk staff are required to provide each unrepresented party with sufficient information, in plain, objective and neutral language, concerning the electronic filing program; and to explain to such a party, in plain, objective and neutral language, his or her options for participating in electronic filing in a case, including the option to have expedited processing of an application for a user name and password for the NYSCEF system. CPLR 2111(b)(1), 2111(b)(3). Staff also are directed to inquire of an unrepresented person whether he or she wishes to participate in electronic filing. Id. *Staff should not, however, in any way insist to an unrepresented person who has not registered to participate in e-filing in litigation subject to electronic filing, whether consensual or mandatory, that he or she file electronically, try to persuade such person that he or she should do so, or purport to reject or decline to accept a hard-copy filing.*

To assist in providing information about electronic filing in these cases, NYSCEF personnel have created a special website, written in plain language, to which unrepresented persons may be referred.[3]

4. "Notice of Intent to Cease". If an unrepresented person chooses to participate in electronic filing, whether consensual or mandatory, he or she may discontinue participation at any time, with no need to explain that decision. To do this, such person need only submit to the clerk of the court and serve on all parties in which the case is pending a "Notice of Intent to Cease E-Filing in this Case" (E-Filing Form EF-6) with proof of service on all other parties to the case. CPLR 2111(b)(3).

5. Hard Copy Filing. Unrepresented persons in a case in which other litigants are filing electronically, who do not themselves choose to file electronically in that case, will serve and file all of their papers in hard copy; and all papers served upon them by such other litigants shall likewise be in hard copy. These unrepresented non-participating persons shall not be required – as they once were – to attach the "Notice of Hard Copy Submission" to any papers they file with the court. 22 NYCRR §202.5-b(d)(1)(iv).

6. E-filing in the Appellate Division. The foregoing requirements apply as well to unrepresented persons in cases in the Departments of the Appellate Division. Such persons are automatically exempt from electronic filing in those cases unless they affirmatively choose to participate in e-filing and register with NYSCEF to do so. CPLR 2112.

7. NYSCEF Listing of Parties, Attorneys and E-filing Status (*Only in Supreme Court, Civil Term*). The NYSCEF platform contains, in the "Case Detail" section of each electronic case file, information on the parties and attorneys who are filing electronically in the case. In the Supreme Civil Court, this section also permits a listing of the names and addresses of attorneys in a case who have opted out of filing electronically (see CPLR 2111(b)(3)). This section has been

[3] That website can be accessed by going to the NYSCEF site at www.nycourts.gov/efile and clicking on the link titled "Home - Unrepresented Litigants" found on the left side of the main page. The "Unrepresented Litigant Fact Sheet" is also accessible from that page which can be helpful in explaining the options available to an unrepresented party. A copy has been included here as Exh.B

expanded to allow collection of information with respect to any unrepresented litigants who have not chosen to file electronically. By making this information conveniently available in one place, NYSCEF helps to assure that litigants who file electronically do not inadvertently fail to serve hard copies of their papers upon other litigants in their cases not participating in electronic filing. This benefits all parties – counsel who must serve hard copies upon their adversaries who are not electronically filing and those adversaries, especially those who are unrepresented. In order to maximize the utility of this information for the public, Court System and County Clerks are asked to enter all appropriate information about (i) unrepresented litigants who do not choose to e-file, and (ii) attorneys who decline or opt out of e-filing, into the Case Detail section of the appropriate NYSCEF case file.

To assist clerks to enter the appropriate information into the Case Detail section, we have prepared an update to the Redaction Form (Exh.C). Space is provided thereon for the unrepresented person to note his or her status and address. Please have your staff use this form to obtain contact information for any unrepresented persons presenting hard-copy documents for filing in e-filed cases.

8. Reminder – Foreclosure and Consumer Credit Actions. Subject to restrictions in governing legislation, the Chief Administrative Judge by Administrative Order designates the courts and counties in which e-filing is authorized. The legislation imposes restrictions on the availability of e-filing in residential foreclosure actions involving a home loan and consumer credit cases. E-filing in these cases may only be authorized (i) on a consensual basis; (ii) on a mandatory basis, but only with regard to the commencement documents in the case; and (iii) on a mandatory basis more broadly, but only in two small groups of jurisdictions in Supreme Court where such e-filing has been "grandfathered in." Since the defendants in these two categories of cases are often unrepresented persons, court and County Clerk staff in Supreme Court in a county must be familiar with the nature of the authorization for e-filing in these cases in that county, if any, and be in a position to answer accurately questions from unrepresented persons about that authorization and to handle properly any documents presented for filing. It is vital that the rights of the unrepresented described above be observed in these cases, as in all others.

The proper notification to and treatment of unrepresented persons is of crucial importance in the continued expansion of the Court System's electronic filing program. We thank you for your care and attention to these issues.

As always, if you have any questions concerning this memorandum or any matter relating to electronic filing in the courts, please contact Jeffrey Carucci, Statewide Coordinator for NYSCEF at JCarucci@nycourts.gov.

cc: Hon. George J. Silver
Hon. Vito C. Caruso
Administrative Judges
Scott Murphy
Linda Dunlap-Miller
District Executives

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____
----------x

Plaintiff/Petitioner,

Index No. _____

- against -

Defendant/Respondent.
----------x

NOTICE OF INTENT TO CEASE E-FILING IN THIS CASE

To the Parties in this case and the Court:

1. I do not have an attorney. I am unrepresented.
2. I want to stop e-filing my court documents in this case using NYSCEF.
3. I will serve and file all future court documents in paper form on all other parties in this case.
4. I understand that the other parties may continue to e-file their court documents in this case, except that such parties MUST serve me with those documents in paper form at the following address:

Name: _____
Street address: _____
Line 2: _____
City: _____
State: _____
Zip code: _____
Phone number: _____

Dated: _____

Signed: _____

2/18/16

***Note:** This form must be mailed to all other parties in this case and filed, along with proof of service, with the Clerk of the Court.*

Exhibit B

New York State Courts E-Filing (NYSCEF)
Unrepresented Litigants

Electronic filing (E-filing) is not required for people who do not have an attorney. If you choose not to e-file, you will file and serve all court papers in paper form and the other side must serve its court papers on you in paper form. However, you may choose to e-file. See more information below.

E-filing is a way to file and serve court papers through the internet. Unrepresented litigants **may choose** to e-file court papers online using the statewide NYSCEF system, www.nycourts.gov/efile-unrepresented. If you and the other side both e-file, all future papers in the case are delivered (served and filed) through NYSCEF. E-filing can only be done in certain courts, counties and cases. You will need to make sure you can e-file before you start, so check the website or call the E-Filing Resource Center.

There Are Many Benefits To E-Filing

- E-filing is **fast**
- E-filing saves you time
- E-filing is available day and night, 24/7
- E-filing has a Resource Center to assist
- There are no additional fees to e-file, view, or print your case records.

What You Will Need To E-File

To e-file, the answer must be **Yes** to the following questions:

- **Is e-filing available in your county, court and case type?** If you got a notice about e-filing when you were served with the court papers, e-filing is available in your case. If you are starting a new case, e-filing is only available in some Supreme, Surrogate's and Court of Claims cases. Check Courts, Counties and Case Types.
- **Have you already prepared your court papers?** The e-filing website does not create court papers, like an Answer or a Motion. Make up your papers first, then come back to upload and e-file them. Need information? Visit a Court Help Center or the CourtHelp website.
- **Do you have a computer with internet access?**
- **Do you have an email address that you regularly check?**
- **Do you have PDF/A viewing software on your computer?** If not, you can download Adobe Acrobat Reader for free.
- **Do you have a scanner or software to turn your court papers into PDF/As?**

- **Do you have a Visa, Master Card or American Express Credit Card to pay for court filing fees?** If you can't afford the court fee, you must first apply for a Fee Waiver from the court.

TO CREATE AN E-FILING ACCOUNT

1. Go to www.nycourts.gov/efile and select ***Home*** *Unrepresented Litigants* on left side of screen.

2. Select the link named **Create an Account** *Start a New Case* or **Create an Account** *Existing Case* on the left side of screen:

   a. If you are asking for an ID to start a case against another, select the option Create an Account to Start a New Case located in the middle of the screen.

      - Review the **Website Terms of Use** page and select continue. Fill out the electronic registration form on the website and you will receive your user name and password immediately.

   b. If you are asking for an ID for a case that has been started against you, select the option Create an Account in an Existing Case located in the middle of the screen.

      - Review the **Website Terms of Use** page and select continue. Fill out the electronic registration form on the website and then **print it.**
      - Sign the registration form in front of Notary Public
      - Return the registration form by fax or e-mail to the E-Filing Resource Center.

   You will usually receive your user name and password for an existing case in 1-2 days. However, if you need it faster, write "**PLEASE EXPEDITE**" on top of registration form.

ADDITIONAL INFORMATION REGARDING E-FILING AND/OR COURT PROCEDURES

- EFiling Websites: www.nycourts.gov/efile-unrepresented or NYSCEF at www.nycourts.gov/efile
- E-Filing Resource Center help - by email at efile@nycourts.gov or by phone at 646-386-3033
- CourtHelp Website: www.nycourts.gov/courthelp
- Use Court Locator to contact the court www.nycourts.gov/courts/index.shtml
- The Administrative and Legislative Rules that control electronic filing can be found on the NYSCEF website under the Rules & Legislation link.

Exhibit C

_____ COURT OF THE STATE OF NEW YORK

COUNTY OF_____

_____, **Index No.**
_____

Plaintiff(s), **(, J.)**

against **_____**

_____, **_____**

Defendant(s).

REDACTION COVER PAGE

( ) The document filed contains no confidential personal information, as defined in **22 NYCRR 202.5(e)**.

( ) *The document contains the following (CHECK ANY THAT APPLY)*:

( ) Social Security Number.

( ) Confidential Personal Information (CPI) that is **REDACTED** in accordance with **22 NYCRR 202.5(e).**

( ) Confidential Personal Information (CPI) that is **UN-REDACTED** and seeks a remedy in accordance with **22 NYCRR 202.5(e)(2) OR (3)**.

( ) Confidential Personal Information (CPI) that is **UN-REDACTED** as required or permitted by a specific rule or law; Specify the rule or law _____.

( ) Confidential Personal Information (CPI) that is **UN-REDACTED** as directed by court order; and I hereby specify:

DATE of such court order: _____ & DATE filed: _____.

Other identifying information for such order: _____.

Does the court order direct that this **UN-REDACTED** document be **visible to all participating parties? ( ) yes / ( ) no.**

A court order is being filed with the document: ( )yes / ( ) no.

Signature of filer:_____
Print Name:_____
Counsel appearing for: _____(name of party)

Filer is Unrepresented: yes / no

If yes, address for service: _____

Date:_____

Revised 6/2018

SUPREME COURT CHAMBERS
STATE OF NEW YORK

Paula L. Feroleto
Supreme Court Justice

92 Franklin Street- Part 1 (2nd floor)
Buffalo, New York 14202
E-Mail: pferolet@nycourts.gov

Daniel J. Marren, Esq. (716) 845-9439
Confidential Law Clerk
E-mail: dmarren@nycourts.gov

Siobhan H. McMahon, *Secretary*
(716) 845-9438 - Fax :(716) 845-5151
E-mail: shmcmaho@nycourts.gov

January 28, 2020

Mr. Jeffrey Carucci
Via E-mail: efilingcomments@nycourts.gov

Re: OCA Legislative Proposal

Dear Mr. Carucci,

I am writing in strong support of the most recent OCA legislative proposal (OCA 2020-69) concerning e-filing. I am fully familiar with the effects of the proposal from both a "hands on" perspective as a Law Clerk of a Supreme Court Justice with an active calendar and as serving on two statewide e-filing committees: Advisory Committee on Electronic Filing in Supreme Court (Civil) and Legal Services Advisory Committee on E-Filing. In my opinion, the OCA recommended changes are practical, judicious and beneficial to attorneys and unrepresented litigants.

As has been shown over the years, e-filing is an extremely useful tool in not only filing paperwork, but also in looking up documents. Participants are notified immediately when something is filed and everyone has easy access to check the papers at any time. This facilitates efficiency and, frankly, allows the court to monitor compliance with motion deadlines and propriety of filings. This is especially true in mortgage foreclosure proceedings. By having immediate access to the filed papers through NYSCEF, we can make sure plaintiffs are making motions in a timely fashion to move matters forward expeditiously. In addition, it insures that all who have chosen to participate are put on notice of any filings. At the same time, the OCA proposals continue to stress that unrepresented litigants are automatically exempt but can participate if they so choose. This is an excellent access to justice point as some may want the ease and efficiency of e-filing while others may not have the ability or equipment to participate. Neither group should be punished for their choice. The present and continued system provides the proper method of letting the individual decide what is best for them. These proposals serve the need to expand e-filing and still protect the unrepresented litigant.

Concerning the "sunset" provision, it seems apparent that the person or entity with the most knowledge of when a pilot program should start and end is the one who is monitoring it and would be responsible for its success or failure. In this instance, the Chief Administrative Judge would be in the best position to determine when a project could start, finish and what data must be kept. Further, providing this authority would stabilize any pilot projects as they would not be

dependent on constant requests to the Legislature or Governor for necessary extensions, if appropriate.

These are only a few of my thoughts on the benefits of the expansion and continuation of e-filing. It is readily apparent in today's society that electronic filing is no longer an exciting option but, an absolute necessity. Anything that can be done to make it better is welcome. And, in my mind, the OCA Proposal does just that.

Sincerely,

Daniel J. Marren, Esq.

DJM/shm

State of New York

Nancy T. Sunshine
County Clerk, Kings County

360 Adams Street
Brooklyn, NY 11201

January 28, 2020

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
VIA EMAIL jcarucci@nycourts.gov

Dear Mr. Carucci:

As Kings County Clerk and member of the new Chief Administrative Judge's Legal Services Advisory Committee on e-filing, I fully support in all respects, the current OCA legislative proposal (OCA 2020-69) to eliminate the prohibition of mandatory e-filing of matrimonial cases, the elimination of the existing restrictions of mandatory e-filing in certain residential foreclosure and consumer credit debt cases, the elimination of certain sunset provisions, and enactment of a special provision in the CPLR to further clarify the exempt status of pro-se litigants in E-Filing, and to enshrine in the law the exclusive right of pro-se litigants to voluntarily choose to participate. The OCA proposed legislation also seeks to amend Judiciary Law to formalize an already existing practice of OCA in providing notice of e-filing training opportunities to stakeholders, including the organized bar, institutional providers of legal services and not-for-profit legal service providers.

Significantly, the creation of the Chief Administrative Judge's Legal Services Committee on e-filing, reflects the history and the continuing commitment of the Chief Administrative Judge to an open mindedness to further improvements of NYSCEF for all filing parties, including pro-se litigants and the Legal Services Community. As one example, even prior to the creation of this committee, representatives of the Legal Services Community identified as a hardship the requirement that pro-se litigants file an opt-out form in NYSCEF - - a concern listened to by OCA, which led to OCA's endorsement of and the legislative elimination of that requirement. Also, a dedicated email was established to provide a method of communication available to the Legal Service Community to promptly address issues raised by pro se litigants. To date, this email has not been utilized.

The Chief Administrative Judge, interested in addressing the distinct needs of the Legal Services Community, including pro-se litigants, created the current Advisory Committee to formalize the prior informal process, already in place to listen to, and address the concerns of the Legal Services Community. It is the hope of this committee, that in between formal meetings of the committee, this email will be used to promptly address issues and promote enhancements to NYSCEF, benefitting all.

The first Advisory Committee meeting occurred in January, 2020 and brought together the stakeholders from the Legal Services Community, County Clerks, Supreme Court, NYSCEF

and OCA Legislative Counsel. The meeting was positive and constructive, providing a collaborative forum to address and resolve issues. These issues will be addressed below, from the perspective of the Kings County Clerk.

Notably, a representative of LSC NYC, indicated that with respect to the Kings County Clerk, there is no pending issues.

A representative of LSC NYC did indicate issues to be addressed, such as, pro-se litigants are often "given a hard sell" to opt in when not required to do so.

OCA's current pending proposed legislation, if adopted by the legislature would reinforce the notice to pro-se litigants and court staff alike of the rights of the pro se litigants- - building on the continuing education of all NYSCEF users by periodic training and, by most recently, an OCA memo to all County Clerk and Supreme Court employees outlining the rights of pro-se litigants.

On another note, it is important to highlight that better contemporaneous and timely communication is key to addressing issues as they arise to ensure at the moment of filing, that it was the choice of the pro-se litigant to e-file. For instance, one example cited by a representative of LSC NYC reflected the situation where a pro-se litigant chose to e-file because it was easier to e-file than having to file and then thereafter serve the parties to the litigation. A choice based on the convenience of e-filing is not a "hard sell." Nonetheless, prompt communication at the time of e-filing can quickly address and confirm a litigant's choice to e-file, or file and serve in traditional paper format.

A representative of LSC NYC asserted that NYSCEF's feature of providing notice of and access to filings to pro-se litigants on their email via phone, is not in their best interests, rather it would be better for pro-se litigants to receive paper copies to read. A representative of LSC NYC discounted the value of the notice function of NYSCEF, providing immediate notice of filings, based on a preference for readability of litigation documents in paper.

A representative of LSC NYC identification of the impact of credit card only payment was addressed by Jeffrey Carucci who noted that other payment methods are being explored.

A representative of LSC NYC positively commented on the success of limited scope retainers in foreclosure cases and suggested this successful procedure should be mirrored in the context of litigants who begin with legal representation then change to pro-se status. Since this comment was first raised at this initial meeting, no details were discussed. Certainly this issue will be reviewed.

A representative of LSC NYC raised an issue regarding correction of information in an RJI filed by the other party. This issue isn't a NYSCEF issue, it is a practice of law issue for a court to remedy or to be remedied by stipulation. Correction of a filed document requires court intervention. In contrast, a filing party, recognizing an error may request at the time of filing for the document to be returned for correction. A dispute as to the correctness of a filed document is beyond the scope of the clerical function in NYSCEF and requires judicial intervention.

A representative of LSC NYC additionally recommended the expansion of the filing categories in NYSCEF to provide more flexibility in filing and avoid clerical error. This issue will be reviewed following a representative of LSC NYC providing details. Other technical improvements were likewise suggested (regarding RJI forms) to consider an improved user-friendly version or better instructions.

A representative of LSC NYC seeks a more user friendly way for a poor person, not represented by Legal Services to proceed via NYSCEF. In Kings County, if a pro se litigant wants to start an action as a Poor Person or file an application for Poor Person status, in order to file an application, we tell the pro se litigant to file the documents they need to file to either commence the action or as an application to the court along with their application to proceed as a Poor Person using document type "Application To Proceed As A Poor Person". We also ask that they file an additional document under the document type "No Fee Authorization" in order to have the fee waived for processing the application. Until NYSCEF updates its system to recognize a Poor Person Application as no fee, this is the only way for the pro-se litigant to avoid paying a fee up front. Once the papers are filed and processed, the pro-se litigant brings a hard copy of their filing to the Ex Parte office in Supreme Court, Kings County, for delivery to a judge who will adjudicate their Poor Person application. Notably, all Ex Parte applications in Kings County Supreme Court requires hard copy filings.

Alternatively, NYSCEF should be updated to automatically recognize when a pro-se litigant files an application for Poor Person relief, so the application can be filed as no fee with no further action needed on the part of the pro-se litigant, thereby replicating the process when a pro-se litigant files same application in hard copy. Alternatively, CPLR 1101-e could be amended to provide that where a Legal Services Organization, which does not represent a person entitled to a PPO, but can affirm that such pro-se litigants meet the requirements for such relief, by authorizing the Legal Services Organization to file a fee waiver letter.

In conclusion, I look forward to the continued collaboration and sharing of information by the stakeholders of this committee in order to facilitate further technological improvements in NYSCEF consistent with the CPLR and enhanced communication among stakeholders.

Sincerely,



Hon. Nancy T. Sunshine
Kings County Clerk

Appendix F

Comments from County Clerks and Courts

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
25 Beaver Street
New York, New York 10004
VIA EMAIL jcarucci@nycourts.gov

Position Statement

Support the continued expansion of E-Filing Court Documents with the Office of Court Administration

With the assistance of County Clerks, judges and local bar associations, the Office of Court Administration has done a superb job of developing the electronic filing application through which the New York State Court Electronic Filing System (NYSCEF) functions. The NYSACC wishes to continue its strong support for further expansion of this program.

Specifically, we recommend that legislature be promulgated to allow for approval of mandated e-filing to matrimonial, mental hygiene, and Article 78 cases. Also, we recommend that current restrictions placed upon the authority of Chief Administrative Judge be lifted with respect to residential mortgage foreclosure and consumer credit actions. In addition, the law should be amended to allow for expedited approval so additional counties can begin E-Filing. Additionally, the elimination of sunset clauses would remove the need for counties to continually seek approval from the state legislature for their already successful E-Filing programs.

NYSACC President
Hon Sandra J. DePerno, Oneida County Clerk (315) 798-5776

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

December 23, 2019

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 this opportunity to again comment on the successful implementation of e-filing in our office. We began consensual e-filing in 2014. Once my staff was proficient in e-filing, and the majority of local attorneys were familiar and comfortable with e-filing, we made the transition to mandatory e-filing in February of 2018. Although, there is an exemption for attorneys with special circumstances that do not require them to e-file, we have only one attorney who claims that exemption. Pro se applicants are given the option of e-filing or hard copy filing. We have had a few pro se litigants who have chosen e-filing but the majority of pro se litigants choose to hard copy file. Most of these litigants have no access to computers or cell phones and therefore would be unable to electronically file or receive service. The majority of pro se litigants are in matrimonial cases which are not mandatory per rule. Even if the attorney or pro se applicant chooses not to technically efile, my staff still scans and digitally files the hard copy filings.

Since most attorneys or their staff are now familiar with electronic filing and see the advantages of time and cost savings and since there are provisions in place to exempt those who do not have the means to e-file, including pro se litigants, I would urge the Administrative Judge to require mandatory e-filing in ALL civil cases.

The cost and time savings in the County Clerk's Office have been substantial. The amount of time to review an electronic submission, accept it and draw it into our electronic document management system has been reduced by up to 75%. Even when a document has to be rejected for one reason or another, the return time is often within minutes. There is no verification time with e-filing as there was with hard copy filing. There is no cost of shredding of paper documents following scanning and verification. No document or pages from a document are ever lost or misplaced. They are securely transmitted from NYSCEF to the County Clerk; Clerk to Court; and Clerk to NYSCEF.

The support staff at NYSCEF is stellar. We have an excellent working relationship which has been an invaluable asset to the successful implementation of both consensual and mandatory e-filing. We are eagerly awaiting the commencement of criminal e-filing.

Sincerely,

Elizabeth Larkin

Elizabeth Larkin
Cortland County Clerk

State of New York

Nancy T. Sunshine
County Clerk, Kings County

360 Adams Street
Brooklyn, NY 11201

January 24, 2019

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
VIA EMAIL jcarucci@nycourts.gov

Dear Mr. Carucci:

As Kings County Clerk, I endorse the expansion of mandatory e-filing of matrimonial actions in Kings County, and join with the other stakeholders who seek the elimination of the present exclusion of matrimonial cases from mandatory e-file programs statewide.

