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Lawrence K. Marks
Chief Administrative Judge

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Implementation of Mandatory Electronic Filing in Supreme Court: Fulton County Including Supreme Court Cases Venued in Hamilton County

Date: November 18, 2021

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I am pleased to provide the Bar and other interested persons with an update on the progress of the New York State Courts' Electronic Filing System ("NYSCEF"). The District Administrative Judge of the 4th Judicial District has proposed the implementation of a mandatory e-filing program in the Supreme Court of Fulton County which would include Supreme Court cases venued in Hamilton County and heard, pursuant to statute, in Fulton County Supreme Court. The County Clerk of each County has joined in this request, and it supported by the Deputy Chief Administrative Judge Outside NYC. As a result of this addition, the 4th Judicial District will have implemented mandatory e-filing in all Supreme and Surrogate's Courts within its District.

Beginning December 22, 2021, the authorization will be to implement mandatory e-filing in the Supreme Court of Fulton County and in Supreme Court cases venued in Hamilton County, to include **all new civil actions, except:**

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- matrimonial matters
- Mental Hygiene Law matters
- consumer credit transactions as defined in CPLR 105(f)*
- residential foreclosure actions as defined in RPAPL 1304*
(*except initial filing of commencement papers by a represented party, which is mandatory)

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

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov no later than December 15, 2021. A new page has been created on the Unified Court System's website - www.nycourts.gov/rules/efiling/ - to provide notice to the public of proposed new or expanded mandatory e-filing programs and for posting any public comments received on such proposals. Any person who wishes to comment but lacks access to a computer may forward comments by regular mail to:

Jeffrey Carucci
NYS Courts E-Filing Division
Office of Court Administration
25 Beaver Street, Room 1062
New York, NY 10004

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

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

E-filing represents an important and necessary advance for the courts and the legal profession in New York State. We thank you for the wonderful support and cooperation you have shown and look forward to continuing to work closely with you as the program continues to move forward.

cc: Hon. Norman St. George
Hon. Felix J. Catena
Hon. Linda Kollar
Hon. Jane Zarecki
Nancy J. Barry, Esq.
Justin Barry, Esq.
Eileen D. Millett, Esq.
Jeffrey Carucci
Joanne B. Haelen, Esq.
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