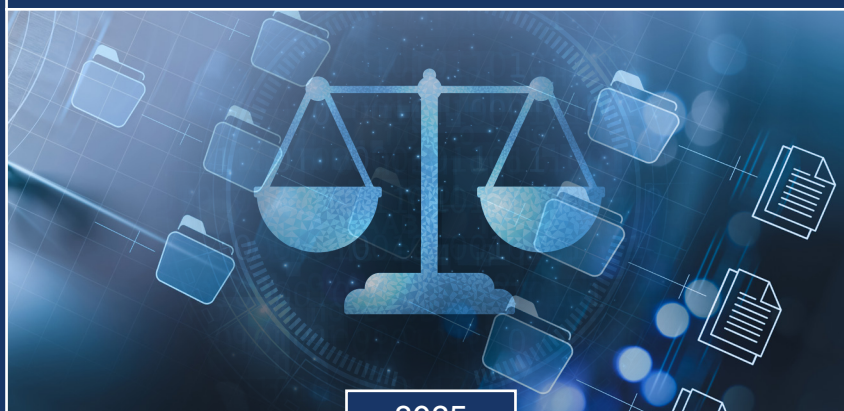




Electronic Filing in the New York State Courts



2025

Report of the Chief Administrative Judge
to the Legislature, the Governor, and the
Chief Judge of the State of New York

Preface

March 2025



I submit this Report pursuant to the requirements of the Judiciary Law¹ on the status of New York State's Electronic Filing Program; however, I begin this year's introduction with immense gratitude to the Legislature and the Governor for their support in passing legislation proposed by the Judiciary that provides the UCS with the authority to expand e-filing to all courts and case types throughout the state. This is a monumental step forward in further modernizing our court system, and it will undoubtedly contribute to greater efficiency, accessibility, and transparency for all those who seek our vital court services.

I would also like to extend my thanks and appreciation to the members of the bar, the county clerks, and the e-filing advisory committees for their invaluable contributions and ongoing dedication to enhancing the e-filing program over the past 26 years. Their input, expertise, and commitment have been crucial in shaping this successful program and making the e-filing process more effective and user-friendly.

We are excited about the future of e-filing and its ongoing positive impact on court efficiency and user experience, promoting time and cost savings for lawyers, litigants, judges, clerks, and other court users. Thank you again for your partnership in making this important advancement a reality, and we look forward to continuing our collaboration to embrace technology and improve access to justice for all.

A handwritten signature in gold ink, consisting of stylized initials 'JZ' followed by a long horizontal stroke.

Hon. Joseph A. Zayas

Chief Administrative Judge of the State of New York

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Introduction

Chief Judge Rowan D. Wilson stated in his 2024 State of the Judiciary address that “we can do better—much better—if those who work for and with the State of New York work collaboratively” to improve outcomes and to find solutions to problems. With this context as our backdrop, we are grateful to the Legislature and the Governor for their crucial collaboration in removing the limitations on e-filing in the New York State Unified Court System (UCS). We enthusiastically report that the legislation to expand the Chief Administrative Judge’s (CAJ) authority to implement e-filing in all state courts has been signed into law.²



As we step into 2025, we mark a pivotal moment in the State’s 26-year e-filing journey, unlocking a new era where all courts—including local criminal courts, civil courts outside New York City, City, District, Town, Village, and Justice Courts—now have the opportunity to implement e-filing programs, expanding access and efficiency across the state. Once a program is implemented, the new e-filing program will empower courts and their users to leverage the benefits of digital filing fully. This includes simplifying document submission and service, reducing filing costs for attorneys, cutting in-person filing expenses, improving efficiency for courts and County Clerk’s offices, enhancing document security, and lowering the environmental impact of court filings. Most importantly, it will ensure that all users—especially self-represented individuals—gain immediate access to court records and can file documents remotely, anytime, from anywhere.

While the NYSCEF team is eager to continue expansion of e-filing, implementation of new consensual and mandatory e-filing programs will only occur after seeking the support and feedback of relevant stakeholders such as bar associations and legal services organizations, securing consent from local county clerks, and the provision of adequate training for attorneys, court staff, and other filers. The UCS will continue to incrementally grow e-filing in a prudent fashion, in geographic areas and courts where it is practical, useful, and desired. Notably, this legislation also preserves the current exemptions from mandatory/required e-filing; for example, unrepresented litigants will continue to be exempt, and attorneys who can demonstrate a lack of requisite skills or resources will also have the option to opt-out. We are dedicated to fostering a fair and accessible process for all parties involved.

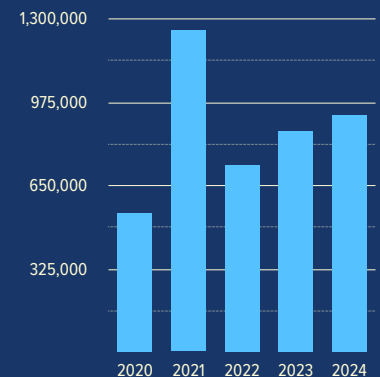
This report highlights the remarkable growth the Division of E-Filing has made in 2024 by expanding the program and enhancing functionality. It outlines our desire to bring the many benefits of e-filing to new territories/courts, given the recently enacted legislation and its lifting of past restrictions. As summarized here, NYSCEF continues to receive positive feedback from stakeholders, who applaud the legislative approval to authorize e-filing in trial courts across the state.

“E-filing and other technology are essential tools to expand access to justice. All litigants, especially those who are low-income and unrepresented would benefit from immediate access to court records and the ability to file legal papers at any time, day or night.”

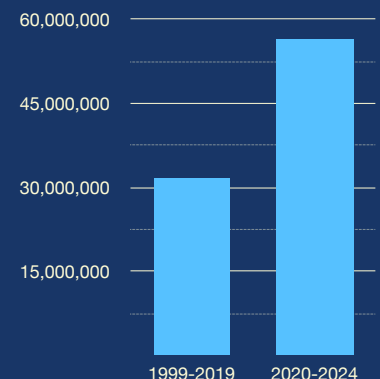
Adriene Holder

**Attorney-in-Charge Civil Practice,
Legal Aid Society**

Cases E-Filed (2000-2024)



Documents E-Filed (1999-2024)



Our data continues to illustrate the growing use and popularity of the e-filing program across New York State. In calendar year 2024, 926,873 new matters/cases were e-filed, and 14,073,880 documents were filed through NYSCEF. Since 1999, a total of 88,067,782 documents have been e-filed through NYSCEF. These filings include contributions from over 82,000 unrepresented individuals who have registered for NYSCEF (15,209 within 2024), filing 129,000 documents in 2024 alone.

In 2024, some of the Division of E-Filing's many achievements include improving the user experience for NYSCEF users in Supreme Court – Civil Term, piloting the Virtual Evidence Courtroom in the Court of Claims, expanding e-filing to new counties for Family Court cases, expanding e-filing of transcripts in the Appellate Division, implementing changes based on new legislation, launching new NYSCEF screens for the Surrogate's Court program, and steadily working on creating a pilot program for Superior Criminal courts.

Looking Ahead

As we look further into 2025 and beyond, the Division of E-Filing is steadfast in its commitment to advancing digital filing solutions and ensuring that justice remains accessible to all New Yorkers. We are ready to rise to the occasion with bold and busy plans aimed at transforming how we serve the public:

- **Superior Criminal Court Pilot Program:**
We will launch e-filing in Superior Criminal courts for the first time in pilot jurisdictions in May/June 2025. Statewide rollout of e-filing in Superior Criminal courts will continue through 2025-26.
- **Mandatory E-Filing for Court of Claims:**
We plan to implement mandatory e-filing for all categories of claims in all districts of the Court of Claims in June 2025.
- **Expansion of Family Court Pilot Program:**
We will expand NYSCEF for Family Courts statewide, with additional case types expected to be added.
- **Implement Mandatory E-Filing for case types in the Supreme Court Civil Term:**
We will switch to mandatory e-filing for all case types in Superior Civil courts to create a more uniform e-filing process in May/June 2025.
- **Expansion of Case Types in NYC Civil Court:**
We intend to implement consensual e-filing in consumer credit cases in the first half of 2025 and may add new case types later in the year.
- **Court of Appeals E-Filing Pilot:**
We will plan for implementation of an e-filing pilot program at the Court of Appeals.
- **Attorney Matters in the Appellate Division:**
We will implement e-filing for attorney matters in the Appellate Division.
- **Ongoing User Experience Enhancements:**
We will make continued improvements to enhance the overall user experience for all e-filing users.
- **Integration with DIY Programs:**
We will work on integrating with DIY programs for court forms.
- **Data Exchange Between NYSCEF and UCMS:**
We will continue to integrate data exchange between NYSCEF and Universal Case Management System (UCMS) programs statewide to improve efficiencies in case handling and processing.
- **Collaboration with Legal Service Groups:**
We will continue our ongoing partnership with legal services groups, the Legal Services Advisory Committees, and the Office for Justice Initiatives to improve accessibility and user-friendliness of the NYSCEF program for unrepresented litigants.
- **Video/Audio Files in VEC via NYSCEF:**
In the virtual evidence courtroom, we will implement video/audio file uploads, enable bulk evidence admission, and add a section for "Judge Notes" based on judicial feedback.
- **Expand Technology to e-file Video/Audio Files:**
We will examine how to expand the technology to allow users to e-file audio and video files in all courts/case types.

"I'd like the ability to e-file files other than PDFs. Often we have video evidence... to be an exhibit... and we have to physically deliver copies... NYSCEF should be able to handle e-filing video and audio files."

Christopher J. DelliCarpini, Esq.

Sullivan Papain Block McManus Coffinas & Cannavo PC

Current Status of E-Filing in New York State

In 2024, the UCS' Division of E-Filing again made significant strides, expanding and enhancing the program in courts/case types where the authorization permitted. This progress underscores our unwavering commitment to improving the court experience for the over 161,000 registered attorney users and nearly 83,000 unrepresented users we serve.

Supreme Court (Civil Cases)

In 2024, the NYSCEF team continued to make improvements to enhance the user experience in Supreme Court – Civil Term. Some essential enhancements to the program achieved in 2024 include:

- Streamlining the process for removing attorneys from electronically filed matrimonial proceedings.
- In collaboration with Counsel's Office, creating a secure e-filing process to seal e-filed name change and sex designation petitions, in accordance with statutory and rule changes. These matters remain inaccessible to the public upon filing to safeguard the privacy of applicants. Current and proposed names, sex designations, and other identifying information are kept confidential to prevent unauthorized or inadvertent disclosure by third parties until a court makes a determination regarding sealing the records.³
- Adjusting visibility settings for Article 81 (guardianship) matters.
- Updating NYSCEF screens to show the user ID that is logged in at the request of attorneys.
- Creating the ability to file multiple motions in one upload.
- Implementing a method and training for law enforcement agencies to e-file extreme risk protection order (ERPO) applications via NYSCEF.

In 2024, 473,700 cases were e-filed in Supreme Court - Civil Term throughout New York State. All of these courts, with the exception of Allegany County Supreme Court,⁴ currently are mandated for e-filing across all case types, except for matrimonial matters, Mental Hygiene cases, election law proceedings, and CPLR Article 70 & 78 proceedings. These areas were excluded from the previous legislation's mandate, and these case types are currently authorized consensually.

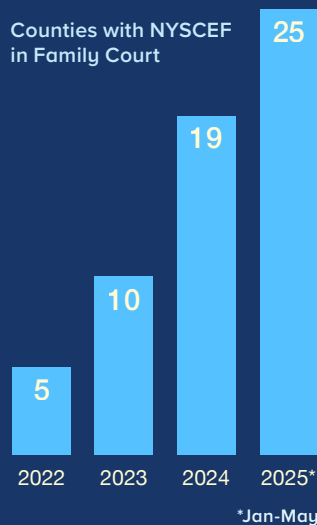
In 2025, we will take steps to mandate e-filing for the previously excluded case types and subsequent filings in residential foreclosures and consumer credit cases.⁵ This initiative will ensure uniformity in e-filing across all Supreme Court – Civil Term cases statewide. Practitioners, attorneys, and court users are already familiar with e-filing in these courts because they have been authorized for consensual e-filing for many years. We will undertake the essential steps to achieve this, including opening a public comment period, notifying and training the relevant/local bar, and consulting with the Supreme (Civil) Court Advisory Committee on E-Filing. The CAJ, NYS Association of County Clerks, and the E-Filing team are eager to launch this process across all courts simultaneously and are confident by working together we can implement this expansion by May/June 2025.

“The Supreme Civil Advisory Committee on E-Filing discussed recently enacted legislation ...It was noted that the NY State Association of County Clerks has begun a survey of its members to allow the Chief Administrative Judge to proceed with an expedited methodology for ... previously exempt case types to be approved for mandatory filing (Supreme Court – Civil Term) ... and received enthusiastic support for this approach.”

Timothy C. Idoni
Committee Chair

“The benefits of NYSCEF in providing permitted unrestricted access to view a clear list of all filed documents, immediate access to non-confidential filed documents, quick and efficient filing of documents, notice to all parties of documents filed in a case, promotes transparency, accountability and confidence in the court system.”⁸

Hon. Nancy T. Sunshine
County Clerk, Kings County



“The Committee is especially mindful of the challenges faced by unrepresented litigants and acknowledges the considerable efforts by NYSCEF administrators, Family Court staff, and the Division of Technology (DoT) to tailor the program to their needs while safeguarding confidentiality... There is strong support within the Committee for the use of NYSCEF to foster greater uniformity and efficiency in Family Court operations statewide.”

Eugene W. Hurley,
Chair, Family Court Advisory
Committee on E-Filing, Chief Clerk.
NYC Family Court

Family Court

Since launching the e-filing program in the Family Court in August 2022 for custody and visitation, guardianship, paternity, parentage (assisted reproduction and surrogacy) and support matters, the program has expanded to a total of 19 counties throughout the state. Now, all five counties in New York City have access to e-filing in Family Court. In the early spring of 2025, all five counties in the 9th Judicial District will join the pilot program, with several more counties in the queue. By May 2025, with the launch of e-filing in Nassau County Family Court, all downstate Family Courts will have active NYSCEF programs. Throughout 2025, this expansion is expected to continue all through the state in the existing case types, while the NYSCEF team explores and analyzes the possibility of expanding to additional case types/proceedings. The goal is to complete the expansion/implementation of this pilot to all 62 Family Courts throughout the State within the next two years.

This has been a truly collaborative effort involving the Division of Technology, Family Court administration, and the NYSCEF team, all working together to continually enhance the program and ensure it functions effectively for all users. These groups meet monthly to discuss the progress of the program and to make adjustments as necessary before they are implemented in a new court. This includes monitoring the enhancements and modifications in UCS' internal database, the UCMS system, as it relates to NYSCEF. Many unrepresented litigants, particularly in New York County, have already begun utilizing the e-filing system.

The Electronic Document Delivery System (EDDS) which allows filers to submit papers in non-e-filed matters has led to some troubling inefficiencies in Family Court, with staff duplicating efforts as documents are often submitted through EDDS, mail, and in-person. Once e-filing is implemented in a specific case type within a court, the court eliminates EDDS as an option for filing, alleviating this issue. We are also working in collaboration with the UCMS team to develop a process for automated data transfer from NYSCEF to UCMS and from UCMS to NYSCEF, promising significant efficiency gains. UCS is making it a priority to protect the confidentiality of families by limiting document access to participating parties and attorneys involved in individual proceedings, given that all Family Court case records are confidential by statute.

New York City Civil and Housing Court

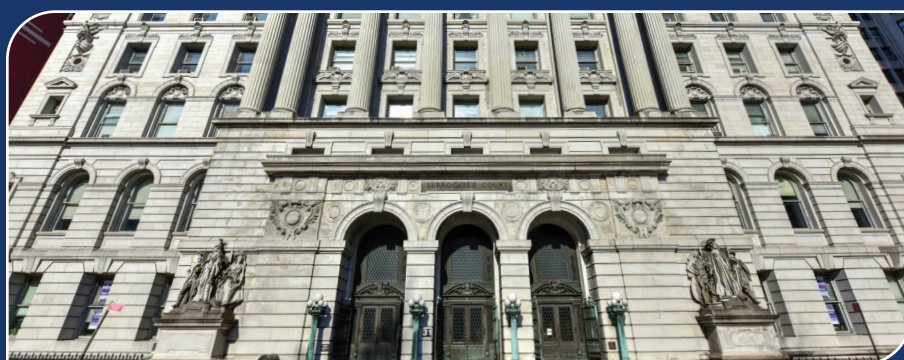
Since 2017, e-filing has gradually expanded in New York City Civil Court to all Housing Court case types on a consensual basis, as well as mandatory filing of no-fault health services cases. In 2024, nearly 152,000 Housing Court cases were e-filed in New York City. The program was enhanced to permit non-party filings to accommodate Housing Preservation and Development (HPD) files, and user access was updated to allow for NYC Marshals to e-file applicable notices (eviction, etc.) to the electronic court file.

For 2025, UCS will consider implementing a mandatory e-filing program for Housing Court within NYC. Over the years, we have received numerous comments from attorneys in the landlord-tenant field expressing interest to see expansion of e-filing for these case types beyond New York City, which legislation now permits.

For the past few years, we have been evaluating the expansion of e-filing to additional case types in New York City Civil Court. This process involves implementing technical enhancements, adding functionality, and providing training to court staff, practitioners, and all users. However, there has been coordinated outreach by interested stakeholders, including legal service organizations, urging the UCS Leadership and the NYSCEF team to prioritize bringing mandatory e-filing

to consumer credit cases in the Civil Court.⁶ Throughout 2024, the NYSCEF team, in collaboration with NYC Civil Court administrators, has been meeting weekly to discuss the necessary functionality with the Division of Technology to expand e-filing to consumer credit cases. The NYSCEF team will engage with users throughout the development phase for consumer credit matters to ensure that the e-filing experience is user-friendly, particularly for unrepresented litigants.

Transitioning from paper to digital filing in health services cases and housing court matters has not only led to significant cost savings for all parties but also ensures a complete and accessible record of all filed documents. This additional benefit is high in demand for the consumer credit bar, which has raised concerns about instances where attorneys and the court lacked a full record when matters were calendared and called before a judge. These challenges highlight the need to prioritize e-filing for consumer credit matters, with the aim of rolling out this case type by the end of the third quarter of 2025.



Surrogate's Court

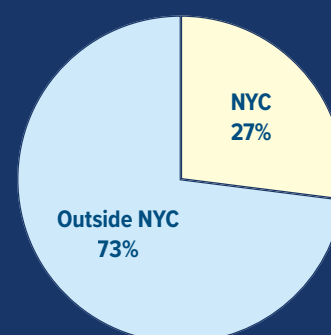
E-filing in Surrogate's Court is currently mandated in the 57 counties outside of NYC and offered on a consensual basis within New York City for probate and administration proceedings, miscellaneous proceedings related thereto, and/or for such types of proceeding as the court permits, including guardianships. The UCS leadership believes that mandatory e-filing for all courts inside NYC is ideal, as this would establish a uniform system throughout the Surrogate's Courts statewide.

54,238 cases were e-filed in the Surrogate's Court in 2024. To improve court user experience and efficiency, the NYSCEF team working together with the Division of Technology (DOT) launched new, user-friendly screens for Surrogate's Court cases that mirror that of the Supreme Civil Court NYSCEF program. This update enhances filing processes, improves the user experience, and integrates better with UCS' Universal Case Management System (UCMS) for a more efficient operation. The NYSCEF Resource Center staff played a vital role in assisting courts with the introduction and implementation of these changes. These updated NYSCEF screens have been rolled out statewide throughout 2024, and many courts and their users are very pleased with these updates. To support this transition, one-hour training sessions were offered by the NYSCEF Resource Center professional staff for the bar, interested parties, and unrepresented litigants. These training sessions continue to be offered. The E-Filing Team and a group of Surrogate's Court Chief Clerks have formed a working group and meet regularly to review filing and functionality issues and to discuss further enhancements.

“A significant portion of the Committee’s recent discussions focused on the urgent need for expanding e-filing to the high-volume consumer credit matters ... there is a clear and growing demand for e-filing to ensure fairness and accessibility for both debtors and creditors. The Committee continues to advocate for the immediate/ urgent prioritization of this project by the Chief Administrative Judge.”

Civil Court Advisory
Committee on E-Filing
Report to Chief Administrative
Judge

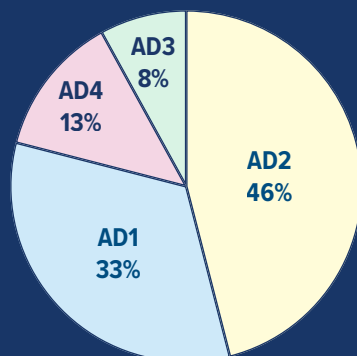
Surrogate's Court
Cases E-Filed (2024)



“The Committee further discussed the benefit of having mandatory e-filing programs in all Surrogate’s Courts. One committee member indicated that as a practitioner, she finds it very difficult to navigate Surrogate’s Courts within NYC, especially as some of the Surrogate’s Courts within the City allow only paper filing for specific case types, creating a difficult path for attorneys to navigate, as not only do some courts not accept e-filing but the demand for paper filings in case types is also not uniform throughout the NYC Surrogate’s Courts.”

Surrogate’s Court Advisory Committee on E-Filing

Appellate Division Cases E-Filed (2024)



Court of Claims

The Court of Claims could not mandate e-filing in their court as per the prior legislative limitations, and therefore, currently offers a consensual/voluntary e-filing program for all claims. However, soon after the amendments to the e-filing legislation were signed, Presiding Judge Richard E. Sise requested the CAJ authorize mandatory e-filing for all claims filed in the Court of Claims with the standard exemptions for unrepresented litigants.⁷ This transition will require minimal technical work, and the bar and interested parties have been notified of Judge Sise’s intention to implement a mandatory program and will be given an opportunity to comment.

The Court of Claims also successfully piloted the Virtual Evidence Courtroom program, VEC2, for submitting video/audio evidence in hearings and trials. This is a stand-alone platform supported by the NYSCEF team. This platform allows for the electronic submission of evidence in various mediums, including audio and video files, expanding the capabilities of electronic filing beyond traditional document submissions. We are hopeful to expand this technology, specifically the capability to e-file audio and video files, to other aspects of the NYSCEF program.



Appellate Division and Appellate Term

NYSCEF provides a uniform system of e-filing on appeal at the intermediate level statewide, under a single set of statewide rules. Most of the cases heard on appeal in the Appellate Division are subject to mandatory e-filing. E-filing is available in all four Departments of the Appellate Division, and the program has been expanded to accept original proceedings in all Departments in 2024. However, the Second Department has not yet authorized the e-filing of appeals in criminal or Family Court matters and has been discussing adding these courts/case types in the summer of 2025.

A pilot project has also been launched in the Third and Fourth Departments to allow court reporters to e-file transcripts in criminal cases to the Appellate Division via NYSCEF. The court reporters may upload the transcripts directly to the appeal in NYSCEF. The project was implemented to reduce paper waste, to provide all consented attorneys access to the transcripts, and to ultimately generate significant time and cost savings for all involved. This program expanded throughout 2024 and will continue to expand to each county within these two Departments in 2025. The intent is to eventually expand this program to the First and Second Departments as well. The First and Third Departments have also been in discussion with the E-Filing Team and DOT to implement the e-filing of attorney matters in 2025.

Five years ago, there were slightly over 5,000 cases e-filed in the Appellate Division per year. As of December 2024, that number has risen to 18,107 per year. Additionally, the E-Filing Team will continue to examine the implementation of e-filing in the Appellate Term.