In Kings County, the success of mandatory e-filing in civil cases is demonstrated by the steady increase and high volume of cases e-filed in civil matters. In 2016, over 30,000 cases were e-filed. In 2017 and 2018, over 35,000 cases were e-filed each year. In 2019, over 38,000 cases were e-filed in Kings County in civil matters, justifying at this time the expansion of mandatory e-filing of matrimonial cases in Kings County. Stakeholders from around New York State further support the mandatory e-filing of matrimonial cases statewide (e.g., County Clerks, the Executive Committee of the Family Law Section of the New York State Bar Association). Further support for the expansion of e-filing in matrimonial cases is amply demonstrated by the success of consensual e-filing of matrimonial cases in the 42 counties where authorized to do so. There is simply no reason to not recognize the successes of consensual e-filing in matrimonial cases and adopt mandatory e-filing in matrimonial cases, which will enhance efficiency by eliminating dual tracking systems and costly inefficiencies both fiscally and in personell time management.

Likewise, the positive experience of counties with mandatory e-filing in residential foreclosure and consumer credit actions supports the elimination of the present statewide exclusion of these cases. Notably, there has been a marked increase in voluntary pro se participation in e-filing in civil cases in Kings County. In the early years of e-filing, pro se participation was in the single

digits, whereas more recently, that number is now in the hundreds. Notably, in 2019, over 417 pro se litigants participated in e-filing in civil cases. Such participation in e-file civil actions does reflect some modest participation by pro se litigants in consumer credit and foreclosure actions. Clearly, these numbers establish that pro se litigants, who choose to participate have done so; and the law which clearly permits pro se litigants to be exempt from e-filing in mandatory cases is properly implemented in Kings County.

Therefore as Kings County Clerk, I support the expansion of mandatory e-filing in matrimonial, consumer credit and foreclosure actions both statewide and in Kings County. It should not go unnoticed that the New York State Association of County Clerks supports the law to be amended to permit expedited approval of e-filing in Counties. Significantly, the collaboration between the County Clerks, OCA and other stakeholders has produced an efficient, effective, transparent electronic filing system in New York State, which with time only gets better with the input of stakeholders and implementation by OCA. Accordingly, amendment of the law to permit expedited approval of the expansion of e-filing will further the expansion and continued enhancements of e-filing to the betterment of all.

Sincerely,

Hon. Nancy T. Sunshine
County Clerk, Kings County

From: MStrickland@co.livingston.ny.us
Sent: Monday, December 30, 2019 12:11 PM

Jeffrey Carucci
Subject: Re: Request for comments re: NYSCEF
Attachments: cc livingston letter 2020.pdf

Thank you for giving me the opportunity to make comments.

At this time I have no comments to make.

Efiling is going great!!

Looking forward to the Criminal Action piece.

I appreciate the continued cooperation between the County and State.

Have a great afternoon!

Happy New Year!!

Mary

Mary F. Strickland
Livingston County Clerk
6 Court Street
Room 201
Geneseo, New York 14454
(585) 243-7010

MAUREEN O'CONNELL, RN, JD
County Clerk



OFFICE OF THE COUNTY CLERK
240 OLD COUNTRY ROAD
MINEOLA, NEW YORK 11501-4249
TELEPHONE: 516 571-2661
FAX: 516 742-4099

January 14, 2020

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 135,000 Nassau County SCAR petitions have been filed electronically through NYSCEF. Currently, the majority of our civil filings are comprised of mandatory cases mostly in torts, contracts, commercial and commercial foreclosures, civil forfeiture, and tax certiorari case types, as well as consensual cases in consumer credit transactions, residential foreclosures and matrimonial actions. The response to e-filing has been so positive that last year e-filing accounted for more than 90% of civil case filings. Additionally, consensual matrimonial filings now account for approximately 15% of all new matrimonial cases.

Your efforts in providing training to court staff, county departments and members of the Nassau County Bar Association with a view toward making enhancements and 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. To that end, we would welcome and encourage

the expansion of mandatory e-filing to include matrimonial, residential foreclosure and consumer credit cases.

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

Maureen O'Connell
Nassau County Clerk

NIAGARA COUNTY
COUNTY CLERK'S OFFICE
COURTHOUSE
P.O. BOX 461
LOCKPORT, NY 14095-0461

JOSEPH A. JASTRZEMSKI
County Clerk

WENDY J. ROBERSON
First Deputy County Clerk

(716) 439-7022
(716) 439-7035 Fax

January 13, 2020

Jeffery Carucci
Statewide Coordinator for Electronic Filing
Office of Court Administration
25 Beaver Street, Rm 823
New York, New York 10004

RE: NEW YORK STATE COURTS ELECTRONIC FILING PROGRAM

Dear Mr. Carucci,

Thank you for allowing me the opportunity to comment on the New York State Courts Electronic Filing Program. As you know, Niagara County has had a very successful experience with e-filing and mandatory e-filing for a number of years.

As has been stated in the past, Niagara County is particularly interested in seeing passage of proposed legislation to lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing in matrimonial and mental hygiene law cases. I believe this will further allow for cost savings in staff time, storage, filing errors and greater efficiency with return of documents for correction. This position is in keeping with the position of the New York State Association of County Clerks.

I understand that the e-filing system would continue to assure confidential treatment of such cases, but remain hopeful that these cases will be restricted/sealed from the onset of submission, and that County Clerk staff will not have to take further steps to restrict the case per statute.

Sincerely,

Joseph A. Jastrzemski
Niagara County Clerk

Onondaga County Clerk's Office
Lisa Dell
County Clerk
401 Montgomery Street, Syracuse, New York 13202-2171
(315)435-2227 • Fax (315)435-3455
www.ongov.net

January 3, 2020

Mr. Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
Office of Court Administration
New York County Courthouse
25 Beaver Street, Rm 823
New York, New York 10004

RE: New York State Courts Electronic Filing Program Request for Comments

Mr. Carucci,

Having held office for four years now, I have had the opportunity to experience the full effect of e-filing and its benefits. Our office has been participating in this program since 2012. E-filing's component of immediate access and retrieval of documents makes for a very efficient, customer friendly work environment. The electronic storage of these documents is another asset of the program. We are a large, high volume office and just do not have the extra storage space to hold paper.

Our office feels that it would be most beneficial to expand the e-filing program to make all case types mandatory especially with the rapid expansion of e-filing across New York State as well as in other courts such as Surrogates and the Appellate Divisions.

There are three specific case types that we would like to see become mandatory at least in Onondaga County:

1. Foreclosure: This case is effectively mandatory in this county. Once the case type was offered in e-filing practically all the foreclosure firms are submitting electronically.

2. Consumer Credit: Our office made it mandatory in 2014 and grand-fathered in when the restriction was applied. These three case types constitute the largest volumes of e-filings

in this county. Other jurisdictions should be able to reap the benefits of e-filing with this case type.

3. Matrimonial: E-filing has been limited in this type. Mandatory e-filing is the next logical step for a case type that constitutes a large portion of the Supreme Court cases. We will need to work with our Supreme Court to get the matrimonial part training and more involvement in e-filing

I also will continue to strongly suggest that criminal actions also be included in the e-filing program and we hope to participate in the anticipated Criminal E-filing pilot in the spring of this year.
I am very pleased to say that my office continues to have an excellent working relationship with the entire NYSCEF Resource Center staff and court system here in Onondaga County. I look forward to continuing to work with them and all parties involved with this process.

Very Truly Yours,

Lisa Dell

Lisa Dell

Queens County Clerk
Clerk of the Supreme Court
Commissioner of Jurors

Audrey I. Pheffer
Queens County Clerk
Clerk of the Supreme Court &
Commissioner of Jurors

Francis K. Kenna, Esq.
Chief Deputy County Clerk

Kevin Rothermel
Administrator – County Clerk

Jo Ann Shapiro
Administrator – Jury Division

Diane Matero, Esq.
Counsel to the County Clerk

January 14, 2020

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
Office of Court Administrator
25 Beaver Street
New York, New York 10004

Dear Mr. Carucci:

Thank you for providing my office with the opportunity to comment on the implementation of electronic filing in Queens County and the proposed legislative changes under consideration with respect to mandatory electronic filing in matrimonial, residential foreclosure and consumer credit actions. Queens County is one of the most populous and diverse counties in our state and as such, our office is responsible for handling a great volume of the overall court filings filed statewide. In 2019, over 31,000 proceedings were commenced in Queens County, of which almost 22,000 were filed electronically.

The implementation of mandatory electronic filing of foreclosure, commercial and all tort matters has been very successful in Queens County and filings continue to steadily increase each year. Electronic filing has proven to be cost-effective and environmentally conscious by greatly reducing the number of paper filings, the cost of storage, paper and printing, as well as, conserving staff time. It is also extremely convenient, allowing users to file and view court records from their own computer 24 hours a day, 7 days a week. This is especially beneficial to pro-se litigants who may otherwise have to take time off from work to file papers at the courthouse during business hours.

I fully support the proposed legislation to expand the authority of the Chief Administrative Judge to allow mandatory electronic filing in matrimonial, residential foreclosure and consumer credit actions. Expansion of the program in Queens County to include consumer credit actions, and particularly matrimonial actions will further cut costs for our office, conserve staff time and protect the environment. In 2019, almost 6,500 matrimonial actions were commenced in Queens County, a majority of which were uncontested proceedings. Further, the matrimonial actions commenced represent 70% of all hard-copy filings for our office in 2019.

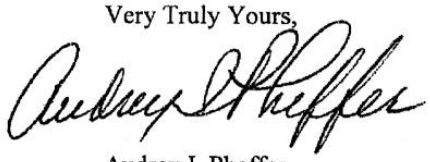
EXECUTIVE OFFICE: 88-11 Sutphin Boulevard, Room 105, Jamaica, New York 11435, (718) 298-0601
89-17 Sutphin Boulevard, Room 244, Jamaica, New York 11435, (718) 262-7223
120-55 Queens Boulevard, Room CJI, Kew Gardens, New York 11415, (718) 298-0621
25-10 Court Square, Room B58, Long Island City, New York 11101, (718)298-0624

Litigants will also find mandatory electronic filing cost-effective, as it will eliminate the billing of appearance fees and/or the cost of service companies to file documents in-person. The ability to file and view court records instantly and the prompt notification to parties of new documents filed in the matter offers litigants, especially those appearing pro-se, an innovative means to pursue justice.

Further, the electronic filing system has been designed to ensure the confidential handling of matters, such as matrimonial actions. The existing protections, exempting unrepresented individuals from electronic filing unless they opt-in and allowing attorneys to opt-out, will also continue. Additionally, the New York State Courts Electronic Filing Resource Center (NYSCEF) offers valuable training to court personnel, the public and members of the bar. I applaud NYSCEF's collaboration with my office to address concerns and provide continuous enhancements to the system.

The Queens County Clerk's office strives to provide the public with services in an efficient, innovative and cost-effective manner and electronic filing is an effective way to achieve that goal. Queens County enthusiastically looks forward to the expansion of mandatory electronic filing.

Very Truly Yours,



Audrey I. Pheffer
Queens County Clerk

THE OFFICE
of the
RICHMOND COUNTY CLERK

STEPHEN J. FIALA
County Clerk & Commissioner of Jurors

January 8, 2020

Mr. Jeffrey Carucci
Director & Statewide Coordinator for E-filing
NYS Unified Court System
Office of Court Administration
25 Beaver Street
New York, New York 10004

Re: NYS Courts Electronic Filing Program

Dear Mr. Carucci:

Thank you for the opportunity to comment on the e-filing program and weigh in on recommended legislative changes to the current law. We understand our comments may be incorporated in the Annual Report of the Chief Administrative Judge to the Governor, Legislature and the Chief Judge.

At the outset, let me state that the implementation of electronic filing of court cases in Richmond County has been a real success story. We have achieved levels of service excellence and user buy-in beyond our own projected expectations. Among the many benefits and results of the Richmond County E-filing Program are:

- The convenience our customers enjoy with the ability to file documents and access previously filed documents remotely on a 24/7 basis.
- Significant cost savings afforded by the Program among litigants, attorneys, County Clerks and the Court System.
- NYSCEF has proven to be a secure and sound model for transacting Court Filings. This is evidenced by the zero-incidence rate we have experienced in Richmond County.

130 Stuyvesant Place, Staten Island, NY 10301 ✦ Phone (718) 675-8910 / Fax (718) 390-8442

- Work Flow and Document Management practices have been standardized and provide for enhanced accuracy, accessibility and speed. The System further serves as an effective and efficient tool of communication between all involved parties.

- Users (both customers and court/county clerk staff) are supported by a dedicated, knowledgeable and courteous team of professionals at the NYSCEF Resource Center.

- NYSCEF provides the level of accountability, transparency and ease of use that litigants and Court personnel expect and deserve.

- E-filing further promotes sound environmental business practices and stands as an example of our Commitment to Green Initiative efforts.

In view of these demonstrated benefits and in light of the proven resultant record of success and service excellence we have enjoyed in Richmond County, we strongly support and urge the expansion of mandatory e-filing in New York State. In particular, we believe the current restrictions imposed upon the Chief Administrative Judge as relates to mandatory e-filing programs in matrimonial cases, and in all aspects of residential foreclosure actions and consumer credit actions should be lifted. The NYSCEF has been proven to be a transformative success story on multiple fronts. Hence, we strongly advocate additional aggressive expansion efforts across the state. Granting permanent and more expansive authority to the Chief Administrative Judge to extend mandatory programs should be a top legislative agenda item from our perspective. If the past is prologue, then we can confidently state that the expansion of mandatory e-filing in New York State will yield immediate and continual dividends of success.

Thank you for the opportunity to comment on the ORCC experience with the NYSCEF System. And thank you for all the fine work, collaboration and support you and your team provide on a daily basis to ensure the continued success of this essential program.

All the Best!

Excelsior,

Stephen J. Fiala

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

January 9, 2020

Mr. Jeffrey Carucci
Statewide Director for E-Filing
NYS 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 positive impact e-filing has had on our office. We found that e-filing is:

- Extremely cost effective.
- Saves us time by not having to shuffle, number, and file paper documents.
- Very efficient - We have been able to do more work with less staff.
- Quick, all papers are available for immediate viewing, files don't need to be pulled from the filing room.
- Having a positive effect on people using the system, we very rarely hear negative comments.
- So much easier now when cases are transferred to other counties, papers don't have to be moved. We can create a disc of all documents and send it to another county that doesn't e-file.

We would like to request that all matrimonial e-filing cases be made mandatory in Rockland County.

Sincerely,

Paul Piperato
Rockland County Clerk

Appendix G

Comments from Bar Associations
and Other Groups

AMERICAN ACADEMY
AAML
OF MATRIMONIAL LAWYERS
NY CHAPTER
http://ny.aaml.org
americanacademyny@gmail.com

OFFICERS

PRESIDENT
Ronnie Schindel
12 East 49th Street, 32nd Floor
New York, NY 10017
(212) 521-3518
Schindel@amsllp.com

VICE PRESIDENTS
Leonard Klein
Judith Poller
Alyssa Eisner
Eleanor B. Alter

TREASURER
Dana Stutman

SECRETARY
Robert Arenstein

PARLIAMENTARIAN
Elliott Scheinberg

COUNSEL
Robert Dobrish

MANAGERS
Nancy Kellman
Joseph DeMarco
Adam Wolff
Eric Wrubel
Donna Genovese
Richard Alderman
Eleanor Grosz
Stephen Gassman
Heidi Harris
Lee Rosenberg
Lisa Schoenfeld
Lydia Milone
Robert Moses
Susan Bender
Joan Adams
Leigh Baseheart Kahn
James Noletti
Nina Gross
Mitchell Cohen
Howard Woronov
Alan R. Feigenbaum
Donald Schuck

January 31, 2020

VIA EMAIL
Hon. Jeffrey S. Sunshine
Statewide Coordinating Judge
For Matrimonial Cases
360 Adams Street
Brooklyn, New York 11201

Re: Electronic Filing of Court Papers

Dear Justice Sunshine:

I write to advise your Honor that on January 30, 2020 the Board of Managers for the American Academy of Matrimonial Lawyers, New York Chapter, passed a resolution in support of a proposal by the Office of Court Administration to eliminate any statutory matrimonial action exception from mandatory electronic filing.

Respectfully,

Ronnie Schindel

NY CHAPTER PAST PRESIDENTS
Norman M. Sheresky
Michael J. Ostrow
Willard H. DaSilva
Samuel G. Fredman
Paul Ivan Birzon
Sanford S. Dranoff
Elliot D. Samuelson
Timothy M. Tippins
Barbara Ellen Handschu
Alton L. Abramowitz
Joel C. Bender
Sylvia Goldschmidt
Patrick C. O'Reilly
Bruce Wagner
Allan Mantel
Allan Mayefsky
Christopher Mattingly
Michael Stutman
Elena Karabatos
Charles P. Inclima

NATIONAL ACADEMY
President:
Susan Myres

NATIONAL ACADEMY BOARD OF GOVERNORS
Charles P. Inclima
Ronnie Schindel
Leigh Baseheart Kahn,
National Secretary
Lee Rosenberg,
Vice-President

00636971.1 AMSLLP

Women's Bar Association

OF THE STATE WBASNY OF NEW YORK

February 6, 2020

PRESIDENT
Deirdre L. Hay

Post Office Box 936
Planetarium Station
New York, NY 10024-0546

(212) 362-4445
(212) 721-1620 (FAX)
info@wbasny.org
www.wbasny.org

PRESIDENT-ELECT
Joy A. Thompson

VICE PRESIDENTS
Melissa H. Nickson
Dawn Reid-Green
Deborah G. Rosenthal

TREASURER
Kelly A. Pressler

CORRESPONDING SECRETARY
Dawn A. Lott

RECORDING SECRETARY
Heather Neu

IMMEDIATE PAST PRESIDENT
Greta K. Kolcon

CHAPTER PRESIDENTS
Adirondack
Giovanna D'Orazio
Bronx
Janette Cortes-Gomez
Brooklyn
Meryl I. Schwartz
Capital District
Leyla A. Kiosse
Central New York
Laurel J. Eveleigh
Del-Chen-O
Sarah Cowen
Finger Lakes
Danielle E. Bernard
Mid-Hudson
Laura Wong-Pan
Mid-York
Tina L. Hartwell
Nassau
Irene Angelakis
New York
Virginia A. LoPreto
Orange-Sullivan
Jacqueline Ricciani
Queens
Adrienne D. Williams
Rochester
Carey Ann Denefrio
Rockland
Larraine Feiden
Staten Island
Rosa Pannitto
Suffolk
Shari Lee Sugarman
Thousand Islands
Alicia M. Lendon
Westchester
Angela M. Giannini
Western New York
Elizabeth Fox-Solomon

EXECUTIVE DIRECTOR
Linda A. Chiaverini

Dear Judge Sunshine,

I understand from several of our members that you are interested in hearing WBASNY's position regarding the electronic filing of court papers in family and matrimonial cases. In light of your request, WBASNY's Executive Committee voted on February 3, 2020 to approve the contents of the memorandum dated January 28, 2020, sent to you by WBASNY's Matrimonial and Family Law Committee Co-chairs.

I set out the relevant paragraphs from that memorandum which have been edited to reflect our recent vote:

The WBASNY Matrimonial and Family Law Committee met on January 25, 2020 and discussed your December 20, 2019 Memorandum concerning the expansion of electronic filing in matrimonial cases, and specifically, removal of the current statutory bar to mandatory electronic filing in these cases. The following is the opinion of the Committee, and is now also WBASNY's official position.

Our Committee believes that expansion of mandatory electronic filing in matrimonial cases is warranted, and will be most welcome to both the bench and the bar. Committee members from several WBASNY chapters spoke of their positive experiences with electronic filing in Albany, Nassau, New York, Tompkins and Westchester Counties, among others. Electronic filing is convenient, saving time and money. It saves paper, and is therefore good for the environment. It is also safe: none of our members reported any instance of unauthorized access to matrimonial electronic files. One member from our Finger Lakes chapter reports that e-filing has been invaluable in setting up a student divorce project that handles uncontested divorces throughout Western New York. Clients can be interviewed via Skype, but if a county does not have electronic filing available, a local lawyer must be found to file papers. In counties such as Tompkins, where consensual e-filing in matrimonial cases has long been in use, law students, under supervision by an attorney, can easily handle filing all the documents necessary to obtain a divorce for indigent clients (who have often waited a long time for this development).

WBASNY does have a few suggestions for improving electronic filing:

1. Many judges require delivery to chambers of a hard copy of electronically filed documents. This requirement should be eliminated in order to maximize time and cost savings and promote a greener environment;

Women's Bar Association
OF THE STATE WBASNY OF NEW YORK

2. There should be an easy way for an attorney to remove her name and email address from the NYCEF service list if that attorney has withdrawn as counsel.

Thank you very much for seeking out WBASNY's opinion and hearing the voices of our nearly 4,300 members across New York State.

Sincerely,

Deirdre L. Hay
President, WBASNY

WBASNY
WOMEN'S BAR ASSOCIATION of the STATE OF NEW YORK

Memo to: Hon. Jeffrey Sunshine, Statewide Coordinating Judge of Matrimonial Cases

From: Matrimonial and Family Law Committee Co-Chairs

Re: Electronic Filing of Court Papers

Date: January 28, 2020

The WBASNY Matrimonial and Family Law Committee met on January 25, 2020 and discussed your December 20, 2019 Memorandum concerning the expansion of electronic filing in matrimonial cases, and specifically, removal of the current statutory bar to mandatory electronic filing in these cases. The following is the opinion of the Committee, and is not an official WBASNY position.

Our Committee believes that expansion of mandatory electronic filing in matrimonial cases is warranted, and will be most welcome to both the bench and the bar. Committee members from several WBASNY chapters spoke of their positive experiences with electronic filing in Albany, Nassau, New York, Tompkins and Westchester Counties, among others. Electronic filing is convenient, saving time and money. It saves paper, and is therefore good for the environment. It is also safe: none of our members reported any instance of unauthorized access to matrimonial electronic files. One member from our Finger Lakes chapter reports that e-filing has been invaluable in setting up a student divorce project that handles uncontested divorces throughout Western New York. Clients can be interviewed via Skype, but if a county does not have electronic filing available, a local lawyer must be found to file papers. In counties such as Tompkins, where it is mandatory, law students, under supervision by an attorney, can easily handle filing all the documents necessary to obtain a divorce for indigent clients (who have often waited a long time for this development).

We do have a few suggestions for improving electronic filing:

1. Many judges require delivery to chambers of a hard copy of electronically filed documents. This requirement should be eliminated in order to maximize time and cost savings and promote a greener environment;

2. There should be an easy way for an attorney to remove her name and email address from the NYCEF service list if that attorney has withdrawn as counsel.

Respectfully submitted:

Dolores Gebhardt
Michelle Haskin
Amy Saltzman
Jennifer Sundt

Co-Chairs, Matrimonial and Family Law Committee

From: susan freedman <sf@susanfreedman.com>
Sent: Tuesday, January 07, 2020 5:37 PM
To:
Cc: Rvzesq
Subject: Electronic filing

The Honorable Jeffrey Sunshine:

Honorable Sir:

The electronic filing of matrimonial cases represents a significant advancement in the litigation process. Parties' and counsel's access to a central repository of the filed documents, instantly available to all involved in the case, allows everyone to stay informed of all developments and issues. If made mandatory, this practice would only enhance the wider dissemination of points of progress in any particular case to its most important participants. Requiring electronic filing would eliminate the manipulation of lawyers close to or frequently in the courthouse from gaining an advantage over attorneys farther away, who might not find it so convenient to monitor daily the filings of their adversaries or the courts. Electronic filing gives everyone the same information at the same time; the opportunity to gain an unfair advantage to information is vastly reduced.

