

State of New York  
Unified Court System



Lawrence K. Marks  
Chief Administrative Judge

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

MEMORANDUM

To: All Interested Bar Associations and Persons

From: Lawrence K. Marks *lm*

Re: **Implementation of Mandatory Electronic Filing in Supreme Court:  
Montgomery and Schenectady Counties**

Date: September 4, 2020

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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 4<sup>th</sup> Judicial District has proposed the implementation of a mandatory e-filing program for the Supreme Court in Montgomery and Schenectady Counties, **to take effect October 21, 2020**. The County Clerk of each County has joined in this request. To date, the 4<sup>th</sup> Judicial District has successfully implemented mandatory e-filing programs in the Supreme Court in most counties within the District.

As of the effective date, the authorization will be to implement a mandatory e-filing program in the Supreme Court of Montgomery and Schenectady 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
- 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 the implementation of a consensual e-filing program in each court to include the case types listed above that are not subject to mandatory e-filing, and to also include the consensual e-filing of documents filed subsequent to 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](mailto:efilingcomments@nycourts.gov) no later than October 15, 2020. A new page has been created on the Unified Court System's website - [www.nycourts.gov/rules/efiling/](http://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 823  
New York, NY 10004

As we move forward with the implementation of mandatory e-filing in the Supreme Court in Montgomery and Schenectady 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 on-line training session can receive CLE credit(s) free of charge. Information on training sessions is available on the NYSCEF website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile), or by contacting the Resource Center at [NYSCEF@nycourts.gov](mailto:NYSCEF@nycourts.gov). Attorneys, paralegals and interested filers may register on-line for upcoming training 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. Vito C. Caruso  
Hon. Felix J. Catena  
Hon. Brittany Kolbe  
Hon. Cara Ackerley  
John W. McConnell, Esq., Executive Director  
Eileen D. Millett, Esq., OCA Counsel  
Nancy Barry, Esq., Chief of Operations  
Jeffrey Carucci, Director OCA E-File Division  
Joanne B. Haelen, District Executive  
Timothy Riley, Chief Clerk (Montgomery)  
David Cardona, Chief Clerk (Schenectady)  
Jessica Cherry, Esq.  
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