Court of Appeals

Chief Judge Rowan Wilson together with the Chief Clerk of the Court of Appeals recently expressed interest in transitioning from the Court-Pass System and their digital upload portals to NYSCEF. A meeting was held with the Director of OCA's E-Filing Division and plans have been discussed for the Court of Appeals to model the NYSCEF program utilized in the Appellate Division. The Court of Appeals, the E-Filing team and DOT, will continue working together so that an appropriate program can be adapted for use in the Court of Appeals. Implementing NYSCEF in the Court of Appeals is considered another one of the top priorities for 2025.

Supreme and County Courts – Criminal Cases

The E-Filing Team worked steadily in 2024 to collaborate with stakeholders and staff to build an e-filing system for cases in Superior Criminal Courts. We are on track to implement our first voluntary/consensual pilot program by May/June 2025 in the Supreme Court-Criminal Term and County Courts. The plan is to launch and expand the pilot program on a consensual basis at first, and mandatory e-filing will be considered after experience is gained with the pilot program and the appropriate stakeholders have consented.

The functionality for the e-filing of accusatory instruments and subsequent documents in the Superior Criminal cases is near complete, with a few remaining features being programmed. We plan to launch the pilot in up to three counties by May/June 2025, with further expansion throughout the year. The e-filing rules for the pilot have also been completed and will be forwarded to Counsel's Office for review prior to implementing the pilot program.

The NYSCEF team plans to continue collaborating with the UCMS team to establish connections that will allow automatic data transfer between NYSCEF and UCMS. UCMS is the case management system currently utilized within most of the Superior Criminal courts. This integration will streamline processes and will likely be introduced at a later phase of the pilot program.

The CAJ will continue to seek input from bar associations, attorneys, and affected members of the public whenever electronic filing expansion in the UCS is considered. This process will remain in place before any further expansions of the pilot program, and the newly enacted legislation has not changed the requirements to consult with stakeholders prior to the expansion of e-filing. Electronic filing is most effective when the legal community fully supports the process and is committed to increasing efficiency, maximizing resources, and improving access to justice.

NYSCEF will continue to assure confidential treatment of the criminal cases filed, and e-filed documents will be subject to the same sealing and confidentiality protections as paper documents. E-filing will not change or affect any existing laws governing the sealing and confidentiality of court records or access to court records by the parties to a criminal proceeding. Importantly, no document that is filed by electronic means in a criminal proceeding shall be available for public inspection online. Only the participating parties will have remote access.

“I use NYSCEF often mostly in Supreme Court matters and my suggestion would be to make the filing process the same for each Court using an electronic system.”

Cami Ellen Negus
Paralegal, McLaughlin & Stern, LL

“I have found the implementation of mandatory NYSCEF filing in that context [criminal appeals] to be an excellent change from prior practice and only hope that paperless processes may yet expand to criminal matters in their entirety.”

Brad W. Oastler
Chief of the Law and Appeals
Bureau, Senior Assistant District
Attorney, Onondaga County District
Attorney's Office

The Development and Implementation of NYSCEF Programs in New Courts

In developing and implementing e-filing programs for new courts that currently lack the NYSCEF System, (e.g., District Courts, City Courts, etc.), the E-Filing Team must first assess the operational requirements of each court, as well as the practical needs of both the bar practicing in those courts and self-represented litigants. The team must then work together with the DOT to make the necessary enhancements, develop the required application, and add any additional functionality as needed. The NYSCEF application, for example, contains aspects in its Surrogate's Court program that are not found in its Supreme Court program and vice versa. The Superior Criminal program that will be implemented soon and the Family Court pilot program that was more recently implemented required an extensive amount of time and effort to create and launch. NYSCEF is not a one-size-fits-all application, as each court's needs differ. The E-Filing Team collaborates closely with the specific court, bar associations, and relevant advisory committees to ensure that all parties are fully informed about the program and that the specific requirements of each court are addressed appropriately within the program.

While it is a goal to expand e-filing to all courts, this process cannot (unfortunately) be on a fast track. The implementation requires careful planning and development of specific functionality and processes. Additionally, introducing the program to all relevant parties and providing adequate training is a time-consuming process. Although the goal is to make e-filing available across all courts, the complexity and scale of this initiative means that it will be rolled out methodically and in phases to specific courts, as they become ready, to ensure successful implementation.

Following are some of the numerous steps that are required by statute before an e-filing program can be mandated in New York State:

City, District, Town and Village

Electronic filing and service of documents by litigants in Town and Village Courts is now permitted due to the enacted legislation. However, time and resource constraints limit the number of projects that can realistically be introduced within the same time frame. As detailed above, there are numerous steps and requirements that must be met before an e-filing program can be implemented in courts that are without a current e-filing program, aside from necessary training of the court, bar, and interested parties. We are hopeful to have a solid plan in the near future regarding a timeline for a launch of e-filing programs in these courts. Until then, EDDS is available for the digital delivery of documents.

Notification and Outreach

- The County Clerk and Court (Administrative Judge/District Executive) notify the affected local Bar, agencies, and stakeholders about the intent to request the Chief Administrative Judge (CAJ) to implement a new e-filing program in their court or to expand their program by mandating specific case types.

Submission of Request

- The County Clerk and Administrative Judge jointly submit a formal letter to the CAJ, requesting the implementation and/or expansion of e-filing, detailing the specifics and a tentative start date.
- They also inform the CAJ that affected stakeholders have been notified.

Public Notice

- The CAJ sends a notice to all bar associations, affected legal service organizations, including but not limited to city, state, county, and women's bar associations, institutional service providers, not for profit legal service providers, attorneys assigned pursuant to article 18-B of the County Law, and unaffiliated attorneys who regularly appear, announcing the proposal, the anticipated effective date, available resources for training, and a 30-45-day window for public comments.

Collection of Public Comments

- Comments from stakeholders are collected and compiled for review.

Advisory Committee Review

- The comments are presented to the E-Filing Advisory Committee for further discussion.
- The Committee consults with the CAJ, providing a report and recommendation, based on their review of the feedback received.

Approval and Implementation

- If approved, the CAJ issues an Administrative Order implementing the e-filing program.

Other Supported Digital Applications

Electronic Document Delivery System (EDDS) and Virtual Evidence Courtroom (VEC)

EDDS was created during the pandemic to securely transmit documents to courts where e-filing through NYSCEF was not available. It is currently operational in over 300 courts across various jurisdictions, including City Courts, Family Courts, NYC Civil and Criminal Courts, Supreme and County (criminal) courts, and District courts. Over 4 million documents have been transmitted through EDDS since its inception in May 2020. EDDS has much less functionality compared to NYSCEF and will be phased out as more courts are authorized to implement e-filing programs as a result of the enacted legislation.

However, until then, EDDS continues to be a tool to digitally transmit documents and is broadly used. In 2024, 838,811 documents were transmitted to courts using EDDS. While EDDS continues to serve as a substitute measure, our focus remains on expanding the more robust NYSCEF system in more courts and jurisdictions.⁹

In 2024 EDDS' functionality was enhanced to include document transmission from the NYS Public Authorities to County Clerks for recording and entering judgments against toll evaders.

VEC (I & II)

In 2024, there was a significant increase in the utilization of the Virtual Evidence Courtroom (VEC) platform, which allows participants in a conference, hearing, or a trial (in an e-filed matter) to have the ability to send evidence to the court remotely via NYSCEF. The evidence that is uploaded is stored in a virtual VEC room, with separate VEC rooms for each hearing. The VEC platform allows the court to admit or return documents that have been submitted for hearings and trials. The functionality has been embraced by the Supreme Civil Court, with approximately 300 Supreme Court Judges using the application in their court parts. There have been over 5,600 Virtual Evidence Courtrooms created. The VEC functionality is limited with respect to what can be uploaded, as it only allows for PDF/a documents to be filed at this time.

Similarly, the VEC2 program was developed as a stand-alone program for courts that are not authorized to e-file via NYSCEF. This newer program allows filers to also submit evidence in video or audio format. All media files uploaded through VEC2 are scanned for malware and viruses, which provides an extra layer of security. The Court of Claims successfully piloted this exciting new project in 2024.

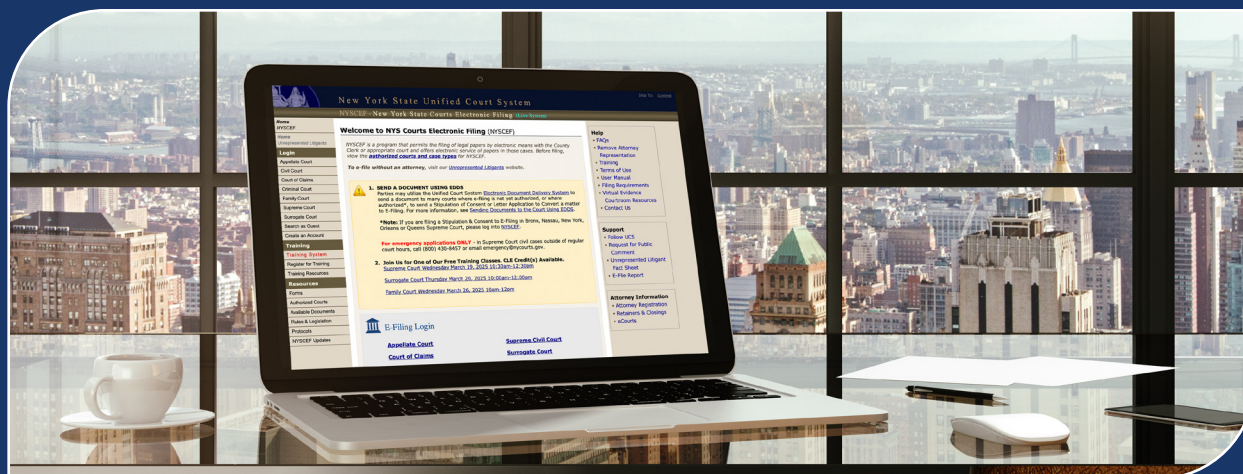
There are plans to permit electronic submission of video/audio files in VEC1 and to add the ability to admit evidence in bulk (i.e., admit more than one exhibit). Functionality to allow judges and court staff to add a section to include hearing notes in both VEC 1 and 2 platforms is being developed as requested by the Court. Currently, the NYSCEF program does not have the functionality to accept video/audio files as attachments to matters e-filed. However, staff intends to explore the capabilities available in the VEC program, which facilitates the submission of such files, with the goal of potentially incorporating the functionality into the NYSCEF System for filings in all courts/case types.

“I write with regard to revising the filing system for Civil Court and request that all of Civil Court move to NYSEF. As someone who routinely appears in Civil Court (mostly Kings County) ... I am confused why general litigation cases are still using EDDS and paper for filing ... It is inefficient and potentially unjust... Please make that leap to e-filing.”

Bonnie C. Harper, Esq.

“I write this email to ask that Civil Court convert from EDDS to regular e-filing. With EDDS, the various attorneys are not able to view each other's filings and pleadings... Converting over to regular e-filing will make it easier for attorneys and the Court to view and share documents.”

Matthew A. D. Canzoneri, Esq.
Property Damage Trial Attorney



E-Filing Among Unrepresented Litigants

E-filing is not just about embracing new technologies. At its core, it is about helping solve real problems for real people. Before the arrival of e-filing, litigants often had to take time off work to file documents in person, sometimes enduring long wait times. Today, e-filing allows individuals to file from home, at any time, which greatly enhances convenience, and provides immediate access to court records. This system is especially beneficial for marginalized communities and individuals in remote/rural areas, offering significant time and cost savings. With e-filing, unrepresented litigants, such as single parents seeking child support, do not have to take off from work to submit filings. Instead, they can file at home at their convenience without losing valuable work hours.

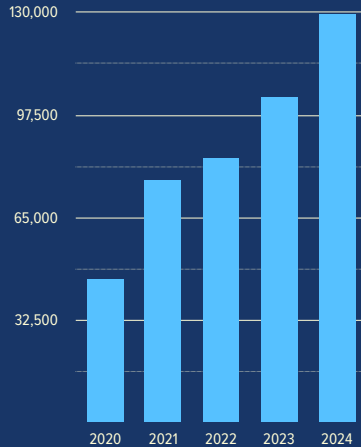
Unrepresented litigants are never required to e-file if they do not want to, and they are not required to take any steps to retain this exemption.¹⁰ Despite being automatically exempt from mandatory e-filing, many unrepresented litigants have voluntarily chosen to e-file, and they can also choose to withdraw their participation at any time. As of December 2024, there have been nearly 83,000 self-represented active NYSCEF Users, representing a 26% increase in self-represented users from the year before.

The E-Filing Division has actively pursued and continues to seek partnership with various other programs to expand its training and support for unrepresented litigants. This would include continuing collaboration with the Office for Justice Initiatives (OJI) and partnering with programs they manage to provide guidance on e-filing and navigating the NYSCEF website. Help Centers, Ask-A-Law Librarian, CourtHelp, and other online resources have assisted hundreds of thousands of individuals. By working together, we can ensure that these groups are more prepared from a NYSCEF perspective, enabling them to better assist the communities they serve. Additionally, we plan to reach out to courts that utilize Court Navigator Programs and offer NYSCEF training, as this can empower the navigators to be better able to assist court users in navigating the NYSCEF website and the e-filing of legal documents.

“Electronic filing proves to be very successful in our county and has been embraced by the bar and court users. Although legislation is in place for continued exemption of mandatory e-filing for unrepresented parties unless they choose to participate, electronic filings (of this group) continue to increase each year.”

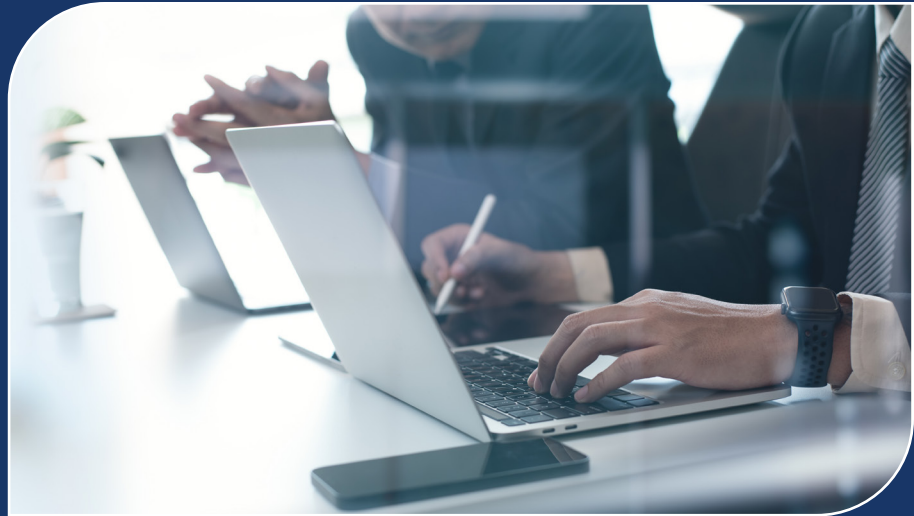
Hon. Audrey I. Pheffer
Queens County Clerk

Documents E-Filed by
Unrepresented Users (2024)



“Most of our clients would not be able to... figure out how to submit documents on NYSCEF... We strongly encourage enhanced training and protocol development to address the challenges faced by pro se litigants who need assistance and guidance on the manner in which they can access the court system to exercise their rights.”

Amy Gathings, Esq.
Center for Elder Law & Justice



Further, we remain open to partnering with the New York State Courts Access to Justice Program's roundtable discussions, where we can engage with community leaders to help spread e-filing knowledge through community centers, schools, senior centers, and more. Lastly, OJI oversees state Help Centers and the “Opening Courthouse Doors” Public Librarians’ Program. We have offered training to these groups in the past and will continue to do so as librarians across the state help patrons access legal information. Through these collaborative efforts, we can assist with making e-filing more accessible.

The NYSCEF team also continues to work with the DIY team/programmers to seamlessly integrate document assembly programs with the NYSCEF system. The goal is that unrepresented litigants will be able to create a document via the DIY platform (e.g., an uncontested divorce packet, a Family Court petition, a guardianship petition, an affirmation in a landlord-tenant matter), and an option to automatically e-file the document will be just a click away on NYSCEF. We also will continue discussions on streamlining the NYSCEF registration process, adding and enhancing video instructions for the unrepresented, and updating unrepresented litigant webpages, including working towards updating screens in multiple languages and developing mobile apps for easier e-filing access. By collaborating with the UCS grant team, we can explore funding opportunities to support these initiatives. We will also explore a partnership with the Division of Court Modernization to provide expanded customer-focused access to computers and the internet at help centers and courthouses. Through these partnerships, we can make e-filing more accessible to diverse populations and continue modernizing our justice system.

Additionally, the NYSCEF Resource Center is readily available and responds to email inquiries or requests for assistance from unrepresented litigants promptly and helpfully. The NYSCEF Resource Center Staff also continues to make training easily available to the unrepresented through on-line self-help tools and virtual training sessions.

Comments Received Regarding E-Filing

“My law firm strongly supports the implementation for e-filing in the local courts and specifically e-filing civil matters in the Suffolk District court.”

Gregory Goodman, Esq.

“... the system is amazing and has really changed how lawyers work and how law is administered in the state of New York.”

Gil Perez, Esq.

“... my experiences with NYSCEF for Supreme Court matters has been wonderful. The system is set up well and user friendly... Having our case set up so that everything is in one place and notifications regarding new filings going out immediately to all counsel is a plus.”

Kathleen Lorti,
Legal Assistant

The UCS reached out to over 400 bar associations, legal service organizations, and other key stakeholders to solicit feedback on NYSCEF for the annual report. Only 57 responses were received. This low response rate clearly reflects the overall satisfaction with e-filing.

Support for NYSCEF

Most of the feedback received this year regarding NYSCEF, once again, expresses strong support and satisfaction with the NYSCEF program. Over 60% of the comments express praise and endorse the program, with some also offering suggestions for enhancements.

Some examples of feedback from individuals praising and advocating for the expansion of e-filing:

“E-Filing is largely a massive improvement in my practice, and I am grateful. I practice primarily in Kings County, Civil Court, landlord tenant.”

-Richard Semegram, Supervising Attorney, The Legal Aid Society – Civil Practice

“First, I love the system. I’m 63 and still marvel at it.”

Mitchell Dranow, Attorney

“The NY system is among the better ones I have worked with. The NYSCEF layout presents a decent balance between providing information about system components and functions in a coherent manner, without loading so much data on each screen as to be confusing...NYSCEF has a number of convenient features that are not available on Pacer and systems in several other states.”

Douglas Capuder, Esq.

“Overall I love NYSCEF; I find it easy to use and straightforward.”

Emily Maltese, Paralegal

“Will the e-filing program be expanded to include filings for L&T and Civil cases in the City and District Courts? ”

Ralph Branciforte, Esq., Partner, SahnWard

“My experience with e-filing comes from working in Supreme Court. I found it to be the best record of court papers and filings I have experienced.”

Mary Mahoney, Principal Court Clerk

“The NYC Civil Court have been open to e-filing in a limited capacity, and it’s been working wonderfully for those areas thus far. But the other aspects of Court ... have been relegated to the antiquated EDDS system ... Joining e-filing will streamline processes, decrease adjournments, reduce paper and costs and bring us closer to where we should be.”

Vincent Spata, Esq.

Advisory Committees' Support

All Advisory Committees stressed in their reports and letters to the Chief Administrative Judge that there is substantial demand for e-filing expansion in their respective courts, and they look forward to the further growth of e-filing.

County Clerks' Support

Comments from the New York State County Clerks Association and two additional County Clerks clearly state their solid support for e-filing and its expansion.

Hon. Nancy T. Sunshine, NYSACC President, states: "The Association of County Clerks recognizes the Office of Court Administration's superb job of developing the electronic filing application through which the New York State Courts Electronic Filing System (NYSCEF) functions. NYSACC continues its strong support for further expansion of this program and looks forward to working together with NYSCEF to accomplish appropriate expansion with consent of the County Clerks."

Hon. Timothy Idoni, Westchester County Clerk, states: "We here in Westchester have led the way toward this long time goal of universal e-filing in the New York state courts. The expansion of e-filing and other technology has been a dream for almost twenty years and we are grateful for the advances it has brought to our county's operations."

Hon. Audrey Pheffer, Queens County Clerk, states: "Electronic filing proves to be very successful in our county and has been embraced by the bar and court users.... electronic filings continue to steadily increase each year. The legislation in place to ensure the safeguarding of confidential records has been proven beneficial as 90% of our filings last year were electronic and 68% of our matrimonial cases were electronically filed."

Support from Bar Groups

The Women's Bar Association of the State of New York (WBASNY) comments include: "This expansion will significantly enhance the efficiency for court users and improve access to justice, marking a significant step forward in our legal system. Accordingly, WBASNY approves the expansion of the e-filing system to all trial courts in the State."

Throughout the years, The Managing Attorneys and Clerk Association, Inc. ("MACA"), have overwhelmingly supported NYSCEF, its Resource Center,¹¹ and its continued expansion, their comment this year includes: "We continue to find NYSCEF a very effective tool, both as our means of serving and filing court papers and as the

courts' readily accessible online record of their cases. The technology is reliable; we very rarely experience a service disruption and, in this regard, NYSCEF compares favorably with the federal CM/ECF and other state's systems."

The president of the New York State Bar, Domenick Napoletano, issued the following statement, "This law allows attorneys to better serve their clients by reducing the amount of needless paperwork. It also helps underserved residents of rural communities who previously had to rely on attorneys to drive an hour to merely file a document. We commend the governor for signing this bill that provides greater access to legal services for all citizens."¹²

Comments from Legal Service Organizations

There continues to be overwhelming support for the continued expansion of e-filing from numerous legal service groups.

- The Center for Elder Law & Justice writes "We generally support the use of e-filing procedures for attorneys who have the means and capabilities. We especially want to highlight our support of the provisions that exempt self-represented individuals from the e-filing requirements (NYS Rules Civil Courts 202.5-bb(e))."
- The Legal Aid Society comments: "We appreciate the opportunity to comment and offer our insights and recommendations on electronic filing and the New York State Courts Electronic Filing System (NYSCEF) in New York State Courts and the ongoing dialogue we have had with the Office of Court Administration's (OCA) Division of E-Filing about its expansion." The Legal Aid Society (LAS) continues to urge the CAJ and OCA "to introduce an e-filing pilot program for consumer credit cases in one of New York City's Civil Courts."
- The Legal Services of the Hudson Valley comments: "We strongly support the e-filing expansion bill that Governor Hochul recently signed, which amends CPLR Article 21-A and other relevant statutes permitting the Chief Administrative Judge (CAJ) to institute e-filing in all of the State's trial courts."
- Various other legal service organizations emphasize the importance of existing safeguards that automatically exempt unrepresented litigants from e-filing and enhance access to technology for such litigants.

Suggestions for Improvement

Various individual comments made suggestions for improvement

The suggestions for enhancing the NYSCEF system are mostly of a technical nature. The NYSCEF team takes seriously technical issues and suggested modifications to the NYSCEF application raised by commenters. NYSCEF administrators, together with the Division of Technology, continuously work on enhancements based on improved technical capabilities and user feedback. Every suggestion for enhancing, simplifying, and extending NYSCEF features is carefully considered and explored, with prioritization based on various factors.

One opposition comment

One unrepresented commenter provides regarding the expansion of NYSCEF:

“While NYSCE is undeniably a powerful tool it should not replace hard copy filing and in-person court interactions. Being a digital system, it remains vulnerable to human manipulation, which can severely undermine the integrity of litigation. Safeguards must be implemented to prevent such outcomes and ensure the system serves its intended purpose without compromising justice.”