Similarly, actually filing a document can be done virtually instantaneously online. No longer does counsel have to go to the arduous effort of transporting paper documents to the courthouse, the journey being limited by time and geography, sometimes even by the weather. Again, as our practices grow beyond local geographical limits, these amenities become every more important. The technology of our times creates the reasonable expectation among our clients that the courts, and the processes on which they rely, utilize the technical advances that are common throughout society. Our competent representation of clients should not be constrained by the time consuming and archaic practice of punching holes in papers to affix them to binder clips, inserting exhibit tabs or pressing messengers into service to meet the requirements of serving and filing papers. In fact, it is the failure to require electronic filing that requires an explanation. The value of mandatory electronic filing is certainly, by now, self evident to every litigator.

Respectfully submitted.

Susan Freedman for
The New Rochelle Bar Association

--
Susan Freedman, Esq.
Law Office of Susan Freedman
500 Mamaroneck Ave, Suite 320-SBS
Harrison, New York 10528
sf@susanfreedman.com
Ph: (914) 948-1400
Fx: (914) 948-9656
www.susanfreedman.com

Please be CAREFUL when clicking links or opening attachments from external senders.

The Legal Project
Capital District Women's Bar Association

Michele Pollock Rich
Executive Director

Jessica Lennon
Associate Executive Director

January 15, 2020

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
Office of Court Administration
25 Beaver Street, Room 823
New York, NY 10004

Re: New York State Courts Electronic Filing Program

Dear Mr. Carucci,

We write in response to your December 23, 2019 letter seeking our agency's comments on the proposed amendments to CPLR Article 21A and other relevant statutes to expand electronic filing.

The Capital District Women's Bar Association Legal Project (The Legal Project) is a non-profit, civil legal services organization that provides legal representation and advice to individuals without access to legal assistance. A large portion of our direct services provided by staff attorneys involves representation of domestic violence victims in family court and matrimonial actions, representation of crime victims involved in civil court as a direct result of their victimization, and representation of homeowners involved in foreclosure actions.

1. **Proposal to Authorize the introduction of mandatory e-filing in matrimonial actions.**

With regard to the proposed amendment introducing mandatory e-filing for matrimonial actions, our office has not handled these types of cases yet. Having spoken with other practitioners who have, we are cautiously optimistic that e-filing will be helpful, as long as adequate training is provided and the exceptions that are proposed are maintained and enforced. There would also need to be a clear procedure for what legal services agencies and small/solo practitioners who do not have access to a large IT department can do if a technological issue prevents timely filing.

Electronic service not accepted without prior approval

Tel: (518) 435-1770 • Fax: (518) 435-1773 • 24 Aviation Road • Suite 101 • Albany, New York • 12205

The exception requiring *pro se* litigants to affirmatively opt in to e-filing would have to remain in place. As an example of why this is important to us, our office currently has a program where we help *pro se* litigants fill out the uncontested divorce packet and provide instructions on how they can proceed with their divorce. This program provides a very valuable resource to the community at the cost to us of only our volunteers, some paper, and some pens. Were e-filing to be expanded to *pro se* litigants, we would not have the resources to continue this program.

Finally, if *pro se* litigants do opt-in to e-filing, the forms available online would need to take into account that many people access the internet on their phone rather than a computer. The forms for e-filing of matrimonials would need to be mobile-friendly.

2. **Proposal to extend the time to develop and test e-filing programs in Family Court and Criminal Court**

E-filing in family court, especially e-filing of family offense petitions for individuals who are in shelter or rural areas and unable to get to court to file does offer safety benefits for domestic violence victims that they do not currently have. We would be supportive of extending the time to develop and test these programs.

3. **Proposal to lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in residential foreclosure actions and consumer credit actions.**

Our foreclosure defense program currently uses e-filing. While the individuals involved in the program report that there was a learning curve in starting out, they all stated that once they had learned the e-filing system they found it extremely useful. As such we do not have concerns with the proposal to lift these restraints.

Thank you very much for the opportunity to comment on these proposed amendments.

Very truly yours,
THE LEGAL PROJECT

Michele Pollock Rich
Executive Director

Carla Brogoch, Esq.
Legal Director

TLDEF
Transgender Legal Defense & Education Fund

January 24, 2020

By Email

DAVID BROWN
Legal Director
Admitted in NY

(646) 993-1675
dbrown@transgenderlegal.org

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
25 Beaver St, Room 823
New York, New York 10004
efilingcomments@nycourts.gov

Re: New York State Courts Electronic Filing Program

Dear Mr. Carucci:

The Transgender Legal Defense & Education Fund (TLDEF) is a New York City-based nonprofit organization committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender and nonbinary people through public education, test-case litigation, direct legal services, and public policy efforts.

For over a decade, TLDEF has operated the Name Change Project, which provides pro bono legal name change services to low-income TGNCNB (transgender, gender non-conforming, non-binary) people through partnerships with some of the nation's most prestigious law firms and corporate law departments.

For many TGNCNB people, securing a legal name change is an important step toward making their legal identities match their lived experience. A lack of appropriate identity documents can deter people from applying for jobs, school, immigration status adjustments, public benefits, and can lead to discrimination. Nearly one-third (32%) of individuals who have shown ID with a name or gender that didn't match their appearance have experienced negative consequences, such as being harassed, denied services, or

attacked.[1] A delay in the name change process can have serious consequences for a population that experiences disproportionately high rates of poverty, unemployment and homelessness.[2] On a happier note, time is also of the essence for people who want name changes completed prior to starting school, graduating, traveling, or getting married so that their documents are in the correct name.

But securing a legal name change can be a challenging experience, involving interaction with the court system and judges, which is foreign to many people. By providing people with adequate legal representation, we work to ensure that people successfully complete the process and move forward with their lives.

The Name Change Project originated in New York City where we currently partner with 37 law firms and corporate law departments, including some of the city's largest and best-known employers. In 2019, over 300 attorneys assisted 400 people with legal name changes in New York. In 2019 we expanded the project from the five boroughs to Nassau and Suffolk counties, and we have already completed 44 intakes from Long Island residents. We have also historically worked with attorneys in Buffalo and Albany.

Electronic-filing-related barriers to name changes

Attorneys assisting transgender people with name changes in New York face two main barriers: (1) inability to e-file name changes in many counties, including in New York City Civil Court; and (2) even where e-filing of name changes is allowed, petitions to waive

---

[1] S. E. James, J.L. Herman, S. Rankin, M. Keisling, L. Mottet & M. Anafi, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY 89 (2016), http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf.

[2] *Id.* at 3 ("Nearly one-third (29%) of respondents were living in poverty, compared to 14% in the U.S. population. A major contributor to the high rate of poverty is likely respondents' 15% unemployment rate—three times higher than the unemployment rate in the U.S. population at the time of the survey (5%).... [N]early one-third (30%) of respondents have experienced homelessness at some point in their lifetime"); *National Transgender Discrimination Survey—New York Results*, National Center for Transgender Equality and the National Gay and Lesbian Task Force, 2011 http://www.endtransdiscrimination.org/PDFs/ntds_state_ny.pdf ("19% of respondents had a household income of $10,000 or less, 12% were unemployed at the time of the survey, 18% had become homeless because of their gender identity/expression").

filing fees may not be, thus requiring indigent petitioners, who would most benefit from e-filing, to file in person. These barriers create additional administrative hurdles and delays in the filing process and create unnecessary barriers for all transgender people, especially the low-income clients served by the Name Change Project.

(1) Inability to e-file name change petitions

It is not possible to e-file name changes in many Supreme Court counties, including Suffolk County, as well as New York City Civil Court, where the bulk of our 400 Name Change Project clients are served.

Currently our Suffolk clients are largely handled by attorneys in New York City. E-filing would greatly simplify the process and allow for faster processing. Currently it can take several months to process a name change filed by mail in Riverhead. Additionally, there are many transgender people throughout New York State—particularly in rural areas—who do not currently have access to pro bono legal assistance with name changes. If e-filing of name changes were universally available, New York City-based attorneys could expand their reach to the entirety of the state without the logistical hurdles caused by paper filing. Finally, e-filing in New York Civil Court would streamline the process and reduce the administrative burden of processing a high volume of name changes by our pro bono partners.

Finally, requirements for working papers defeat the purpose of e-filing. The federal court system does not rely on litigants submitting working papers and this practice ought to be eliminated in New York state.

Recommendations

- Require all counties to add name changes as an e-filing case type.
- Require New York City Civil Court to allow e-filing of name changes.
- Work with judges to adopt appropriate technology to eliminate the need for working papers. In the interim, institute an automated system to warn e-filers when the assigned judge requires working papers.

(2) Inability to e-file petitions with fee waiver requests

The high cost of the filing fee, coupled with the lack of a standardized poor person application form, poses a barrier to pro se and indigent name change applicants throughout the state. Transgender petitioners are more likely to need a fee waiver because they are disproportionately low-income. Nearly one-third of transgender people (29%) live in poverty, as compared to 14% of the general population.[3] Lack of educational and employment opportunities lead to high levels of poverty among transgender people, with transgender people experiencing a 15% unemployment rate—three times higher than the general U.S. unemployment rate.[4] In New York, regardless of whether they had completed college, transgender respondents (age 25-64) were twice as likely to be unemployed and 140% more likely to be in poverty than non-transgender respondents.[5]

---

[3] U.S. Transgender Survey at 56; Somjen Frazer & Erin Howe, *Transgender health and economic insecurity: A report from the 2015 LGBT Health and Human Services Needs Assessment Survey* 9 (2015), https://gaycenter.org/recovery-health/health/lgbt-health-network/#reports.

[4] U.S. Transgender Survey at 56.

[5] Frazier & Howe, *supra* note 3, at 9.

Although there is an automated online do-it-yourself program for pro se petitioners requesting poor person status pursuant to CPLR § 1101 in New York City Civil Court, there is no do-it-yourself fee-waiver form at the Supreme Court level. This is because procedures for obtaining a waiver of the filing fee vary county by county throughout the state, with some counties even (unlawfully) categorically denying fee waivers for name changes. In some counties, including Suffolk County, the County Attorney must receive a copy of the application for approval. Given that the counties themselves pay the filing fee when it is waived, there is little incentive for them to make fee waiver applications more accessible.

Nassau and Suffolk counties process poor person requests for name changes, but there are additional barriers to attorney assistance in that fee-waiver applications cannot be e-filed in either county. Nassau requires that all name change petitions that are accompanied by a poor person application be filed on paper. Furthermore, in Suffolk County, most name changes can be processed on the same day in the courthouse in Central Islip, but all name changes with fee waiver requests must go through the Riverhead courthouse on the eastern edge of Long Island. They can be filed by mail, but the process takes 2-3 months.

The e-filing platform requires payment for the index number at the time of filing. There are three ways to "pay" the index number fee: credit card, offline advanced payment, or uploading a "No Fee Authorization" letter. Only organizations focused on serving indigent clients can submit a no fee authorization letter. An organization such as TLDEF is not a legal aid society. Our mission is to advance transgender rights, not serve indigent clients, even though all of our Name Change Project participants are, by definition, low income, and accordingly TLDEF is not eligible to upload "no fee" letters pursuant to CPLR § 1101. Moreover, TLDEF does not directly represent name change clients, but rather the for-profit law firms we work with are the attorneys of record.

Recommendations

- Support the development of a statewide poor person application that can be e-filed.
- Add a payment option to the e-filing platform that allows pro bono attorneys to e-file a poor person application in lieu of paying the filing fee.

Safety and privacy concerns related to e-filing

Most transgender people seek a waiver of the name change publication requirement for safety reasons. Courts routinely waive publication requirements for transgender people due to safety concerns.[6]

The name change statute provides that when publication is waived, the records are to be sealed. Petitions requesting this waiver are to be filed under temporary seal, but this rarely happens. There is also currently no standardized protocol for entering the caption in a name change matter. Some counties enter the old name in the "plaintiff" and the new name as "defendant." This has the effect of publicizing a person's transgender status on a public website, often when it should not be listed there at all.

Federal and state courts have long recognized the safety concerns that arise from violating a transgender person's privacy rights,[7]

---

[6] New York's legislature, too, has recognized this safety threat by specifically amending New York's name change statute, Civil Rights Law §64-a, in 2015 to support the holding in *Matter of E.P.L.*, 891 N.Y.S.2d 619, 621 (Sup. Ct. 2009) (A transgender person "has a right to feel threatened for his personal safety in the event his transgender status is made public."). *See* Assembly Bill A02242 Memo (enacted). *See also Matter of J.A.L.*, 50 N.Y.S.3d 25 (Table) (Sup. Ct. 2016) (granting publication waiver based on the totality of the circumstances even without a particular threat against a transgender name change applicant). These privacy and safety concerns were also sufficient to grant an exception to a policy that would normally require a transgender individual's previous name to be publicly linked to their new name on the New York State Education Department Office of the Professions licensing website. *Matter of John Doe*, [Index Number Redacted by Court], NYLJ 1202601879249, at *4 (Sup. Ct. 2013).

[7] *See, e.g., Powell v. Schriver*, 175 F.3d 107, 111 (2d Cir. 1999) (publicizing of an

including the ability to obtain and maintain proper identity documentation that does not publicize their transgender status.[8] Courts have also employed a variety of protective measures to ensure the physical safety of transgender individuals, including allowing transgender plaintiffs to use a pseudonym.[9] We similarly encourage the court system to take all appropriate steps to prevent publicizing a name change applicant's transgender status by not publishing both names on eCourts and by appropriately sealing the files.

---

inmate's transgender status by prison officials violated her constitutional right to privacy because "individuals who are transsexuals are among those who possess a constitutional right to maintain medical confidentiality").

[8] *See, e.g., F.V. v. Barron*, 286 F. Supp. 3d 1131, 1137 (D. Idaho 2018) ("Transgender people who present mismatched identification are verbally harassed, physically assaulted, denied service or benefits, or asked to leave the premises."); *Arroyo González v. Rosselló Nevares*, 305 F. Supp. 3d 327, 333 (D. P.R. 2018) (concluding that forced disclosure of a transgender person's status "exposes transgender individuals to a substantial risk of stigma, discrimination, intimidation, violence, and danger"); *Love v. Johnson*, 146 F.Supp.3d 848 (E.D. Mich. 2015); *K.L. v. State, Dep't of Admin., Div. of Motor Vehicles*, No. 3AN-11-05431 CI, 2012 WL 2685183, at *6 (Alaska Super. Ct. Mar. 12, 2012) (finding that one's transgender status is "private, sensitive information," and that the lack of update procedures indirectly threatened transgender individuals with forced disclosure even though the disclosure was not directly required).

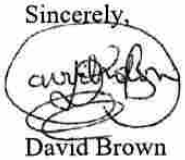
[9] *See, e.g., Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at *2 (D. Kan. Jan. 25, 2019) (allowing transgender plaintiff to proceed pseudonymously because publicizing his "identity would reveal matters of a highly sensitive and personal nature, specifically C.K.'s transgender status and his diagnosed medical condition—gender dysphoria" as well as "subject him to discrimination, harassment, and even violence"); *Ray v. Dir., Ohio Dep't of Health*, No. 2:18-CV-272, 2018 WL 8804858, at *1 (S.D. Ohio Apr. 5, 2018) (allowing transgender plaintiff to proceed anonymously); *Doe v. City of Detroit*, No. 18-cv-11295, 2018 WL 3434345, at *2 (E.D. Mich. July 17, 2018) (permitting a transgender plaintiff to proceed by pseudonym); *Doe v. Blue Cross & Blue Shield of Rhode Island*, 794 F. Supp. 72, 74 (D. R.I. 1992) (same); *Doe v. McConn*, 489 F. Supp. 76, 77 (S.D. Tex. 1980) (explaining that transgender plaintiffs were "suing under fictitious names ... to protect their privacy").

Recommendations

- Edit the e-filing template to explicitly have an ex-parte, no-defendant option.
- Institute a standard practice for clerks to enter the captions for name change petitions such that they list only the person's current legal name as the plaintiff.
- Provide a clear mechanism that results in all cases with publication-waiver requests to be filed under temporary seal and not appear on eCourts.
- Ensure that third-party applications that use the eCourts data do not have access to records that are sealed.
- Add a preferred honorific and pronoun field to the party information so that a judge knows how to address the party. Misgendering a party in open court publicizes their transgender status to the courtroom and creates a safety concern.

Thank you for considering these comments and working to make the e-filing system effective and efficient for all users, including transgender name change petitioners.

Sincerely,



David Brown

State of New York
Supreme Court, Appellate Division
Third Judicial Department
Mental Hygiene Legal Service
286 Washington Avenue Extension, Suite 205
Albany, NY 12203-6320

Sheila E. Shea
Director

Shannon Stockwell
Deputy Director

(518) 451-8710
Fax (518) 453-6915
http://www.nycourts.gov/ad3/MHLS

January 24, 2020

Sent Electronically and by First Class Mail
efilingcomments@nycourts.gov

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
Office of Court Administration
25 Beaver Street, Rm 823
New York, New York 10004

Re: NYS Courts Electronic Filing Program
Article 81 guardianship proceedings

Dear Mr. Carucci:

Mental Hygiene Legal Service, Third Judicial Department writes with a comment regarding the New York State Courts Electronic Filing Program. Currently, electronic filing is optional in mental hygiene matters, but in our experience, many counties are encouraging the use of electronic filing in Mental Hygiene Law (MHL) article 81 proceedings as well as article 9 and 15 retention proceedings. We have encountered an issue we wish to bring to your attention pertaining to electronic filing in guardianship proceedings.

The Service may be appointed as counsel or court evaluator in article 81 guardianship proceedings (*see* MHL 81.09, 81.10). The court evaluator is not a party to the proceeding, but rather is an investigator for the court. Because the court evaluator does not have party status, when MHLS appears as an evaluator in a county with electronic filing, our assigned attorneys are not able to access or read documents electronically filed. As a sample, we attach a notice received for an article 81 proceeding pending in Essex County. When our staff selected "LETTER/CORRESPONDENCE TO JUDGE" a message was generated that the document is not available for public viewing. The file is deemed a restricted case for authorized users only, even though our agency is participating in the proceeding as court evaluator. We then must make an inquiry with the Court Clerk to ascertain what was filed.

Our inability to read or access electronic files as court evaluator results in our staff being unaware of significant developments in the case contemporaneously with their occurrence. Our staff, as a result, must make separate inquiries to determine the nature of documents filed and request hard copies from parties or

court personnel. We write to suggest that the "court evaluator" (and any other non-party appointments in guardianship cases) be recognized in the NYSCEF system. If all other parties and the court are utilizing electronic filing, the non-party appointees, such as the evaluator, require the same access as other participants in the proceeding.

Another issue that we believe would be beneficial to the users of the NYSCEF system would be a modification that would permit users to "opt in" for a default as to party representation in certain matters.

Mental Hygiene Legal Service (MHLS) represents patients involved in special proceedings under the Mental Hygiene Law. These cases involve the same hospitals or mental health organizations, and MHLS represents the patients involved in virtually all of the proceedings. As an example, there were 484 mental health proceedings filed in Albany County Supreme Court in 2019. Of those cases, 246 involved patients at Capital District Psychiatric Center, 164 patients at Albany Medical Center Hospital and 74 outpatients with the Albany County Department of Mental Health. Capital District Psychiatric Center is always represented by the New York State Department of Law, Albany Medical Center Hospital is represented by their in-house counsel, and Albany County Department of Mental Health is represented by the Albany County Attorney.

Matters filed pursuant to Mental Hygiene Law article 9 have a short return date. In Albany County these cases are heard once a week. In other counties, they could be heard within just a few days of filing. It would be very helpful to the attorneys representing the parties if, once a case is filed that is identified as a Special Proceeding under Mental Hygiene Law article 9, or an Assisted Outpatient Treatment Order under Mental Hygiene Law Section 9.60, that, once Confirmation of the case is made under the e-filing system, or Notification of Filing is made by the County Clerk, that notice of the filing be sent to the respondent's attorney. This would permit action to be immediately taken to prepare for the upcoming court hearing.

Your consideration of this suggestion is deeply appreciated.

Very truly yours,

Sheila E. Shea
Director

From: Screechfield, Elaine C. <EScreech@mofo.com>
Sent: Friday, January 24, 2020 2:39 PM
To: eFiling Comments
Cc: DiSanti, JoAnn; McKay, William
Subject: Comments on Electronic Filing Program

Dear Mr. Carucci:

We write on behalf of the National Docketing Association (NDA). As you may recall, the NDA is not only comprised of e-filing users from large and medium New York firms, but also includes e-filing users from outside New York who use NYSCEF to retrieve and file documents.

A substantial number of NDA e-filing users from New York have been using NYSCEF since the very first day it was a voluntary system. It goes without saying, this e-filing system has continued to get better each year. Each year at the annual NDA conference the topic of e-filing challenges we face in various courts with different procedures and rules is raised. The one court system that never comes up in conversation with respect to its difficulty is NYSCEF.

Thank you for the opportunity to comment regarding authorizing the introduction of mandatory e-filing in matrimonial actions. There are a number of reasons for authorizing mandatory e-filing for these actions. One in particular, is the record of successful consensual e-filing in these cases. Consensual e-filing of these cases was first introduced in April, 2013; and to date our members have had no issues with the consensual system throughout the 42 counties in which it is presently allowed.

In addition, there is broad support for e-filing in these cases and for the elimination of the ban on a mandatory program with all of our members who use NYSCEF.

Our experience with NYSCEF has proven to be a secure environment that provides robust protection for the confidentiality of matrimonial documents required by law. From what we know of NYSCEF, the system itself protects these documents by placing them behind a firewall that prevents access by anyone other than

counsel, a participating unrepresented party, and the County Clerk or court staff who have specific authorization to work on such cases.

Therefore, matrimonial files will, if anything, be more secure if documents are filed with NYSCEF rather than in hard copy.

In sum, the record of e-filing generally, our years of experience with consensual e-filing in matrimonial cases in particular, and the robust protections offered by the NYSCEF system fully justify the repeal of the current restrictions on the discretion of the Chief Administrative Judge to establish mandatory e-filing programs for attorneys in matrimonial cases.

As always, the National Docketing Association is grateful for the court's receptiveness to our observations. If we can be of any further assistance, please do not hesitate to contact us.

Respectfully yours,

Elaine Screechfield
President
National Docketing Association, Inc.

JoAnn DiSanti
Past President & Executive Board Member
National Docketing Association, Inc.

ELAINE SCREECHFIELD
Firmwide Litigation Docket Manager | Morrison & Foerster LLP
425 Market St. | San Francisco, CA 94105
P: +1 (415) 268-7279
mofo.com | LinkedIn | Twitter

==========

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email. Learn about Morrison & Foerster LLP's Privacy Policy.

MANAGING ATTORNEYS AND CLERKS ASSOCIATION, INC.

John D. Bové, *President*
Peter McGowan, *Vice-President*
Bradley Rank, *Treasurer*
Owen G. Wallace, *Secretary*

Timothy K. Beeken, *Immediate Past President*

Jennifer S. Candelario
Onika D. McLean
Dennis Murphy
Robert T. Westrom
Ira E. Wiener
Directors

January 24, 2020

Mr. Jeffrey Carucci
Director, Statewide Coordinator for Electronic Filing
Office of Court Administration
25 Beaver Street, Room 823
New York, New York 10004

Re: New York State Courts Electronic Filing Program

Dear Mr. Carucci,

We are writing on behalf of the Managing Attorneys and Clerks Association, Inc. in response to the Chief Administrative Judge's December 23, 2019 letter soliciting the views of the bar on NYSCEF generally and on the possibility of making e-filing mandatory in new case types. We welcome this opportunity and thank the Chief Administrative Judge for seeking the bar's input on these important subjects.

