

*State of New York
Unified Court System*



*Lawrence K. Marks
Chief Administrative Judge*

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

November 19, 2015

MEMORANDUM

To: All Interested Bar Associations and Persons
From: Lawrence K. Marks *LM*
Re: Expansion of Mandatory Electronic Filing in Oneida County Supreme Court

=====

I am pleased to provide the Bar and other interested persons with an update on the progress of the New York State Courts' Electronic Filing System ("NYCSEF"). As authorized under Chapter 237 of the Laws of 2015, expansion of the mandatory e-filing program has been proposed for Supreme Court, Oneida County, effective February 1, 2016. The expansion will include all new civil actions, except for the following cases:

- CPLR Article 70 proceedings
- CPLR Article 78 proceedings
- Election Law proceedings
- Matrimonial matters
- Mental Hygiene matters
- Residential foreclosures as defined in RPAPL § 1304
- Proceedings under RPTL § 730
- Name change applications
- Emergency Medical Treatment applications
- Consumer Credit Transactions as defined in CPLR 105(f)

In addition, it is anticipated that residential foreclosures as defined in RPAPL § 1304 and consumer credit transactions as defined in CPLR 105(f) will be subject to consensual e-filing as of February 1, 2016.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov **by no later than January 8, 2016**. A new page has been

created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - for the purpose of providing notice to the public of proposed new or expanded mandatory e-filing programs, and for the posting of any comments received in connection with such proposals. Any person who wishes to comment but lacks access to a computer may forward comments by regular mail to:

Jeffrey Carucci
Statewide Coordinator for Electronic Filing
60 Centre Street, Room 119M
New York, NY 10007

As we move forward with implementation of e-filing in Supreme Court, Oneida County, please be assured that we will work with local bar associations to provide necessary training for attorneys and paralegals. The NYSCEF system is intuitive and easy to use. Training will be offered by the staff of the E-Filing Resource Center both on-line and on-site. Participants in the on-site sessions receive two CLE hours free of charge. Information on these training sessions is available on the NYSCEF website: www.nycourts.gov/efile, or by contacting the Resource Center at 646-386-3033 or efile@nycourts.gov. Attorneys may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition, counties that are new to mandatory e-filing may schedule and advertise their own training sessions.

Please note that Chapter 237 continues to provide an opt-out mechanism in mandatory e-filing cases for those attorneys who certify in good faith that they lack the requisite hardware, electronic connection or technical knowledge to participate in e-filing. However, Chapter 237 has changed the law so that unrepresented litigants are now automatically exempt from participating in e-filing and are no longer required to opt out. Unrepresented litigants may still participate voluntarily in e-filing. Information on how to do so is available at: <http://www.nycourts.gov/efile-unrepresented>.

A complete listing of currently authorized mandatory and consensual e-filing programs is available on the NYSCEF website's "Rules and Legislation" page by clicking on the link for "Administrative Orders." E-filing represents an important advance for the courts and the legal profession in New York State. We thank you for the support and cooperation you have shown, and look forward to continuing to work closely with you as the program moves forward.

cc: Hon. Michael V. Coccoma
Ronald P. Younkins, Esq.
Hon. James C. Tormey, III
Jeffrey Carucci