NYSCEF team response

We have full confidence in the security of the NYSCEF system, which is safeguarded by robust security protocols and decades of experience. The system is designed with multiple layers of protection to ensure data integrity and confidentiality. Additionally, NYSCEF includes an electronic audit trail, providing transparency and accountability by tracking all document access and ensuring that only authorized parties can view confidential documents.

All comments/submissions received have been posted on the UCS website. In addition to the responses to comments and issues raised that are addressed within this Report, the Director of the Division of E-Filing and his team are in the process of sending individual responses by e-mail to commentors.

Conclusion

The New York State Courts E-Filing (NYSCEF) program has revolutionized court operations, fostering greater transparency and building public trust in the court system. As we move forward, we will continue to expand the program responsibly, incorporating extensive testing, stakeholder feedback, and necessary safeguards for self-represented litigants. This will also ensure that self-represented litigants who choose to e-file can do so easily from home, at any time, greatly enhancing convenience. The E-Filing Division will continue to oversee its growth, working alongside the DOT and other OCA partners to improve the system’s capabilities/functionality/accessibility. Our commitment to enhancing and expanding the system and steadily making it a reality in all courts remains a top priority, which aligns with Chief Judge Rowan Wilson’s vision of “making the New York State Courts better than you can even imagine.” Each phase of enhancement and expansion will heighten the overall user experience for everyone.

The widespread use of digital communication has been a significant aspect of a modern society for some time, with the legal sector and the general public transitioning from traditional and/or outdated methods—such as postal mail and paper submissions—to more advanced digital platforms like email, online resources, and videoconferencing. Other state and federal courts progressed with e-filing at a quicker pace, and we are eager to catch up.¹³ We sincerely thank the Legislature and the Governor for their vital role in working to enact this measure and removing the limitations on e-filing within the New York State Unified Court System. Their support and partnership are instrumental in advancing this essential tool and ultimately bringing our courts out of the past and into the future.

Endnotes

1. Judiciary Law 212(2)(u)(i)(A) states that the Chief Administrator of the Courts must submit a “report evaluating the state’s experience with programs in the use of electronic means for the commencement of actions and proceedings and the service of papers therein as authorized by law and containing such recommendations for further legislation as he or she shall deem appropriate.”
2. L. 2024, ch. 579, effective 12/13/24.
3. The NYSCEF program ensures that confidentiality is strictly maintained with vigorous security measures in place. For example, when a matrimonial case is filed, the automated NYSCEF system places the case into a restricted network that ensures only authorized individuals (e.g., counsel, unrepresented parties, court staff, and others authorized by court order) can access the documents. Public access is not permitted. Our confidence in NYSCEF’s security comes from decades of experience. Also, NYSCEF allows the County Clerk to seal files when required, as directed by the court, and complies with statutory requirements.
4. Allegany County does not have an e-filing program.
5. E-filed consumer credit actions as defined in CPLR § 105(f) and residential foreclosure actions as defined in RPAPL § 130, in most counties have been considered mandatory in part as a result of the previous legislative limitations – wherein the e-filing of the commencement documents are mandated, but all subsequent filings – regardless of defendant being represented or not – is consensual.
6. There have been discussions regarding the expansion of case types in addition to consumer credit in New York City Civil Court. These discussions will be continuing, and a plan is expected to be implemented regarding further expansion. Requests and comments have also been received in support of a broader expansion: “We write to urge the adoption of e-filing for name changes in New York City Civil Court ...” Comment, Noah E. Lewis, Coordinator, Ezra Cukor, Director, Advocates for Transgender Equality.
7. The new legislation was enacted on 12/13/24 and the Hon. Richard Sise requested that the CAJ authorize the implementation of mandatory e-filing for all claims in the Court of Claims on January 13, 2025.
8. Hon. Nancy T. Sunshine, County Clerk, Kings County, 2024 Annual Report. Appendix E.
9. We received eight comments that suggest NYSCEF should replace the current EDDS platform. We have received many similar comments in previous years.
10. This exemption continues and is mandated within the amended legislation, L. 2025, ch. 579
11. “In our experience, a substantial factor in NYSCEF’s success is the NYSCEF Resource Center (a.k.a. The Statewide E-Filing Resource Center). Their staff operate an effective help desk that provides competent e-filing problem-solving services. In addition, leadership of the Center for many years has been receptive to our feedback and suggestions, and sought our input on new proposals and developments, and alerted us and other bar associations to e-filing related changes to help ensure our firms adapt efficiently.” Owen G. Wallace, Esq., MACA President.
12. The New York State Bar Association’s House of Delegates approved recommendations of its Task Force on the Modernization of Criminal Practice, which recommended an expansion of e-filing in its 2023 report, “This legislation improves access to justice, especially in regions where there are not enough lawyers, and it also makes the practice of law more efficient.”
13. Many other states, including Florida, have transitioned to e-filing and have reaped big benefits while saving millions of dollars by reducing administrative costs. Brevard County Clerk, *Brevard County E-filing FAQs, Helpful Hints, & Contacts*, https://www.brevardclerk.us/_cache/files/a/f/af5df3ef-84ec-4a79-94a0-50a5be7aa27e/3C4BC3FC6EC05EB558D0B3445F557859.18.5.7-e-filing-guide-faqs.pdf.

The federal system, PACER, was launched in the 1990s and has proven to simplify procedures for attorneys and ease the burden of court staff by offering direct access to public records. The Case Management/ Electronic Case Files (CM/ECF) system was in use in 98% of federal courts, including 92 district courts and 93 bankruptcy courts. ncsc.contentdm.oclc.org

Appendix A

L. 2024, ch. 579 (Senate Bill 7524)

STATE OF NEW YORK

7524

2023-2024 Regular Sessions

IN SENATE

June 2, 2023

Introduced by Sen. HOYLMAN-SIGAL -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the judiciary law, the civil practice law and rules, the court of claims act, the New York city criminal court act, the uniform district court act, the uniform city court act, the uniform justice court act, the criminal procedure law and the family court act, in relation to filing by electronic means; to amend chapter 237 of the laws of 2015 amending the judiciary law, the civil practice law and rules and other laws relating to the use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof; and to repeal certain provisions of the civil practice law and rules, the criminal procedure law and the family court act, relating to court filings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Clause (A) of subparagraph (i) and subparagraphs (iv), (v)
2 and (vi) of paragraph (u) of subdivision 2 of section 212 of the judici-
3 ary law, clause (A) of subparagraph (i) as amended by chapter 99 of the
4 laws of 2017, subparagraphs (iv), (v) and (vi) as added by chapter 237
5 of the laws of 2015 and such paragraph as relettered by section 1 of
6 part BB of chapter 55 of the laws of 2017, are amended to read as
7 follows:
8 (A) Not later than February first in each calendar year, the chief
9 administrator of the courts shall submit to the legislature, the gover-
10 nor and the chief judge of the state a report evaluating the state's
11 experience with programs in the use of electronic means for the
12 commencement of actions and proceedings and the service of papers there-
13 in as authorized by law and containing such recommendations for further
14 legislation as he or she shall deem appropriate. In the preparation of
15 such report, the chief administrator shall consult with each county

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 clerk in whose county a program has been implemented in [~~civil cases in~~
 2 the supreme [~~court~~] and/or county court, each district attorney in whose
 3 county a program has been implemented in criminal cases in the courts of
 4 such county, the advisory committees established pursuant to subpara-
 5 graphs (ii) through (vi) of this paragraph, the organized bar including
 6 but not limited to city, state, county and women's bar associations; the
 7 office of indigent legal services; institutional legal service provid-
 8 ers; not-for-profit legal service providers; public defenders; attorneys
 9 assigned pursuant to article eighteen-B of the county law; unaffiliated
 10 attorneys who regularly appear in proceedings that are or have been
 11 affected by any programs that have been implemented or who may be
 12 affected by the proposed recommendations for further legislation; repre-
 13 sentatives of victims' rights organizations; and any other persons in
 14 whose county a program has been implemented in any of the courts therein
 15 as deemed to be appropriate by the chief administrator, and afford them
 16 an opportunity to submit comments with respect to such implementation
 17 for inclusion in the report and address any such comments.

18 Public comments shall also be sought via a prominent posting on the
 19 website of the office of court administration. All comments received
 20 from any source shall be posted for public review on the same website.

21 (iv) The chief administrator shall maintain an advisory committee to
 22 consult with him or her in the implementation of laws affecting the
 23 program in the use of electronic means for the commencement of civil
 24 actions and proceedings and the service and filing of papers therein in
 25 the civil court of the city of New York, the district courts, the city
 26 courts outside New York city, and the town and village justice courts.
 27 This committee shall consist of such number of members as the chief
 28 administrator shall designate, among which there shall be the chief
 29 clerk of the civil court of the city of New York; one or more chief
 30 clerks of the district courts, the city courts outside New York city,
 31 and the town and village justice courts; the president of the state
 32 magistrates' association or his or her designee; representatives of the
 33 organized bar including but not limited to city, state, county and
 34 women's bar associations; [~~attorneys who regularly appear in actions~~
 35 ~~specified in subparagraph (C) of paragraph two of subdivision (b) of~~
 36 ~~section twenty-one hundred eleven of the civil practice law and rules;~~]
 37 and unaffiliated attorneys who regularly appear in proceedings that are
 38 or have been affected by the programs that have been implemented or who
 39 may be affected by any recommendations for further legislation concern-
 40 ing the use of electronic means for the commencement of actions and
 41 proceedings and the service and filing of papers therein in [~~the civil~~
 42 ~~court of the city of New York~~] any of the courts specified in this
 43 subparagraph; and any other persons as deemed appropriate by the chief
 44 administrator. Such committee shall help the chief administrator to
 45 evaluate the impact of such electronic filing program on litigants
 46 including unrepresented parties, practitioners and the courts and to
 47 obtain input from those who are or would be affected by such electronic
 48 filing program, including unrepresented parties, city, state, county and
 49 women's bar associations; institutional legal service providers; not-
 50 for-profit legal service providers; attorneys assigned pursuant to arti-
 51 cle eighteen-B of the county law; unaffiliated attorneys who regularly
 52 appear in proceedings that are or have been affected by the programs
 53 that have been implemented or who may be affected by any recommendations
 54 for further legislation concerning the use of the electronic filing
 55 program in any of the [~~civil court of the city of New York~~] courts spec-
 56 ified in this subparagraph; and any other persons in whose county a

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1 program has been implemented in any of the courts therein as deemed to
 2 be appropriate by the chief administrator.

3 (v) The chief administrator shall maintain an advisory committee to
 4 consult with him or her in the implementation of laws affecting the
 5 program in the use of electronic means for the commencement of criminal
 6 actions and the filing and service of papers in pending criminal actions
 7 and proceedings[, ~~as first authorized by paragraph one of subdivision~~
 8 ~~(c) of section six of chapter four hundred sixteen of the laws of two~~
 9 ~~thousand nine, as amended by chapter one hundred eighty four of the laws~~
 10 ~~of two thousand twelve, is continued~~]. The committee shall consist of
 11 such number of members as will enable the chief administrator to obtain
 12 input from those who are or would be affected by such electronic filing
 13 program, and such members shall include county clerks; chief clerks of
 14 supreme, county and other courts; district attorneys; representatives of
 15 the office of indigent legal services; not-for-profit legal service
 16 providers; public defenders; statewide and local specialty bar associ-
 17 ations whose membership devotes a significant portion of their practice
 18 to assigned criminal cases pursuant to subparagraph (i) of paragraph (a)
 19 of subdivision three of section seven hundred twenty-two of the county
 20 law; institutional providers of criminal defense services and other
 21 members of the criminal defense bar; representatives of victims' rights
 22 organizations; unaffiliated attorneys who regularly appear in
 23 proceedings that are or would be affected by such electronic filing
 24 program and other interested members of the criminal justice community.
 25 Such committee shall help the chief administrator to evaluate the impact
 26 of such electronic filing program on litigants including unrepresented
 27 parties, practitioners and the courts and to obtain input from those who
 28 are or would be affected by such electronic filing program, including
 29 unrepresented parties, district attorneys, not-for-profit legal service
 30 providers, public defenders, statewide and local specialty bar associ-
 31 ations whose membership devotes a significant portion of their practice
 32 to assigned criminal cases pursuant to subparagraph (i) of paragraph (a)
 33 of subdivision three of section seven hundred twenty-two of the county
 34 law; institutional providers of criminal defense services and other
 35 members of the criminal defense bar, representatives of victims' rights
 36 organizations, unaffiliated attorneys who regularly appear in
 37 proceedings that are or would be affected by such electronic filing
 38 program and other interested members of the criminal justice community.

39 (vi) The chief administrator shall maintain an advisory committee to
 40 consult with him or her in the implementation of laws affecting the
 41 program in the use of electronic means for the origination of [~~juvenile~~
 42 ~~delinquency~~] proceedings [~~under article three of the family court act~~
 43 ~~and abuse or neglect proceedings pursuant to article ten of the family~~
 44 ~~court act~~] in family court and the filing and service of papers in such
 45 pending proceedings[, ~~as first authorized by paragraph one of subdivi-~~
 46 ~~sion (d) of section six of chapter four hundred sixteen of the laws of~~
 47 ~~two thousand nine, as amended by chapter one hundred eighty four of the~~
 48 ~~laws of two thousand twelve, is continued~~]. The committee shall consist
 49 of such number of members as will enable the chief administrator to
 50 obtain input from those who are or would be affected by such electronic
 51 filing program, and such members shall include chief clerks of family
 52 courts; representatives of authorized presentment and child protective
 53 agencies; other appropriate county and city government officials; insti-
 54 tutional providers of legal services for children and/or parents; not-
 55 for-profit legal service providers; public defenders; representatives of
 56 the office of indigent legal services; attorneys assigned pursuant to

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1 article eighteen-B of the county law; and other members of the family
 2 court bar; representatives of victims' rights organizations; unaffil-
 3 iated attorneys who regularly appear in proceedings that are or would be
 4 affected by such electronic filing program; and other interested members
 5 of the family practice community. Such committee shall help the chief
 6 administrator to evaluate the impact of such electronic filing program
 7 on litigants including unrepresented parties, practitioners and the
 8 courts and to obtain input from those who are or would be affected by
 9 such electronic filing program, including unrepresented parties, repre-
 10 sentatives of authorized presentment and child protective agencies,
 11 other appropriate county and city government officials, institutional
 12 providers of legal services for children and/or parents, not-for-profit
 13 legal service providers, public defenders, attorneys assigned pursuant
 14 to article eighteen-B of the county law and other members of the family
 15 court bar, representatives of victims' rights organizations, unaffil-
 16 iated attorneys who regularly appear in proceedings that are or would be
 17 affected by such electronic filing program, and other interested members
 18 of the criminal justice community.

19 § 2. Subdivision (a) of section 2111 of the civil practice law and
 20 rules, as added by chapter 237 of the laws of 2015, is amended to read
 21 as follows:

22 (a) Notwithstanding any other provision of law, the chief administra-
 23 tor of the courts, with the approval of the administrative board of the
 24 courts, may promulgate rules authorizing a program in the use of facsimile
 25 transmission only in the court of claims and electronic means in the
 26 [~~supreme court, the civil court of the city of New York, surrogate's~~
 27 ~~courts and the court of claims~~] courts of New York having civil juris-
 28 isdiction for: (i) the commencement of civil actions and proceedings, and
 29 (ii) the filing and service of papers in pending actions and
 30 proceedings. Provided, however, the chief administrator shall consult
 31 with the county clerk of a county outside the city of New York before
 32 the use of electronic means is to be authorized hereunder in the supreme
 33 court or the county court of such county, afford him or her the opportu-
 34 nity to submit comments with respect thereto, consider any such comments
 35 and obtain the agreement thereto of such county clerk.

36 § 3. Paragraphs 1, 2 and 2-a of subdivision (b) of section 2111 of the
 37 civil practice law and rules are REPEALED and two new paragraphs 1 and 2
 38 are added to read as follows:

39 1. Participation in this program may be required or may be voluntary
 40 as provided by the chief administrator, except that it shall be strictly
 41 voluntary as to any party to an action or proceeding who is not repres-
 42 ented by counsel.

43 2. (A) Where participation in this program is to be voluntary:

44 (i) commencement of an action or proceeding by facsimile transmission
 45 or electronic means shall not require the consent of any other party;
 46 nor shall a party's failure to consent to participation in an action or
 47 proceeding bar any other party to the action or proceeding from filing
 48 and serving papers by facsimile transmission or electronic means upon
 49 the court or any other party to such action or proceeding who has
 50 consented to participation;

51 (ii) all parties shall be notified clearly, in plain language, about
 52 their options to participate in filing by electronic means;

53 (iii) no party to an action or proceeding shall be compelled, directly
 54 or indirectly, to participate;

55 (iv) where a party is not represented by counsel, the court shall
 56 explain such party's options for electronic filing in plain language,

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1 including the option for expedited processing, and shall inquire whether
 2 he or she wishes to participate, provided however the unrepresented
 3 litigant may participate in the program only upon his or her request,
 4 which shall be documented in the case file, after said party has been
 5 presented with sufficient information in plain language concerning the
 6 program.

7 (B) Where participation in this program is to be required:
 8 (i) such requirement shall not be effective in a court in a county
 9 unless, in addition to consulting with the county clerk of such county
 10 and obtaining his or her agreement thereto if the court is a supreme
 11 court or county court, the chief administrator shall:

12 (1) first consult with members of the organized bar including but not
 13 limited to city, state, county, and women's bar associations and, where
 14 they practice in such court in such county, with (a) institutional
 15 service providers, (b) not-for-profit legal service providers, (c)
 16 attorneys assigned pursuant to article eighteen-B of the county law, (d)
 17 unaffiliated attorneys who regularly appear in proceedings that are or
 18 have been affected by a program of electronic filing in such county, and
 19 (e) any other persons as deemed to be appropriate by the chief adminis-
 20 trator;

21 (2) afford all those with whom he or she consults pursuant to item one
 22 of this clause the opportunity to submit comments with respect to the
 23 program, which comments, including but not limited to comments related
 24 to unrepresented litigants, he or she shall consider and shall post for
 25 public review on the office of court administration's website; and

26 (ii) as provided in paragraph three of this subdivision, no party who
 27 is not represented by counsel nor any counsel in an affected case who
 28 opts out of participation in the program shall be required to partic-
 29 ipate therein.

30 § 4. The opening paragraph of paragraph 3 of subdivision (b) of
 31 section 2111 of the civil practice law and rules, as added by chapter
 32 237 of the laws of 2015, is amended to read as follows:

33 Where the chief administrator [~~eliminates the requirement of consent~~]
 34 requires participation in electronic filing as provided in paragraph
 35 [~~two~~] one of this subdivision, he or she shall afford counsel the oppor-
 36 tunity to opt out of the program, via presentation of a prescribed form
 37 to be filed with the clerk of the court where the action is pending.
 38 [~~Said~~] Such form shall permit an attorney to opt out of participation in
 39 the program under any of the following circumstances, in which event, he
 40 or she will not be compelled to participate:

41 § 5. Section 2112 of the civil practice law and rules, as amended by
 42 chapter 99 of the laws of 2017, is amended to read as follows:

43 § 2112. Filing of papers in the appellate division by electronic
 44 means. Notwithstanding any other provision of law, and except as other-
 45 wise provided in subdivision (c) of section twenty-one hundred eleven of
 46 this article, the appellate division in each judicial department may
 47 promulgate rules authorizing a program in the use of electronic means
 48 for: (i) appeals to such court from the judgment or order of a court of
 49 original instance or from that of another appellate court, (ii) making a
 50 motion for permission to appeal to such court, (iii) commencement of any
 51 other proceeding that may be brought in such court, and (iv) the filing
 52 and service of papers in pending actions and proceedings. Provided
 53 however, such rules shall not require an unrepresented party or any
 54 attorney who furnishes a certificate specified in subparagraph (A) or
 55 (B) of paragraph three of subdivision (b) of section twenty-one hundred
 56 eleven of this article to take or perfect an appeal by electronic means.

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1 Provided further, however, before promulgating any such rules, the
 2 appellate division in each judicial department shall consult with the
 3 chief administrator of the courts and shall provide an opportunity for
 4 review and comment by all those who are or would be affected including
 5 city, state, county and women's bar associations; institutional legal
 6 service providers; not-for-profit legal service providers; attorneys
 7 assigned pursuant to article eighteen-B of the county law; unaffiliated
 8 attorneys who regularly appear in proceedings that are or have been
 9 affected by the programs that have been implemented or who may be
 10 affected by promulgation of rules concerning the use of the electronic
 11 filing program in the appellate division of any judicial department; and
 12 any other persons in whose county a program has been implemented in any
 13 of the courts therein as deemed to be appropriate by any appellate divi-
 14 sion. To the extent practicable, rules promulgated by the appellate
 15 division in each judicial department pursuant to this section shall be
 16 uniform and may apply to any appellate term established by an appellate
 17 division.

18 § 6. Subdivision 1 of section 11-b of the court of claims act, as
 19 added by chapter 237 of the laws of 2015, is amended to read as follows:

20 1. Notwithstanding any other provision of law, the chief administrator
 21 of the courts[~~, with the approval of the administrative board of the~~
 22 ~~courts,~~] may authorize a program in the [voluntary] use of facsimile
 23 transmission and electronic means in the court as provided in article
 24 twenty-one-A of the civil practice law and rules.

25 § 7. The New York city criminal court act is amended by adding a new
 26 section 42 to read as follows:

27 § 42. Use of electronic filing authorized. (1) Notwithstanding any
 28 other provision of law, the chief administrator of the courts may
 29 authorize a program in the use of electronic means in cases in the crim-
 30 inal court of the city of New York as provided in section 10.40 of the
 31 criminal procedure law.

32 (2) For purposes of this section, "electronic means" shall have the
 33 same meaning as defined by subdivision (f) of rule twenty-one hundred
 34 three of the civil practice law and rules.

35 § 8. The uniform district court act is amended by adding a new section
 36 2103-a to read as follows:

37 § 2103-a. Use of electronic filing authorized.

38 (a) Notwithstanding any other provision of law, the chief administra-
 39 tor of the courts may authorize a program in the use of electronic means
 40 in civil cases in a district court as provided in article twenty-one-A
 41 of the civil practice law and rules, and in criminal cases as provided
 42 in section 10.40 of the criminal procedure law.

43 (b) For purposes of this section, "electronic means" shall have the
 44 same meaning as defined by subdivision (f) of rule twenty-one hundred
 45 three of the civil practice law and rules.

46 § 9. The uniform city court act is amended by adding a new section
 47 2103-a to read as follows:

48 § 2103-a. Use of electronic filing authorized.

49 (a) Notwithstanding any other provision of law, the chief administra-
 50 tor of the courts may authorize a program in the use of electronic means
 51 in civil cases in a city court as provided in article twenty-one-A of
 52 the civil practice law and rules, and in criminal cases as provided in
 53 section 10.40 of the criminal procedure law.

54 (b) For purposes of this section, "electronic means" shall have the
 55 same meaning as defined by subdivision (f) of rule twenty-one hundred
 56 three of the civil practice law and rules.

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1 § 10. The uniform justice court act is amended by adding a new section
2 2103-a to read as follows:

3 § 2103-a. Use of electronic filing authorized.

4 (a) Notwithstanding any other provision of law, the chief administra-
5 tor of the courts may authorize a program in the use of electronic means
6 in civil cases in a justice court as provided in article twenty-one-A of
7 the civil practice law and rules, and in criminal cases as provided in
8 section 10.40 of the criminal procedure law.