As you know, MACA is comprised of approximately 125 law firms with litigation practices, primarily large and mid-sized firms. Our members' positions within our respective firms and concomitant responsibilities afford us a breadth of understanding of the day to day operations of the various state and federal court systems. In particular, our members have extensive experience with e-filing in NYSCEF, in other states' e-filing systems and in the federal e-filing system. In a majority of our member firms, the actual filing of litigation papers in NYSCEF is performed by managing attorney/managing clerk staff. In addition, various of our member firms handle matrimonial actions in New York Supreme Court, proceedings in Family Court and Criminal Court, and residential foreclosure and consumer credit actions—some as part of their regular business and some on a pro bono basis.

1005871814v1

General Assessment. Our overall experience with NYSCEF continues to be very positive. Our membership gives the system high marks for usability and reliability. We give NYSCEF's developers and the Statewide Electronic Filing Resource Center staff equally high marks for the stability and good functionality of the application and for the level of support they provide to system users. In particular, in addition to directly assisting e-filers with questions or issues they may have, Resource Center staff have liaised with local courthouse personnel to help address some of our e-filing problems. The value to the court system and the bar of staff who so readily engage in problem-solving, and coordinate with multiple constituencies to get the job done, is extremely high. We likewise find the Resource Center's leadership extremely effective in their readiness to engage on and harmonize the needs and concerns of the bar and the court system. In short, NYSCEF works well because of both the competent technical support it receives from its developers and the competent user support the Statewide Electronic Filing Resource Center provides.

Response to Legislative Proposals. As we have commented in past years, our membership enthusiastically supports expansion of mandatory e-filing to some of the case categories that at present are not authorized. In particular, we continue to support the introduction of mandatory e-filing in matrimonial actions. On the same basis, we support extending the time to develop and test Family Court and Criminal Court e-filing past the current expiration in September of this year.

We are hesitant with regard to e-filing residential foreclosure and consumer credit actions. While we are confident that our member firms could transition easily to e-filing in those types of actions, we are sensitive to concerns that have been raised relating to homeowner and consumer confusion about e-filing when they receive papers commencing such actions. We appreciate that OCA has revised e-filing documentation that is served along with initiating papers in response to those concerns. We also respect the views of public interest legal service organizations that have much more exposure to homeowner and consumer defendants' encounters with e-filing than does our membership. Accordingly, we do not take a position on the third proposal in Judge Marks' letter but rather urge OCA to elicit and factor into its decision-making the views of public interest legal service organizations that assist residential foreclosure and consumer credit defendants.

Appellate Division NYSCEF. Our membership is very much enjoying some of the benefits of e-filing in our Appellate Division cases. The Appellate Division is not utilizing one of the most useful aspects of NYSCEF, however, in that the Courts are not all filing their notices, orders or judgments in NYSCEF. In our experience, except for the Third Department's e-filing of its Memorandum and Orders deciding appeals and the Third and Fourth Departments' e-filing of orders on motions and extension applications, the Appellate Division is not e-filing dispositions of stipulated extensions, orders on motions, notices of preargument conferences, orders or judgments. As a result, although NYSCEF is designed as a two-way communication system between litigants and the

Court, information is not flowing through it from the Court to the litigants; instead, litigants generally must go seek out information about court action outside of NYSCEF or pay a vendor to do so. Litigants and the public thus cannot find the record of the Court's actions in and disposition of appeals in NYSCEF where the rest of the record resides, except in the Third and Fourth Departments as noted above. Indeed, the other Judicial Departments' means of releasing judgments and orders by posting them to their websites amounts to notification by publication, which is far less efficient for the public the Court serves than filing in NYSCEF.

The advantages of the Court filing in and communicating through NYSCEF are not speculative: The public and the Court itself enjoys them first-hand in the trial divisions of the Supreme Court, which e-file their orders and judgments such that the entire record of their proceedings is in NYSCEF.

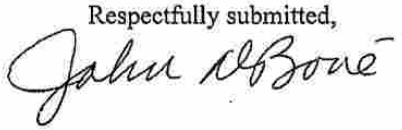
Hyperlinking. We propose that investment be made to add NYSCEF functionality that will convert legal citations in e-filed documents to hyperlinks to the cited sources in automated fashion. OCA recently published for comment a renewed proposal that would authorize justices in Commercial Division cases to require litigants to e-file their documents with hyperlinks to all cited legal citations. We strongly believe that, rather than burdening litigants and their lawyers (including solo and small-firm practitioners who do not operate with the array of support that is typical in our larger member firms) with the extra cost and time pressure of hyperlinking before they file, and rather than limiting the benefits of hyperlinked legal citations to the Commercial Division (which is already better resourced than the rest of Supreme Court), OCA should develop NYSCEF to add the hyperlinks to papers after they have been filed and make that available to all Courts' versions of NYSCEF in order to support the entire judiciary that hears e-filed cases. The federal NextGen CM/ECF system that has been deployed in many courts in the federal court system has such functionality, and we urge OCA to adapt that functionality for NYSCEF.

* * *

Again, we are grateful for the opportunity to comment on NYSCEF, which we continue to feel merits substantial ongoing investment both in the form of development of new functionality such as hyperlinking and in NYSCEF's technological development staff and

the staff who support both courthouse end users and litigants and their counsel. We are enthusiastic supporters of the system and eagerly look forward to improvements and to expansions of mandatory e-filing.

Respectfully submitted,



John D. Bové
MACA President
Managing Clerk
Mound Cotton Wollan & Greengrass LLP

Directors

Timothy K. Beeken, Esq.
Managing Attorney
Debevoise & Plimpton LLP

Jennifer S. Candelario, Esq.
Asst. Managing Attorney
Davis Polk & Wardwell LLP

Peter McGowan, Esq.
Managing Attorney
Sidley Austin LLP

Onika D. McLean
Managing Clerk
Duane Morris LLP

Dennis Murphy
Managing Clerk
Carter Ledyard & Milburn LLP

Bradley Rank, Esq.
Managing Attorney
Sheppard Mullin

Owen G. Wallace, Esq.
Managing Attorney
Epstein Becker Green, P.C.

Robert T. Westrom, Esq.
Managing Attorney
Jones Day

Ira E. Wiener, Esq.
Managing Attorney
Shearman & Sterling LLP

1005871814v1

From: Maria Piperis <mpiperis@counselpress.com>
Sent: Thursday, January 23, 2020 12:44 PM
To: eFiling Comments; Jeffrey Carucci
Cc: Cristina Stout; Scott Thompson
Subject: Counsel Press' comments on the continued development of the NYSCEF system

Good afternoon, I hope my email finds you well. In response to the court's invitation for feedback regarding the usability of the NYSCEF system. I submit these 7 points for your consideration on behalf of Counsel Press Inc.:

1. Provide an option to link multiple case/docket numbers that originate from the same case. This would avoid having to upload the same documents multiple times under each case/docket number individually.
2. In AD1, there is not a filing event to upload the Note of Issue.
3. We submit a few additional filing event for addition to the system:
    a. Other
    b. Any letter generally, but specifically, a letter to correct the RADI/Informational statement. This change is required regularly. For now we upload these as an exhibit, which is not clear.
4. There are several instances where an attorney will receive notification from the NYSCEF system to forward the hard copies for filing. However, the system still reports that document approval is "pending".
5. When handling redactions, the NYSCEF system scans documents for sensitive material. When detected, the system will send counsel a notification for correction. More often than not, the system's prompt is incorrect and the item identified was not sensitive in nature at all. This leads to a fair amount of confusion.
6. Permit all Clerk's feedback regarding corrections to appear in the case details; not only in the notification email to the party.
7. Add filing events for multi-volume jobs – now this is being identified in the comments section. Is a drop down to select a volume number possible?

Please let me know if you have any questions or would like to discuss this topic further by phone. We look forward to NYSCEF's supplementary development and have enjoyed using the system thus far.

Best,
Maria

Maria Piperis
Chief Operating Officer

COUNSEL PRESS
460 W. 34th St., 4th Floor
New York, NY 10001

(212) 685-9800 Office
(212) 340-0629 Direct
(800) 427-7325 Toll Free
(718) 696-0629 Facsimile

View my bio
mpiperis@counselpress.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Angela Barker <angela@angelabarker.com>
Sent: Thursday, January 02, 2020 2:36 PM
To: eFiling Comments
Cc: aokin@brooklynbar.org
Subject: re: efiling in matrimonial matters

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good day:

I believe that the time has come for efiling in matrimonial matters. Most attorneys are adopting paperless procedures and efiing will save time, money and other resources.

Thank you.

Angela Barker
Law Office of Angela Barker, LLC

Tel: (646) 415-8883
(201) 336-0352
Fax: (646) 395-9562
Email: angela@angelabarker.com
Web: www.angelabarkerlaw.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Bryan Berson <bberson@bersonfirm.com>
Sent: Sunday, January 19, 2020 5:57 PM
To: eFiling Comments
Subject: NYSCEF - e-filing comments

Dear Sir or Madam:

I am writing to support the expansion of e-filing.

Presently, nearly half of Surrogate's Courts in New York do not participate. I suggest that all Surrogate's Courts should allow e-filing. Paper filing is too cumbersome and slow, especially in contested matters where there is litigation. Article 17A proceedings in Surrogate's Court should be e-filed as well. Some Surrogate's Courts allow e-filing for all matters except 17A petitions.

All District Courts and Civil Courts should participate in e-filing. Presently, they require paper filing and the in-person purchase of index numbers. E-filing would enable these cases to proceed in the manner that N.Y. Supreme Court cases do.

All N.Y. Supreme Court matters, including Article 81 (guardianship) and Article 78 (appeal of agency decisions) matters should be e-filed. If privacy is a concern in matters that presently require paper filing, then there should be a means of sealing records during the online filing process.

The expansion of e-filing will save clients' money and increase efficiency. If you would like to discuss my experience, please let me know. Thank you for your consideration.

Sincerely,

Bryan L. Berson

Bryan Lane Berson, Esq.
President, Attorney
The Berson Firm, P.C.
3 Bryans Court, West Islip, NY 11795
e-mail: bberson@bersonfirm.com
Website: http://www.bersonfirm.com

Connect on LinkedIn: http://bryanberson.mylinkinvitation.com

In Suffolk and Nassau: (631) 517-1055
In Manhattan: (212) 796-6599*
In Brooklyn & Queens: (718) 705-8108
* capable of receiving faxes and calls

From: Carien Bracey <babycam1213@aol.com>
Sent: Friday, January 10, 2020 4:08 PM
To: eFiling Comments
Subject: Comments About Efiling Please Submit By January 17, 2020

Good Afternoon,

I am writing on behalf of myself.
I e-file basically all day.
Summons and Complaint, Request for PC'S
Affidavit of Services, etc.....

My only issue is when I do my Summons and Complaints and I prepare the EF3 - I have to type it myself.
10 years ago it was done by the e-filing system.
Usually my caption does not fit and I have to write half a caption on the EF3 form.

Is there anyway where you guys can make more space for us or Can we go back to the original system when the e-filing system was creating our forms for us.
I would love for the system to go back to the old system or make more space for the caption because sometimes it does not fit.

Thank You

Very Truly Yours,

Carien Bracey
Litigation Paralegal
The Law Offices of Eric H. Green
295 Madison Avenue, 16th Floor
New York, New York 10017
Telephone: (212) 532-2450
Fax: (212) 532-0117

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Julie Calareso <julie@shevylaw.com>
Sent: Thursday, January 09, 2020 10:07 AM
To: eFiling Comments
Subject: Comments- E Filing in Surrogate's Court

E-filing in Surrogate's Court is awesome!

It should be mandated state wide or at least within judicial districts (some courts in the 3rd JD don't allow it yet). It moves things along very quickly, and we are seeing much more efficient turn-around from the Court system staff. There should be a review to ensure uniformity (some counties require certain things, others do not, and there is not posted information on what county needs what).

I have also used it in Supreme Court in Essex County and have found it advantageous as well.

Julie Calareso, Esq.
The Shevy Law Firm, LLC
7 Executive Centre Drive
Albany, NY 12203
www.shevylaw.com
518-456-6705 phone
518-456-6709 fax

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Andrew Carboy <acarboy@carboylaw.com>
Sent: Thursday, January 09, 2020 7:38 PM
To: eFiling Comments
Subject: Efiling

What a great system. Keep doing what you are doing. I have been in practice for 27 years, and I don't know how we practiced law without e-filing.

No complaints whatsoever, and e-file support court personnel in the five boroughs are wonderful. Nassau, too.

Happy 2020.

Very truly yours,

Andrew J. Carboy

Law Offices of Andrew J. Carboy LLC
One Liberty Plaza
23rd floor
New York, New York 10006
Phone: 1 212 520 7565
Fax: 1 347 549 4307

Please be CAREFUL when clicking links or opening attachments from external senders.

From: James Castelli <jamesdcastelli@gmail.com>
Sent: Friday, January 17, 2020 12:49 PM
To: eFiling Comments
Subject: Suggestion

I would like to suggest that the efiling system make a change to allow non-parties and non-attorneys to make a motion in an efiled case without the assistance of the clerk of the court.

I am a suspended attorney. I am required to make a motion to the court when I seek quantum meruit fees pursuant to 22 NYCRR 1240.15 (g).

As such, I am unable to e-file a motion in an existing case that is settled. I must ask the court clerk to e-file same for me using a "Notice of Hard copy submission" form. It would be easier for all if I were allowed to efile the motion myself on line.

Thank you for your kind consideration of making a change to accommodate non-attorneys/parties in such situations.

--
James D. Castelli

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Amy L. Cobb <acobb@hancocklaw.com>
Sent: Thursday, January 16, 2020 1:01 PM
To: eFiling Comments
Subject: Notice Seeking Comments on Electronic Filing Program

Good afternoon.

I believe the E-filing program is wonderful, and convenient. I do recommend allowing exhibits to be uploaded as one document as long as they have the representing exhibit #/letter in between each exhibit. It is very, very time consuming uploading exhibits one at a time when there are multiple exhibits.

Thank you.

Notice Seeking Comments on Electronic Filing Program
In preparation for an annual report on e-filing, to be submitted to the Chief Judge, the Governor, and the Legislature, the Chief Administrative Judge is seeking comments from the public addressing users' experience with NYSCEF. Observations and recommendations are welcome from attorneys, litigants, and other members of the public. https://iappscontent.courts.state.ny.us/NYSCEF/live/help/RequestForComments.pdf Interested parties may email comments to efilingcomments@nycourts.gov, or submit them by letter to Jeffrey Carucci, Statewide Coordinator for E-Filing 25 Beaver St, Room 823 - New York, New York 10004.
Comment period extended to Jan. 24, 2020

Amy L. Cobb
Administrative Assistant/Paralegal
Hancock Estabrook, LLP

1800 AXA Tower I
100 Madison Street | Syracuse, New York 13202
Phone: 315.565.4736 | Fax: 315.565.4836
Email: acobb@hancocklaw.com | www.hancocklaw.com



NOTICE: The content of this email is confidential and may include privileged information. If you are not the intended recipient, you may not copy, use, disclose or share it with any third party without the consent of the sender. If you received this email in error, please notify the sender by reply email and delete the original message.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Edie Cornish <ecornish@adamsleclair.law>
Sent: Tuesday, January 14, 2020 9:25 AM
To: eFiling Comments
Subject: NYSCEF Comments

First, let me begin by saying, I love the electronic filing system, if for no other reason than the fact that I don't have to stand in line at the county clerk's office anymore. It makes filing documents very efficient.

However, I don't like the fact that some counties (courts) require you to keep any exhibits/attachments together with the main document while others require you to have a separate file for each. There's nothing to indicate which is which until you get an email saying your filing was removed by a court user because it wasn't filed properly. There should be some indication on which way to file once the county/court has been chosen at the onset of the task.

Sincerely,

Edie Cornish
Legal Assistant

ADAMS • LECLAIR

Adams Leclair LLP, Attorneys
28 East Main Street, Suite 1500
Rochester, NY 14614
direct: 585.327.4161
main: 585.327.4100
fax: 585.327.4200
www.adamsleclair.law

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Correa, Haydee <Haydee.Correa@nyct.com>
Sent: Thursday, January 16, 2020 8:58 AM
To: eFiling Comments
Subject: Efiling Comments

I love efiling. It's easy. You can do it at all hours of the day or evening or on weekends without leaving your house. 😊

But, there are some things that can and should be improved:

First, enforce the mandatory efiling. A lot of plaintiff's attorneys I deal with state that they aren't required to efile discovery demands and responses. To that I say, well, NYSCEF is my preferred method of service so you have to do what I ask. If NYSCEF made it clear to all litigants that everything has to be efiled, it would really make things easier.

Add more types of documents to the dropdown menu:

I make a lot of motions to dismiss in lieu of answering, but my only option for it is to select motion to dismiss in lieu of complaint. I don't get why.
How about adding "bill of particulars as to affirmative defenses" as an option?

The option for "Letter / Correspondence to Judge" is not seen by the court attorney or judge assigned to the case (so I have been informed). I don't know how, but don't you think you should notify the court attorney or the part judge if a letter to judge is uploaded?

There's no "Combined Demands" option.

There are 2 Informational Statement options when only 1 is needed.

How about "Response to CC Order" or "Response to PC Order" as well as a "Notice of Discovery & Inspection"

I will think of others.

Haydee Correa

Executive Agency Counsel
Office of the General Counsel
Department of Law
MTA New York City Transit
130 Livingston Street
Brooklyn, New York 11201
718.694.5785 Telephone
718.694.1023 Facsimile
646.295.3748 Mobile
haydee.correa@nyct.com

From: Correa, Haydee <Haydee.Correa@nyct.com>
Sent: Thursday, January 16, 2020 12:17 PM
To: eFiling Comments
Subject: RE: Efiling Comments Part 2

A couple more ideas/suggestions/comments:

1. Exhibits on Motions are time consuming and annoying to have to scan them in when they are already in the efile system. Why can't you just provide users with the option of hyperlinking to a previously efiled document as an exhibit to a motion rather than having to refile that document each time a motion is made. For example, if I upload a motion and attach as exhibits the pleadings, I should be able to hyperlink my exhibit to the relevant documents in the NYSEF system rather than have to upload the pleadings all over again. You should have made the system like that initially because it would save you storage space that is presently being taken up by duplicative scannings and uploadings of documents that are already efiled.
2. You should modify the NYSCEF system to allow for videos to be uploaded in the system. This is the 21st century. You can use all the extra space that NYSCEF will have once you create hyperlinks to previously efiled documents.

If I have any other ideas, I will send another email.

Haydee Correa
Executive Agency Counsel
Office of the General Counsel
Department of Law
MTA New York City Transit
130 Livingston Street
Brooklyn, New York 11201
718.694.5785 Telephone
718.694.1023 Facsimile
646.295.3748 Mobile
haydee.correa@nyct.com

From: Correa, Haydee
Sent: Thursday, January 16, 2020 8:58 AM
To: efilingcomments@nycourts.gov
Subject: Efiling Comments

I love efiling. It's easy. You can do it at all hours of the day or evening or on weekends without leaving your house. ☺

But, there are some things that can and should be improved:

First, enforce the mandatory efiling. A lot of plaintiff's attorneys I deal with state that they aren't required to efile discovery demands and responses. To that I say, well, NYSCEF is my preferred method of service so you have to do what I ask. If NYSCEF made it clear to all litigants that everything has to be efiled, it would really make things easier.

Add more types of documents to the dropdown menu:

I make a lot of motions to dismiss in lieu of answering, but my only option for it is to select motion to dismiss in lieu of complaint. I don't get why.
How about adding "bill of particulars as to affirmative defenses" as an option?

The option for "Letter / Correspondence to Judge" is not seen by the court attorney or judge assigned to the case (so I have been informed). I don't know how, but don't you think you should notify the court attorney or the part judge if a letter to judge is uploaded?

There's no "Combined Demands" option.

There are 2 Informational Statement options when only 1 is needed.

How about "Response to CC Order" or "Response to PC Order" as well as a "Notice of Discovery & Inspection"

I will think of others.

Haydee Correa

Executive Agency Counsel
Office of the General Counsel
Department of Law
MTA New York City Transit
130 Livingston Street
Brooklyn, New York 11201
718.694.5785 Telephone
718.694.1023 Facsimile
646.295.3748 Mobile
haydee.correa@nyct.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Pasquale Crispo <pjcrispo@gmail.com>
Sent: Friday, January 03, 2020 9:34 PM
To: eFiling Comments
Cc: aokin@brooklynbar.org
Subject: Re: New York State Courts Electronic Filing Program

Follow Up Flag: Flag for follow up
Flag Status: Flagged

My comments are as follows after conferring with colleagues who do commercial litigation. I do primarily matrimonial litigation without e-Filing:

1. There is no doubt that this method is more costly to clients and that impact must be considered.

It is inevitable that to e-file a motion requires scanning, each exhibit , and then inputting each exhibit in e-file format with labels and I understand docketing numbers; every document Affidavits , affirmations, cross motions (which must be separate and cannot be included in Opposition papers is now separate. This means that this new process results in separately preparing a notice of cross motion, and affidavits, affirmation separate from responding to opposition papers which were done in one document under paper filings. This may relieve the courts from scanning and inputting documents which is great for the court personnel but shifts the time commitment and cost to the public.

2. Medicare /Social Security was hacked and all personal data stolen from several million recipients . My wife's information was stolen and the Government paid for identity insurance
to insure her for this catastrophe so don't tell me all matrimonial actions are secure when E-Filed

So there is no real safeguards that this will not happen to personal and banking info of thousands of litigants under this process. Also, more work is required of the attorneys who must omit from Banking/ broker statements , credit card statements the full Account numbers. The math is overwhelming. Assume 10,000 statements have to be modified redacting digits in the account statements numbers. This is just one example. I have a small firm and to allocate associates time to such tasks will escalate the costs. Yes it makes it easier on the court system but at whose expense, the consumer our clients.

I am sure that should I explore E-filing in depth and further I will find exhausting examples of pass along costs to clients.

3. I also understand that often our. Computers may have to upgraded to a compatible at a higher level operating system to accommodate e-Filing.

4. A What about transfers are there limitations on megabytes that can be transferred. Assume a document is above the megabyte limit what then ?? You need to file in tranches one document with separate docketing.

B. This may result and cost and work reduction for the Courts but certainly not for the consumer and our clients who are already complaining about the cost of Divorce litigation.

C. As far as easy access to these documents, I automatically store them in files I can easily access from my IPhone.

Respectfully submitted

Pasquale Crispo

PASQUALE J. CRISPO, ESQ.

LAW OFFICES OF HARIRI & CRISPO
250 Park Avenue-7th Floor
New York, New York 10177
Tel: 212 - 371-7000
Tel: 212 - 777-9211
Fax: 212- 677-4927
Cell: 917-375-7127
Email: patcrispo@aol.com
Web: www.HaririCrispoLaw.com

HONORED BY SUPERLAWYERS 2014-2019

On Jan 2, 2020, at 1:26 PM, Brooklyn Bar Association <membership@brooklynbar.org> wrote:

View this email in your browser



Dear Members,

Please see the message in the following link from Chief Administrative Judge Lawrence K. Marks regarding the New York State Courts electronic filing program.

https://brooklynbar.org/wp-content/uploads/Comments-on-EFiling.pdf

All member comments should be sent directly to efilingcomments@nycourts.gov **with a cc to** aokin@brooklynbar.org**.**



From: Michael J Crosby <mjcrosbyesq@rochester.rr.com>
Sent: Thursday, January 23, 2020 11:16 AM
To: eFiling Comments
Subject: e-filing system concern

Hi.

