Lawrence K. Marks
Chief Administrative Judge

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

July 5, 2016

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *LM*

Re: Expansion of Mandatory Electronic Filing in Albany County Surrogate's Court

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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"). An expansion of the mandatory e-filing program has been proposed by the District Administrative Judge of the Third Judicial District for Surrogate's Court in Albany County. To date, consensual e-filing programs have been successful in the Supreme Court in Albany County, and a mandatory program for e-filing tax certiorari cases began on July 1, 2016. There are currently 20 counties that have successfully implemented e-filing in Surrogate's Court; ten of these counties have mandatory programs, with an eleventh scheduled to begin mandatory e-filing in mid-July. It is expected that this mandatory program in Albany County Surrogate's Court will be implemented in October 2016, **for newly filed probate and administration proceedings and miscellaneous proceedings relating thereto**.

Persons wishing to comment on this proposal should e-mail their submissions to efilingcomments@nycourts.gov by no later than August 31, 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 mandatory e-filing in Surrogate's Court in Albany County, please be assured that we will continue to work with local bar associations to provide necessary training for attorneys and paralegals both prior to and after the implementation date. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Training will be provided by the staff of the E-Filing Resource Center both on-line and on-site. 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 however choose to participate 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 "Rules and Legislation" page by clicking on the link for "Administrative Orders." E-filing represents an important advance for the courts and the legal profession in New York State. We thank you for the wonderful support and cooperation you have shown, and look forward to continuing to work closely with you as the program continues to move forward.

cc: Hon. Michael V. Coccoma
    Ronald Younkins, Esq.
    Hon. Stacy L. Pettit
    Maria Barrington
    Beth A. Diebel
    Deborah Kearns
    Jeffrey Carucci
    Michele Gartner, Esq.