9 (b) For purposes of this section, "electronic means" shall have the
10 same meaning as defined by subdivision (f) of rule twenty-one hundred
11 three of the civil practice law and rules.

12 § 11. Paragraph (a) of subdivision 2 of section 10.40 of the criminal
13 procedure law, as added by chapter 237 of the laws of 2015, is amended
14 to read as follows:

15 (a) Notwithstanding any other provision of law, the chief administra-
16 tor, with the approval of the administrative board of the courts, may
17 promulgate rules authorizing a program in the use of electronic means
18 ("e-filing") in the [~~supreme court and in the county court~~] courts of
19 New York having criminal jurisdiction for: (i) the filing with a court
20 of an accusatory instrument for the purpose of commencement of a crimi-
21 nal action or proceeding [~~in a superior court, as provided by articles~~
22 ~~one hundred ninety-five and two hundred of this chapter~~], and (ii) the
23 filing and service of papers in pending [~~criminal~~] actions and
24 proceedings. Provided, however, the chief administrator shall consult
25 with the county clerk of a county outside the city of New York before
26 the use of electronic means is to be authorized hereunder in the supreme
27 court or county court of such county, afford him or her the opportunity
28 to submit comments with respect thereto, consider any such comments and
29 obtain the agreement thereto of such county clerk.

30 § 12. Paragraph (b) of subdivision 2 of section 10.40 of the criminal
31 procedure law is REPEALED and a new paragraph (b) is added to read as
32 follows:

33 (b) Participation in this program may be required or may be voluntary
34 as provided by the chief administrator, except that it shall be strictly
35 voluntary as to any party to an action or proceeding who is not repres-
36 ented by counsel unless such party, upon his or her request, chooses to
37 participate.

38 § 13. Paragraphs (c) and (d) of subdivision 2 of section 10.40 of the
39 criminal procedure law, as added by chapter 237 of the laws of 2015, are
40 relettered paragraphs (d) and (e) and a new paragraph (c) is added to
41 read as follows:

42 (c) (i) Where participation in this program is to be voluntary: (A)
43 filing an accusatory instrument by electronic means with the court for
44 the purpose of commencement of an action or proceeding shall not require
45 the consent of any other party; nor shall a party's failure to consent
46 to participation in an action or proceeding bar any other party to such
47 action or proceeding from filing and serving papers by facsimile trans-
48 mission or electronic means upon the court or any other party to such
49 action or proceeding who has consented to participation;

50 (B) all parties shall be notified clearly, in plain language, about
51 their options to participate in filing by electronic means;

52 (C) no party to an action or proceeding shall be compelled, directly
53 or indirectly, to participate;

54 (D) where a party is not represented by counsel, the court shall
55 explain such party's options for electronic filing in plain language,
56 including the option for expedited processing, and shall inquire whether

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1 he or she wishes to participate, provided however the unrepresented
 2 litigant may participate in the program only upon his or her request,
 3 which shall be documented in the case file, after said party has been
 4 presented with sufficient information in plain language concerning the
 5 program.

6 (ii) Where participation in this program is to be required:

7 (A) such requirement shall not be effective in a court in a county
 8 unless, in addition to consulting with the county clerk of such county
 9 and obtaining his or her agreement thereto if the court is a supreme
 10 court or county court, the chief administrator shall:

11 (1) first consult with and obtain the agreement of the district attor-
 12 ney and the criminal defense bar of such county, provide all persons and
 13 organizations, or their representative or representatives, who regularly
 14 appear in criminal actions or proceedings in the criminal courts of such
 15 county with reasonable notice and opportunity to submit comments with
 16 respect thereto and give due consideration to all such comments, and
 17 consult with the members of the advisory committee specified in subpara-
 18 graph (v) of paragraph (u) of subdivision two of section two hundred
 19 twelve of the judiciary law; and

20 (2) afford all those with whom he or she consults pursuant to item one
 21 of this clause the opportunity to submit comments with respect to the
 22 program, which comments, including but not limited to comments related
 23 to unrepresented litigants, he or she shall consider and shall post for
 24 public review on the office of court administration's website; and

25 (B) as provided in paragraph (d) of this subdivision, no party who is
 26 not represented by counsel nor any counsel in an affected case who opts
 27 out of participation in the program shall be required to participate
 28 therein.

29 § 14. The opening paragraph of paragraph (d) of subdivision 2 of
 30 section 10.40 of the criminal procedure law, as added by chapter 237 of
 31 the laws of 2015 and such paragraph as relettered by section thirteen of
 32 this act, is amended to read as follows:

33 Where the chief administrator [~~eliminates the requirement of consent~~]
 34 requires participation in electronic filing as provided in [~~subparagraph~~
 35 ~~(ii) of~~] paragraph (b) of this subdivision, he or she shall afford coun-
 36 sel the opportunity to opt out of the program, via presentation of a
 37 prescribed form to be filed with the court where the criminal action is
 38 pending. Said form shall permit an attorney to opt out of participation
 39 in the program under any of the following circumstances, in which event,
 40 he or she will not be compelled to participate:

41 § 15. Subparagraph (ii) of paragraph (e) of subdivision 2 of section
 42 10.40 of the criminal procedure law, as added by chapter 237 of the laws
 43 of 2015 and such paragraph as relettered by section thirteen of this
 44 act, is amended to read as follows:

45 (ii) Notwithstanding any other provision of this section, no paper or
 46 document that is filed by electronic means in a criminal proceeding [~~in~~
 47 ~~supreme court or county court~~] shall be available for public inspection
 48 on-line. Subject to the provisions of existing laws governing the seal-
 49 ing and confidentiality of court records, nothing herein shall prevent
 50 the unified court system from sharing statistical information that does
 51 not include any papers or documents filed with the action; and, provided
 52 further, that this paragraph shall not prohibit the chief administrator,
 53 in the exercise of his or her discretion, from posting papers or docu-
 54 ments that have not been sealed pursuant to law on a public website
 55 maintained by the unified court system where: (A) the website is not the
 56 website established by the rules promulgated pursuant to paragraph (a)

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1 of this subdivision, and (B) to do so would be in the public interest.
 2 For purposes of this subparagraph, the chief administrator, in determin-
 3 ing whether posting papers or documents on a public website is in the
 4 public interest, shall, at a minimum, take into account for each posting
 5 the following factors: (A) the type of case involved; (B) whether such
 6 posting would cause harm to any person, including especially a minor or
 7 crime victim; (C) whether such posting would include lewd or scandalous
 8 matters; and (D) the possibility that such papers or documents may ulti-
 9 mately be sealed.

10 § 16. Subdivision (b) of section 214 of the family court act is
 11 REPEALED and a new subdivision (b) is added to read as follows:

12 (b)(i) Notwithstanding any other provision of law, the chief adminis-
 13 trator, with the approval of the administrative board of the courts, may
 14 promulgate rules authorizing a program in the use of electronic means
 15 ("e-filing") in the family court for: (1) the origination of proceedings
 16 in such court, and (2) the filing and service of papers in pending
 17 proceedings.

18 (ii) Participation in this program may be required or may be voluntary
 19 as provided by the chief administrator, except that it shall be strictly
 20 voluntary as to any party to an action or proceeding who is not repres-
 21 ented by counsel unless such party, upon his or her request, chooses to
 22 participate.

23 § 17. Subdivisions (c), (d), (e), (f) and (g) of section 214 of the
 24 family court act, as added by chapter 237 of the laws of 2015, are
 25 relettered subdivisions (d), (e), (f), (g) and (h) and a new subdivision
 26 (c) is added to read as follows:

27 (c) (i) Where participation in this program is to be voluntary:

28 (1) filing a petition by electronic means with the court for the
 29 purpose of originating a proceeding shall not require the consent of any
 30 other party; nor shall the failure of a party or other person who is
 31 entitled to notice of the proceedings to consent to participation bar
 32 any other party from filing and serving papers by electronic means upon
 33 the court or any other party or person entitled to receive notice of
 34 such proceeding who has consented to participation;

35 (2) all parties shall be notified clearly, in plain language, about
 36 their options to participate in filing by electronic means;

37 (3) no party to an action or proceeding shall be compelled, directly
 38 or indirectly, to participate;

39 (4) where a party is not represented by counsel, the court shall
 40 explain such party's options for electronic filing in plain language,
 41 including the option for expedited processing, and shall inquire whether
 42 he or she wishes to participate, provided however the unrepresented
 43 litigant may participate in the program only upon his or her request,
 44 which shall be documented in the case file, after said party has been
 45 presented with sufficient information in plain language concerning the
 46 program;

47 (5) upon the filing of a petition with the court by electronic means,
 48 a party to the proceeding and any attorney for such person shall be
 49 permitted to immediately review and obtain copies of such documents and
 50 papers if such person or attorney would have been authorized by law to
 51 review or obtain copies of such documents and papers if they had been
 52 filed with the court in paper form.

53 (ii) Where participation in this program is to be required:

54 (1) such requirement shall not be effective in a court in a county
 55 unless the chief administrator shall:

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1 (A) first consult with and obtain the agreement of each authorized
2 presentment agency, child protective agency, the family court bar
3 providing representation to parents, and the family court bar providing
4 representation to children (as represented by the head of each legal
5 services organization representing parents and/or children, the head of
6 each public defender organization, and president of the local bar asso-
7 ciation as applicable) of such county, provide all persons or organiza-
8 tions, or their representative or representatives, who regularly appear
9 in proceedings in the family court of such county, in which proceedings
10 the requirement of consent is to be eliminated with reasonable notice
11 and an opportunity to submit comments with respect thereto and give due
12 consideration to all such comments, and consult with the members of the
13 advisory committee continued pursuant to subparagraph (vi) of paragraph
14 (u) of subdivision two of section two hundred twelve of the judiciary
15 law; and

16 (B) afford all those with whom he or she consults pursuant to clause
17 (A) of this subparagraph with a reasonable opportunity to submit
18 comments with respect to the program, which comments he or she shall
19 consider and shall post for public review on the office of court admin-
20 istration's website; and

21 (C) consult with the members of the advisory committee continued
22 pursuant to subparagraph (vi) of paragraph (u) of subdivision two of
23 section two hundred twelve of the judiciary law; and

24 (2) as provided in subdivision (d) of this section, no party who is
25 not represented by counsel nor any counsel in an affected case who opts
26 out of participation in the program shall be required to participate
27 therein.

28 § 18. Section 11 of chapter 237 of the laws of 2015 amending the judi-
29 ciary law, the civil practice law and rules and other laws relating to
30 the use of electronic means for the commencement and filing of papers in
31 certain actions and proceedings, as amended by chapter 554 of the laws
32 of 2022, is amended to read as follows:

33 § 11. This act shall take effect immediately~~[, provided that sections~~
34 ~~four, five, six and seven of this act shall each expire and be deemed~~
35 ~~repealed September 1, 2027, and provided that paragraph 2 a of subdivi-~~
36 ~~sion (b) of section 2111 of the civil practice law and rules, as added~~
37 ~~by section two of this act, shall expire and be deemed repealed Septem-~~
38 ~~ber 1, 2027].~~

39 § 19. This act shall take effect immediately.

Appendix B

E-Filing Advisory Committees Membership Lists

E-Filing Advisory Committees Membership Lists

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For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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Court, Kings County, Brooklyn, NY

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Kings County Clerk, Brooklyn, NY

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For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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York County Supreme Court, Criminal
Term

E-Filing Advisory Committees Membership Lists

Civil Court Advisory Committee on E-Filing

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

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Alia Razzaq

Chief Clerk, New York City Civil Court, New York, NY

Committee Vice-Chair

Christopher Gibson

Director, OCA Division of E-Filing,
Statewide Coordinator for E-Filing

Staff

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Mindy Jeng, Esq.

Members

Jennifer A. Bentley Esq.

Certilman, Balin, Adler & Hyman LL, East Meadow, NY

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St. John's University School of Law, Queens, NY

Ondre Cargill, Esq.

Shafer Partners, LLP, New York, NY

Dawn Carney, Esq.

Travelers – Claims Counsel, New York, NY

Jeffrey Carucci

Immediate Past Committee Vice-Chair
Director, NYSCEF (ret'd)

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Wilson Elser, Of Counsel, Shafer Glazer LLP, New York, NY

Adriene Holder, Esq.

Attorney-in-Charge, Civil Practice,
The Legal Aid Society

Richard W. Kokel, Esq.

New York, NY

Mitchell B. Nisonoff, Esq.

Department of Consumer Affairs, New York City, New York, NY

Jonathan Pinn, Esq.

Corporation Counsel, New York City Department of Law,
New York, NY

Lawrence N. Rogak, Esq.

Lawrence N. Rogak LLC, Oceanside, NY

Surrogate's Court E-Filing Committee

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair

Hon. Craig Doran

Administrative Judge, 7th Judicial District

Committee Vice-Chair

Christopher Gibson

Director, OCA Division of E-Filing,
Statewide Coordinator for E-Filing

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Phyllis Mingione, Esq.

Mindy Jeng, Esq.

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Chief Clerk, Monroe County, Surrogate's Court

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Gallo & Iacovangelo LLP, Rochester, NY

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Director, NYSCEF (ret'd)

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Chief Clerk, Richmond County, Surrogate's Court

Allyn Crawford, Esq.

Richmond County, NY

Rita K. Gilbert, Esq.

Hyman & Gilbert, PC, Larchmont, NY

Maryann Joyner, Esq.

Rural Law Center, Plattsburgh, NY

Kevin M. Kearney, Esq.

Hodgson Russ LLP, Buffalo, NY

Deborah Kearns

Chief Clerk, Albany County, Surrogate's Court

John Olivieri, Esq.

White & Case LLP, New York, NY

Doreen Quinn

Chief Clerk, Kings County, Surrogate's Court

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Reddy, Levey & Ziffer, PC, New York, NY

Kara M. Reed, Esq.

Nancy Burner & Associates, E. Setauket, NY

Charles T. Scott, Esq.

Greenfield, Stein & Senior LLP, New York, NY

Ronald J. Weiss, Esq.

Skadden, Arps, Slate, Meagher & Flom LLP, New York, NY

E-Filing Advisory Committees Membership Lists

Family Court Advisory Committee On E-Filing

For Purposes of Statutory Consultation Requirement under L. 2015, c. 237.

Committee Chair

Eugene Hurley
Chief Clerk, Family Court

Committee Vice-Chair

Christopher Gibson
Director, OCA Division of E-Filing,
Statewide Coordinator for E-Filing

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Janet Fink, Esq.
Phyllis Mingione, Esq.
Mindy Jeng, Esq.

Members

Hon. Anne-Mariew Jolly
Administrative Judge,
Family Court of the City of New York,
New Yrk, NY

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Legal Services of the Hudson Valley,
White Plains, NY

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First Deputy Chief Clerk,
NYC Family Court

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Attorneys for Children Program, New
York State Supreme Court, Appellate
Division, Second Department

Hon. Elizabeth Fassler
Judge, Queens County Family Court,
(formerly rep for cffr)

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Special Asst. Public Defender, Office of
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Society, Family Court Program,
Syracuse, NY

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Counsel to the Administrative Judge,
NYC Family Court, New York, NY

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Department of Law (Corp Counsel),
Family Court Division, New York, NY

Elaine Ku
Deputy Commissioner, Family Court
Legal Services,
NYC Administration for Children's
Services, New York, NY

Dorchen A. Leidholdt, Esq.
Director, Legal Center, Sanctuary for
Families Center for Battered Women's
Legal Services, New York, NY

Susan Lindenauer, Esq.
New York, NY

Robert Marchiony, Esq.
Principal Appellate Court Attorney
(Assigned Counsel Plan, Family Court),
New York State Supreme Court,
Appellate Division, Third Department

George Reed, Jr., Esq.
Law Offices of George Reed, Jr.,
White Plains, NY

Rylan Richie, Esq.
Albany County Public Defender
Supervising Attorney, Albany County
Family Court

Betsy Ruslander, Esq.
Director, Office of Attorneys for Children
Appellate Division, Third Deptment,
Albany, NY

Sarah Tirgary, Esq.
State of New York, Law Guardian
Program, Second Judicial Department

Brian J. Zimmerman, Esq.
Member Assigned Counsel,
Atty for Child Panel (18-b), Brooklyn, NY

Legal Services Advisory Committee on E-Filing

Committee Chair

Christopher Gibson
Director, OCA Division of E-Filing,
Statewide Coordinator for E-Filing

Committee Vice-Chair

Marc Bloustein
First Deputy Counsel & Legislative
Counsel, OCA

Staff

Phyllis Mingione, Esq.
Mindy Jeng, Esq.

Members

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Legal Services of the Hudson Valley

Jeffrey Carucci
Immediate Past Committee Vice-Chair
Director, NYSCEF (ret'd)

Maria DeGennaro
Empire Justice Center
Unit Director, HOPP Regional
Coordinator, Public Advocacy Center,
Touro Law Center

Steve Helfont
Director, OCA Division of Policy and
Planning

Adrienne Holder, Esq.
Attorney-in-Charge, Civil Practice,
The Legal Aid Society

Timothy C. Idoni
Westchester County Clerk

Jacob Inwald
Director of Foreclosure Prevention, Legal
Services NYC

Catherine Isobe
Brooklyn Legal Services

Joseph Kelemen
Western Law Center, Executive Director

Brooke Kemak
Cortland County Clerk's Office

Elizabeth Lynch, Esq.
Director, Economic Equities,
Legal Aid Society

Mark Muoio, Esq.
Program Director, Housing Unit, Legal
Aid Society of Rochester, New York

Silvia Orna
Chief Operating Officer,
Latino Justice PRLDEF

Nancy Sunshine
Kings County Clerk, Brooklyn, NY

Appendix C

Advisory Committee Reports



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 28, 2025

Hon. Joseph A. Zayas
Chief Administrative Judge
Office of Court Administration
25 Beaver Street
New York, New York 10004

Dear Judge Zayas:

This letter is intended to fulfill the obligation of the Supreme Court (Civil) Electronic Filing Advisory Committee to consult with the Chief Administrative Judge regarding the State's experience with programs in the use of electronic means for the commencement of actions and proceedings and the services of papers therein.

The committee met on January 27, 2025, at 12:30 p.m. to discuss the following issues:

Item 1

A presentation was given regarding a proposed streamlined process via NYSCEF for removing attorneys from electronically filed matrimonial proceedings. Changes would include simplified reasons for leaving the case.

Changes were implemented to provide appropriate measures to seal the initial e-filing process for Name Change and/or Sex Designation petitions pursuant to rules.

Work was performed to adjust visibility settings for Article 81 matters.

NYSCEF screens were updated to show/provide the User ID that is logged in at the request of the Bar.

The ability was created to file multiple motions in one upload.

A method/application was created with training for Law Enforcement agencies to e-file ERPO applications via NYSCEF.

Item 2

A discussion was held to insure that this report was filed with your office to assist on the preparation of your state-mandated report to the Legislature, the Governor and the Chief Judge of the State of New York evaluating the state's experience with programs in the use of electronic means. As you are aware, the legislation requires your office to consult with our committee and afford this committee an opportunity to submit comments with respect to the implementation of these programs for inclusion to your report.

The Unified Court System distributed to hundreds of bar groups, legal service providers and other interested groups and persons across New York state soliciting comments and suggestions regarding NYSCEF for your report. Comments will be allowed through January 31, 2025.

It was noted that the Legal Aid Society has already submitted a well-scripted letter and their representative on the committee was thanked for its assistance.

The committee urged its members to return to their own organization's comments and continue to solicit comments prior to the deadline.

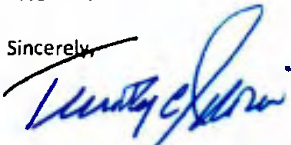
Item 3

The committee discussed recently enacted legislation, which the Office of Court Administration has proposed for the past few years - and endorsed by this committee - which permits the Chief Administrative Judge to introduce e-filing in any court and/or action with all current safeguards remaining in place. It was noted that the New York State Association of County Clerks has commenced a survey of its members to allow for the Chief Administrative Judge to proceed with approvals with the types not previously subject to mandatory e-filing be approved for mandatory e-filing. The County Clerk members of the committee have communicated with the membership on the expedited methodology approach and have received enthusiastic support for this approach.

It was noted once again for the record that 61 of the 62 counties have successfully implemented and been using the New York State Courts Electronic Filing system as authorized by the State legislature.

No other items were considered by the committee. Our committee stands ready to assist in any further actions and advocacy on these matters. We thank you for your consideration of our review and recommendations.

Sincerely,



Timothy C. Idom
Chair, New York Supreme Court (Civil) Advisory Committee on E-Filing

cc: New York Supreme Court (Civil) Advisory Committee on E-Filing
Christopher Gibson, Director, OCA Division on E-Filing



New York State Unified Court System

Office of Court Administration • Division of E-Filing

Justin A. Barry, Esq.
Executive Director

Christopher Gibson
Director, Division of E-Filing

February 25, 2025

Hon. Joseph A. Zayas
Chief Administrative Judge
25 Beaver Street
New York, NY 10004

Re: Report of the Surrogate's Court Advisory Committee on E-Filing

Dear Chief Administrative Judge Zayas,

I am writing on behalf of the Surrogate's Court Advisory Committee to fulfill our obligation to consult with the Chief Administrative Judge regarding the state's experience with electronic filing programs and to offer recommendations for potential legislation.

Since our committee's inception in 2015, we have met regularly and consistently reported on the gradual expansion of e-filing in Surrogate's Courts statewide. The meeting held on January 23, 2025, marked the final meeting chaired by the Honorable Craig Doran, who has retired from the bench. Throughout his tenure, Judge Doran demonstrated dedication and commitment to the committee's work. His leadership, and insights, and energetic efforts have been integral in advancing e-filing initiatives within the Surrogate's Court. We are deeply grateful for his invaluable contributions and leadership and wish him the very best in his next endeavors.

The NYSCEF program in Surrogate's Courts has proven to be a valuable tool, providing convenience for both unrepresented litigants and legal professionals, enabling them to continue their work outside the traditional court setting. The passing of the e-filing legislation this year has further increased accessibility and efficiency, allowing for even broader adoption of the program across various court types, thereby enhancing its benefits for all involved.

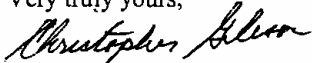
The Committee reports as follows:

1. As of December 2021, all 62 Surrogate's Courts have active e-filing programs, with 57 implementing mandatory e-filing. The remaining five courts, all within New York City, have opted for consensual e-filing while awaiting specific functionality updates to the Surrogate's Court NYSCEF platform. These updates were successfully completed throughout 2024, including improved integration with the Unified Court Management System (UCMS) and updated NYSCEF screens that mirror the functionality of the Supreme Civil Court NYSCEF program.

2. The Committee discussed the benefit of having mandatory e-filing across all Surrogate's Courts. One committee member shared the challenges of navigating Surrogate's Courts in NYC, where some courts demand paper filing for specific case types, creating confusion and inefficiencies. Additionally, members reported that there have been concerns raised by the Bar about long waiting periods and backlogs in the NYC Surrogate's Courts.
3. The Committee was informed that OCA's leadership is eager to engage in discussions on implementing mandatory e-filing in the five NYC Surrogate's Courts. As Director of the E-Filing Division (NYSCEF), I was tasked with starting these discussions with the NYC Chief Clerks. The majority of this Committee supports uniform e-filing across all Surrogate's Courts, as the members indicated it will add transparency, efficiency, and universal navigation to the Court's processes.
4. We also discussed the 2025 annual Electronic Filing Report of the Chief Administrative Judge, which evaluates the state's experience with electronic means. This Committee has consistently supported the Office of Court Administration's legislative proposals, including empowering the Chief Administrative Judge to expand e-filing statewide with necessary safeguards, such as exemptions for self-represented litigants. We were pleased to discuss the enactment of legislation lifting the limitations previously placed on the CAJ in implementing e-filing.
5. The Committee continued previous discussions regarding putting together a smaller working group to review current rules for potential updates and to recommend replacing inactive committee members. Additionally, we recommend that additional resources be allocated to the NYSCEF Division to meet the growing demands for e-filing in all authorized courts.