This past weekend I had my first experience with the e-filing system and it was a bust.

I am concerned that the e-filing system rules have not given enough thought to the consequences of technical glitches with the e-filing system short of a complete unavailability of the system.

As I understand the current rules, the e-filing system provides for the filing of paper copies as the only alternative to a failed e-filing, with a subsequent successful e-filing to remedy the initial technical failure. This alternative seems wholly inadequate to me and fails to acknowledge that the e-filing system is supposed to be reliable and dependable for planning our filings, that we are being required to use the system and relinquish our past practice with paper, and that practitioners should not have to operate with a full paper backup and start uploading in the morning as if the system is going to fail with every filing. At the very least a practitioner should have the option of filing with the clerk a flash drive containing the files to be uploaded to meet a deadline rather than waste paper, as environmental consciousness is part of the modern system as well.

I believe the present limited and impractical alternative to e-filing system failure, and some technical glitch with the e-filing system processing, can result in filing problems which would be solely the consequence of an inadequate e-filing system, and could result in the unjust impairment of legal rights due solely to the insufficiency of the e-filing system.

I had a large filing of an administrative return to process this past weekend, and spent considerable time and expense in advance to have technologists convert the numerous record documents to a suitable PDF/A form for e-filing to be able to do so. I had all the files processed and ready to go and had no reason to incur the expense of paper copies and did not do so since the PDF/A files were on my computer and would be online shortly and the paper use would be substantial and wasteful. I started uploading the files early Friday afternoon but could only do five files at a time because the add additional documents option was not working for me. NYSCEF Resource Center Support checked my first few documents for compatibility and approved them, had no explanation for the failure to add additional documents, so suggested I just file five at a time. My first few uploads were successful, so off I went. The remaining uploading process took hours but was getting done. I was about two-thirds complete until just before 6 pm I suddenly got a major error message of some unspecified problem with my filing that said I had to upload my files again even though a third of the documents had been acknowledged by the e-filing system as having been processed (and all the documents had been processed for e-filing the same and did not exceed the 100 MB limit).

So: here I am after five pm with no notice my filing would be a problem until after the clerk's office had closed for the day, and I would have had no time to print all the stacks of papers in time to file by paper anyway. E-file tech support left at 6 pm and were not available, and after-hours technical support was limited to advising me whether the servers were functioning, which was not helpful whatsoever. Now, because of the holiday on Monday, my failed Friday filing won't even get evaluated until Tuesday at the earliest.

This predicament was solely a failure of the e-filing system as it stands at present, even though the e-filing servers were apparently operational. Without the e-filing system requirement, I would have simply printed the documents on paper from the beginning and delivered them to the court clerk by the end of business without any problem, and served counsel and been done by five pm, as has been standard practice for my decades of practice. Now the justice system is

moving to a new system that has some benefits but seems glitchy, and its remedy for technical failures is to impose unreasonable and unrealistic requirements on practitioners while maintaining archaic and rigid time limitations that do not adequately account for the limitations of the e-filing system at present and the new additional problem of having to operate in a computerized system that few really understand and can fix when problems arise (including the after-hours technical support).

It seems to me that the justice system wants the e-filing system to be a reliable modern approach to court clerk filings, but the technology used is no longer simple and straightforward as the paper filing system. While it might have been considered fair to impose serious consequences for failed filings by deadlines when the filing process was simple, that premise no longer holds true for the e-filing system at present. If a practitioner commences an e-filing system upload in a proper format in time, but the e-fling system fails to accept the upload for some reason, or fails to accept part of the upload, the practitioner and client should not be penalized by the e-filing system's deficiency, which is the problem and which problem would not exist but for the e-filing system requirement and the e-filing system's limitations.

At the least, the e-filing system rules should be modified to provide that if an e-filing upload is sought to be made in accordance with the required PDF/A format, in time to consult technical support, i.e., by the end of the business day for the relevant clerk, then such filing should be presumed to be timely for deadline purposes even if the filing is not completed until later when the technical problem(s) of the e-filing system are finally solved. It turns out one of the 265 files had some problem for which the Resource Center Support provided a work-around on Tuesday though without specifically identifying the problem or explaining why one of a couple hundred files processed the same way was not acceptable to the e-filing system. And since the administrative return required sequential numbering of exhibits, the one problem effectively halted the rest of the filing until the problem could be addressed and resolved. This would not have been a problem with paper filing, and any such problem could have been fixed easily but for the technical complications of the e-filing system.

In the e-filing system, one little problem was enough to derail the filing and miss completing the filing on Friday as intended, and the rules' alternative filing plan had no value in this situation either. The rules don't accommodate these kinds of subtle but real problems well enough. While there may be concern that creating technical problems could be used to extend deadlines, there should be more concern that deadlines may be missed only due to technical problems with the e-filing system and result in unnecessary stress and motion practice, if not injustice. The rules should provide for some safe harbor practice for filing to meet a deadline. For example, a filing would qualify as safely filed subject to subsequent technical assistance if a party started uploading its files before the close of the court's business that day, and a problem resulted in a logged-in request for assistance to the NYSCEF Resource Center Support before it closed, currently at 6 pm. Systematic formatting problems would be discovered early on while technical assistance was available and the problem identified and solutions provided. Problems that arise later after hours during long filings would show on the e-filing system when and where the uploading ceased, which if after hours of the Resource Center Support would excuse the need for such a request until the next business day. (Maybe the Resource Center Support should be staffed longer since the consequences of a failed e-filing at present could be dire.)

Also, for those more concerned about avoiding gamesmanship, and instill incentive not to create problems with the uploading process in order to gain some advantage of time to complete papers, consider making the safe harbor presumption available only for practitioners and parties who provide notice of the e-filing system filing failure to opposing counsel shortly after the filing problem is discovered and determined to be unresolvable at present, with an offer to provide a digital copy of the attempted filing upon request that same date prior to the e-filing, and if requested provide a requested copy that same date. Again, there could be problems with such email communications, especially if large files are involved, but a good faith effort to show the attempted e-filing upload should be sufficient to defuse any dire consequences of a failed e-filing system upload and avoid any prejudice from the failed filing. And this result should obtain even with statute of limitations and notice of appeal deadlines, where the injustice of a deficient e-filing system would be most grave.

Certainly some thought should be given to how a delayed filing would affect subsequent deadlines, but extending them all by the same days needed for the NYSCEF Resource Center Support to resolve the problem seems warranted.

With the traditional paper filing system, the justice system reasonably believed that all counsel and parties could manage physical filings of documents with clerks, and the deadline rules developed based on the premise that there was no justifiable excuse for not being able to prepare papers and deliver them to the clerk by the close of business on the due date. Now, although we use computers, few understand them well enough to solve problems when computers object. The need for an IT department is plain evidence we are no longer in full control of our tools as we lawyers once were. We need to adjust the justice system to account for this change of tools being beyond most users' ability to fix problems with them. It does not seem like the modern justice system should favor those with specialists in computer communications as is the e-filing system now under the present rules. The rules need to accommodate e-filing system glitches for all practitioners better than they do at present so that no harm is done due to unfamiliar technology.

The e-filing system is promising, but the transition should not inadvertently impair non-specialists in computer technology with impractical alternatives to problem filings as is the case under the present rules.

Michael Crosby

Please be CAREFUL when clicking links or opening attachments from external senders.

From: K Jody Cucolo PC <kjcucololaw@aol.com>
Sent: Saturday, January 04, 2020 11:02 AM
To: eFiling Comments
Subject: comment

Follow Up Flag: Flag for follow up
Flag Status: Flagged

To whom It May Concern,

As an attorney in Rockland County, I do no believe divorce cases should be e-filed.

Thank you for your attention to this matter.

K. Jody Cucolo

K. Jody Cucolo, P.C.
10 Wyndham Lane
New City, New York 10956
Office: (845) 499-2280
kjcucololaw@aol.com

This message is being sent by or on behalf of a lawyer; it is intended for the exclusive use of its intended recipient and may contain information that is privileged or confidential or otherwise legally exempt from disclosure. If you are not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify us immediately by email, discard any paper copies and delete all electronic files of the message. If you are not sure as to whether you are the intended recipient, please respond to the above e-mail address. Thank you.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: johncullenalison@aol.com
Sent: Thursday, January 02, 2020 10:09 AM
To: eFiling Comments
Subject: Comment from NYS bar member on mandatory electronic filing- Opposition to change

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Jeff Carlucci, Electronic Filing Coordinator,

I appreciate the ability of the attorney to opt out of the mandatory e-filing. That "opt out" provision should remain as part of any attempt to change the filing activities of the bar in NYS court actions. I am opposed to any changes in the rules which will make all court filings mandatory.

Making mandatory the e-filing creates issues of small firm economic hardship. The changes in the cyber world machinery are constant and often, causing major cost adjustments to the small practitioner. Because we are neighborhood small firm attorneys we must watch our costs on every case and every activity. We cannot simply raise our fees to our clients at every change in cyber machinery and cyber apps. E-filing is a wonderful concept in theory, but the practicalities for the every day plaintiff or defendant frustrates the administration of justice, mainly cost issues.

Why would it hurt to leave the OCA protocol "as is" without making it mandatory in all cases? If it works "as is" why change it?

John E. Cullen, Esq.
Law Offices 540 North Avenue
New Rochelle, New York 10801

Please be CAREFUL when clicking links or opening attachments from external senders.

From: johncullenalison@aol.com
Sent: Friday, January 03, 2020 3:30 PM
To: eFiling Comments
Subject: Re: Comment from NYS bar member on mandatory electronic filing- Opposition to change

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Jeff Carucci,

Your response was overwhelming in its completeness. Thank you for that. I did want to make it clear that I am not against efficiency and I can see that for the larger institutions the e-filing is a monstrous success. I have listened to the Westchester County Clerk Tim Idoni as he clarified for us members of the local bar associations all of the benefits of e-filing. However, for us little guys, the street level small firms, the cost of running a law practice is very fragile and economy for the government institutions is not on our "most important" list. The people that we serve only arrive at our offices because they are desperate. Legal services are expensive and most people avoid the law offices because they fear the cost of legal services. My office performs more Pro Bono work for poor people on a weekly basis than we do on paying clients. If a little guy like me has to adjust to the requirements of the cost of cyber space equipment with its constant changes, then our fees must increase with the increase in the cost of the apps, the machinery, the secretarial help that is needed to operate these machines, etc. etc. It is not easy to run a small office; it is quite expensive. If my fees go up then the client faces increased cost and the spiral ends up with less and less small firms dealing with the everyday problems of the common man due to the client's inability to pay. Every mandate from OCA increases our cost of

doing business and thus leaves the working poor with more unresolved legal problems due to the inability of the client to pay.

Keep us little guys in mind every time you consider a change which will cost us money. If your present system works, keep it.

John E. Cullen, Esq.

-----Original Message-----
From: eFiling Comments <efilingcomments@nycourts.gov>
To: johncullenalison@aol.com <johncullenalison@aol.com>
Sent: Thu, Jan 2, 2020 3:25 pm
Subject: RE: Comment from NYS bar member on mandatory electronic filing- Opposition to change

Good afternoon Mr. Cullen:
Thank you for your comment. We appreciate your taking the time to provide us with your feedback. You have indicated, as an attorney in a small firm, you would prefer e-filing not be mandated, in that it would cause an economic hardship and you have stated e-filing "frustrates the administration of justice" for the "every day plaintiff or defendant."
Kindly be advised of the following which you may find helpful:

1. The e-fling statutes and rules contain provisions to assist attorneys who are unable to participate in e-fling. For instance, an attorney who lacks the knowledge or equipment necessary for e-fling need only file a form so certifying, and he or she will be excused from having to e-file, and, accordingly, permitted to file and serve and be served in hard copy, or, an attorney if they choose, can simply seek an exemption from the judge assigned. (CPLR 2111 (b) (3) (B); 22NYCRR 202.5-bb (e) (3); 22NYCRR 207.4-aa). We do not seek to repeal the "opt out" provision for attorneys.

2. Whenever NYSCEF is introduced into a new court or county, and/or e-fling is introduced for a new case type - onsite training is provided. In addition, the NYSCEF Resource Center regularly provides online training sessions, as well as self-help training that allows users to experiment with all the functions of NYSCEF without limitation. Training is offered at no cost, and two hours of CLE credits is made available to attorneys who participate in a two-hour on-site course. Information on training sessions is available on the NYSCEF website at www.nycourts.gov/efile. Please also note, the Resource Center is available during business hours to assist you as you e-file and can help resolve an issue and may be able to guide you as you e-file with "machinery" you may already have in your office, i.e. a computer with internet access. You can contact the E-Filing Resource Center by email at efile@nycourts.gov or by phone at 646-386-3033.

Currently E-fling is authorized in Supreme Court in 52 Counties throughout New York State, with mandatory e-filing programs in 42 of these courts; and in Surrogate's Courts in 42 Counties

throughout New York State, with mandatory e-filing programs in 34 of these courts. Every County within the 9th Judicial District has a mandatory e-filing program in their Supreme Civil Court. All Surrogate's Courts within the 9th Judicial District except for Putnam and Rockland Counties have an e-filing program - Orange County Surrogate's Court is the sole Court with a consensual e-filing program.

The benefits of e-filing are noteworthy, such as, the convenience in which a case can commence, the efficiency of notification and delivery of documents, the benefits to the environment and the significant cost savings realized for litigants, attorneys, the courts and County Clerks. Since the inception of the e-filing program in 1999, over 2,150,000 cases have been e-filed and more than 95,000 attorneys have registered as e-filing users.

Current law prohibits the Chief Administrative Judge from exercising his discretion to mandate e-filing in certain categories of cases, and the Legislation we seek *is to repeal the restriction regarding matrimonial, residential foreclosure, and consumer credit actions.* As indicated above, we do not seek to repeal the "opt out" provision for attorneys. When implementing and/or expanding e-filing programs and in preparation for annual E-Filing reports, we regularly solicit comments from e-filing users, attorneys, and interested parties. As a result, we have received comments, including those from solo practitioners and small firms, which have been overall favorable to e-filing and NYSCEF, finding it easy and efficient, saving time, energy and resources, reducing mistakes, and aiding in record keeping. Please see attached 2019 report, *Electronic Filing in the New York State Courts*, including solicited comments.

Thank you again for taking the time to comment, we hope the information provided proves helpful to your needs.

Happy New Year!

Jeffrey Carucci
Statewide Coordinator for E-Filing
Office of Court Administration
25 Beaver Street, Room 823
NY NY 10004
JCarucci@NYCourts.gov
(212) 256-7778

From: johncullenalison@aol.com <johncullenalison@aol.com>
Sent: Thursday, January 02, 2020 10:09 AM
To: eFiling Comments <efilingcomments@nycourts.gov>
Subject: Comment from NYS bar member on mandatory electronic filing- Opposition to change

Jeff Carlucci, Electronic Filing Coordinator,

I appreciate the ability of the attorney to opt out of the mandatory e-filing. That "opt out" provision should remain as part of any attempt to change the filing activities of the bar in NYS court

actions. I am opposed to any changes in the rules which will make all court filings mandatory.

Making mandatory the e-filing creates issues of small firm economic hardship. The changes in the cyber world machinery are constant and often, causing major cost adjustments to the small practitioner. Because we are neighborhood small firm attorneys we must watch our costs on every case and every activity. We cannot simply raise our fees to our clients at every change in cyber machinery and cyber apps. E-filing is a wonderful concept in theory, but the practicalities for the every day plaintiff or defendant frustrates the administration of justice, mainly cost issues.

Why would it hurt to leave the OCA protocol "as is" without making it mandatory in all cases? If it works "as is" why change it?

John E. Cullen, Esq.
Law Offices 540 North Avenue
New Rochelle, New York 10801

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Tom Curtis <thomasmcurtis@yahoo.com>
Sent: Monday, January 13, 2020 7:10 PM
To: eFiling Comments
Subject: My comments

It is a very good system and works better than the one in Florida. Now if you could only change the rules so we would not have to provide actual copies of documents previously filed and instead accept a reference to the docket number that would save a lot of time.

Tom Curtis
Law Office of Thomas M. Curtis
Thomas M. Curtis, Esq.
1385 York Ave, Suite 32-B
New York, NY 10021
Tel: (212) 734-4915
Cell: (646) 981-8076

Please be CAREFUL when clicking links or opening attachments from external senders.

From: James DeBrosse <debrosselaw@yahoo.com>
Sent: Friday, January 17, 2020 5:53 AM
To: eFiling Comments; James DeBrosse
Subject: RE-(E-FILING COMMENTS)-(2020)!

1. -SOMETIMES ITS TOUGH TO LOG ON.

2. -THERE ARE TOO MANY STEPS TO FILE DOCS.

3. WE SHOULD TRY TO STREAMLINE E-FILING.

James G. DeBrosse, Esq.
Tel: (516) 992-3455
Fax: (718) 425-0863
DeBrosseLaw@yahoo.com
1225 Franklin Ave-(Suite 325)
Garden City NY 11530

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Kristina Dispigna <kdispigna1@gmail.com>
Sent: Thursday, January 16, 2020 11:43 AM
To: eFiling Comments
Subject: Comments

If one clerk ok's paperwork and then another clerk rejects it upon resubmission the file should stay in its spot in the queue. It should not go to the back since a representative of the court initially said it was correct.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Eddie Doran <doraneddie@gmail.com>
Sent: Sunday, January 19, 2020 12:47 PM
To: eFiling Comments
Subject: Comment on ECF program. Upcoming report.

NYS Court System

As per your request.
Notice Seeking Commments on Electronic Filing Program
In preparation for an annual report on e-filing, to be submitted to the Chief Judge, the Governor, and the Legislature, the Chief Administrative Judge is seeking comments from the public addressing users' experience with NYSCEF. Observations and recommendations are welcome from attorneys, litigants, and other members of the public. View Posted Notice Interested parties may email comments to *efilingcomments@nycourts.gov*, or submit them by letter to Jeffrey Carucci, Statewide Coordinator for E-Filing 25 Beaver St, Room 823 - New York, New York 10004.
Comment period extended to Jan. 24, 2020

Search issue comments.

Searching for defendant.
Spelling out full first name no report produced.

Placing first initial report produced.

No info on upcoming events must cross reference with nys ecourt.

Users must use county clerk minutes for old cases and some newer cases that are not ecf filed.

User must use nys ecourt for ecf cases that names search didnt produce return.

Attorneys fail to upload affidavits of service regarding time sensitive lis pendency on real property.

Attorneys fail to upload documents correctly. Sometimes craming documents into one upload because otherwise fees or cost assessed. Examples stipulations of settlements filed as affidavits of service. Court lose filing fees. Lis pendency merged into summons or complaint. Court doesnt get fees clients exposed to lack of lis pendency on the subject real property.

The list is too long to remember all events but education of current and future attorneys and staff with uploading privileges a must. Should be certified to be allowed to upload onto the public record.

Thanks you in advance.

Sincerely yours

Eddie Doran
525 Myrtle Avenue Suite C-1
Brooklyn NY 11205
Tel 6465330184
Email Doraneddie@Gmail.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Tanya Dwyer, Esq. <tpdwyeresq@gmail.com>
Sent: Thursday, January 16, 2020 2:01 PM
To: eFiling Comments
Subject: Comments on Electronic Filing Program

Hi,

E-filing is wonderfully convenient EXCEPT when notices from your old firm come to your new firm because notices are linked to your registration email. I think notices should go to whichever email we direct or we should be able to opt out of notices. There should be a way to get off the notice list and redirect them to the appropriate attorney. It's hard enough to keep up with notices for relevant cases; we should be allowed to opt out.

Thanks,
Tanya

Please be CAREFUL when clicking links or opening attachments from external senders.

From: John E. Finnegan <JFinnegan@mcfnylaw.com>
Sent: Friday, January 03, 2020 11:25 AM
To: eFiling Comments
Subject: Expansion of E-filing

Follow Up Flag: Flag for follow up
Flag Status: Flagged

E-filing has revolutionized litigation practice. The efficiencies it has introduced are tremendous. The sooner that Matrimonial, Family Court and Criminal matters are included, the better. If there is a way to automatically integrate the NYSCEF system with etrack, or any other calendaring system, the efficiencies would increase.
Thank you for the opportunity to comment.

John E. Finnegan, Esq.
Montalbano, Condon & Frank, P.C.
67 North Main Street
New City, NY 10956
845-634-7010 x1270 (Office)
845-634-8993 (Fax)
845-641-8255 (Cell)
Jfinnegan@mcfnylaw.com
jfinnegan@msn.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Cheri Fiordeliso <cfiordeliso@boylancode.com>
Sent: Friday, January 17, 2020 3:41 PM
To: eFiling Comments
Subject: Comments on Electronic Filing Program

Good afternoon –

This is a message I emailed to efile@nycourts.gov back in August that I thought I would pass along:

I have a general observation that I thought I would share with you. As I review the Document List to a case our office filed, I am realizing that the NYSCEF notifications are nowhere found on the system. I feel this would be helpful to all parties if there was a separate tab for "Court Notifications" (or something along those lines) in case an email notification has been missed or a party is entering late in a case. Our emails get flooded with notifications and can easily be overlooked.

For example, I received a notification regarding the assigned Judge and when the return date is, however, there is no mention of a court date (or any dates) on the docket. I think this information should be noted under the "comments" tab, but is left blank. Again, I feel this would be helpful to have more information regarding all court notifications be stated on the court system. It's like telling a "story" of the case. The Federal Court system is really good about this. It would be great if the state courts could mirror some of the features available on the federal court dockets.

I felt I needed to share my suggestion as I view the dockets daily. Hope for a resolution in the near future.

Thank you,

Cheri Fiordeliso
Client Services Coordinator

Boylan Code
Attorneys at Law

Culver Road Armory
145 Culver Road, Suite 100
Rochester, New York 14620
Office: 585-232-5300
Direct: 585-238-3533
Fax: 585-232-3528
Email: cfiordeliso@boylancode.com
www.boylancode.com

Best Lawyers BEST LAW FIRMS U.S.News 2020

From: Rhonda Forde <rhondabforde@gmail.com>
Sent: Thursday, January 16, 2020 10:13 AM
To: eFiling Comments
Subject: Suggestions

We could use an Other category for documents that are not categorized in any specific title that is provided.

Rhonda Forde
Hertz, Cherson & Rosenthal, PC
118-35 Queens Blvd 9th floor
Forest Hills, NY 11375

Please be CAREFUL when clicking links or opening attachments from external senders.

From: E. Ryan Goodman <rgoodman@wglaw.com>
Sent: Friday, January 17, 2020 3:45 PM
To: eFiling Comments
Subject: Withdrawal of counsel

Hello NYSCEF!

There must be an easier way for attorneys to remove themselves from cases that they are no longer a part of... If an attorney is no longer employed at a specific firm; that attorney should be able to remove themselves from all of those cases from that prior firm. What is the correct procedure for getting this done? Further, cases where a partial stipulation of discontinuance is filed. If we are the parties that were dropped from the case how can we stop getting ECF notifications on that file?

