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Lawrence K. Marks
Chief Administrative Judge

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Expansion of Mandatory Electronic Filing in Supreme Court: 8th Judicial District – Erie and Niagara Counties

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 8th Judicial District has proposed the expansion of the mandatory e-filing program in the Supreme Courts of Erie and Niagara Counties to include in rem tax foreclosures and RPTL 730 proceedings. The County Clerk of each County has joined in this request, and it is supported by the Deputy Chief Administrative Judge Outside NYC.

Beginning December 22, 2021, the authorization will be to expand mandatory e-filing in the Supreme Courts of Erie and Niagara Counties to include **all new civil actions, except**:

- CPLR Art. 70 proceedings
- CPLR Art. 78 proceedings
- Election Law proceedings
- matrimonial matters
- Mental Hygiene Law matters

Additionally, in Niagara County Supreme Court the following case types are also an exception:¹

- 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)

¹ Legislation, (L. 2015, Ch. 27), imposes restrictions on the Chief administrative Judge to exercise discretion in mandating electronic filing in certain case types, (CPLR 70 & 78, election law proceedings, matrimonial actions, residential foreclosure actions, and consumer credit transactions). However, this restriction does not apply to consumer credit transactions and residential foreclosure actions e-filed in Erie County, as mandatory e-filing of these two case types has been authorized prior to the effective date of L. 2015, Ch. 27, and as such is considered "grandfathered-in."

The existing consensual e-filing programs in the Supreme Courts of Erie and Niagara Counties will be modified to include the case types that are not subject to mandatory e-filing; and Niagara County Supreme Court will additionally 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 expansion of mandatory e-filing in the Supreme Courts of Erie and Niagara Counties, 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. Kevin Carter
Hon. Michael P. Kearns
Hon. Joseph A. Jastrzemski
Nancy J. Barry, Esq.
Justin Barry, Esq.
Eileen D. Millett, Esq.
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Andrew B. Isenberg, Esq.
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Michael C. Veruto, Esq.
Daniel Marren, Esq.
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