Thank you for considering our recommendations as you evaluate the state's experience with electronic filing.

Very truly yours,



Christopher Gibson, Director
Vice-Chair, Surrogate's Court Advisory Committee on E-Filing



New York State
Unified Court System

Office of the Chief Clerk • New York City Family Court

Eugene W. Hurley
Chief Clerk

February 27, 2025

Honorable Joseph A. Zayas
Chief Administrative Judge
New York State Court System
25 Beaver Street
New York, NY 10004

Dear Chief Administrative Judge Zayas:

Re: Report of Family Court Advisory Committee on E-Filing

This letter is being submitted on behalf of the Family Court Advisory Committee to fulfill our obligation to consult with the Chief Administrative Judge regarding the state's ongoing use of electronic filing systems for initiating proceedings and serving papers, as well as to offer recommendations for future legislative measures.

On January 23, 2025, the Committee convened to review the progress of the Family Court's e-filing initiatives and to discuss additional steps for expanding these programs. We are pleased to share that the consensual e-filing pilot program has seen significant growth since its launch in August 2022. At present, e-filing is available for limited case types, including Custody/Visitation, Guardianship, Paternity, Parentage-Assisted Reproduction, Parentage-Surrogacy, and Support, across nineteen Family Court locations statewide. Seven of these courts recently joined the program in January 2025, and we have been informed that a further expansion is planned for the Spring of 2025, beginning with all five counties within the Ninth Judicial District. In addition to this, potential expansion is being reviewed for additional case types. It is the goal to complete the expansion/implementation of the Family Court pilot program throughout the state within two years.¹

While the Electronic Document Delivery System (EDDS) served as a helpful tool during the pandemic, there is broad consensus within the Committee that NYSCEF will be the more effective and sustainable platform for the future of Family Court operations. The EDDS system has added an unnecessary layer of complexity, as court users have continued to submit documents through multiple channels, including EDDS, mail, and in-person filing. And the option to use EDDS is no longer available for case types where NYSCEF has been implemented, though parties may still

¹ The E-Filing Team has recently informed the Committee Chair that Nassau County has expressed interest in participating in the pilot program, which, once implemented, will complete the rollout of e-filing across all downstate Family Courts.

Honorable Joseph A. Zayas
February 27, 2025
Page 2

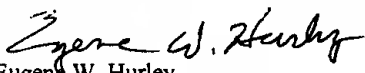
submit documents by mail or in person. The ongoing development of NYSCEF includes updates such as the ability to transfer data between UCS platforms (UCMS), enhancements to DIY family programs that integrate with NYSCEF, and the direct creation of petitions on the NYSCEF platform. These upgrades are designed to streamline processes and enhance functionality for both litigants and court staff.

The Committee is especially mindful of the challenges faced by unrepresented litigants and acknowledges the considerable efforts by NYSCEF administrators, Family Court staff, and the Division of Technology (DoT) to tailor the program to their needs while safeguarding confidentiality. The Committee has been informed of the ongoing work to improve the program, including monthly meetings between e-filing team members, Family Court administrators, and DoT staff, to address any challenges and implement necessary changes before launching the program in new courts. Additionally, many Committee members, especially those who frequently practice in Family Court, highlighted the disorganization caused by inconsistent policies across different Family Courts. There is strong support within the Committee for the use of NYSCEF to foster greater uniformity and efficiency in court operations statewide.

Finally, the Committee unanimously supports the enacted legislation that permits the Chief Administrative Judge to authorize e-filing to all courts and case types. We also endorse the legislation maintaining essential safeguards, particularly regarding exemptions for self-represented litigants, to ensure that e-filing remains accessible and equitable for all parties.

Thank you for your attention to these important matters. We look forward to continuing to work with you to improve the implementation of electronic filing programs in Family Court.

Respectfully Submitted,


Eugene W. Hurley
Chairperson,
Family Court Advisory Committee on e-Filing



New York State
Unified Court System

Office of Court Administration • Division of E-Filing

Justin A. Barry, Esq.
Executive Director

Christopher Gibson
Director, Division of E-Filing

February 24, 2025

Hon. Joseph A. Zayas
Chief Administrative Judge
25 Beaver Street
New York, NY 10004

Dear Chief Administrative Judge Zayas:

This letter is intended to fulfill the obligation of the **Civil Court Advisory Committee on E-Filing** to consult with the Chief Administrative Judge regarding the state's experience with programs in the use of electronic means for the commencement of proceedings and the service of papers therein, as well as to offer recommendations for potential legislative improvements.

The Committee convened on January 24, 2025, and has several important updates to share concerning the ongoing developments and successes of electronic filing in the New York City Civil Court. The implementation of e-filing platforms for consensual housing court matters and mandatory no-fault health services actions pursuant to insurance law has been well received, streamlining access and improving efficiency. As highlighted by The Legal Services of the Hudson Valley, comment January 17, 2025, "All litigants, especially those who are low-income and unrepresented would benefit from the ability to file legal papers remotely at any time, day or night."

A significant portion of the Committee's recent discussions focused on the urgent need for expanding e-filing to the high-volume consumer credit matters, a topic we have previously raised. Meetings with NYSCEF representatives, Legal Service Organizations, and Civil Court Administration were held, and a pilot program was initially anticipated in 2022. However, this initiative was delayed as resources were redirected towards implementing e-filing in family court. Given the high volume of cases in consumer credit, there is a clear and growing demand for e-filing to ensure fairness and accessibility for both debtors and creditors. The Committee continues to advocate for the immediate/urgent prioritization of this project by the Chief Administrative Judge.

We also discussed the challenges presented by the current reliance on the Electronic Document Delivery System (EDDS), which was introduced during the COVID-19 pandemic but has proven to be inefficient and inadequate compared to NYSCEF. One Committee member aptly noted that the backlog and lack of access to court documents create significant delays, with no court papers available, leading to undue pressure on litigants to settle cases prematurely. Court staff has also been frustrated with the EDDS platform. The Committee recommends that the E-Filing Division and DOT consider an approach that minimizes the burden on UCS, one with the least resource-intensive options, thereby accelerating

completing the functionality for this project and speeding up the process of the rollout and implementation of the program.

The Committee was pleased to hear that the NYSCEF team, Civil Court Administration, and the Division of Technology have been meeting regularly to finalize the necessary functionality for this project. A concrete timeline is expected by fall 2025, and the Committee will be promptly updated once the details are available. The committee was also made aware that other expansion to additional case types is also currently being considered.

Acknowledging the constraints of court resources, the Committee strongly emphasizes that all e-filing initiatives must be treated as high priorities. We also urge the allocation of additional staffing to support these critical programs. Additionally, the Committee is keenly aware of the challenges faced by many self-represented litigants navigating the Civil Court. We support the continued efforts of NYSCEF leadership to collaborate with other OCA Divisions, particularly the Division of Justice Initiatives, to address barriers and ensure greater access to justice for self-represented parties seeking to e-file. The issue of technology access—such as the availability of computers, scanners, and internet access—remains a concern. The Committee expressed appreciation of the efforts of OCA administrators to improve access to such technology at self-help centers and other support locations. The Committee will continue to explore ways to enhance the availability of these resources, ensuring meaningful access for all litigants.

The Committee applauds the Governor for enacting the e-filing legislation.¹ We are encouraged by the lifting of restrictions on the Chief Administrative Judge's authority to introduce e-filing in any court or action, with the continued safeguard that self-represented litigants remain exempt from mandatory e-filing. Furthermore, we respectfully recommend that additional resources be allocated to assist the NYSCEF Division in implementing the necessary improvements outlined in this report.

The Committee looks forward to working collaboratively to monitor and support the ongoing progress of e-filing in the Civil Court and to ensuring that all litigants, regardless of resources, can effectively engage with the court system.

Respectfully submitted,



Christopher Gibson

Vice Chair – Civil Court Advisory Committee on E-Filing

¹ "As providers of free legal services to low-income New Yorkers and active members of several statewide e-filing committees, we believe the time has come to move away from the incremental approach of expanding e-filing of the last two decades." Adriene Holder, Attorney-in-Charge, Civil Practice Legal Aid Society – January 17, 2025, comment.

SUPREME AND COUNTY (CRIMINAL) ADVISORY COMMITTEE ON E-FILING

For the New York State Unified Court System
Hon. Michael V. Coccama, JSC (ret.)
Former Deputy Chief Administrative Judge Outside NYC
Committee Chair

February 26, 2025

Hon. Joseph A. Zayas
Chief Administrative Judge
25 Beaver Street
New York, NY 10004

Re: Report of Supreme and County (Criminal) Advisory Committee on E-Filing

Dear Chief Administrative Judge Zayas,

As Chair of the Supreme and County Court (Criminal) E-Filing Advisory Committee, I am writing to fulfill our obligation to consult with the Chief Administrative Judge regarding the state's experience with electronic filing programs and to offer recommendations for further legislative considerations.

The full Committee convened on January 24, 2025, to review the progress of the Superior Criminal Pilot E-Filing Program. We are excited to report that the pilot program is nearing its launch, which we anticipate will take place in May/June 2025, in at least two courts.

Below are key points discussed during our recent meeting:

Working Group: Throughout 2024, the E-Filing team, along with the Committee's working group, has worked diligently and collaborated with agency stakeholders, court staff, and the Division of Technology to develop comprehensive e-filing functionality for Superior Criminal Courts.

Rules Subcommittee: Committee members reviewed the draft consensual e-filing rules for the pilot program, which were carefully developed by the Rules Subcommittee. We will send the Pilot Rules to OCA's Counsel's Office for a final review, after our next meeting of 2/28/25, and prior to the program's launch.

EDDS: Although NYSCEF is not yet available in criminal courts, the Electronic Document Delivery System (EDDS) has been used for digital document submissions. The EDDS system has generated increased demand from attorneys and parties for the NYSCEF pilot program due to the numerous benefits that digital filing offers, including 24/7 access to case files, the ability to file and serve notice of documents at any time of the day or night from the convenience of your home/office.

New E-Filing Legislation: The committee fully supports the legislation that facilitates the expansion of e-filing, with the current safeguards intact, and the removal of restrictions on the Chief Administrative Judge's discretion to implement e-filing programs—whether consensual or mandatory—in all courts and case types. This expansion is a significant and positive

development. The e-filing system will continue to ensure that criminal case documents are treated confidentially, with the same sealing and confidentiality protections as paper documents. Additionally, as stated in CPL Sec. 10.40(2)(d)(ii), “no paper or document filed electronically in a criminal proceeding in Supreme Court or County Court shall be available for public inspection online.” Furthermore, the proposal requires consultation with key stakeholders, such as the Bar, legal service providers, County Clerks, District Attorneys, and other groups, prior to expanding e-filing. The Committee emphasizes the importance of involving all relevant stakeholders in the roll-out of the program.

The Committee looks forward to continuing testing the e-filing functionality, monitoring the program’s progress, and addressing any concerns that may arise during its implementation. We are excited about the upcoming launch of the e-filing system and the benefits it will bring to the New York State criminal bar. The committee will be consulted regarding the expansion of the program to each new county/supreme criminal court.

We appreciate your consideration of our input as you prepare the annual report.

Respectfully submitted,

Michael Coccoma

Hon. Michael Coccoma, JSC (ret.)
*Former - Deputy Chief Administrative Judge
Outside New York City*



**New York State
Unified Court System**

Office of Court Administration • Division of E-Filing

Justin A. Barry, Esq.
Executive Director

Christopher Gibson
Director, Division of E-Filing

February 25, 2025

**Hon. Joseph A. Zayas
Chief Administrative Judge
25 Beaver Street
New York, NY 10004**

Re: Report of the Legal Services Advisory Committee on E-Filing

Dear Chief Administrative Judge Zayas:

The Legal Services Advisory Committee on E-Filing, established in 2019, works alongside other advisory committees to consult with the Chief Administrative Judge on electronic filing in New York State courts. Its purpose is to improve communication between the legal services community and the court system, focusing on the challenges faced by self-represented litigants and gathering suggestions to enhance electronic filing for them and address broader concerns from the legal services community.

Upon review of the agenda, agenda items, and discussion, it appears there is a strong consensus regarding the benefits of e-filing and the necessity to embrace its expansion. Moving away from the incremental and confusing piecemeal process is a clear priority for the committee. We also recognize that enhanced training opportunities for clerks will be beneficial for all stakeholders. The NYSCEF Resource Center's capacity to address isolated errors, especially when promptly notified, and continue educating on new features and improving communication, is a valuable asset.

Some comments received/reviewed related to operational delays, and it was clarified that these are not issues within the NYSCEF system, but rather court related. Additionally, some of the suggestions regarding NYSCEF enhancements, like the availability of e-filing a fee waiver, requires better communication as this feature is already in existence. The recommendations for a more user-friendly NYSCEF, especially concerning disability accommodations, call for further discussion with more specific details so that appropriate departments can address the specific concerns. Expanding language access was also noted as a valuable recommendation to be carefully considered for implementation, and the E-Filing Division has made efforts to partner with additional OCA Departments to explore all resources available to assist with expanding language access.

The Committee discussed other comments regarding operational issues including concerns related to virtual or remote court hearings and the de-escalation of contentious cases. As these are judicial decisions and are within the purview of court administration, they fall outside the scope of the NYSCEF committee's responsibilities. An additional suggestion from the Legal Services of the Hudson Valley for legal services to act as an authorized agent for pro se parties merits consideration, but it would require a rule amendment.



New York State Unified Court System

Office of Court Administration • Division of E-Filing

Justin A. Barry, Esq.
Executive Director

Christopher Gibson
Director, Division of E-Filing

The Committee further emphasized the critical point that County Clerks and Clerks of Supreme Court are prohibited from giving legal advice. Additional self-help centers with forms and e-file kiosks would provide necessary support for pro se litigants and could be an appropriate improvement in this regard. As the number of self-represented active NYSCEF users has surpassed 82,000, the Committee recognizes the growing demand for remote court access among self-represented litigants who may face barriers due to a lack of technology. To address this issue, OCA Administration is exploring ways to enhance accessibility to assist self-represented litigants with electronic filing.

Despite acknowledging limited resources, the Committee strongly advocates for prioritizing e-filing programs and providing sufficient staffing and support for self-represented litigants choosing to e-file. The Committee expresses support for NYSCEF leadership to collaborate with other OCA departments, divisions, and programs to bridge the digital divide. Additional suggested proposals include providing a feedback page on the NYSCEF self-represented pages to provide another avenue for unrepresented users navigating the e-filing process to voice issues encountered, enhancing these web pages, and conducting training sessions for court “help-centers” and libraries to better assist self-represented litigants.

We look forward to contributing to an electronic filing program that serves the needs of all litigants and attorneys across New York State.

Sincerely,

A handwritten signature in dark ink, appearing to read "Christopher Gibson", written over a light blue horizontal line.

Christopher Gibson
Chair – Legal Services Advisory Committee on E-Filing

Appendix D

Comments from County Clerks



NYS ASSOCIATION OF COUNTY CLERKS

January 14, 2025

Christopher Gibson
Statewide Coordinator for Electronic Filing
VIA EMAIL: cgibson@nycourts.gov

Dear Mr. Gibson,

As President of NYSACC, I applaud Governor Hochul and the Legislature for the passage of legislation which lifts the current restraints on the Chief Administrative Judge (CAJ) to introduce e-filing programs in all courts and case types including Article 70, Article 78, election law, matrimonial, and Mental Hygiene cases after consultation with the Bar, legal services providers, and other groups with the consent of the County Clerk.

Significantly, the enacted legislation maintains existing e-filing safeguards: Unrepresented persons continue to be exempt from e-filings unless they affirmatively choose to participate; attorneys lacking the equipment or knowledge continue to have the right to opt out of e-filing, and confidential treatment of cases such as matrimonial actions, as provided elsewhere under State law, is maintained.

The Association of County Clerks recognizes the Office of Court Administration's superb job of developing the electronic filing application through which the New York State Courts Electronic Filing System (NYSCEF) functions. NYSACC continues its strong support for further expansion of this program and looks forward to working together with NYSCEF to accomplish appropriate expansion with consent of the County Clerks.

Sincerely,

Nancy T. Sunshine

Hon. Nancy T. Sunshine, NYSACC President



WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

January 27, 2025

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Dear Mr. Gibson:

I am writing in response for the request for comments on electronic filing in the New York State Courts for inclusion in the Office of Court Administration's 2025 annual report. We are strongly in support of the recently signed e-filing bill amending CPLR Article 21A giving the Chief Administrative Judge (CAJ) the authority to make electronic filing mandatory statewide in any or all New York state trial courts.

We here in Westchester have led the way toward this long-time goal of universal e-filing in the New York state courts. The expansion of e-filing and other technology has been a dream for almost twenty years and we are grateful for the advances it has brought to our county's operations.

E-filing has indeed become an essential tool to expand justice to all. Having access to court records and the ability to file any time of the day or night has led to significant improvements in our system. No longer are our system's users locked into normal work hours to file records in their time sensitive cases. And the system recognizes that *pro se* litigants who do not have the ability to access the system are not legally penalized for not being able to do so. This insures fairness to all.

In conclusion, we continue to look forward in the process, adding essential case types to our programs and delivering court services with efficiency and compassion to those who need it so dearly.

Sincerely,

Timothy C. Idoni
Westchester County Clerk
Chair, Supreme Court (Civil) Advisory Committee on E-Filing



QUEENS COUNTY CLERK
CLERK OF THE SUPREME COURT
COMMISSIONER OF JURORS



Hon. Audrey I. Pheffer
*Queens County Clerk
Clerk of the Supreme Court
Commissioner of Jurors*

Erika Louis
*Administrator
County Clerk Operations*

Raymond M. Weaver
First Deputy County Clerk

Jerome White
*Deputy Administrator
County Clerk Operations*

January 15, 2025

Christopher Gibson, Director
Division of E-Filing
NYS Office of Court Administration
25 Beaver Street, 9th Floor
New York, NY 10004

[via email:efilingcomments@nycourts.gov](mailto:efilingcomments@nycourts.gov)

Dear Mr. Gibson:

I was so happy to hear about the recent legislation passed lifting the current restraints on the Chief Administrative Judge to introduce e-filing programs in all courts and counties as he deems appropriate. This will be done after consulting with the bar and other affected parties/groups with the consent of the County Clerks.

Electronic filing proves to be very successful in our county and has been embraced by the bar and court users. Although legislation is in place for continued exemption of mandatory e-filing for unrepresented parties unless they choose to participate, electronic filings continue to steadily increase each year. The legislation in place to ensure the safeguarding of confidential records has been proven beneficial as 90% of our filings last year were electronic and 68% of our matrimonial cases were electronically filed.

As always, I applaud the NYSCEF Resource Center's collaboration with my office to address concerns and provide continuous enhancements to the system. Thank you for the opportunity to comment on the past year experience of electronic filing in Supreme Court, Queens County, and I look forward to continuing working with you and your team.

Very Truly Yours,

Hon. Audrey I Pheffer
Queens County Clerk

EXECUTIVE OFFICE: 88-11 Sutphin Boulevard, Room 105, Jamaica, New York 11435, (718) 298-0601
89-17 Sutphin Boulevard, Room 244, Jamaica, New York 11435, (718) 262-7223
120-55 Queens Boulevard, Room CJ1, Kew Gardens, New York 11415, (718) 298-0621
25-10 Court Square, Room B58, Long Island City, New York 11101, (718)298-0624

Appendix E

Comments from Other Stakeholders



Owen G. Wallace, *President*
Onika D. McLane, *Vice-President*
Jennifer S. Candelario, *Secretary*
Brendan Cyr, *Treasurer*

Peter McGowan, *Immediate Past President*

Timothy K. Beeken
John D. Bové
Jennifer Pordes
Bradley Rank
Bradley Small
Robert T. Westrom
Directors

January 17, 2025

Mr. Christopher Gibson
Director, OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Re: 2025 NYSCEF Comment Letter

Dear Mr. Gibson,

We write on behalf of the Managing Attorneys and Clerks Association, Inc. (“MACA”), in response to the December 16, 2024 notice to comment on our experience with electronic filing and the NYSCEF system. We welcome this opportunity and thank you and the Office of Court Administration for seeking the views of the bar on these important subjects.

As you know, MACA is comprised of approximately 125 law firms with litigation practices (primarily large and mid-sized firms) and in-house law offices, as well as the New York State Attorney General’s Office. Managing attorneys’ and managing clerks’ positions within our respective firms and concomitant responsibilities afford us a breadth of understanding of the day-to-day operations of the various state and federal court e-filing systems. Our members have extensive experience with e-filing in NYSCEF, in other states’ e-filing systems, and in the federal e-filing system. In a majority of our member firms, managing attorney or managing clerk staff perform the actual e-filing and retrieval of litigation papers in NYSCEF. Furthermore, some of our member firms handle matters that fall outside standard civil litigation, such as matrimonial actions, proceedings in Family Court and Criminal Court, and

residential foreclosure and consumer credit actions, either as part of their regular business or on a pro bono basis. In that vein, we are pleased to see that Governor Hochul has signed the recent legislation permitting Chief Administrative Judge Zayas to institute e-filing in all of the State's trial courts.

General Assessment

We continue to find NYSCEF a very effective tool, both as our means of serving and filing court papers and as the courts' readily accessible online record of their cases. The technology is reliable; we very rarely experience a service disruption and in this regard, NYSCEF compares favorably with the federal CM/ECF and other states' systems.

In our experience, a substantial factor in NYSCEF's success is the NYSCEF Resource Center (a.k.a. the Statewide E-Filing Resource Center). Their staff operate an effective help desk that provides competent e-filing problem-solving services. In addition, leadership of the Center for many years has been receptive to our feedback and suggestions, sought our input on new proposals and developments, and alerted us and other bar associations to e-filing-related changes to help us ensure our firms adapt efficiently.

2025 Comments and Suggestions

Integration of eTrack/eCourts

MACA is generally quite satisfied with NYSCEF as an e-filing system, however, conspicuous by its absence on NYSCEF is any indication of future court dates and appearances. Many other court's e-filing systems include such information, but on the New York Courts website one must go to a separate location, eCourts, in order to obtain information on upcoming conferences, motion return dates, and court appearances in a particular matter. Similarly, unlike alerts for new court filings, NYSCEF does not send out e-mail notifications when new court dates are scheduled. Instead, an attorney, litigant, or interested party must enroll in a separate service known as eTrack via the eCourts website for each particular case to receive such e-mails.

Because eTrack is often the only way for an attorney or litigant to learn of upcoming court appearances, and one must affirmatively sign-up to track each case, it is not uncommon in New York State Court practice for a party to miss a scheduled appearance, necessitating the matter be rescheduled. This is of course a tremendous waste of everyone's' valuable time and resources, not to mention an annoyance for all involved. The advent of remote court appearances via MS Teams, while a welcome addition, further adds to the confusion since attorneys have become accustomed to receiving a calendar invite by email from chambers for remote appearances, but receive no automatic calendar notifications for in-person appearances or other calendar items which are not sent directly from chambers. While some chambers have begun posting a "Court Notice" to NYSCEF anytime a conference or oral argument is scheduled, others do not, which adds to the confusion and is only a "notice" as opposed to an actual calendar marking.