Best regards,

E. Ryan Goodman, Senior Legal Assistant/Office Manager

Weber Gallagher

1500 Broadway
Suite 2401
New York, NY 10036
T: 646.585.7129, F: 929.342.6001
rgoodman@wglaw.com, www.wglaw.com

Confidentiality Note: The information contained in this electronic message may contain attorney-client privileged and confidential information intended only for the use of the owner of the email address listed as the recipient of this message. If you are not the intended recipient of this email message you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify the sender by return email; and by telephone at 929.342.6000

Weber Gallagher Simpson Stapleton Fires & Newby LLP

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Grimm, Eileen <Grimm@ruppbaase.com>
Sent: Wednesday, January 08, 2020 2:11 PM
To: eFiling Comments
Subject: Re: Notice Seeking Comments

I would like to request an expanded choice of drop downs for the choice of type of motion being filed to include: Motion in Limine. Thank you.

Eileen Grimm
Legal Assistant

RUPP
BAASE
PFALZGRAF
CUNNINGHAM LLC
ATTORNEYS

1600 Liberty Building | Buffalo, New York|14202 | 716.854.3400 ext. 258 | email | website

The information contained herein is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, distribution or use of this information by persons or entities other than
the intended recipient is prohibited. If you receive this email in error, please contact the sender and delete the material from your computer. Email communications that are sent from a workplace computer or other business device or via a
third party's email system may be viewed by others and, for that reason, may not be protected. Clients should not send any communications to Rupp Baase Pfalzgraf Cunningham LLC from a computer or email account other than their
own.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Jeffrey Carucci
Sent: Tuesday, January 07, 2020 3:48 PM
To: Phyllis Mingione; Robert Meade
Subject: FW: E-filing is great !!!

Expires: Sunday, January 12, 2020 12:00 AM

From: Mark C. Gugino, Esq, <mgugino@twcny.rr.com>
Sent: Tuesday, January 7, 2020 12:53 PM
To: Jeffrey Carucci <jcarucci@nycourts.gov>
Cc: Mark C. Gugino, Esq. <mgugino@twcny.rr.com>
Subject: E-filing is great !!!

We do it in bankruptcy court all the time, if family court could do it too it wb awesome.

Mark C. Gugino, Esq.
Attorney at Law

Full Time Address:

144 Bald Hill Road
Tinyhouse One
Spencer (Danby), New York 14883

Fedex Address:

29 Lieb Road
Spencer, NY 14883

Cape Vincent Summer House Address:

29302 Wilson Point Circle
Cape Vincent, NY 13618

"Where Lake Ontario and the St. Lawrence River Meet"

Phone(607) 319-0766
Texting (607) 207-0888
Fax (315) 237-6175

Website www.1000islandslaw.com
E-mail mgugino@twcny.rr.com

From: Christopher Hammond <ch357@nyu.edu>
Sent: Thursday, January 09, 2020 11:01 AM
To: eFiling Comments
Subject: NYSCEF comments

The system works reasonably well, but issues I would like to see addressed are as follows:

1) When I receive NYSCEF notifications, I have to sign in and enter my password over and over again to view each separate document. It would be helpful if the system could remember us so we don't have to waste time doing this.

2) The list of options to identify the document being filed is limited, and often does not include an appropriate title for the document I seek to file. Perhaps there could be a field where we could enter our own description of the document being filed.

Christopher Hammond, Esq., Appellate attorney, 3rd Department

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Richard T Hunter <rthesq@hotmail.com>
Sent: Friday, January 17, 2020 9:25 PM
To: eFiling Comments
Subject: Comment - NYSCEF

I have used NYSCEF for a few complex litigations and think it is great.

Any questions about its use that I have had have been answered about the resource center.

One issue that arose in Suffolk County was that the individual documents in a commercial case started on order to show and summons and complaint had to be individually uploaded after they had been uploaded as one document. There had been no instructions that the documents for such a case should be uploaded individually rather than as one document which the documents had been when they were walked through the court.

Richard Todd Hunter, Esquire
Attorney At Law
P.O. Box 337
Sagaponack, New York 11962
Tele: (631) 258-0650
Fax: (631) 614-7861

Admitted to the District of Columbia and New York Bars

Confidential Attorney/Client Privileged Material

The information contained in this message (including attachments), from the Law Office of Richard Todd Hunter, Esquire, is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521 and intended to be delivered only to the named addressee(s) and may contain information that is confidential, proprietary, attorney work-product, attorney-client privileged, or otherwise protected by court orders, statutes, and other provision of law. If this information is received by anyone other than the named addressee(s), the recipient should immediately notify the sender by E-MAIL and by telephone (631-258-0650) and obtain instructions as to the disposal of the transmitted material. In no event shall this material be read, used, copied, reproduced, stored or retained by anyone other than the named addressee(s), except with the express consent of the sender or the named addressee(s). If the information is accidentally read by an unintended recipient the information is not to be used in any way nor disclosed to any other party.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Hynes, Rose <hynesr@bsk.com>
Sent: Monday, January 13, 2020 3:49 PM
To: eFiling Comments
Subject: Comments on Electronic Filing

When a firm is dismissed from a case (via a Consent to Change Attorney or Withdrawal, etc.), can't there be a way NOT to receive future filings on that case once you are no longer associated with the case?

Rose Hynes
Administrative Assistant
Litigation
716.416.7072 Direct
rhynes@bsk.com

Avant Building - Suite 900, 200 Delaware Avenue, Buffalo, NY 14202-2107
This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Sophia <sophia.jayanty@gmail.com>
Sent: Friday, January 24, 2020 3:29 PM
To: eFiling Comments
Subject: E-filing rules

Dear Committee Members:

As a former tenants' rights attorney representing HIV positive clients, I have faced several difficulties in not having e-filing access for housing court. Housing court and the eviction process relies on an expedited proceeding that requires tenant attorneys to act fast. Filing Orders to Show Cause or answers can require a strict and short deadline. Due to the contracts my non-profit received, my work extended through all the boroughs. Therefore unlike most landlord attorneys, I am not in court all day, particularly not in a single court. Moreover, my office is quite small without a sufficient number of attorneys to cover all the housing courts in the City which are spread out across the boroughs. One other issue, is that clerks routinely close at 4:30, and not 5, shortening the opportunity to file papers timely in comaprison to other courts wherein a filing deadline is set for mid-night. I cannot emphasize how deleterious time restrictions on paper filings can be to a low-income tenant and their defense in housing court. For my clients, especially, their health status impairs their ability to come to court when they first receive a marshal's notice. As a result, time and physical barriers reduce their opportunities for justice.

The denial of equal court access in housing court means that low-income and those with disabilities are disproportionately harmed by these obstacles. All State Courts should allow for e-filing so that the quality of an attorney's representation and the justice sought in court is not diminsihed due to something as minor as technological barriers. This is an access to justice issue and should be resolved as expeditiously as possible.

Sincerely,

Sophia Jayanty

--
Sophia B. Jayanty Esq.
she/her/hers/ella

"For the master's tools will never dismantle the master's house."
~A. LORDE

Statement of Confidentiality

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. The information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments, if any.

From: Jones, Eugenia <Eugenia.Jones@wilsonelser.com>
Sent: Wednesday, January 08, 2020 10:39 AM
To: eFiling Comments
Subject: Notice Seeking Comments on Electronic Filing Program

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good morning

My recommendations are the following

1. That we should be able to choose more than one option from the dropdown menu specifically when it comes to motions; for example, if I have a stip/adjourn that is for 2 motion sequences, I would like to be able to choose both rather than do the transaction twice
2. Is it possible to save were we left off an come back to it later; rather than having to start all over again

Thank you for this opportunity

Eugenia Jones
Managing Clerks Supervisor
Wilson Elser Moskowitz Edelman & Dicker LLP
1133 Westchester Avenue
White Plains, NY 10604
914.872.7815 (Direct)
914.323.7000 (Main)
914.323.7001 (Fax)
eugenia.jones@wilsonelser.com

CONFIDENTIALITY NOTICE: This electronic message is intended to be viewed only by the individual or entity to whom it is addressed. It may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any dissemination, distribution or copying of this communication is strictly prohibited without our prior permission. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, or if you have received this communication in error, please notify us immediately by return e-mail and delete the original message and any copies of it from your computer system.

For further information about Wilson, Elser, Moskowitz, Edelman & Dicker LLP, please see our website at www.wilsonelser.com or refer to any of our offices.
Thank you.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Brett Kimmel <bk@brettkimmel.com>
Sent: Thursday, January 16, 2020 4:47 PM
To: eFiling Comments
Subject: Comments on E-filing 2020

My practice is essentially entirely devoted to matrimonial and family law matters. I fully support implementation of mandatory e-filing in matrimonial actions. More importantly, however, consensual e-filing should be permitted in ALL counties. Wherever consensual e-filing is permitted, I always take advantage of the opportunity and I have never had a case where my adversary has declined to participate. I can think of no good reason why matrimonial cases should be treated differently as it concerns the e-filing system. Finally, I need to suggest, again, that the courts do away with "hard copy" submissions. Requiring counsel to submit hard copies largely defeats the purpose of e-filing.

Brett Kimmel, Esq.
Brett Kimmel, P.C.
275 Madison Avenue - Suite 1711
New York, NY 10016
T: 212.867.3141
F: 646.664.1959
https://gcc01.safelinks.protection.outlook.com/?url=www.brettkimmel.com&data=02%7C01%7Cefilingcomments%40nycourts.gov%7C19fcb61322dc42ea053a08d79acd9f6e%7C3456fe92cbd1406db5a35364bec0a833%7C0%7C1%7C637148080245680214&sdata=1pr35q1fe356e2s4Ws0%2Bb%2BtcT%2BNtKv0d8ZpX1WEAdrI%3D&reserved=0

This message and any attachments may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this message in error, please send a reply message immediately and delete the message and any attachments without opening the attachment. Any further dissemination of this communication is strictly prohibited.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: vijaya lakshmi <lakshmivijaya1233@gmail.com>
Sent: Friday, January 24, 2020 12:39 AM
To: eFiling Comments
Cc: aoking@brooklynbar.org

e-filing [electronic-filing] is the process of filing .cases in the court electronically with out presence of the party to the court saving time and paper, e-filing of any case is as good as filing case personally in the court. e-filing is advantageous for low cost and safe document , people are aware of this process in most of the country,19,000 ,Matrimonial cases are filled in this way in New York state 42 counties . especially it is good and easy quick process to file the matrimonial cases, The original document relating to the case may be tabled ,in person at the time of hearing in the court, This is the good achievement of matrimonial cases , Advantages of e-filing is low cost. safe., and save the time, i 1,6 million cases were filled including matrimonial cases in this way [till to day]. This shows that how people are liking and using this system. I It is better to increase the training centers,There must be format requirements for documents electronically filed. v l
b

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Angela Lipsman <alipsman@rubcorlaw.com>
Sent: Monday, January 13, 2020 3:22 PM
To: eFiling Comments
Subject: New York State Courts Electronic Filing Program

To Whom It May Concern:

As an attorney who practices criminal defense in New York, I am glad to hear that the State of New York has been looking into introducing e-filing in criminal court matters.

New York State has fallen behind in this regard, as, for instance, U.S. courts and the State of New Jersey have had electronic filing in criminal matters for some years now.

I look forward to the day when e-filing is permitted in New York criminal courts.

Thank you for your consideration.

Very truly yours,

Angela D. Lipsman*
260 Madison Ave., 22nd Fl
New York, NY 10016
(212) 545-8777 (p)
(917) 722-8206 (f)

*Licensed to practice in NY, NJ, the SDNY, EDNY, the Dist. of NJ and the Second and Third U.S. Circuits.

This message and any attachments are confidential and may be subject to privilege. If you were not the intended recipient, delete this message and any attachments immediately and alert the sender. Thank you for your consideration.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Matthew Lizotte <matthew@lizottepllc.com>
Sent: Thursday, January 16, 2020 12:10 PM
To: eFiling Comments
Subject: Comments on Electronic Filing Program

Dear Chief Administrative Judge,

I am writing regarding your request for comments on the Electronic Filing Program. My principal recommendation is to review Connecticut's e-filing system and consider incorporating appearance reminders, notifications, and upcoming hearing dates into NYSCEF rather than maintaining a separate system on ECourts. Electronic filing for landlord-tenant matters would also be greatly appreciated by those who practice in your Courts and the environment.

Thank you for your time and consideration of this matter.

--
Sincerely,

Matthew W. Lizotte, Esq.
Lizotte PLLC
3 E Evergreen Road, #323
New City, New York 10956
Office: (845) 450-0330
Direct: (845) 450-0337

FDCPA: A portion of our practice involves the collection of debts. Pursuant to the Fair Debt Collection Practices Act, you are advised this office may be attempting to collect a debt against you and any information obtained will be used for that purpose.

NOTICE REGARDING WIRING INSTRUCTIONS: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Lyne, Mary J. <mlyne@woodsoviatt.com>
Sent: Thursday, January 16, 2020 9:15 AM
To: eFiling Comments
Subject: need more choices in drop downs

Hi, I'm wondering if it is possible to add a few more choices in the drop down menu regarding the nature of the action. Our firm does foreclosures and while title companies guarantee their work, what is known as a Strict foreclosure of right of redemption sometimes has to be done. If this could be added to the drop down, I would be very happy. it's not a mortgage foreclosure, it takes place after the foreclosure sale, the action is complete. It's just done to tidy up title and we buy a new index number. Thank you.

Mary J. Lyne
Foreclosure Assistant
Direct Dial: 585-445-2441
Direct Fax: 585-362-4505

mlyne@woodsoviatt.com

Firm Phone: 585-987-2800
Firm Fax: 585-454-3968
woodsoviatt.com

1900 Bausch & Lomb Place, Rochester, New York 14604

WOODS OVIATT GILMAN LLP
- ATTORNEYS -
The art of representing people

A Member of MERITAS Firms Worldwide.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE, AND IS INTENDED ONLY FOR REVIEW AND USE BY THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING OF THIS COMMUNICATION OR ANY PART THEREOF IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE DESTROY THIS COMMUNICATION, INCLUDING ALL ATTACHMENTS. PLEASE NOTIFY US IMMEDIATELY BY RETURN E-MAIL OR CALL 585-987-2800.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Linda Markowitz <linda@rosemarklaw.com>
Sent: Monday, January 06, 2020 12:34 PM
To: eFiling Comments

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Judge Marks:

I think e-filing has been very successful and despite my initial trepidation I have been able to adapt and actually been able to e-file myself. My only criticism with the system is the requirement of some or most of the judges to also fie "working copies". This defeats the marvelous efficiency of the e-filing system and requires double work on the behalf of myself and my staff requiring us to do the work of e-filing and copying as well. E-filing should not add to anyone's clerical burdens. Clerks can print out copies of things to read more easily than we can print out copies and then bring them over to a courthouse. I find this particularly burdensome at my age in a courthouse that does not have direct access for an older person such as the Westchester County Courthouse. I do not have a staff member that can do this for me at this point in my career.

Thank you very much for the ongoing technological innovations that you are continuing to make.

Linda Markowitz, Esq.
Partner, Rosenthal & Markowitz, LLP
399 Knollwood Road Suite 107
White Plains, New York 10603
914 347-1292 Telephone
914 347-1293 Facsimile
Linda@RoseMarkLaw.com
The information contained in this communication is legally privileged and/or confidential and is intended only for the use of the named addressee. You are hereby notified that any use of this communication or its contents including dissemination or copying is strictly prohibited. If you receive this communication in error, please immediately notify the Rosenthal & Markowitz LLP law firm and delete the communication from your computer in tis entirety.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Emlyn Marte <EMarte@sskblaw.com>
Sent: Friday, January 17, 2020 11:58 AM
To: eFiling Comments
Subject: Suggestions

Hi,

Our firm believes that a drop down for motion to compel should be added.

Thank you!

Emlyn Marte
Paralegal
180 Froehlich Farm Blvd.
Woodbury, New York 11797
(516) 677-0100 X 5395
EMarte@sskblaw.com
www.sskblaw.com

SALENGER
SACK
KIMMEL
& BAVARO LLP
Since 1985



CONFIDENTIALITY NOTICE: The information contained in this communication may be confidential, or subject to the attorney-client privilege, and/or may otherwise constitute legally privileged information, and is intended only for the use of the addressee. It is the property of Salenger, Sack, Kimmel & Bavaro, LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you are not the intended recipient or have received this communication in error, please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Lori Minard <loriqueenb2112@yahoo.com>
Sent: Thursday, January 16, 2020 8:25 AM
To: eFiling Comments
Subject: E-Filing for Surrogate's Court

When using the system, I think it is a waste to have to file a Request for Court Action form.

I wouldn't be filing documents on the portal if I didn't need Court Action.

Lori A. Minard, Paralegal
SARLES, FREY & JOSEPH
5800 Main Street
Williamsville, New York 14221
(716) 626-5200
(716) 626-1515 - fax

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Hon. Martha E Mulroy
Sent: Friday, January 17, 2020 1:29 PM
To: eFiling Comments
Subject: Re: input

Thank you for allowing me to respond. I sorry it is at the last minute.

Three concerns:

1) If Judgement of Divorce is E-filed, the court does not get notified. We are only notified if the attorney has also provided a hard copy to the court.
2) E-filing can affect the statutory requirements of being personally served documents. We as the Court become the process server.
3) E-filing shortens the time for responding papers. The statute allows additional time for mailing etc. I understand that when the attorneys agree to E-filed documents, this is expected. I'm just making the observation.

Martha E. Mulroy
ASCJ Mat Part
Onondaga County

Please be CAREFUL when clicking links or opening attachments.

From: Nancy Oxer <Noxer@nytaxreview.com>
Sent: Thursday, January 16, 2020 5:00 PM
To: eFiling Comments
Subject: E-filing Comments

Good afternoon,

I was wondering if a few adjustments to the format could be made.

We are a tax certiorari firm, so we consistently use S/B/L descriptions. I've noticed that when purchasing RJIs, one screen requests the Block, Lot and Section; and another screen requests the Section, Block, Lot. It would be great if it were consistent in the same order – Section, Block and Lot, especially when I have more than one Lot to list.

Also, because we work with tax years (ie, 2018/19, 2019/20, etc), it would be of great assistance at commencement of an action, if the tax year I entered is listed at the top of each screen. By the time I get to the last screen, it's a "guess" as to which year I am filing because I may be filing for multiple years.

Other than that, it's been a great asset to use e-file.

Thank you.

Nancy Oxer
Executive Legal Assistant
Noxer@nytaxreview.com

SCHRODER & STROM, LLP
REAL ESTATE TAX COUNSEL

114 Old Country Road, Suite 218
Mineola, NY 11501
516-742-7430 Ext 206 / Fax: 516-742-7433
www.nytaxreview.com

A Law Firm Concentrating In Tax Assessment Litigation, Land Use, and Eminent Domain

This communication, including attachments, is for the exclusive use of the addressee and may contain proprietary, confidential or privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return email and delete this communication and destroy all copies. Thank you.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Melissa Pickett <mpickett@counselpress.com>
Sent: Wednesday, January 22, 2020 10:00 AM
To: eFiling Comments
Subject: comment on NYSCEF program - Note of Issue

When uploading a multi-volume Record and then the Appellant's Brief there is no option to upload a Note of Issue last. I believe the option does appear on the first list but if you are uploading multiple files and save the Note of Issue for last or forget to upload the Note of Issue first the option isn't present on later lists for that filing event. You have to go back in and start a new filing to upload the Note of Issue. Essentially, a Note of Issue should be added to all supplemental upload lists.

Thanks

Melissa Pickett
Senior Appellate Paralegal

COUNSEL PRESS
460 W. 34th St., 4th Floor
New York, NY 10001

(212) 685-9800 Office
(212) 340-0645 Direct
(800) 427-7325 Toll Free
(718) 696-0645 Facsimile

View my bio.
mpickett@counselpress.com

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Milo Primeaux, Esq. <miloprimeauxesq@gmail.com>
Sent: Friday, January 24, 2020 7:10 AM
To: eFiling Comments
Subject: Comments about e-filing

Good morning,

Thank you for opening up public comments on the e-filing system. I have a few brief comments to make based on my individual experience.

Although I am not writing on their behalf today, for transparency I do want to say at the outset that I serve by appointment on the Richard C. Failla Commission of the NYS Courts, which works to make our courts welcoming and affirming to all people regardless of sexual orientation, gender identity, and gender expression.

At this time, my only reason for interacting with the e-filing system is to file name changes for transgender clients. I represent trans folks across all of Upstate NY (anywhere outside NYC and Long Island). Name changes outside NYC usually do not involve court appearances, so I am able to handle the entire case remotely. This was vastly improved by the e-filing system, which has made remote filing a breeze.

However, some specific issues continue to come up when dealing with these name changes:

(1) Despite many counties now participating in e-filing, many rural ones still require working copies of all the papers in addition to the electronic filings. This, in large part, defeats the purpose of electronic filing, but moreover there is no indication on the e-filing site which courts still require this. There have been some cases that I've e-filed and not heard anything back for weeks -- when I call to get a status update, they tell me the case can't move forward without working copies. At this point, I've learned to just call proactively and ask, but it's not readily apparent to other e-filing users and may cause unnecessary delays in an otherwise simply process. **I would encourage the court system to eliminate requests for hard copies when papers are e-filed, and/or make readily apparent on the e-filing system to all users that working copies will also be required.**

(2) Many of my clients are very low-income and are squarely eligible for IFPs/Poor Person Status (PPS). For those clients, I file a motion for PPS along with the other name change documents, but again, depending on the county, there might be an unexplained additional step required of me to ensure that the papers are properly delivered to the attorney for the county of residence. For example, in Monroe County, the process is to file the papers online and then email the attorney for Monroe County with all the same papers for them to review for PPS status. This is not explained anywhere on the e-filing site (or the court or county clerk websites, to my knowledge). Lack of transparency about this resulted in an almost 6-month delay for several cases last year. Now I know better for Monroe County, but it will continue to be a guessing game for other e-filing users and even for myself regarding other counties with rules and processes that are not readily available to e-filing users. **I would encourage the court system to work with county clerks to unify and streamline these processes, thus making the whole system more efficient. Short of that, any county-specific peculiarities in process should be clearly stated and available on the e-filing site at some point during the filing process, possibly a pop-up note upon uploading a PPS document or at the end of the process before submission when indicating that no fee is being paid.**

(3) Most of my clients utilize a provision in the name change law that requests the court waive the statutory publication requirement and permanently seal their records, in order to maintain their privacy and keep them safe from members of the public who might seek to harm them. Although the judge has discretion in whether or not to ultimately grant that request, that same provision in the law *requires* that the judge immediately place the record under temporary seal until

the case can be decided, to provide temporary protections in the meantime. I have handled over 300 name change cases in New York since 2015. I ask for these protections and offer a temporary sealing order for judges to sign in almost 100% of my name change cases, and judges only sign the temporary sealing order at the outset of the case in about 5% of them -- and that number has actually *decreased* since switching over to e-filing. Most judges sign it along with the final order for name change at the end of the proceeding, which defeats the purpose of the temporary sealing order. It means that trans name change applicants, who are incredibly vulnerable to public ridicule, harassment, and violence by members of the public just by virtue of being trans, are subject to discovery members of the public throughout the duration of the name change process. **I would strongly suggest adding the option of marking an uploaded document in some way to bring the court's attention to it as something that needs to be reviewed immediately, *OR* better yet, to provide some mechanism for automatic sealing at the e-filing stage when such a law is being utilized, to be reviewed and confirmed by a judge during the course of the case.**

(4) It recently came to my attention that some sealed name changes are appearing in google searches associated with an application called Docket Alarm. The court in Monroe County has been alerted to this issue and they are working to investigate and rectify the situation, but this could result in a major breech of critically personal information for vulnerable litigants, including but certainly not limited to name change applicants who seek sealing due to being survivors of domestic violence and/or transgender status. This is probably due in no small part to the fact that these cases are left openly and publicly available at the outset or for their duration before being sealed at the end -- providing plenty of time for a third party site like Docket Alarm to grab the information and make it publicly available. **Whatever the court can do to investigate and rectify this on a wide scale to ensure the safety and privacy of vulnerable litigants is greatly appreciated -- and I point back to my suggestions in the previous paragraph for consideration.**

(5) **One final suggestion would be to consider adding an optional designation of pronouns or honorifics of parties (if known), or a preferred name to be utilized during the court proceeding, particularly where a party's legal name does not accurately reflect the name they go by on a daily basis and/or their personal gender identity.** This would be especially useful in cases not involving legal name changes, so that court staff and judges can see clearly in the docket file the name, honorific, and/or pronoun a party wishes to utilize during the proceeding or appearance, thus avoiding accidental and potentially harmful misgendering of transgender, non-binary, gender-expansive, and gender-nonconforming people. While not every litigant will feel the need to utilize these designators, it will be extraordinarily helpful and useful to those who need it in order to equitably access the court system and be recognized for who they are in the process.

I am happy to answer any questions you have about this. Thank you for your time and attention, and for continuing to make the e-filing system for effective and efficient for all users.

Sincerely,
Milo

Milo Primeaux, Esq. (he/him *or* they/them)
Law Office of Milo Primeaux, Esq.
P.O. Box 665, Dansville, NY 14437-0665
(585) 612-1071 | MiloPrimeauxEsq@gmail.com
https://miloprimeaux.com

Please be CAREFUL when clicking links or opening attachments from external senders.

January, 22, 2020

To the Office of Court Administration:
Re: **Comments on NYSCEF**

My name is Stephen Phillip Romine and I am a pro se litigant in New York Supreme Court in Albany and in Appellate Court in the Third Judicial Department. I filed an Article 78 petition (#902202-19) electronically through the NYSCEF system for the first time on April 15, 2019. Due to mitigating circumstances I was not able to file sooner and this was the last day I could file because the Statute of Limitations (SOL) would take effect the next day. When I submitted my documents and checked the record many of my documents were filed multiple times on the document list. There were some other irregularities that happened which I can't recall as that was 10 months ago. The irregularities did cause me great consternation and extensive delay in completing the filing.
In desperation I called up the NYSCEF Resource Center Support for help (646-386-3033) and spoke with a member of the staff who was very helpful. I explained the situation I was facing with the filing irregularities and was asked by the staff person what type of computer I was using. I stated I was filing with a Mac Desktop computer. He was surprised that I could

even file with a Mac and stated that people have all kinds of problems filing with a Mac. Now this was the last day I could file and nowhere on the NYSCEF website was there any mention or warning that there may be problems filing with a Mac computer. Thank God I was able to eventually get my documents properly filed, which I completed 3 ½ minutes before the SOL took effect.

My comments for this office to take notice of are:

1- The NYSCEF system needs to be made more compatible with Mac computers which many people use including myself.

2- The public should be informed and warned if the NYSCEF system has more problems with certain types of operating systems so people can plan to use a more compatible system the day they file.

3- In spite of those irregularities I ran into and brushing with disaster, I am very happy that we have an electronic filing system in New York State. I live a good distance away from Albany and electronic filing makes litigating so much more convenient for me and others who maybe don't have personal transportation.

Thank you for your time and consideration,

Steve Romine P.O. Box 657 Woodstock, New York 12498

Steve Romine January 22, 2020

From: Kitson & Schuyler P.C. <pschuyler@kitsonschuyler.com>
Sent: Thursday, January 16, 2020 4:45 PM
To: eFiling Comments
Subject: RE: New York State Electronic Filing Progam

To whom it may concern:
I am writing as an attorney who uses NYSCEF on a daily basis. I have the following comments/requests:
- My first comment is that I love the system. It is such a time saver and it continues to be improved. You guys are doing a great job!
- I would like to see eCourts integrated with NYSECF so that all scheduling for upcoming/past court appearances are listed in a separate tab, or better yet, in the case detail as a separate column.
- I like the "motion folders" idea and would like to expand it by allowing a "download all" button for getting all motion docs at once
- I think the folder idea should be expanded by grouping all orders of the court in one folder, all stipulations in another folder that would appear at the top of the document list
- I think there should be clearer rules about what is allowed to be uploaded. All discovery demands should be permitted to be uploaded to the case and that service is effective upon posting.
- When will it be possible to upload non-pdf files, or is this really possible? There are times I've considered using video as exhibits, but haven't because I didn't want to put my client through the expense.
- I am stretching things here, but it would be handy if there was a desktop application that would sync all documents automatically to my computer by case.
- Lastly, I would like to print a single list of all my cases in a pdf format. You can't do that now.
Thanks for all your hard work to build this system. I am confident that you will continue to expand and improve NYSCEF.
Sincerely,
Peter Schuyler

Peter Schuyler, Esq.
Kitson & Schuyler P.C.
321 South Riverside Avenue
Croton-on-Hudson, NY 10520
(914) 862-0999
(914) 862-0990 (fax)
pschuyler@kitsonschuyler.com

Please consider the environment before printing this email.

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

From: Marie Smith <msmith@npfslaw.com>
Sent: Monday, January 13, 2020 11:59 AM
To: eFiling Comments

The system is great for filing papers, but then it seems to be a waste of time and paper to also have to submit working copies and then another to bring in to court on the return date.

Marie Smith
Paralegal to John J. Nicolini, Esq.
Nicolini, Paradise, Ferretti & Sabella
114 Old Country Road #500
Mineola, NY 11501
516-741-6355

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Michael Stutman <Michael.Stutman@sslllp.com>
Sent: Friday, January 03, 2020 4:25 PM
To: eFiling Comments
Cc: Dylan Mitchell
Subject: Filing comments

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I support mandatory efiling with some carve outs to be established after consulting with appropriate bar groups

Michael Stutman, Partner
Stutman Stutman & Lichtenstein, LLP
655 Third Avenue--11th Floor
New York, New York 10017

Direct: 646 688 4748
Mobile: 917 455 3355
Past President--American Academy of Matrimonial Lawyers, New York

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Taylor, Aaron <Aaron.Taylor@erie.gov>
Sent: Thursday, January 16, 2020 4:26 PM
To: eFiling Comments
Subject: Unified Court System electronic filing annual report comments

Mr. Carucci,

I am a Document Clerk working at the Erie County Clerk's Office. My comment is regarding the filing of Clerk Default Judgments in the following action types.

Other Matters - Consumer Credit (Card) Debt Buyer Plaintiff
Other Matters - Consumer Credit (Card) Original Creditor Plaintiff
Other Matters - Consumer Credit (Card) Secondary Debt Buyer Plaintiff

The Current process for these action types is disjointed and inefficient inviting error and delays in the review of proposed documents at multiple points leading to the entry and docketing of judgment. Furthermore, it inhibits all flexibility and changes to the action without Court and/or Clerk's Office intervention to circumvent the NYSCEF system requirements and allow for the necessary document submissions to be made. I will outline the major (not all) problems this causes followed by a simple suggestion to help solve them. I will be as brief and concise as possible.

The issue revolves around the required Additional Mailing (Court Notice) that is completed by the Court and the required Affidavit submissions (also completed by the Court) attached to the Judgment – Clerk Default Proposed completed by the Clerk's Office. In Erie County, there are currently (as of 01/15/2020) 973 pending Judgment – Clerk Default Proposed documents in these action types that cannot be reviewed yet/no longer require review/other circumstances many of which have multiple pending affidavits associated with them dating back into actions commenced in 2017.

Currently the Additional Mailing is submitted outside the NYSCEF system. Once it is mailed by the Court the document type Court Notice is uploaded into NYSCEF. After the service period has passed the Court reviews the proposed Affidavits in their queue. In the instance of a defect, the document titled Defect Checklist is uploaded into NYSCEF by the Court. In the instance where the Court finds no defect, the Court notifies the Clerk to go ahead and enter/docket the judgment (outside of NYSCEF). If the circumstances of the action change (ex. a stipulation of settlement is entered into between the parties), it is impossible for the filing attorney to proceed with the action without the Court/Clerk's Office working around NYSCEF system requirements to enable the filing attorney to submit necessary documents. This presents several problems including but not limited to....

- There is no record of the submitted mailing in the action as it is done outside the NYSCEF system. Attorneys currently send the Additional Notices to different addresses. The process involves several levels of sorting and inter-office forwarding to reach the correct department.
- There is no record of the Court notifying the Clerk to enter/docket Judgment as it is done outside the NYSCEF system. Again, multiple levels of inter office forwarding/sorting.
- The Affidavits that require Court review are bound to the Judgment – Clerk Default (Proposed) submitted to the Clerk's Office. THIS IS THE LARGEST PROBLEM. These documents can only be submitted simultaneously and must all be submitted regardless of necessity. Depending on the timing/change in circumstance this leads to numerous problems including but not limited to...
    - Submission of Judgment and Affidavits prior to Court Notice being filed causing both the Court and Clerk's Office to both have pending documents that they cannot review and no time frame as to when the Additional Notice will be received to begin the review process.
    - Submission after the service period has passed. The Court goes to review the affidavits after the service period has passed. If the documents are not yet submitted for review then the Court has to periodically check all the pending actions individually to see if the documents have been submitted or not.

(remember the clerk also has a pending judgment they cannot do anything with as the affidavits are attached to it)
    - Court approves documents but notice of approval isn't received by the Clerk's Office. The Judgment is just pending review and since the approval is outside of NYSCEF and lost in transit it stays pending until the filing attorney inquires about it months later.
    - Judgment based on default in stipulation of settlement entered into after the commencement of action cannot occur without intervention. Here no Court review is required. However, the filer is still required to submit the affidavits (some not necessary) to the Court because they are attached to the Judgment – Clerk Default Proposed. The Filing attorney either submits other documents under incorrect title and contacts the Court to approve them, contacts the Clerk's Office to contact the Court to approve them, contacts the Clerk's Office to change the case type, submits judgment and waits to see what happens making it fall onto the Clerk's Office / Court to notify them that action is required to make their submission "work" in the NYSCEF system, or do something else unpredictably that leads to other problems.
- Other smaller problems that will be resolved if these major problems are solved. Mainly, these stem from the inability to locate the exact step in the process that the action is at as several parts are handled outside NYSCEF and not accurately tracked. With no notice being given to the filing users/Court/Clerk's Office actions sit stagnant and documents pend for sometimes years (we do our best to clear out the very very old ones). It's a mess.

My suggestion would be to require a Court Notice Proposed (or other proposed document type) containing the Additional Mailing to be submitted through the NYSCEF System by the attorney for the plaintiff. The Affidavits that are currently attached to the Judgment Clerk Default Proposed would instead be attached to this Court Notice Proposed and all route to the Court at the same time where they will eventually be reviewed and approved. Following the submission of the Court Notice Proposed, the Court can process the Court Notice Proposed and upload their Court Notice in the order that they are received through the NYSCEF system as opposed to whenever they happen to get sorted through to the appropriate office. Since the Affidavits that the Court reviews are now attached to the Court Notice Proposed (as opposed to the Judgment Clerk Default Proposed) there will be no disconnect when the service period has passed as the Affidavits must be available for review due to the Affidavits being required by the NYSCEF system at the time of filing the Court Notice Proposed. In addition, this will eliminate the submission of Judgment/affidavits before the Court Notice is completed as the Court Notice Proposed and Affidavits are submitted together. This will also eliminate the sorting and inter office processes as the submission is going through the NYSCEF system. In addition, this will allow filing attorneys flexibility with changes of circumstance as they will not be forced to file affidavits/documents to the Court where no Court review is required for the entry of judgment (ex. Stipulation of settlement default). After Court review, if no defect is found, the Court would then upload an Approved Checklist (or other document title) that notifies all filing users that their submission has been reviewed (the same way a defect checklist would notify them) and **THEN** the filing attorney for the plaintiff may submit their Judgment Clerk Default Proposed which can be immediately reviewed and entered/docketed since all the required documents and reviews have already been completed and documented through the NYSCEF system.

This simple change of adding a proposed notice and attaching the proposed affidavits to the proposed notice instead of the proposed judgment would enable the only pending documents to be the affidavits awaiting the service period to pass which can be immediately reviewed after such period without further delay. Also, the addition of the approved checklist will allow for the filing attorney to know when their action review is complete so that they can submit their judgment for entry/docketing and also show the Clerk reviewing the Judgment Clerk Default Proposed that the Court has completed their review. In addition, it would be clear and easy to tell what has been completed and what has not been completed on the path to the judgment being entered/docketed for all involved. Lastly, it would eliminate the inter office shuffle and make these actions much more manageable as each department involved would only get the documents that they require at the time they are required to be reviewed.

Thank you for your time,
Aaron

From: Laura Trachtman <lmt@traxlaw.com>
Sent: Thursday, January 02, 2020 4:54 PM
To: eFiling Comments
Subject: Comments

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello,

Please please please implement e-filing in matrimonial actions. Everything is done on a computer these days. Having to physically go to court to purchase an index number, file a complaint, or make a motion is a total waste of money, time and energy—one has to go to the clerk to get it approved, then go pay for it, then go back to the clerk for review, and then go back AGAIN to see if it's been approved—that's a whole day wasted. I've put together matrimonial motion papers in hard copy in duplicate and it's a nightmare. Especially for those of us like me who don't like to rely on others for help, it is so much easier to simply organize the PDFs in a folder and then upload them and pay via credit card. It's environmentally friendly, too, as we don't have to use so much energy, paper, and ink to deal with this. Also, such a huge savings on time and money, as we don't have to either take the papers to court ourselves or hire a service to do so.

There's no doubt but that e-filing will become the norm and not the exception in every single type of case that we deal with; it only makes sense for matrimonial actions, and family and criminal court actions too, to be e-filed. I just had to purchase an index number in Kings County for a matrimonial in December 2019, and I was shocked and actually rather indignant to find that Kings County wasn't a matrimonial e-file county. It is so much easier. I do it for myself, and for my older co-counsel who aren't as comfortable on computers. Even filing for others takes less time than assembling hard copies and taking it over to court. Also, there's so much more time to file — the clerk's office closes at 4:45PM or so, and I can literally file until just about midnight on e-file.

E-filing was literally the best thing to happen to the court system in my lifetime. Please make mandatory e-filing on everything.

Thank you for your consideration of my opinion.

Best,
LMT

LAURA M. TRACHTMAN
TRACHTMAN & TRACHTMAN
48 WALL STREET, 11TH FLOOR
NEW YORK, NY 10005
C: (917) 676-7317
E: LMT@TRAXLAW.COM

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Peter Traub <PTraub@stevensandtraub.com>
Sent: Thursday, January 16, 2020 4:29 PM
To: eFiling Comments
Subject: E-File Recommendation

Dear Sir/Madam:

Pursuant to a recent notice, I would like to suggest a drop down box that simply states "Notice of", allowing us to precisely file notices that are not necessarily listed in the menu of choices.

Sincerely

Peter P Traub, Esq.
Stevens & Traub, PLLC
336 West 37th Street, Suite 430
New York, New York 10018
(P) 212 966-7442
(F) 212 966-7448
(C) 212 228-1199
PTraub@stevensandtraub.com
Peterptraubesq@gmail.com

Confidentiality Notice: This message contains information intended for the use of the addressee only, which may be privileged and confidential. If you are not an addressee, any review, distribution, or use of the contents of this message is prohibited. If you have received this message in error, please contact the sender immediately.

Please be CAREFUL when clicking links or opening attachments from external senders.

From: Maureen Ware
Sent: Wednesday, January 22, 2020 3:15 PM
To: eFiling Comments
Subject: public comments

Hello,

As a Judge's secretary I would find it very helpful if I could file and Order from within the case. Many times I need to go into the document list to make sure which motion the Order applies to, but then I have to go out of the case in order to file the document.

Thank you,

Maureen P. Ware
Secretary to Hon. J. Scott Odorisi
NYS Supreme Court
415 Hall of Justice
Rochester, NY 14614
Phone: (585) 371-3645
Fax: (585) 784-4211

Please be CAREFUL when clicking links or opening attachments.

From: John F. Werner
Sent: Saturday, January 18, 2020 6:51 PM
To: eFiling Comments
Subject: Fwd: Matrimonial and Criminal EFiling
Attachments: Electronic Filing of Matrimonial Cases - 2020 Memo.pdf; ATT00001.htm

John F. Werner
205 East 82 Street
New York, NY 10028
January 17th, 2020

Mr. Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
Office of Court Administration
25 Beaver Street, Rm 823
New York, NY 10004

Re: Requests for Comments, New York State Electronic Filing Program

Dear Mr. Carucci:

I respond to Chief Administrative Judge Lawrence K. Marks' December 23, 2019 requests for comments on the NYS Unified Court Systems electronic filing system. I am an unaffiliated attorney, but for more than 50 years, until August 2020, had been employed by the NYS Unified Court System and for the last 30 years of that period I served as Chief Clerk and Executive Officer of the Supreme Court, Civil Branch, New York County. I am also a longstanding member of the Chief Administrative Advisory Committee on Civil Practice (George Carpinello, Esq. Chair, Jessica Cherry, Esq., Counsel) and of the New York City Bar Association's Council on Judicial Administration (Michael Regan, Chair). Of course, the thoughts I express here are my own and my own alone, and I know various others, including committees and bar associations, will speak for themselves on these matters to the extent that they may choose to do so.

Given, as mentioned above, my long service as Chief Clerk in New York County, and the critical role which you, Mr. Carucci, have yourself had in developing e-filing in that New York County and throughout NY State, you know that I am quite familiar with the history of e-filing in our state, which was first authorized in 1999 essentially two counties of our state, New York County and Monroe County, in Commercial Division cases and on a consensual basis only. As is well known, after e-filing was first authorized in 1999 in Monroe County the then County Clerk of that county had her own concerns and requirements in regard to this medium of filing and for almost 20 years after authorized there was not a single case was e-filed in that county. Further, only modest resources for the program were allocated in New York County and in the UCS Department of Technology ("DOT"), and so these many years later it is a great tribute to what became the UCS E-Filing Resource Center and DOT that e-filing has expanded so successfully, including on a mandatory basis in so many actions types (and with only few action types in which mandatory e-filing was excepted entirely), in so many courts in so many counties throughout the state. A great deal could be said about how this was accomplished, but this is not the place for that.

Of course, there are those who would and do say that e-filing in our NYS courts has not progressed quickly enough and has been much too limited in its authorization. Many compare progress of e-filing in our NYS Courts with the advance of e-filing in our Federal Courts. It is a fair comment I think that our Federal Court counterparts have pursued e-filing under their own exclusive egis and have not looked to the US Congress for authorization. Clearly that is a simpler model in which to function, but we are pleased with the support we have received from the NYS Legislature. This said the expertise in such matters in our very complex, indeed overly complex NYS court system, reposes in the New State Court System itself, and after all of these years of experience with e-filing I think it time that responsibility for managing and expanding e-filing in the NYS courts should be left largely to the NYS Court System itself, which would of course always do that in consultation with bar associations, local practitioners and the like.

As for the proposed amendments to CPLR Article 21A and other relevant statutes set forth in Judge Marks' December 23, 2019 memorandum, I personally believe all should be adopted in their entirety, including the authorization of mandatory e-filing in matrimonial actions, and that the case for doing the latter is made persuasively in the December 20th, 2019 memorandum of the Hon. Jeffrey Sunshine, Statewide Coordinating Judge of Matrimonial Cases (see attached). Some have suggested that the confidential nature of matrimonial cases does not lend such cases to e-filing. However, those well informed on this subject would make the exact opposite argument, i.e., e-filing of actions of whatever sort can ensure greater confidentiality where required than hard copy filing of such matters. All matrimonial documents in NYSCEF are confidential and will remain that way in conformity with DRL 235. Such documents are not retrievable on-line by anyone other than a participating attorney who is representing a party or a participating party representing themselves. Any e-mail sent via NYSCEF is secure in that the matter is itself confidential and any link to a document will not be accessible without an authorized party signing into the system. And again, informed opinion suggests that e-filed matrimonial files are more secure than paper filings in that they are not sitting largely unattended on a shelf in a county clerk's office, left on a copying machine by someone making a copy, or out on a desk visible to anyone else in the courthouse. Even court users are limited in their access in that the Chief Clerk and the County Clerk is required to authorize those within the court who should have access to matrimonial files in NYSCEF and only those authorized persons will be able to view a matrimonial file. Further, should there ever be a need to ascertain who accessed a document and when, that information is readily available v ia tracking of log-in information, user ID, and/or IP address.

As to concerns raised from time-to time, and resistance in some quarters to digitizing confidential files of whatever sort, the simple fact of the matter is that many County Clerks in NYC and beyond are already digitizing hard copy filings by scanning them. And such material, including material confidential by statute, e.g., matrimonial cases, or material sealed by court order, are still made available within the courts to authorized judges and court personnel in digital format. So, those who are under the impression that resisting the e-filing of such material will preclude its digitization are simply wrong.

Please be CAREFUL when clicking links or opening attachments.

Appendix G

Appendix H

Summary and Discussion of
Principal Comments Received

This appendix responds to comments received in connection with the 2020 Annual Report.

Some of the comments submitted consisted of (along with frequent plaudits for NYSCEF (e.g., "I love the electronic filing system," "E-filing is wonderfully convenient")) suggestions for technical modifications to the NYSCEF software. For example, one commentator made a suggestion that information be posted indicating whether exhibits are to be filed with the main document or separately[1] and some commentators proposed that additions be made to a drop-down menu of documents.[2] The UCS e-filing staff is very appreciative of all of these suggestions. The Director of E-Filing will be responding directly to the commentators in these instances. It is unnecessary to prolong this appendix addressing suggestions that are so narrow and technical in nature. E-filing staff will consider whether each suggested change is worth making and, if so, when to make it in light of other demands upon the time of the staff and DOT programmers.

A. Reference to Filed Documents

One commentator described NYSCEF as "a very good system," but suggested that the rules ought to be changed so that, if a filer is filing a document to which are appended copies of documents that were previously e-filed, a citation to the NYSCEF document numbers for the documents previously filed should suffice.[3] CPLR 2214 (c) states that, "[e]xcept when the rules of the court provide otherwise, in an e-filed action, a party that files papers in connection with a motion need not include copies of papers that were filed previously electronically with the court, but may make reference to them, giving the docket numbers on the e-filing system."

B. Integrating NYSCEF with *e Track*

Three attorneys suggested that NYSCEF should be integrated with *e Track*.[4] The latter is a UCS application that provides subscribers, at no charge, with notifications via e-mail of all developments in the subscribers' cases that are recorded with the application after those developments are noted in the court's case history system. The *e Track* application can also provide subscribers with e-mail reminders of upcoming scheduled appearances.

E-filing staff have given thought to this idea over the years and concluded some time ago that integration would indeed be beneficial for the bar and would improve the efficiency of the interactions between the courts and practitioners. Attorneys would need to enter only one application in order to conduct dealings with the court system, both filing and service of documents and tracking of pending cases.