While MACA would ideally like to see full integration of eTrack/eCourts with NYSCEF, we believe that two simple steps would help reduce confusion about future court dates and appearances and add efficiency for litigants when calendaring court dates:

First, make enrollment in eTrack automatic when an attorney files an appearance in a case on NYSCEF. There is already some interaction between the two systems, as an attorney can use one's Attorney Online Services account login (which also may be used for NYSCEF) for eTrack. And after an attorney commences a new action on NYSCEF, the system provides a link to eCourts for the attorney to set up case tracking. But this still requires an opt-in from the user. With hopefully just some additional programming, making eTrack enrollment an automatic part of a NYSCEF user's filing process could greatly alleviate the problem of inadvertently missed court appearances.

Second, provide a direct link from the case page on NYSCEF to the corresponding case page on eCourts. Litigants, attorneys, and the public should be able to access all information about a particular case from a single source, and as e-filing has now become widespread, it is only sensible that NYSCEF should be that source.

Downloading And Printing Multiple Documents

Currently, NYSCEF enables a viewer to download or print a single document at a time. The ability to batch print or download would be a wonderful functional addition. A routine request of the managing attorneys' and managing clerks' offices is to obtain sets of documents e-filed on various platforms. While the ability to locate and print single documents on NYSCEF is above par, it requires quite a bit of time and effort to download or print multiple documents, such as a set of documents related to a particular motion, including exhibits. It would be a welcome update if we could select multiple documents at a time, or all documents related to a particular motion and have the ability to download or print with a single click.

Additionally, we believe the same download or print functionality that is available for printing a docket list should be added for the case detail for respective appearances of parties' counsel and individual attorney's full case list. Currently, we use a web print function to print those lists, and the results can be incomplete or oddly formatted.

Date/Time e-Filing Stamp on All Filings

With respect to the NYSCEF system affixing a date/time stamp to the header of most filings, we question why the system does not date/time stamp certain e-filed documents. For example, letters/correspondence and proposed Orders do not get any type of filing stamp when they are uploaded to NYSCEF. Other than the docket entry there is no confirmation that the document has been e-filed. It is possible the reason for this is the expectation the Court will act upon the correspondence or proposed Order and upload an endorsed or executed version of same, thus placing another stamp on the filing and causing "clutter" at the top of the document. It would be helpful, and is more important to us to have the stamp on of the initial filing for purposes of attorneys' records and posterity than it is to avoid the clutter. We understand that "entry" of documents is a County Clerk function, but NYSCEF has the ability to date/time stamp e-filed documents without adding the "Entered" or "Filed" designation. This is already done with Notices of Motion, which are not marked "Filed" until they are fully processed. In the

interim they merely have a filing date stamp along with the Index Number listed. The extra stamp on those documents does not clutter the header stamp.

Ability of Counsel of Record to File on Behalf of a Non-Party

While the NYSCEF system generally permits the filing of documents on behalf of non-parties, once an attorney records their representation for a party in a particular action, that attorney may not subsequently record their representation for a non-party in the same action. There are occasions, however, when an attorney of record for a party needs to file on behalf of a non-party. For example, when an entity related to a party has been served with a subpoena and retains that party's attorney to move to quash or file some other relevant document with the court. However, since that attorney has already recorded a representation for a party, the NYSCEF system will not allow the attorney to check the box indicating the filing is on behalf of the non-party. While the attorney may still file by leaving the non-party box unchecked, there is no way for the attorney to add the non-party to the list or record a representation for the non-party. We would like to see the prohibition on counsel of record filing for non-parties removed such that counsel can register an appearance for both a party and a non-party.

* * *

Again, we are grateful for the opportunity to comment on NYSCEF. We are enthusiastic supporters of the system and eagerly look forward to the expansion of e-filing and improvements to NYSCEF functionality.

Respectfully submitted,

s/ Owen G. Wallace
MACA President
Managing Attorney
Cahill Gordon & Reindel LLP
owallace@cahill.com

Comments from Other Stakeholders

From: [Harper, Bonnie](#)
To: [eFiling Comments](#)
Subject: Adding Civil Court to NYSECF/efiling
Sent: 1/9/2025 1:05:07 PM

Hello, I write with regard to revising the filing system for Civil Court and request that all of Civil Court move to NYSECF.

As someone who routinely appears in Civil Court (mostly Kings County) for the MTA and New York City Transit Authority*, I am confused why general litigation cases are still using EDDS and paper for filing and have not migrated to NYSECF (or other full-service efilng platform). Frankly, this is a huge hinderance not just to the parties and counsel, but to the Court as well. Judges and clerks cannot find any filings without the character code issued when filed with EDDS. Often, when appearing in person, I need to provide paper copies of the filings to the Judge, who was unable to see everything served and filed prior to the court date. It is inefficient and potentially unjust. It also requires me, and attorneys like me, to make certain we retain all the confirmations of filing with EDDS as we have to provide them to the judge at hearings. Worse, when one of my cases is consolidated with a case in Supreme, the transfer takes at least a year instead of a few clicks of a button. When the transfer finally does happen, everything filed in Civil is now scanned as one huge document in Supreme – it is very difficult to use when all the filings are now one pdf. That does not happen when cases are transferred in Supreme; merely new index numbers are created, and everything scanned into the file is more or less the same, thus benefitting all users. The New York State Workers' Compensation Board moved to an all-digital platform on January 1, 1997. Most cases in Supreme Court have mandatory efilng and have had so for the last five years. Yet, here in Civil Court, things haven't budged much, and I routinely still cross the street and file paper with the court. It is time to move forward and join the rest of the court system. Please make that leap to efilng.

Thank you.

Respectfully,

Bonnie C Harper, Esq

Senior Associate Counsel

Commercial Litigation Unit

Law Department

718/694-5613



*I am not a spokesperson for the Authority; my requests and opinions are my own.

Comments from Other Stakeholders

From: Peter Lomtevas
To: [eFiling Comments](#)
Subject: 90s Technology?
Sent: 1/13/2025 4:24:06 PM

I have yet to see a working, modern filing system in any court anywhere in this country. NYSCEF as with all others is 90s technology with little more than menus with selections. Much does not work.

Entering a new password leads to errors despite careful adherence to rules. Menu choices omit certain actions (inclusion of a legal back with Part 130 certification, for example) while other selections are missing altogether.

Pdfs need to be in the downloads folder for upload otherwise the 90s tech website cannot find extended folders other than *downloads*. Documents have to be split up by the user: exhibits for example. In many cases, the website refuses to upload a file because it is not a "valid" pdf file when in reality it is a valid pdf file.

Using computers is a godsend to lawyers and lawyering. We don't have to pollute the environment with our cars and public transport to file basic documents. We can pay using a credit card. We become more efficient and can spend less on over head as we represent our public. Why can't NYSCEF be more like Facebook or X in the way it accepts and uploads files? Why Windows 95 in its appearance and operation?

Thank you.

Peter

www.lomtevas.com

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DUNNING RIEVMAN & MACDONALD LLP
ATTORNEYS AT LAW

James Montgomery
jmontgomery@drmlaw.com
646-509-1852

Jan. 3, 2025

VIA U.S. MAIL

Mr. Christopher Gibson
Director, OCA Divn. of E-Filing
25 Beaver Street, Room 926
New York, NY 10004

Re: Comment on NYSCEF

Dear Mr. Gibson,

Now that the NYC Civil Court has jurisdiction up to \$50,000, the availability of e-filing in that court is a welcome change. However, a significant limitation is the inability in Civil Court cases to review the entire docket, in the way one can with Supreme Court matters. A change to the system to allow that to happen would be most welcome. I remain,

Sincerely,

A handwritten signature in black ink, appearing to read "James Montgomery".

James Montgomery

1350 Broadway, Suite 2220, New York, NY 10018

PAUL W. MEYER, JR.

Attorney at Law
Admitted in New York and Florida

January 6, 2025

Christopher Gibson
Director, OCA Division of E-Filing
25 Beaver Street - Room 926
New York, NY 10004

Re: E-Filing Program

Dear Mr. Gibson:

My comment to the E-Filing program is relative to the method of removal of consent/representation from an action.

Enclosed herewith is a copy of the instructions set forth in the NYSCEF system as to how an attorney removes himself/herself from the representation of a client. The reasons/methods of removal are flawed. In a matrimonial action, the last reason permitted is that the action is over and irrespective of the pendency of an appeal, an attorney can withdraw if not retained for the handling of an appeal. What about a non-matrimonial action?? No basis for removal as per marital action exists. Why not? I had represented a party in a civil action whereby the action was dismissed. An adversary filed a notice of appeal. While I have not been retained to handle the appeal and the within retainer agreement so provides for same and I have so advised the former client, she refuses to sign a change of attorney herein. As such, I have been compelled to file an OTSC for the relief of removal. Absent same, the adversary would be permitted to name and serve me as the attorney/the representative in the Appeal. This is not proper.

Furthermore, a requirement should be made that representation of a client must be removed from the system when an attorney is discharged by Court Order and or by the filing of a change of attorney. Absent same, the discharged/replaced attorney will still receive automatic notices of filings, etc. While said attorney can still look up the case, why should

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(Fax and Email Not For Service Purposes)

Comments from Other Stakeholders

From: [Marylou Mooney](#)
To: [eFiling Comments](#)
Subject: Comment on Electronic Filings
Sent: 1/15/2025 5:56:47 PM

When an attorney wishes to remove his/her consent to represent a party, the options listed do not cover all circumstances upon which to remove said consent. Often a case concludes on the basis of a Court Order issued on a motion for summary judgment or motion to dismiss. If such a motion is granted, and none of the parties to the action perfect an appeal, then the case is simply over. No Stipulation of Discontinuance can exist in this instance because no one is stipulating to anything – the Court has issued a directive. None of the options listed accommodate this possibility.

I would like to thank you for allowing comments on the e-file system.

Mary-Lou Mooney
Legal Assistant
Kosakoff & Cataldo LLP
175 Pinelawn Road, Suite 100
Melville, New York 11747
631-650-1200
Fax: 631-650-1207
Direct: 631-297-8146
mmooney@kcllp.net

From: [Michelle Locklin](#)
To: [eFiling Comments](#)
Subject: Comments on E-filing
Sent: 1/15/2025 3:09:58 PM

Good afternoon,

I would like to make a suggestion regarding e-filing. In federal court and in the NJ Courts you are able to open all documents related to a single filing by clicking a button. For example, if a motion was efiled along with the affirmation in support and exhibits, you would be able to click that button which would open the motion documents as one file. This would make the process of viewing and saving the filing much easier and more time efficient.

Thank you for any consideration given.

Michelle Locklin
Legal Assistant to William J. Mitchell, Esq.
Bongiorno, Montiglio, Mitchell & Palmieri, PLLC
200 Old Country Road, Suite 680
Mineola, New York 11501
Phone: (516)620-4490
Direct Dial: (516)620-4533
Fax: (516)742-1790

Michelle.locklin@bmmplaw.com



Comments from Other Stakeholders

From: Mitchell Dranow
To: [eFiling Comments](#)
Subject: Case Searches
Sent: 1/16/2025 11:21:38 AM

First, I love the system. I'm 63 and still marvel at it. I feel that I may be missing this, but if not, could you insert a link on every page that can take a user directly back to the **Case Search** page?

Thanks.

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January 6, 2025
Page -2-

same receive notices when no longer involved in the case. As such, whether by Court Order as to a discharge order pursuant to CPLR, or a filed change of attorney filed in the Court NYSCEF system, a relieved attorney must be ordered to forthwith remove his/her representation of said client.

Very truly yours,

Paul W. Meyer, Jr.

PWM/cd
Enclosure

Comments from Other Stakeholders

From: [Bradley Oastler](#)
To: [eFiling Comments](#)
Subject: Comment - eFiling expansion/amendment
Sent: 12/31/2024 11:35:13 AM

Mr. Gibson,

In response to the solicitation of comments regarding the proposed amendment/expansion of eFiling, I wish to offer a few thoughts as an everyday user of NYSCEF. I am the chief of the Appeals Bureau in the Onondaga County District Attorney's Office and use NYSCEF on a daily basis for criminal appeals. I have found the implementation of mandatory NYSCEF filing in that context to be an excellent change from prior practices, and only hope that paperless processes may yet expand to criminal matters in their entirety. But, to the extent that we now employ NYSCEF for criminal appeals, there are a few shortcomings that stand to be addressed.

More detail in notification emails

While I began drafting this email, I received an email alerting me to the entry of an order in one of the 380 appeals in which I have logged representation. This required me to click the hotlinked order, enter my password, and review it. The order was for the extension of time to file a reply brief by a defendant. That is relief sought by my opponent which I cannot (by court rule), nor would I ever (ethically), oppose, and which in reality does not affect the case. But it still took a portion of time, and diverted my attention from another task, all of which was unnecessary. The contents of that order (or at least the nature of it: "extension of time for reply brief granted") should be visible in the email alert, which would allow me to glean the necessary information without logging in and wasting further time. It would seemingly require an additional, or perhaps just a modified, drop-down-box style input by the court clerk, but would save me a minute of time on the back end. I received 125 NYSCEF notification emails in December 2024, so the time savings stands to be significant, with a negligible added investment of time by court staff.

Archiving old cases

As I mentioned, I am presently registered on 380 appeals on behalf of the Onondaga County District Attorney's Office. I received eight new cases in December 2024 on which I recorded representation. We resolve several dozen criminal appeals each year, but I am reticent to remove my recorded representation in case of future changes in filing procedures or additional unexpected filings under existing KA numbers. There is no ability to archive or "hide" completed cases. In the coming years, the number of cases on which I or some future appellate bureau member will be registered on will be enormous. There should be some way to either make cases dormant and remove representation, or otherwise protect against risk that some unexpected filing goes unnoticed.

Office/Firm accounts

My colleagues and I record representation, of course, on behalf of the Office. There is no way for a government office or a law firm, to my knowledge, to create an account. This should be an option, such that when a colleague departs, they can remove their representation without the Office risking accidental oversights on pending cases. It

Comments from Other Stakeholders

also would eliminate the need--as I learned when I took over this role from my predecessor, and my remaining appellate colleague simultaneously departed--to compile a list of all pending appeals, and to individually assign myself to them. The number was merely 100+ in January 2023 when that shift occurred, significantly less than it is now. This would further facilitate firm- or office-wide handling of cases, as support staff would be more easily empowered to access NYSCEF, and a firm account could remain attached to a given case in perpetuity without burdening my individual account with what could be thousands of cases.

Additional search filters

Perhaps narrow to criminal appeals, but many of the pending appeals have only the initial paperwork filed within. Oftentimes, the cases are commenced but are not perfected or perfected only after significant time. Being able to filter cases by age of last submission or by number of documents submitted would enable practitioners to more easily determine if certain cases have languished or might be ripe for motions to dismiss. Piggybacking on my above comments, it would also enable easier "archiving" of older matters that are completed.

Notice of Entry

It is unclear to me if formal Notice of Entry is permissible to include at the conclusion of an appeal. There is an option to upload a copy of the Appellate Division decision, but there is no clear guidance on whether that would constitute appropriate notice. A document upload option specifically for Notice of Entry would be useful for all parties, and would not be inappropriate given that formal service of other documents in connection with an appeal is satisfied by eFiling through NYSCEF.

Thank you for the continued improvements to NYSCEF and consideration of practitioners' thoughts.

Bradley W. Oastler
Senior Assistant District Attorney
Law and Appeals Bureau
Onondaga County District Attorney's Office
505 South State Street, 4th Floor
Syracuse, New York 13202
PHONE: (315) 435-3916 x4319

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Comments from Other Stakeholders

From: [Julie B. Friedman](#)
To: [eFiling Comments](#)
Subject: Comment on e-filing
Sent: 1/17/2025 4:15:02 PM

Greetings,

RE: Need for attorney accounts tied to employment and not attorney registration number.

When attorneys leave our office, we need to remove them from our cases, since most of which are sealed, and replace with another attorney - even for closed cases. For some attorneys, the number of cases could be in the hundreds. We do not feel an agency account would be appropriate for us as individual attorneys would need notice on their cases (in addition to notice to our general email). Thus, it would be helpful if an attorney could establish an account for e-filing that was connected with a current office email address. Then if they left - we would not need to remove them as they would no longer have access to their email account with our agency and therefore no longer access to cases that are sealed. And we would only need to add new counsel for open cases.

Thank you.

Julie B. Friedman
Managing Attorney
Mental Hygiene Legal Service
Albany Regional Office
200 Great Oaks Blvd. Suite 223
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Office Email: AD3-ARO-MHLS@nycourts.gov

Office FAX: 518-451-8730

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Comments from Other Stakeholders

From: [Alex Vays](#)
To: [eFiling Comments](#)
Subject: Comment on Electronic Filing Program
Sent: 1/14/2025 11:21:40 AM

Dear NYS Office of Court Administration,

What are the most common mistakes users make when e-filing legal papers? We have created [efiling.us](#), an AI legal document reader tool that accelerates the e-filing process through automation which we believe can help avoid common mistakes. Knowing the most common mistakes would enable the tool to avoid them and improve the general performance and satisfaction with the NYSCEF - New York State Courts Electronic Filing System.

We fully support the initiative to create a more efficient and effective court system in New York State and expand the coverage for e-filing throughout the State.

Thank you,

Alexander Vays, Esq.
CEO

(e) alex@efiling.us (w) www.efiling.us



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Comments from Other Stakeholders

From: Christopher DelliCarpini
To: [eFiling Comments](#)
Subject: Comments on E-Filing
Sent: 12/30/2024 12:06:44 PM

Thanks very much for inviting comments on e-filing.

There are three changes I'd like to see to the program.

1. It would help if we could e-file documents for in camera inspection. Right now, we have to physically deliver to chambers documents for in camera inspection. Seems like we should be able to indicate that an e-filed document is for in camera inspection only, and that NYSCEF would accordingly limit access to court staff. And in cases where parties are required to submit documents for in camera inspection — for example, an unreacted copy of a redacted medical expert opinion — e-filing would make it easier not just to comply but to prove compliance.

2. I'd also like the ability to e-file files other than PDFs. Often we have video evidence in cases, and when that's to be an exhibit to a motion, we have to physically deliver copies to the clerk and the parties. YouTube has let people upload videos for twenty years now, so it seems like NYSCEF should be able to handle e-filing of video and audio files.

3. It would also be a big help if court orders were simply deemed entered at the time of e-filing. Failing that, I'd like some way to know whether and when an e-filed order is officially entered. We can't file notice of entry to start parties' time to notice appeal until the order is entered. It appears, however, that every court has different practices: some courts consider a document entered upon uploading to NYSCEF, while others take days to e-mail notification of entry on an e-filed order. Even a link within each case to that particular clerk's policy on entry of orders would be a help. But why can't the courts uniformly enter an order at the same time it's entered?

Thanks for the improvements we've seen recently; being able to designate filings as related to multiple motions is a particular help.

Christopher J. DelliCarpini
Sullivan Papain Block McManus Coffinas & Cannavo PC
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Garden City, NY 11530
212.266.4207
cdellicarpini@triallaw1.com

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Comments from Other Stakeholders

From: [Matthew Lizotte](#)
To: [eFiling Comments](#)
Subject: Comments on Electronic Filing Program - Matthew W. Lizotte, Esq.
Sent: 12/29/2024 9:55:31 PM

To Whom It May Concern,

I have been using the NYSCEF System since I was admitted to the bar. I regularly use the NJ ECourts e-filing system as well. I am familiar with the e-filing systems in other states and my comments are informed by that knowledge.

1. Consolidate e-courts and NYSCEF like Connecticut.
2. Expand e-filing to all civil matters statewide. It promotes transparency and fairness.
3. Remove the requirement of the notice of electronic filing. Instead include a QR code on filed documents, a link, or a sentence explaining that the documents are available online.
4. Allow attorneys to select dates that are convenient for their petition return dates in civil court. Remove the computer assignment of dates in New York Civil Court.
5. Centralize or make uniform all e-filing rules for all judges statewide.
6. Allow parties to fix filing errors on consent. And allow a simple application to the clerk then to a judge, if denied by the clerk, for fixing filing errors. Errors are sometimes missed in busier courts. Whether a document is returned for correction should not be based on the Court you are practicing before.

Thank you for your time and consideration.

Sincerely,

Matthew W. Lizotte

Law Offices of Matthew W. Lizotte

1 Blue Hill Plaza - Lobby Level

Suite 1509

Pearl River, NY 10965

(845) 414-3331

Lizotte-Law.com

Comments from Other Stakeholders

From: [Debra Sambataro](#)
To: [eFiling Comments](#)
Subject: Comments on Mandatory E-Filing programs
Sent: 1/10/2025 4:31:54 PM

Greetings,

I have had the following issues with the NY County Supreme Court NYSCEF system:

- Unresponsive NYSCEF clerks that do not answer phone calls or emails
- Unacceptably long wait for the issuance of Index Numbers. In one instance I had to go in person to the County Clerk's office after two days of waiting for the index number to obtain one.
- Unacceptably long wait for the entry of judgments, that at the present are taking three full months to be uploaded and made available to the parties.

Debra Sambataro
Senior Staff Attorney

Due to an office move, all staff at Manhattan Legal Services are working remotely starting January 6, 2025.

Email is preferred to U.S. mail. Effective January 6th, 2025, our new mailing address is 2090 Adam Clayton Powell Jr Blvd, 5th Floor, New York, NY 10027. We will be open to the public on Monday, January 27th, 2025.

Tel. (646) 442-3153

Fax (646) 891-1933

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Demand Justice.

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Comments from Other Stakeholders

From: [Diana J. Szochet](#)
To: [eFiling Comments](#)
Subject: Court Attorney Referees
Sent: 1/10/2025 10:58:01 AM

It is problematic that once assigned a case, Referees do not receive electronic notice of court documents filed in the case thereafter, especially Judgments of Divorce.

Diana J. Szochet
Diana J. Szochet
Court Attorney Referee
(347) 296-1779

p: (206) 806-6824
e: TTewolde@pcvalaw.com
Pfau Cochran Vertetis Amala PLLC
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www.pcva.law

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Comments from Other Stakeholders

From: [Roninson, Rebecca \(LABOR\)](#)
To: [eFiling Comments](#)
Subject: Comments on NYSCEF
Sent: 1/16/2025 10:21:10 AM

Hello,

I find the e-filing system to mostly be easy to use except for documents that are returned for correction from the county. I am responsible for filing instant judgments for the Department of Labor and if documents are returned the comments from the clerks do not necessarily appear for me as the authorized e-filer.

A feature that would be extremely helpful is the ability to transcribe judgments from one county to another within the NYSCEF system. We are currently waiting months for something that should be able to be transmitted instantly from one county to another.

Thanks,

Rebecca Roninson

Administrative Assistant 1

New York State Department of Labor - Division of Labor Standards

Interest Penalty & Collection Section

Harriman State Office Campus

Building 12, Room 185A, Albany NY 12226

P: (518) 457-3405 | www.labor.ny.gov

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WE ARE YOUR DOL



From: [Regina M. Fitzgerald](#)
To: [eFiling Comments](#)
Subject: Efile New Case Search Suggestion
Sent: 12/31/2024 10:55:20 AM

It would be helpful for the public to be able to search new cases by including a case type along with the date filed and County. Otherwise, you have to sort by case type then take a guess at where that would be in the pages of cases produced. This would be helpful to the public & court employees both.