Integration, however, would require a substantial amount of programming work. As time and resources are limited, the E-Filing Director and DOT staff must consider the amount of work any proposed modifications might entail and the competing demands upon the time of programming staff from other aspects of the e-filing project. We have been concentrating our efforts on supporting expansion of NYSCEF to courts that hitherto have not had it, such as the Superior Criminal courts, Housing Court, and, in an internal form only, the Town and Village Courts. We have also been making improvements

1. Message of Edie Cornish, Jan. 14, 2020.
2. E.g., Message of Eileen Grimm, Jan. 8, 2020; Message of Mary J. Lyne, Jan. 16, 2020.
3. Message of Thomas M. Curtis, Esq., Jan. 13, 2020.
4. Message of Matthew W. Lizotte, Esq., Jan. 16, 2020; Message of Peter Schuyler, Esq., Jan. 16, 2020; Message of John E. Finnegan, Esq., Jan. 3, 2020. Another person made the same point. Message of Eddie Doran, Jan. 19 , 2020.

to the NYSCEF software and other programs. At a later time, when this expansion is closer to completion, and after other upgrades and improvements to the system have been made, we may be able to turn in earnest to an examination of whether we can indeed integrate NYSCEF with *e Track*.

C. Working Copies

One commentator wrote that the system is "great," but lamented that some courts require the submission of working copies in hard-copy format.[5] Two others, also pleased with e-filing, made the same observation.[6] A committee of the Women's Bar Association of the State of New York recommended that any requirements for working copies be eliminated.[7]

In previous Annual Reports, we indicated that UCS is aware of this issue and is very sensitive to it. We recognize that NYSCEF will be most efficient for practitioners and unrepresented persons who have chosen to e-file if working copies are not required. UCS is dedicated to promoting efficiency for practitioners, the unrepresented, and all litigants and NYSCEF has been crafted with this goal in mind. UCS has, therefore, been making efforts to encourage courts and judges across the state not to require the regular submission of working copies. Although more needs to be, and will be, done on this front, signs of progress can be seen. For example, in the Supreme Court, Civil Branch, New York County, 27 Justices now operate what are there called "Paperless Parts." In these Parts, working copies are not to be submitted unless the Justice makes a specific request therefor in a particular case for good reason, as might occur if e-filed exhibits are difficult to read due to the impaired quality of the original. Furthermore, in Monroe County Supreme Court, 20 out of 26 Justices do not require working copies.

By way of further examples, in the following counties, the number of Justices listed do not require working copies: Albany – eight of 15; Clinton –three of four; Jefferson – one of one; Oneida – three of five; Steuben – one of two; Tompkins – one of four; Warren – one of four.

D. Objections

Three attorneys registered unhappiness with e-filing. One stated opposition to e-filing in matrimonial cases.[8] This opposition was articulated in a single sentence; no rationale was offered in support of this opinion. It is unclear whether this attorney has ever used NYSCEF. It may be that counsel is concerned about the confidential nature of matrimonial cases. If so, we dispose of that concern in the main body of this Annual Report. The attorney appears to be a solo practitioner. If so, and if the worry is about using computer technology when the necessary hardware and software and/or the knowledge to use it are lacking, the answer is, as we explain in the main body of the Report, that attorneys in this situation may opt out of mandatory e-filing merely by filing a simple certification form.

An attorney who practices primarily matrimonial law also opposes e-filing in those cases.[9] The attorney writes that he practices matrimonial litigation without e-filing and that his comments follow after conferring with colleagues who practice commercial litigation. Thus, it may be the case that he has never actually used the NYSCEF system. The writer is unaware of certain aspects of the e-filing process. He expresses concern, for instance, about the burden and expense of scanning all exhibits and perhaps other documents. Documents, however, that are created by the filer can be uploaded to NYSCEF without scanning; uploading is a more efficient step than scanning, which is normally used for documents, such as some exhibits, that were not created by the filer.

5. Message of Marie Smith, Jan. 13, 2020.
6. Message of Linda Markowitz, Esq., Jan. 6, 2020; Message of Brett Kimmel, Esq., Jan. 16, 2020. See also Letter of David Brown, Transgender Legal Defense & Education Fund, Jan. 2020, p. 3.
7. Memorandum of the Co-Chairs, Matrimonial and Family Law Committee, Jan. 28, 2020.
8. Message of K. Jody Cucolo, Esq., Jan. 4, 2020.
9. Message of Pasquale Crispo, Esq., Jan. 3, 2020.

The attorney fears that NYSCEF may increase costs, but has not, so far as it appears, given thought to the savings achieved from elimination of hard-copy service, elimination of travel to the courthouse to file documents, reduction in storage, etc.

Counsel fears that NYSCEF would often require computers to be upgraded to a higher level. NYSCEF does not mandate upgrades that would not be required in any event by the normal cycle of obsolescence of digital hardware. So, if an attorney has a desktop computer, a printer, and a scanner that are in use in the office, any upgrades that may be needed to that equipment will come about in the regular course and not because of any special requirements of NYSCEF. Furthermore, as we have said, if this attorney lacks the hardware, software, or knowledge needed to e-file, he may opt out by filing a simple form.

The attorney objects to the fact that more work is required of attorneys who must omit account numbers from banking, broker, and credit card statements. The e-filing rules, however, do not impose any redaction burdens on attorneys that do not exist already pursuant to statute or other rules. Uniform Rule 202.5 (e) (1) imposes an obligation on attorneys to redact confidential personal information, including financial account numbers, from documents filed in court. This rule, though, exempts matrimonial actions from the redaction requirement.

As the attorney nevertheless expresses concern about the burdens of redaction, it appears that he believes that e-filing makes it necessary to redact documents in matrimonial cases because they will be exposed to public view. We discuss, however, in the main body of the Report that a firewall has been built into NYSCEF in regard to matrimonial cases so that only attorneys and unrepresented persons who take part in e-filing can have access to documents in the case file. No one else can see them. Even in the cases of judges and court staff, NYSCEF will permit such persons to have access to e-filed documents in matrimonial cases only if they are specifically authorized by the Administrative Judge and the County Clerk to work on such matters. Thus, the attorney's discomfort at the prospect of redaction is unfounded.

Finally, the attorney expresses fear of hacking. NYSCEF, however, is protected by robust digital security systems.[10]

The third attorney also opposes mandatory e-filing on the basis of cost.[11] The writer fears that the need to upgrade digital technology that will follow from NYSCEF will force him to increase fees to his clients, which would be problematic for his small firm and its many clients who face difficulties paying legal costs. This attorney, too, is free to opt out of e-filing due to lack of the equipment and knowledge needed to e-file by filing the simple opt-out form.

E. Some Comments by Legal Services

Advisory Committee Members

The Legal Services Advisory Committee was established in 2019 in fulfillment of an initiative of the UCS announced in last year's Annual Report. The purpose of the Committee is to improve communications, providing a forum so that the UCS can obtain timely information and input from legal services groups in regard to issues having to do with e-filing and unrepresented persons in residential foreclosure and consumer credit actions, as well as in other kinds of cases, and other issues involving e-filing of concern to the legal services community.

Apart from the objection, described above, of a single attorney to e-filing generally, in response to the invitation of the Chief Administrative Judge to attorneys, bar groups, and others to submit comments in connection with this Annual Report, no objections have been received by the Statewide E-Filing Director by mail or at the e-mail address designated for this purpose from anyone regarding

10. NYSCEF employs a variety of both hardware and software technologies to prevent malicious behavior from affecting the application. A firewall and Application Security Manager are used to block attacks from hackers. Encrypted user passwords ensure that no one can steal credentials.

11. Messages of John E. Cullen, Esq., Jan. 2 and 3, 2020.

the Judiciary's proposal to allow the Chief Administrative Judge, 21 years after e-filing began in this state, to exercise his sound discretion with respect to mandatory e-filing by attorneys in residential foreclosure and consumer credit actions. One legal services group that provides representation to homeowners in residential foreclosure actions submitted a letter stating that it does not have concerns with the proposal to lift the restrictions on the Chief Administrative Judge in foreclosure and consumer credit actions.[12]

In response to solicitations from the Chair to Committee members in advance of a Committee meeting and during discussions at the meeting, some members of the Legal Services Advisory Committee did, however, raise concerns about aspects of the operation of e-filing in these actions insofar as the unrepresented are concerned or made suggestions for improvements.

As we discussed in detail in the 2019 Annual Report (Appendix I), e-filing staff have on a number of occasions in recent years heard complaints from representatives of legal services groups about e-filing and the unrepresented in residential foreclosure and consumer credit cases. Since the unrepresented are statutorily exempt from e-filing in all kinds of cases and need take no action to obtain or maintain that status, to a large degree e-filing does not pose issues for the unrepresented because they often do not wish to take part in e-filing and are protected from having to do so. UCS seeks no change in these rules. Probably the principal complaints that have been leveled are that clerks sometimes provide erroneous information about e-filing to the unrepresented and at times attempt to persuade the unrepresented to e-file.

We noted last year that documentation had not been presented as to how often these problems are believed to have occurred, when incidents are thought to have arisen, and where. There have been references to a small number of incidents in what seem to have been a handful of venues upon the basis of which, it appears, generalizations have been founded. Are we essentially dealing with isolated incidents or perhaps incidents confined to a venue or a few venues? Documentation would appear to be important to understanding the scope of the problems asserted.

We pointed out last year that e-filing staff have often requested that the staff should be informed whenever any such incident takes place or is suspected of taking place anywhere in the state so that the staff can immediately intervene to resolve the issue, but only a handful of incidents had been brought to the attention of the e-filing staff prior to 2019. County Clerks have also asked that if any problems arise, the unrepresented person or an attorney who may be assisting that person temporarily or who learns about the problem should bring the issue to the attention of a supervisor in the office or the County Clerk directly, again so that prompt action can be taken to address the problem. Chief Clerks would also wish to be informed about any such incidents.

In a further effort to improve communications and to expedite resolution of any difficulties that might arise anywhere in the state, we announced in the 2019 Report that a dedicated e-mail box would be created to provide a vehicle whereby individual Legal Services attorneys anywhere in New York could bring any issues to the immediate attention of e-filing staff. (Also, attorneys can always contact the Resource Center about a problem by phone or e-mail.) The staff have contacts throughout the state with County Clerks and courts involved in e-filing and thus are in an ideal position to ensure that any problems that might arise are addressed immediately. Such an e-mail box was created and, in September 2019, e-filing staff informed 177 legal services groups of the existence of the box and its purpose and asked them to inform all their attorneys around the state so that the box could be used whenever an incident is thought to have occurred anywhere in the state.

Despite these efforts and requests, no one has sent a message to the e-mail box since its creation last September. Furthermore, no complaints were otherwise brought to the attention of the E-Filing

12. Letter of Michele Pollock Rich and Carla Brogoch, Esq., The Legal Project, Jan. 15, 2020.

Resource Center, the Statewide E-Filing Director, or any of his staff with regard to e-filing and the unrepresented throughout the whole of 2019. Nor did the E-Filing Director or his staff learn that any such complaint had been made to a County Clerk or Chief Clerk or a supervisor in the office of either throughout the whole of 2019.

UCS undertook additional efforts in support of the rights of the unrepresented in 2019. The then-UCS Administrator for Management Support and the E-Filing Director sent a memorandum to all County Clerks and Chief Clerks of the Supreme Court in the 52 e-filing counties in New York State, the Chief Clerks of the Surrogate's Court in the 42 counties in which e-filing is operational in that court, and to the Chief Clerk of the Court of Claims reminding them of the rights of unrepresented persons with regard to e-filing and of the procedures needed to safeguard those rights. This memo reminded the recipients of the address of the website for unrepresented persons and provided them with a copy of an "Unrepresented Litigant Fact Sheet" drawn from the website that can and should be used by clerks to provide information about e-filing to the unrepresented. The memorandum reiterated, as is very prominently made clear in the Fact Sheet and on the website, that unrepresented litigants are statutorily exempt from e-filing and that these litigants need to take no action to enjoy or maintain this status. The memo recalled for the recipients that staff are required to provide information to the unrepresented in plain language and neutral terms, "without seeking to persuade the litigant to participate. At no time should staff direct or insist that an unrepresented person e-file a matter."[13]

The memo also transmitted to the recipients a revised form that clerks are to use to gather information about unrepresented litigants who do not choose to e-file so that the information can be included in NYSCEF; inclusion of this information will prevent attorneys who are participating in e-filing from inadvertently failing to serve documents in hard copy on litigants who are not participating, especially the unrepresented.

Finally, the memo reminded the recipients of the law governing e-filing in foreclosure and consumer credit actions and the importance of ensuring that clerks are familiar with the precise nature of the authorization for e-filing in these cases in their jurisdiction. The memo asked that recipients "share this memorandum with members of your staff who may address these issues in their daily duties. As you know, careful adherence to the legal requirements summarized here is crucial to the proper operation of the e-filing program."[14]

The memo also asked the County Clerks and Chief Clerks to inform the writers of any complaints received that the protections afforded unrepresented litigants had not been observed, whether the complaints were documented, anecdotal, or anonymous. No responses to this request were transmitted to the writers.

In December 2018, the Chief Administrative Judge promulgated or reissued 24 forms used in the e-filing program. This was done because the forms were modified to emphasize, with as much clarity as possible and using plain language, that the unrepresented are exempt from e-filing.[15]

The UCS e-filing staff continue to seek ways to improve forms and means of communication to explain to the unrepresented what their rights are and to make clear to all County Clerk and court staff what those rights are and how they need to be safeguarded. Staff have begun to work on generating forms in languages other than English.

In 2019, UCS e-filing staff established the Legal Services Advisory Committee and solicited various legal services groups to designate attorneys as members, which was done. The Committee met in January 2020 and discussed issues of interest.

13. Memorandum of John W. McConnell, Esq. and Jeffrey Carucci, Sept. 30, 2019, p. 2.

14. *Id.* at p. 1.

15. In response to concerns of legal services groups, a form of Notice Terminating Limited Appearance used by these attorneys was revised to make clearer the rights of the unrepresented.

As indicated above, despite all of the foregoing, two of the legal services members on the Committee advised the Committee in January 2020 of some concerns, which were discussed at the Committee's meeting.[16] It was stated that many of the issues were ones that had been raised in the past but are continuing. One of the examples given was that clerks often seek to persuade the unrepresented to e-file, although, to quote the letter to the County Clerks described earlier, "[a]t no time should staff direct or insist that an unrepresented person e-file a matter."[17] It was also asserted that there are repeated instances of clerks giving inaccurate information about e-filing to unrepresented litigants and attorneys (for example, with regard to the filing of poor person affidavits) and a lack of uniformity among counties and clerks about implementation of e-filing rules and procedures.

E-filing staff remain in a state of some uncertainty about the extent of the problems perceived. We do not know how many incidents are thought to have occurred and are continuing. Nor do we know where these incidents are believed to have occurred. Might they be concentrated in a single County Clerk's Office or court office or in a few such offices ? Documentation would seem to be needed so that appropriate solutions can be developed.[18]

Further, we do not know whether, as has been requested, these problems were brought to the attention of a supervisor or supervisors in the office or offices in question, the County Clerk, the Chief Clerk, or staff members thereof. As indicated, none of the incidents referred to was brought to the attention of the E-Filing Director, his staff, or the Resource Center in 2019. In the absence of communication about these incidents, the e-filing staff, the County Clerk, and the Chief Clerk were not able to solve any such problem as may have existed at the time it occurred, nor to provide guidance to any erring frontline clerk.

The UCS believes that the concerns expressed should certainly be taken seriously and e-filing staff attempt to be as responsive as possible when they learn of any issue anywhere in the state. The Advisory Committee will be working to develop solutions and implement suggestions as appropriate. As we have made plain in this Report, UCS continues to seek energetically to communicate to the unrepresented that they are exempt from e-filing unless they choose to take part. We have also striven, and

16. One other member of the Committee made a suggestion that clerks provide reasons whenever they reject a document (see Uniform Rule 202.5 (d) (2)). Another suggested that forms need to be in multiple languages, at least Spanish. Two other members submitted comments in writing after the meeting, which accompany the Committee's letter in connection with this Annual Report. The Committee will be examining all these suggestions and comments as it pursues its work this year.

17. The Committee was also advised of an instance in which a legal services attorney dealt with an unrepresented person in an effort to assist her, but difficulties were encountered. The unrepresented person in this instance was said to have felt pressure to e-file, but it appears that that pressure did not arise from efforts by a clerk to persuade the person, but rather came about because the person felt that the hard-copy procedure for service was complicated and she did not want to have to leave the courthouse and then return. Beyond this, the attorney in question urged that modifications be made to NYSCEF in regard to the Request for Judicial Intervention and the waiver of filing fees for the poor. Thus, this message does not seem to support the assertion that clerks often try to pressure the unrepresented to e-file.

    Subsequent to the Committee meeting, an attorney from one of the legal services groups represented on the Committee sent a message to the Committee Chair, the E-Filing Director, to inform him of two incidents that had occurred in one county. The attorney had submitted an answer in hard copy to the County Clerk's Office. The staff asked that the attorney e-file the document. The attorney explained that she was filing the document for a self-represented person, to whom assistance had been provided, but that the attorney was not representing the individual in the case. When it became clear to the Clerk that the attorney had not appeared in the case for that litigant, the hard-copy document was retained. Thus, this was not a situation of a Clerk trying to persuade a self-represented person to e-file nor rejecting hard-copy documents because that litigant had not e-filed.

    In the second situation, the Clerk involved recalled the circumstances differently than those reported by the self-represented litigant to the attorney. In any event, the situation described by counsel was that a self-represented litigant had tried to file a hard-copy answer and a stipulation in hard copy that that person had entered into with the attorney for the plaintiff. The Clerk had accepted the answer, but had stated that counsel who had signed the stipulation needed to e-file that document. In this situation, too, as described, the Clerk did not try to persuade the self-represented person to elect to e-file in the case, nor decline to accept hard-copy documents for filing in the absence of a decision to participate in e-filing by the self-represented party.

    The Advisory Committee will be addressing these instances.

18. A Committee member cited as one of the issues that are thought to be continuing the statement that some courts refuse to permit the filing of answers with third-party complaints. This issue, however, concerns counsel as well as any unrepresented who might wish to file an answer with a third-party complaint. Further, a single county was named as the locus of this problem. Finally, the error of the county that is alleged is not confined to e-filing cases, but is applied in paper cases as well. This is not, in other words, a problem of e-filing as such.

continue to do so, to remind the County Clerks and the Chief Clerks that frontline clerks must not try to persuade the unrepresented to e-file, but must rather provide information to them in plain language and in a neutral fashion. The concerns expressed to the Legal Services Advisory Committee are not, however, a justification for failure to enact the Judiciary's proposal insofar as it concerns residential foreclosure and consumer credit cases. Perceived mistakes in an uncertain number by clerks in some venues when dealing with the unrepresented in these types of cases should not constitute a basis to deny to the Chief Administrative Judge discretion to require ***attorneys and only attorneys*** to e-file in these cases in such venues as the Chief Administrative Judge may find to be proper and ready for such expanded e-filing.

We reiterate that a practical and effective solution to this problem, to the extent it may exist somewhere in the state, is to give prompt notice of incidents to e-filing staff through the special e-mail box established for just this purpose, or by phoning or e-mailing the Resource Center. The staff can immediately bring about a resolution of any problem. The staff's action will also serve to spur the County Clerk or Chief Clerk affected to instruct any erring clerk there may be in how to handle such matters so that problems are not repeated in the future.

We also reiterate that attorneys who encounter any such incident should immediately inform a supervisor in the office in question so that corrective action can be taken and instruction given.

Furthermore, we made a point in the main body of this year's Report that is worth reemphasizing here. The legislation proposed by the Judiciary would not impose mandatory e-filing for attorneys in matrimonial cases and residential foreclosure and consumer credit actions in many venues or any venue. Rather, the proposed legislation seeks merely to remove the current bar on the exercise of discretion by the Chief Administrative Judge in matrimonial and residential foreclosure and consumer credit cases. If the legislation is enacted, the Chief Administrative Judge will have discretion as to whether, when, and where e-filing might be mandated for attorneys in these kinds of cases. The Chief Administrative Judge will proceed with deliberation and with careful attention to all relevant facts, in general and in regard to conditions in individual jurisdictions. Input from bar groups, legal services groups and others, including the Legal Services Advisory Committee,[19] will be sought before any action is taken in any venue and the consent of County Clerks both outside and inside New York City will be sought.[20] If, through such consultations, through the deliberations of the Legal Services Advisory Committee, through messages to the e-mail box, or otherwise, UCS becomes aware that there is a problem in the office of the County Clerk or the court in a specific county, and if that problem adversely impacts, or may impact, in a significant way the rights of the unrepresented in residential foreclosure and consumer credit cases in that county, then the Chief Administrative Judge may simply decide not to authorize mandatory e-filing in that county in those cases until the problem is investigated and remedied. Thus, any isolated incidents involving the unrepresented as may have occurred in one venue or a few venues should not deny to the Chief Administrative Judge the ability to use his discretion to mandate e-filing for attorneys only in other venues where problems or issues are non-existent.

The legislation that the Judiciary is proposing this year once again contains a provision that requires the posting of a notice of the rights of the unrepresented in a prominent location or locations in every courthouse in the state in which e-filing is operational. The notice shall include a statement to the unrepresented that they are exempt from any obligation to e-file and that "[n]o judge or court employee may require or otherwise insist that you do so." We will also encourage the distribution of copies of the notice in clerks' offices and in Help Centers around the state.

19. One of the Committee members suggested that the Committee should consult about future e-filing expansions.

20. Governing legislation requires that UCS obtain the consent of all County Clerks affected outside the City of New York, but UCS has always sought the consent of the County Clerks inside the City as well.

This notice provides information to the unrepresented in addition to that contained in the Notice of Electronic Filing that is served in every e-filed case, whether consensual or mandatory, together with the summons and complaint or other commencement document. The Notice of Electronic Filing, which must be served in hard-copy format, informs an unrepresented person that he or she will be served with documents in paper form, and must serve and file documents in paper, "unless you choose to participate in e-filing." Right from the very outset of each e-filed case, then, every single unrepresented person in New York State in such a case is formally and personally advised that he or she will proceed in paper form unless he or she makes a choice to take part in e-filing.

Along with the expressions of concern by some Committee members just discussed, some concern has also been raised by legal services representatives about perceived obstacles to use of e-filing by the unrepresented.[21] There is potential for tension between these two kinds of concerns. As we pointed out in the main body of the Annual Report, NYSCEF greatly improves public access to justice, for attorneys and for unrepresented litigants. It is in the general interest that unrepresented litigants have the ability to e-file if they should choose to do so. Thus, caution toward the unrepresented and e-filing should not become a barrier to e-filing by those unrepresented litigants who wish to take part.

Some unrepresented litigants do wish to e-file. We note in the main body of this year's Report that over 16,000 unrepresented persons have e-filed so far. To assist these persons, we make available on a regular basis on-line training classes in NYSCEF, as well as in-person classes. NYSCEF also permits the unrepresented and other persons interested in becoming filers to train in the use of NYSCEF in mock cases through the NYSCEF website. There is no limit on the use of this functionality and no charge for using it.

F. Conclusion

For the reasons presented here, it is clear that the comments addressed in this Appendix provide no basis for rejection of the Judiciary's legislative proposal to expand e-filing further by broadening the discretion of the Chief Administrative Judge in matrimonial and residential foreclosure and consumer credit actions.

21. At the meeting of the Legal Services Advisory Committee it was stated that the requirement of NYSCEF that the filer pay fees by means of a credit card is a barrier to access for the unrepresented. The Committee will discuss this issue at future meetings and the E-Filing Director will bring the issue to the attention of the County Clerks, who would be most affected by a modification in payment procedures.

NYCOURTS.GOV