Regina Fitzgerald

Senior Court Clerk

Guardianship Records

King's County Clerk's Office

360 Adams Street, Room 122A

Brooklyn, NY 11201

(347) 404-9808

rmfitzge@nycourts.gov

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Comments from Other Stakeholders

From: [Richard Semegram](#)
To: [eFiling Comments](#)
Subject: Consenting on cases
Sent: 12/31/2024 11:14:14 AM

Dear E-filing comments

E-Filing is largely a massive improvement in my practice and I am grateful. I practice primarily in Kings County Civil Court, landlord tenant.

My comment is a request to allow a change of consent in batches rather than manually for each case. When an attorney leaves an my organization and moves to another employer, often they are required to remove consent from every case they are on, even if the litigation is long over and the case is fully disposed. This is time consuming and monotonous. Is there a way that a feature could be added to 'consent on all cases' for one staff member?

Thank you

Richard Semegram|Supervising Attorney
The Legal Aid Society - Civil Practice|Brooklyn Neighborhood Office
111 Livingston Street|Brooklyn, New York|11201
cell: 917-565-0793|fax: 646-449-6928|Rsemegram@legal-aid.org
pronouns: he/him/his
www.legalaidnyc.org



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Comments from Other Stakeholders

From: [Peter Kijewski](#)
To: [eFiling Comments](#)
Subject: December 16, 2024, Notice for 2025 Annual Report on Electronic Filing
20250112 January 12, 2025, NYS Electronic Filing System - Peter Kijewski
Attachments: Comments.docx; Peter K Kijewski 20200627 NYSCEF Registration Form -
60606-2015 Westchester Supreme Court.pdf;
Sent: 1/12/2025 5:32:28 PM

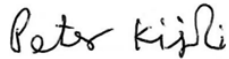
Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004
efilingcomments@nycourts.gov

Dear Mr. Gibson, January 12, 2025

I am an experienced NYSCEF user, including NYSCEF document filing. I will print and mail the appended document about the New York State Unified Court System NYSCEF filing system to your office.

Appended is my June 27, 2020, Registration Form for a failed attempt to obtain NYSCEF username/password.

Peter K. Kijewski, PhD



Peter Kijewski
23 Shipyard Drive #307
Hingham, MA 02043
Cell: 914-281-4893
Email: pkijewski@outlook.com

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Comments from Other Stakeholders

From: [Michael W. Goldstein](#)
To: [eFiling Comments](#)
Subject: Efile Payments
Sent: 1/16/2025 2:58:33 PM

Re: Efile Credit Card Payment Surcharge

1 When the charge appears on my credit card statement, despite having entered the client name on the efile payment screen, there is no indication of the client's name on credit card statement, so very difficult to determine which client the court fees should be charged to

Is there any way to get a chronological (or reverse chronological) list of all payments I have made & identify which case each payment relates to?

2 The Efile Credit Card Payment Surcharge is annoying both because it is an extra cost, but also because it changes round amounts (\$45, \$210, etc.) to odd amounts with dollars & cents.

Can the credit card surcharge be eliminated?

3 Can a debit option be added to avoid the credit card surcharge. If so, please include a feature that will automatically include the case name on the bank statement.

Thanks,
Michael

Michael W. Goldstein
Email: mwglawyer@gmail.com

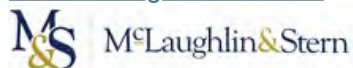
From: [Cami Negus](#)
To: [eFiling Comments](#)
Subject: Efiling Comments
Sent: 1/15/2025 12:24:50 PM

Hello:

I use the NYSCEF often mostly in Supreme Court matters and my only suggestion would be to make the filing process the same for each Court using the electronic system. For ex. the Surrogate's Court is very different and much less user friendly than that of the Supreme Court. Surrogate's Court does not allow for review of uploaded items to confirm what has been attached is in fact the correct document. Thank you.

Cami Ellen Negus
Paralegal

McLaughlin & Stern, LLP
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Garden City, New York 11530
Direct Dial: (516) 467-5431
Phone: (516) 829-6900
Facsimile: (516) 829-6966
www.mclaughlinstern.com



Comments from Other Stakeholders

From: [Lindsie Alterman](#)
To: [eFiling Comments](#)
Subject: E-filing Comment
Sent: 12/30/2024 12:37:35 PM

Good afternoon,
Please add a drop down option for the e-filing of a motion submission form which is required by Queens County Supreme Court 2 days prior to all motion return dates.
Thank you,
Lindsie B. Alterman
Chesney, Nicholas & Brower, LLP
485 Underhill Boulevard, Suite 308
Syosset, New York 11791
(516) 378-1700
(516) 378-7633 (Fax)
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From: [Michael Curtis, Esq.](#)
To: [eFiling Comments](#)
Subject: Efiling comment
Sent: 1/17/2025 2:54:57 PM

Good afternoon. My suggestion is that when an individual signs up for case alerts on eTrack, they are sent an alert when there is a new filing on the docket. At present (as far as I am aware), case updates that are sent out do not include docket filings.
Thanks for your consideration.

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Michael J. Curtis, Esq.
Partner

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New York, New York 10022

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Comments from Other Stakeholders

From: [Ralph Branciforte](#)
To: [eFiling Comments](#)
Subject: E-Filing Comments
Sent: 12/24/2024 10:30:45 AM

To Whom it May Concern:

Good morning. This is not necessarily a comment but more of a general question: Will the eFiling program be expanded to include filings for L&T and Civil cases in the City and District Courts?

Thank you,

Ralph Branciforte

Partner



Email: rbranciforte@sahnward.com

www.sahnward.com

Nassau/Main Office: The Omni - 333 Earle Ovington Boulevard, Suite 601, Uniondale, NY 11553 Tel: 516.228.1300

Suffolk Office: 1300 Veterans Highway, Suite 100, Hauppauge, NY 11788 Tel: 631.203.4900

New York City Office: The Chrysler Building - 405 Lexington Avenue, 26th Floor, New York, NY 10174 Tel: 212.829.4375

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From: [Maria Mahoney](#)
To: [eFiling Comments](#)
Subject: e-filing in District Court Civil Division
Sent: 1/7/2025 2:37:58 PM

Good afternoon,

My experience with eFiling comes from working in Supreme Court. I found it to be the best record of court papers and filings I have experienced. The ease of looking for motions/orders/filings was wonderful. The time saved in clicking and finding as opposed to getting up from the counter or your desk and getting a physical file, which may be stored in a room far away, and sifting through the paperwork for a specific item was immeasurable. The ease of scanning and filing to make a record was terrific.

Currently the District Court does not have eFiling. The amount of space and files and paper used is overwhelming. The money the court can save by converting to eFiling is tremendous. I have implemented scanning of Judges orders and stipulations/discontinuances into UCMS and have saved man hours of looking for and rummaging through files when a phone call comes in and requests some information. I am a big proponent of implementing eFiling in the District Court.

Respectfully,

Mary Mahoney

Principal Court Clerk

Mmahone1@nycourts.gov

631-381-6017

Comments from Other Stakeholders

From: [Sanderson, Joseph](#)
To: [eFiling Comments](#)
Subject: E-Filing Comment
Sent: 12/26/2024 12:36:20 PM

I strongly support the continued expansion of e-filing in all state courts. I write to highlight a few constructive points regarding how the system might be improved.

First, NYSCEF has technical limitations regarding sealed documents that often require “old-school” service in addition to electronic filing. For example, a non-party – even if authorized by court order to see a sealed filing, such as one that they filed themselves – cannot access sealed filings on NYSCEF. This has been a major issue in a case where I represent a non-party movant who could not see the court’s order on his own motion because he was classified by NYSCEF as a non-party. Similarly, NYSCEF does not contain a docket event to allow an amended complaint to be filed under temporary seal to allow an opposing party to move to seal it when, for example, it quotes material obtained in discovery pursuant to a protective order but the filer does not believe it meets the high standards for permanent sealing.

Second, county clerk backlogs in processing electronic filings remain stubbornly long, particularly in New York City. I would support increasing filing fees, especially in commercial and other high dollar value cases, to better fund county clerks’ offices and other court operations. Filing fees have not remotely kept pace with inflation and are much lower than many states (and orders of magnitude lower than many foreign countries such as England). Court users who can afford it should bear more of the cost of maintaining high quality court operations. Court delays are a major access to justice issue in this state, with people kept in marriages they do not want to be in or facing other important delays as a result of underresourced courts.

Third, with the amendments to CPLR 2106 to allow unsworn affirmations in place of affidavits, guidance would be welcome as to whether a non-e-filer affiant is required to sign a hard copy of an affirmation or use a forensically-sound electronic signature such as DocuSign. Typed signatures are widely used but clarity would be appreciated. Additionally, the

Fourth, NYSCEF lacks certain docket events that would be useful. In appellate courts, I often have to file letter applications as “Exhibit,” for example.

Fifth, Supreme Court special proceedings related to enforcing judgments for child support or spousal maintenance should have a separate category so that they are automatically filed confidentially as DRL 235, etc., requires.

Sixth, the court system ought to create an automated NYSCEF form-generator for uncontested divorces similar to how it generates automated RJIs. This is an area where judges have told me that too much of their and clerks’ time is taken up with form-filling errors by unrepresented litigants.

Best,

Joseph Myer Sanderson

Associate

Steptoe

Steptoe LLP | 1114 Avenue of the Americas | New York, NY 10036

[+1 212 378 7615](#) direct | [+1 646 770 7994](#) mobile | josanderson@steptoe.com | www.steptoe.com |

[Steptoe Bio](#)

Comments from Other Stakeholders

From: [gil.perez](#)
To: [eFiling Comments](#)
Subject: EFILING Solicitation or Comments
Sent: 1/9/2025 6:13:43 AM

Good Morning:

1. If you want emails provide an email address. Not everyone has outlook and in fact many do not set it up. Links work sometimes.

2. The filing system in the Case file numbers the documents. When downloaded, that number should (or could) be in the file name as the first number so the cases sort in the folder as they do in your folder. Could also be a letter. but when I download, they go random, and I have to either number them or sort them differently.

3. Sometimes when I travel, (Egypt, Kenya) the filing system does not work.

But I must say, the system is amazing and has really changed how lawyers work and how law is administered in the state of New York.

Gil Perez
4207148

From: [Fontanelli, Davia](#)
To: [eFiling Comments](#)
Subject: Efiling system
Sent: 1/14/2025 8:33:59 AM

The "Other" or "Miscellaneous" document should be an option. It comes up frequently.

The courts do not see the same way that the filer sees-we get this comment frequently. It would be helpful if the info that the court/recipient sees is similar to the list we have or what we see when we e-file.

The system is user friendly, except finding your document can sometimes be difficult, especially with an unusual Petition.

Thank you.

Davia Fontanelli
Paralegal

Comments from Other Stakeholders

From: [DiGuida, Jamileh-Sofia](#)
To: [eFiling Comments](#)
Subject: E-Filing.
Sent: 1/9/2025 11:57:20 AM

I think it would be marvelous.
Thank you.

From: [Matthew Canzoneri](#)
To: [eFiling Comments](#)
Subject: E-Filing
Sent: 1/15/2025 4:51:36 PM

Hello,

I write this email to ask that Civil Court convert from EDDS to regular e-filing. With EDDS, the various attorneys are not able to view each other's filings and pleadings, and in order for the Court to view a document they have to be told the six character code for that particular document. Converting over to regular e-filing will make it easier for attorneys and the Court to view and share documents. Thank you for your consideration.

Regards,

Matthew

Matthew A. D. Canzoneri, Esq.
Property Damage Trial Attorney
Law Offices of Nancy L. Isserlis
36-01 43rd Avenue
Long Island City, New York 11101
(718) 361-1514 Tel
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mcanzoneri@herefordinsurance.com

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Comments from Other Stakeholders

From: [Vincent Spata](#)
To: [eFiling Comments](#)
Subject: E-Filings nyc civil court
Sent: 1/9/2025 10:38:50 AM

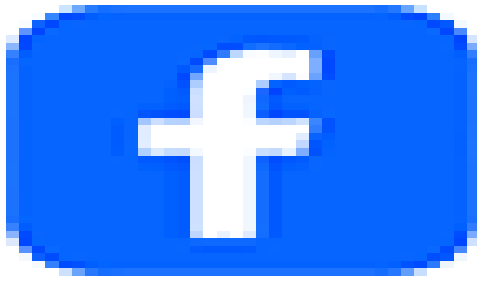
To Whom it May Concern,

The NYC Civil Courts have been open to efilng in a limited capacity, and it's been working wonderfully for those areas thus far.

But the other aspects of Court, non-no-fault and non-Landlord/Tenant law, have been relegated to the antiquated EDDS system, which does not allow visibility of filings and requires parties to provide a 6 character code for the Court to view documents. We understand that the Governor has opened efilng to the rest of the Courts, for all areas, and we hereby request that the NYC Civil Courts join efilng for all cases.

Joining efilng will streamline processes, decrease adjournments, reduce paper and costs and bring us closer to where we should be.

Vincent Spata, Esq. | Associate



Brooklyn Office

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Comments from Other Stakeholders

From: [Tmnit Tewolde](#)
To: [eFiling Comments](#)
Subject: Filing System Comment -- Case Search By Firm Name
Sent: 1/14/2025 3:46:33 PM

Good afternoon,

NYSCEF is pretty user friendly for the most part (which I love), so the only comment I would make is whether there is a possibility of being able to search by firm name under the "Name Case Search". Sometimes we have a firm approach us for co-counseling opportunities and it would make finding the related cases easier to search. I've added a visual below (haha).

The screenshot displays the 'Case Search' interface of the New York State Unified Court System (NYSCEF). The header shows 'New York State Unified Court System' and 'NYSCEF - New York State Courts Electronic Filing (Live System)'. The 'Case Search' section has tabs for 'Case Identifier', 'Name', 'Tax Cert/SCAR', and 'New Cases'. The 'Name' tab is active. Below the tabs, there is a search form with the following elements:

- Business/Organization name requires at least 2 characters. First and Last name require at least 1 character.**
- Name Type:** Radio buttons for 'Party' (selected) and 'Attorney'. A handwritten 'FIRM' is next to the 'Party' button.
- Business/Organization:** A text input field.
- First, Middle, Last:** Three text input fields for names.
- Search:** A green button.
- Narrow Your Results:** A section with filters:
 - County:** A dropdown menu with 'Please select...'.
 - Case Type:** A dropdown menu.
 - Filing Start Date (mm/dd/yyyy):** A date input field.
 - Filing End Date (mm/dd/yyyy):** A date input field.
- Search:** A green button at the bottom of the filter section.

Thank you!

Tmnit Tewolde
(she/her)
Legal Assistant

PCVA
ATTORNEYS AT LAW

Comments from Other Stakeholders



Legal Services of
the Hudson Valley

Protecting Rights Promoting Justice

WESTCHESTER

90 Maple Avenue
White Plains, NY 10601
914-949-1305
914-949-6213 Fax

30 South Broadway
Yonkers, NY 10701
914-376-3757
914-376-8739 Fax

100 East First Street
Suite 810
Mount Vernon, NY 10550
914-813-6880
914-813-6890 Fax

One Park Place
Suite 202
Peekskill, NY 10566
914-402-2192
914-402-5 185 Fax

DUTCHESS

One Civic Center Plaza
Suite 506
Poughkeepsie, NY 12601
845-471-0058
845-471-0244 Fax

ULSTER

550 Aaron Court
Kingston, NY 12401
845-331-9373
845-331-4813 Fax

ORANGE

59 Windsor Hwy
New Windsor, NY 12553
845-569-9110
845-569-9 120 Fax

60 Erie Street
Suite 201
Goshen, NY 10924
845-495-4305
845-360-5038 Fax

SULLIVAN

457 Broadway, Suite 19
Monticello, NY 12701
845-253-6652
845-428-7099 Fax

ROCKLAND

502 Airport Executive Park
Nanuet, NY 10954
845-476-3831
845-352-0832 Fax

LSC America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION

VIA EMAIL: efilingcomments@nycourts.gov

January 17, 2025

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Re: New York State Courts Electronic Filing Program

Dear Director Gibson:

Thank you for the opportunity to comment on the New York State Courts Electronic Filing Program. We are writing from [Legal Services in the Hudson Valley](#) with a mission “to provide high-quality counsel in civil matters for low-income individuals and families and other vulnerable persons who do not have access to legal representation and to pursue equity through dismantling systemic oppression.” As such, this issue greatly impacts our clients.

We strongly support the e-filing expansion bill that Governor Hochul recently signed, which amends CPLR Article 21-A and other relevant statutes permitting the Chief Administrative Judge (CAJ) to institute e-filing in all of the State's trial courts.

As you are likely aware from the [2022 National Center for State Courts report](#) titled “Self-represented efilings: surveying the accessible implementations,” a “structural-access bias” exists in most efilings systems that are designed by and to benefit the traditionally sophisticated court user to the detriment of the self-represented, low-income individual or family, and other public users, even though a large majority of users are unrepresented and [an estimated 74% of low-income households experienced at least one civil legal problem in the past year – with many households dealing with multiple problems](#). Research supports that if the NYS Office of Court Administration **designs the electronic court access system to meet the needs of all users by reducing barriers to access, then we move toward a fairer, more efficient, and more accessible system, especially for our most vulnerable and most in need of support.**

This research makes some important conclusions:

- All litigants, especially those who are low-income and unrepresented would benefit from the ability to file legal papers remotely at any time, day, or night.
- It is the best practice for the electronic filing system to accommodate filers who request a fee waiver.
- The systems should be built so that users can, whenever possible, communicate in their native language because non-English speaking users have additional barriers to justice.
- Disability accommodations for efilers can also increase user access, with thoughtful attention to options for people with disabilities as required by the Americans with Disabilities Act.

Page 2 of 3
Christopher Gibson, Director
OCA Division of E-Filing
January 17, 2025

- Court service technology barriers can feed a perception that unrepresented user participation in the courts doesn't matter; so, a clear, informative, and accessible presentation of these e-resources to the public, especially to low-income populations, can increase the public's overall trust in the judicial system.

As such, while we appreciate the "opt-out" rule for efilers due to the "[digital divide](#)", our experience shows that increasing access to the online court systems and efilers for our client **provides significant benefits** for telephone-based advice and counsel cases, as well as the [limited scope](#) and full representation cases, by allowing for

- expanded access to Legal Services, especially for services to low-income individuals outside of urban areas, disabled, or elderly, allowing us to handle more cases, advise/advocate quicker, and limit the burden on resources, courts, and court personnel,
- significant and increased amount of *pro se* support; many clients want to be their own best advocates; it's empowering and specific to their goals; they just need our guidance, and welcome the opportunity to manage their case if we can point them in the right direction;
- expedited communication with the court, which is an effective way for courts and advocates to move matters to resolution,
- a decrease in costs and time expenditures, reducing the need for in-person attendance for low-income individuals already limited in funds, transportation, and resources,
- increase meaningful involvement, such that clients are less likely to miss the opportunity to participate in their case, seek support, or prepare for critical issues,
- de-escalation of contentious proceedings, addressing matters more efficiently, submitting their complaints in a simplified manner with an interactive process.

We want to emphasize that having access to **an electronic copy of a case file is extremely helpful** in determining the issues and action steps needed. Many of our clients have a loose understanding of their matter, and as such, reviewing the court file without an appearance in the case is extremely helpful in getting to the point of the problem and determining which cases need immediate attention and resources. **Email communications with clerks are appreciated.** The time, energy, and cost of copying a case file in person are often so prohibitive to our clients that they cannot obtain the file at all. Furthermore, requiring hard copies is unnecessary in this age of electronic documents.

Despite New York's progress in this arena, we would like to draw your attention to a series of problems that persist in our system, which needs further attention and resolution:

- Lack of uniformity in Smaller Courts (i.e. Justice Courts and some smaller City courts), as these courts remain limited (and resistant) to the options of e-filing or online court records, which creates a system that is neither concurrent with modern court practice or goals of access to justice for all, nor efficient. For example, one City Court in Westchester required a legal services attorney to personally drive to court and sit in the unused courtroom to review a court file at the watchful eye of one of many clerks instead of providing a copy of the court file electronically (by pdf or email) as requested;

Comments from Other Stakeholders

Page 3 of 3
Christopher Gibson, Director
OCA Division of E-Filing
January 17, 2025

- Discretionary barriers to public access to court records: some courts are under the impression that an attorney appearance is needed to access court records; many of our clients are denied access to their court files; we attempted to clarify some of these misunderstandings, but all courts need to be aware, that unless marked as confidential, court records should be available to the public to view on request, especially attorneys not ready to appear; furthermore, just because a case is older or in archives, should not mean that it is inaccessible.
- Unrepresented users' permission to enroll in NYSCEF takes too much time; as we move into an age where the public is increasingly competent in their use of electronic and online resources, so too should the expediency of their ability to use the e-court system; many of our clients want to use the NYSCEF e-filing system, are capable of using it, but this permission can take weeks to obtain by way of a consent form and NYSCEF staff permissions that are not readily clear on the website; the process by which clients can opt-in to NYSCEF needs to be clearer and fully detailed on the website; opting-in should also be electronic, so as not to delay in their option to e-file in system right away;
- Legal Services agency respectfully requests the option to be a "designed electronic filing agent," on behalf of clients without filing appearance; much of our work can be expedited for those who cannot use the electronic system if we could file documents electronically and be a recipient of documents but without taking full legal responsibility for the case; as the rule states currently, an attorney cannot be a designated filing agent; filing as a "nonparty" often confuses courts resulting in a call from courts, and
- Requiring the unrepresented user who has NOT opted into e-file to, nonetheless, serve hard copies on the attorneys who commenced by NYSCEF, even though these attorneys opted into the system and receive electronic notice of any filings through the NYSCEF, is an unnecessary, duplicative, and onerous requirement on the unrepresented user.

Lastly, ensuring electronic access to court systems is also an issue of racial justice. Individuals of color are not always provided with adequate or timely access to court records or e-filing systems, limiting their ability to fully engage in their cases. Considering and rectifying these barriers to justice is a step towards unraveling the history and systemic issues of bias against people of color, which we know is a critically important goal of the NYS Office of Court Administration.

We thank you again for taking the time to consider the concerns and recommendations set forth in our letter.

Thank you for the opportunity to comment. If you have any questions, please contact Attorney Marcie Kobak at mkobak@lshv.org or Attorney Lee Sauerhoff at lsauerhoff@lshv.org.

Respectfully submitted,

Legal Services of the Hudson Valley

Comments from Other Stakeholders

12/30/24

Dear Mr Gibson:

Thank you for soliciting comments from the public, especially those that use the court system, not just those who benefit from the court system (judges and lawyers).

I have two requests for improvements.

First, I have had multiple cases in New York State courts. In these cases I was pro se because I could not afford a lawyer and neither the courts appointed civil counsel nor was any attorney willing to take the case with reduced rates or pro bono. In at least three cases, the lawyers abused the existing statute that both parties need to consent to a pro se party to efile. In my cases, I wished to accept and complete service though efilng but the lawyers would not accept service through efilng such that I had the expense of service of process. As a pro se, I had the expense of either using a process server or had to find a friend to serve process. This was expensive and difficult. In a foreclosure case where I represented the Estate of Patricia King, my mother, Acting Justice McDonough outrageously refused to allow me to efile even though Key Bank and my sister's attorney were permitted (I believe also required) to efile. A simple statute change that states that either if one files electronically, one must accept service through electronic filing, would solve this problem.

Second, I have multiple cases in multiple courts. It would be far more efficient if individuals could create accounts just as attorneys can; the existing technology allows for setting up individual accounts. I probably have eight separate accounts with different user names and passwords. It is difficult to remember all the passwords and it puts an unnecessary burden on pro se litigants in setting up an account with NYSCEF each time he or she must start or defend case; this can be injurious if there are tight deadlines, such as being a defendant in a foreclosure case. Certainly, many nonlawyers may have only one case, but chances are, as one goes through life, there will be multiple cases, as I have had. There is no reason that I can see why nonattorneys should not be permitted to have efilng accounts as the lawyers do.

I am providing a PDF for your ease of forwarding this letter to interested parties.

Again, thank you.

Sincerely yours,

Jared King
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January 17, 2025

Alan Levine
President

Twyla Cater
Attorney-in-Chief
Chief Executive Officer

Adriene L. Holder
Attorney-in-Charge
Civil Practice

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004
efilingcomments@nycourts.gov

Re: New York State Courts Electronic Filing Program

Dear Mr. Gibson:

We write in response to the request for comments on electronic filing in New York State Courts for inclusion in the Office of Court Administration's 2025 annual report and in support of the recently signed e-filing expansion bill amending CPLR Article 21A to give the Chief Administrative Judge (CAJ) the authority to make electronic filing mandatory statewide in any or all New York State trial courts. We appreciate the opportunity to comment and offer our insights and recommendations on electronic filing and the New York State Courts Electronic Filing System (NYSCEF) in New York State Courts and the ongoing dialogue we have had with the Office of Court Administration's (OCA) Division of E-Filing about its expansion. We also applaud the OCA's continued expansion of e-filing and other technology used by the courts during the coronavirus pandemic.

As providers of free legal services to low-income New Yorkers and active members of several statewide e-filing advisory committees,¹ we believe the time has come to move away from the incremental approach of expanding e-filing of the last two decades. There must be equal access to e-filing for all court users in all New York State courts, including unrepresented litigants who should have the option to benefit from e-filing like those represented by counsel.

Expansion of E-Filing

E-filing and other technology are essential tools to expand access to justice. All litigants, especially those who are low-income and unrepresented, would benefit from immediate access to court records and the ability to file legal papers remotely at any time, day or night. Immediate electronic access also permits the court to be confident that it has a complete record when reviewing a case. Litigants with disabilities that limit their mobility can benefit from electronic access to court files without the need to travel to the courthouse.

¹ Including the Supreme Court (Civil) Advisory Committee on E-filing, Legal Services Advisory Committee on E-filing, and Civil Court Advisory Committee on E-filing.

Justice in Every Borough.

At the same time, the court must ensure both access to e-filing and safeguards for the unrepresented who opt-in to using this system. Importantly, the new e-filing expansion legislation takes into account the “digital divide,” by making the default for unrepresented litigants opt-out; meaning that *pro se* litigants who want to file, must affirmatively “opt-in” to do so. However, for those unrepresented litigants who do opt-in to e-filing, the current system is not user-friendly for non-lawyers or people who do not e-file regularly.

An e-filing system should be designed to be accessible and easy to use for all court users, otherwise it results in uneven access to the advantages it offers, disadvantages unrepresented litigants, and creates a system of unequal access to the courts. The reality is that most unrepresented litigants are unable to access the benefits of e-filing through the existing system in courts where e-filing is already available. We echo the concerns raised in the past by other legal service providers about lack of access to computers, internet, software, hardware, and difficulty filing on NYSCEF in those cases where e-filing is already available.

Recommendations:

To address these concerns in part, we therefore make the following recommendations:

- Unrepresented litigants should continue to be exempt from e-filing but should be allowed to opt-in if they so choose.
- Language access: For New Yorkers not proficient in English, the prospect of navigating the legal system is daunting, especially for those who have no choice but to represent themselves. Any e-filing program should ideally be provided in the primary languages spoken in New York. At a minimum the notice to opt-in must be provided in each of these languages so litigants can make an informed decision on whether to participate. The notice should make it clear that it is not mandatory and inform them of what is required to successfully e-file. For those who do choose to opt-in, the NYSCEF website should also be translated into the primary languages spoken in New York. Currently, NYSCEF is only in English.
- Because many low-income litigants do not own or have access to personal computers (but do have smartphones), the courts must provide the technology and other means for those who choose to opt-in to be able to e-file papers. The court could do this in a number of ways. One way is to make available at self-help centers, legal services offices, public libraries and other forums shared public computers for the purposes of permitting *pro se* litigants to e-file. Another is by developing a system by which *pro se* litigants can e-file papers via their smartphones.
- Dedicated *pro se* assistance: The primary and essential requirement for *pro se* litigants to successfully utilize e-filing is adequate staffing and e-filing support. In expanding NYSCEF to new courts and case types, particularly cases with high rates of self-representation in high-volume courts, there must be adequate support for those who choose to e-file.
- Data analysis and transparency: We also recommend that OCA collect, analyze, and make publicly available data from NYSCEF, including about how it is used and by who in order to increase transparency and encourage public trust in the courts, promote accountability, and allow for creative problem-solving.

NYC Civil Court Consumer Credit Pilot

A lack of NYSCEF in consumer credit actions in New York City Civil Court means that *pro se* defendants face barriers to navigating the court system including lengthy delays in accessing court files² required to file legal papers to vacate default judgments, respond to motions, consider settlement options, and obtain legal assistance.³ Moreover, if and when the physical court files are retrieved, key documents are often missing.⁴ With the backlog in the court docket and Electronic Document Delivery System (EDDS) filings, it has become a regular occurrence for hearings to proceed where the judge does not have the court file or motion papers before them and rely entirely on information and assurances provided by plaintiff's counsel. Without NYSCEF, defendants must resort to more costly and complex paper service process under time constraints not present with electronic filing. Also attendant with paper filings are burdens associated with transportation to and from the courts, administrative costs, and employment and/or childcare concerns.

Expanding NYSCEF to Civil Court consumer credit actions would allow *pro se* litigants to overcome many of these existing barriers to navigating the court system. However, expansion of e-filing to case types with high numbers of unrepresented litigants, such as consumer credit actions, is new territory for the courts, and should first be tested through a pilot program. We therefore urge CAJ Joseph Zayas and OCA to introduce an e-filing pilot program for consumer credit cases in one of New York City's Civil Courts. The pilot should be implemented in a way that avoids unintended consequences for the unrepresented and allows for analysis and modification before expansion to the remaining boroughs. There should be dedicated *pro se* e-filing court clerks to assist unrepresented litigants who want to participate in e-filing; reliance should not be placed on existing court personnel tasked with other responsibilities.

The goals of the pilot program should include: (1) testing e-filing technologies and processes with end-users, including and in particular unrepresented litigants; (2) soliciting and incorporating feedback from end-users into the design (and potential redesign) of technology choices and e-filing processes; (3) identifying those unrepresented litigants and other court users for whom e-filing is and is not likely to be beneficial; (4) developing appropriate safeguards for unrepresented litigants informed by feedback from end-users; and, (5) collecting, analyzing, and making publicly available data from the pilot program.

Finally, we recommend the pilot also incorporate remote practices the court developed during the pandemic and has retained and expanded upon in its wake, including allowing all litigants the option to appear virtually in court proceedings without condition. Virtual appearances and other remote practices implemented during the pandemic reduced some of the burdens associated with in-person appearances for many *pro se* litigants. The pilot should ensure that litigants in these proceedings

² In our experience, it takes on average 6 to 8 weeks to obtain NYC civil court files older than 3 years and these files are archived in offsite storage facilities.

³ The most common filings in consumer debt cases require access to affidavits of service, motions to dismiss and for summary judgment.

⁴ NY Judiciary Law § 255-255-B (Public right to inspect and copy records and filings in New York courts).

continue to be able to access the full range of remote services and associated benefits that other court users enjoy.

Supreme Court

Even before the pandemic, Supreme Court began rolling out e-filing, with unrepresented litigants only opting-in to the process. Today, almost all state Supreme Courts participate in e-filing. E-filing has proven to be a huge asset to Supreme Court.

It allows for instantaneous filing of documents and review of files. For matters with attorneys, it was extremely needed. However, for *pro se* litigants who opt-in, as mentioned above, there are insufficient resources to assist them including court staff to assist and computers to upload documents. Further, we have heard of experiences where unrepresented litigants were pressured to opt-in and were provided inaccurate information about being required to e-file.

Though some practice areas in Supreme Court see limited *pro se* litigants, others can have over 50% of their cases with *pro ses*. Some of these matters, such as matrimonial, include issues of custody and orders of protection. In that regard, in matrimonial matters, the court should make it easier for plaintiffs to opt-in to e-filing in default cases.

If the court is to continue to serve all New York, it must create safeguards for the unrepresented.

Family Court

New York City Family Courts recently expanded its pilot project to more courts. Previously, documents were emailed to the clerks through EDDS. Similar to Civil Court, petitions that were emailed were lost, multiple petitions were filed and not linked, so matters were on in different courts for the same issue. Litigants were not notified, and after waiting almost a year, their matters were dismissed. There was limited ability to mark matters as urgent (except for orders of protection), so petitions languished. Cases were not docketed for months, and then notifications went out haphazardly.

The expansion of e-filing in Family Court has changed the landscape the landscape for the better. Documents are not lost, litigants and attorneys can see what is filed in their cases, and there is a record of the filing. Cases are given a date relatively quickly but because of lingering COVID-era delays and judicial shortages, some of those dates are calendared on average 12 months out.

While the e-filing rollout has been relatively successful in Family Court, the same issues in Supreme Court continue to limit that success: more clerks are needed to assist *pro se* litigants with e-filing and process the petitions, and more accessible technology is necessary. However, we support the continued expansion of e-filing in Family Court and recommend that CAJ Zayas and OCA maintain e-filing in all of New York City.

Housing Court

In New York City Housing Courts, NYSCEF has been overwhelmingly successful in two-attorney cases, and should now be made more accessible to *pro se* litigants through the use of forms that allow tenants to electronically file orders to show cause, answers, HP proceedings, and motions with user-friendly online tools and the option to upload exhibits that are both PDFs and JPEGs from a computer, tablet, or smartphone. Especially since documents filed with the court no longer need to be notarized, there should be no barrier to an accessible e-filing option for *pro se* litigants.

E-filing tools should also automate service to City Marshals in eviction cases and HPD in HP cases through NYSCEF without the need for additional service.

Communications from the court via NYSCEF need to be sent to tenant phones via text and not only by email for communication with tenants to be effective.

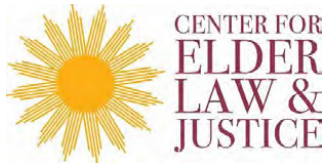
Finally, in all cases, NYSCEF should be integrated with the court's eCourts system for a single system that alerts all litigants and counsel when court dates are scheduled and/or rescheduled.

The Legal Aid Society commends OCA for their efforts to expand the use of e-filing and technology in our courts. We support the expansion of e-filing and the proposed amendment to grant the CAJ the authority to implement mandatory e-filing in New York courts, subject to the recommendations herein.

Thank you for your consideration,

Adriene Holder
Attorney-in-Charge
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Legal Aid Society
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aholder@legal-aid.org

Comments from Other Stakeholders



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January 13, 2025

By Email

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Rm 926
New York, New York 10004
efilingcomments@nycourts.gov

Re: Request for Public Comments - Annual Electronic Filing Report

Dear Director Gibson:

The Center for Elder Law & Justice (“CELJ”) appreciates the opportunity to submit comments toward the Office of Court Administration’s (“OCA”) Annual Electronic Filing Report. CELJ is an 80-person full service regional civil legal services organization with the mission of using civil legal services to help older adults and those with disabilities, live with independence and dignity. Our services include consumer law, healthcare advocacy, kinship care, elder abuse, eviction defense, and foreclosure defense, amongst other matters.

While we mainly offer full representation, we do provide limited scope service and/or advice and counsel on matters, as the demand for civil legal assistance outpaces available resources. For example, we offer advice to individuals on how to answer a lawsuit on their own behalf if we are unable to take on a matter for full representation. We serve individuals in all counties of Western New York where one in every seven Western New Yorker is considered impoverished¹, and poverty rates range from 9.6% to 16.3%.² The majority of our clients are of limited means, many have transportation issues or are homebound due to medical issues, and many have limited access or ability to use computers.

We generally support the use of e-filing procedures for attorneys who have the means and capabilities. We especially want to highlight our support of the provisions that exempt self-represented individuals from the e-filing requirements (NYS Uniform Rules Civil Courts §202.5-bb(e)). However, we suggest that there be an increased effort to train county clerk offices in how to work with self-represented individuals who are seeking both to file an affirmative action and to defend a pending action.

We have encountered several situations in which individuals we offer advice to on filing answers or representing themselves in a lawsuit have been required by their county clerks’ offices to e-

¹ G. Scott Thomas, *Here’s where you’ll find the most poverty in Western New York*, Buffalo Business First, Oct. 20, 2020, available at <https://www.bizjournals.com/buffalo/news/2020/10/20/poverty-across-western-new-york.html> (last accessed Aug. 15, 2023).

² Office of the NYS Comptroller, *New Yorkers in Need: A Look at Poverty Trends in NYS for the Last Decade*, December 2022, available at <https://www.osc.ny.gov/reports/new-yorkers-need-look-poverty-trends-new-york-state-last-decade> (last accessed Jan. 16, 2024).

Comments from Other Stakeholders

file documents with no assistance even though they are self-represented and have not opted in to e-filing. This is extremely problematic as our clients generally do not have access to the computer equipment needed to e-file on their own. A recent individual we assisted had to print out the e-filing account set-up form, drive somewhere to get it notarized, then scan it back into the computer and submit it. The individual then had to scan the documents for filing into the computer and figure out how to submit them on NYSCEF with no assistance. Most of our clients would not be able to do this and this presents a serious access to justice issue. We strongly encourage enhanced training and protocol development to address the challenges faced by pro se litigants who need assistance and guidance on the manner in which they can access the court system to exercise their rights.

We thank OCA for inviting these comments and appreciate the opportunity to share our experience.

Respectfully,

Amy Gathings, Esq.

Comments should be sent by e-mail or regular mail to either of the following addresses:

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004
efilingcomments@nycourts.gov

Looking forward to your comments.

cc: Hon. Joseph A. Zayas, Chief Administrative Judge
Hon. Norman St. George, First Deputy Chief Administrative Judge
Justin Barry, Esq., Executive Director, NYS Office of Court Administration
David Nocenti, Esq., Counsel, NYS Office of Court Administration
Mindy Jeng, Esq., Special Counsel to the Executive Director, NYS OCA
Anthony Perri, Esq., First Deputy Counsel, NYS Office of Court Administration
Phyllis Mingione, Esq., Chief Management Analyst, NYS OCA Division of E-Filing


Roemer Wallens
Gold & Mineaux^{LLP}
Counsellors at Law

VIA ELECTRONIC TRANSMISSION: efilingcomments@nycourts.gov

January 2, 2025

Christopher Gibson
Director, OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, NY 10004

RE: Comments on Electronic Filing Program

Dear Mr. Gibson:

In response to the Notice Seeking Comments on Electronic Filing Program, I again renew and offer my comments as I did back in December 2021. I enclose a copy of that letter here.

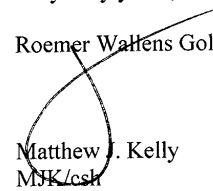
To date, this issue has yet to be resolved and continues to place a hinderance on attorneys who are seeking to file motions to change venues pursuant to CPLR §511(b). Instead, NYSCEF representatives have been directing all inquires to said issue to the individual County Clerks for them "to tell us how they want to handle it". Since 2021, each County Clerk which I have had the pleasure of speaking with on this issue has acknowledged the inadequacy of the NYSCEF system in this regard.

Although we were advised in 2022 that this issue was being evaluated and that a solution would be forthcoming to rectify this issue, no such solution was ever implemented after 3 years. Defendants are being forced to file paper hard-copy motions (if the County Clerk begrudgingly will permit said filing) causing all papers related to the motion to be filed in paper format, contrary to the purpose of the NYSCEF system.

I would appreciate your immediate correspondence to me to acknowledge receipt of this and advise me whom else I should contact so that this problem can be remedied.

Very truly yours,

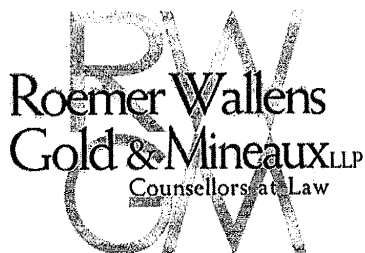
Roemer Wallens Gold & Mineaux LLP


Matthew J. Kelly
MJK/csh
Encl.

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VIA ELECTRONIC TRANSMISSION: efilingcomments@nycourts.gov

February 14, 2022

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

RE: Comments on Electronic Filing Program

Dear Mr. Carucci:

On December 15, 2021, I wrote to you to offer my comments pertaining to a significant issue with respect to the NYSCEF system. These comments were not sent to you randomly and were in response to the Notice which was published in the New York Law Journal requesting public comments of NYSCEF.

To date, we have not received any acknowledgment of this letter, although, we requested an acknowledgment of the same.

I would appreciate your immediate correspondence to me to acknowledge receipt of this and advise me whom else I should contact so that this problem can be remedied.

Very truly yours,

Roemer Wallens Gold & Mineaux LLP

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VIA ELECTRONIC TRANSMISSION: efilingcomments@nycourts.gov

December 15, 2021

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

RE: Comments on Electronic Filing Program

Dear Mr. Carucci:

Pursuant to the Notice in the New York Law Journal, I am writing to offer my comments pertaining to what we believe to be a significant issue with the NYSCEF system.

I represent upstate entities that frequently bring on motions to change venue based on forum selection clauses. As you may know CPLR §511 specifically provides that I may bring that motion to change venue in the county in which I want to move the case to.

However, on two separate occasions in the most recent months, I have been precluded from filing this motion as specified in the CPLR due to the limitations and inadequacies of the NYSCEF system. I have addressed those issues with the County Clerks in both Warren and Ulster County and have been advised that this is not an issue that can be remedied by the County Clerks as it is a limitation of NYSCEF.

As you may or may not be aware, NYSCEF does not permit me to commence an action by virtue of a motion to change venue although the CPLR states that I may do so. In fact, my office has had communications with your office wherein we were advised that your office was aware of this exact issue and attempted to offer a “workaround”. That is, we were directed that in order to circumvent the limitations of NYSCEF, we were to file a summons with the caption reversed directing the now defendant to respond to the motion to change venue. I attach a copy of such correspondence.

Please keep in mind, plaintiffs rarely move to change venue, as this is normally a remedy for defendants, therefore, this “workaround” is inadequate. As I am sure you are aware, most courts are moving to a strictly e-filing system, and because of this, they will not allow paper filings of these motions in order to keep the integrity of the caption as originally filed. Forcing a party to bring a completely separate action and requiring them to “flip” the caption to circumvent the inadequacies of NYSCEF has complicated matters significantly.

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Comments from Other Stakeholders

Jeffrey Carucci
December 15, 2021
Page 2 of 2

It is of no passing matter, since there is a strict time limit for defendants to bring on the motion to change venue under the CPLR.

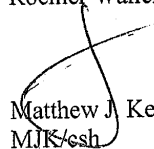
We respectfully request that an option be allowed under "Commencement of an Action" to be "Motion to Change Venue" so that these situations be eliminated.

Please be advised that our office has filed numerous motions to change venue under CPLR §511 "in paper" with the County Clerks around the State in the past. We have never been charged a "motion fee" of \$45.00, as they are considered commencement documents and are already being changed \$210.00 for an index number and \$95.00 for the RJL. We believe that the \$45.00 fee in this instance be waived through NYSCEF, as well.

I would appreciate your immediate correspondence to me to acknowledge receipt of this and advise me whom else I should contact so that this problem can be remedied.

Very truly yours,

Roemer Wallens Gold & Mineaux LLP


Matthew J. Kelly
MJK/csh
Encl.

Courtney S. Herkel

From: Courtney S. Herkel
Sent: Wednesday, December 15, 2021 2:14 PM
To: efilingcomments@nycourts.gov
Cc: Matthew J. Kelly
Subject: Comments on Electronic Filing Program
Attachments: Ltr to NYSCEF regarding efiling issues 12-15-21.pdf

Attached please find correspondence from Mr. Kelly regarding this issue.

Thank You.

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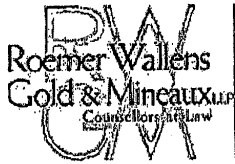
Courtney S. Herkel

From: Courtney S. Herkel
Sent: Monday, May 10, 2021 2:25 PM
To: lathamc@warrencountyny.gov
Subject: FW: eFiling Website

As discussed. Any information or assistance you can provide, would be most appreciated.

Thank You.

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Fax No. (518) 464-1010
cherkel@rwgmlaw.com



From: nyscef <nyscef@nycourts.gov>
Sent: Monday, May 10, 2021 2:15 PM
To: Courtney S. Herkel <CHerkel@rwgmlaw.com>
Subject: RE: eFiling Website

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

The work around is similar to e-filing a motion for summary judgment. You'll e-file a summons that directs the defendant to answer the notice of motion within the required time. That will be document #1. Your notice of motion will be uploaded as doc. #2. The documents can go in any order after that. The caption in this proceeding will be reversed. The plaintiff will actually be the defendant in this action. The movant will be listed as a plaintiff. If the Judge assigned to the case directs the case to be transferred the case will be assigned a new no fee index number so that won't cause any issues.

-Mike

Michael Baccellieri
E-filing Resource Center
646-386-3033
25 Beaver Street
New York, N.Y 10004

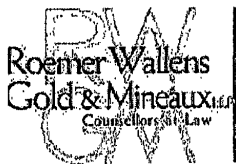
Comments from Other Stakeholders

From: Courtney S. Herkel <CHerkel@rwgmlaw.com>
Sent: Monday, May 10, 2021 11:06 AM
To: nyscef <nyscef@nycourts.gov>
Subject: RE: eFiling Website

The Warren County Clerk directed me to your office. We are aware that we have to pay for a new Index Number and RJl. If you could please provide the work around, I would be most appreciative.

Thank You.

Courtney S. Herkel
Paralegal
Roemer Wallens Gold & Mineaux, LLP
13 Columbia Circle
Albany, NY 12203
Tel No. (518) 464-1300, ext. 419
Fax No. (518) 464-1010
cherkel@rwgmlaw.com



From: nyscef <nyscef@nycourts.gov>
Sent: Monday, May 10, 2021 11:02 AM
To: Courtney S. Herkel <CHerkel@rwgmlaw.com>
Subject: RE: eFiling Website

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Unfortunately, there is no method available in NYSCEF for filing this type of motion. Many counties offer a work around so that filers can still file their documents electronically but it requires paying for a new index number and an RJl. I can provide you with the work around that some counties use but I think you should contact the Warren County Clerk's Office and find out from them first if they will accept it electronically.

-Mike

Michael Baccellieri
E-filing Resource Center
646-386-3033
25 Beaver Street
New York, N.Y 10004

Comments from Other Stakeholders

From: Courtney S. Herkel <CHerkel@rwgmlaw.com>
Sent: Monday, May 10, 2021 9:56 AM
To: nyscef <nyscef@nycourts.gov>
Subject: eFiling Website

I am attempting to file a Motion to Change Venue in a matter in case.

Original matter was filed in Washington County
Answer and Demand to Change file to change venue to Warren County
Plaintiff did not oppose venue change which means we now need to file Motion to Change Venue in Warren County

How do I file this? There is no selection for this type of document in Commencement Documents.

This Court does not accept paper filings.

Thank You.

Courtney S. Herkel
Paralegal
Roemer Wallens Gold & Mineaux, LLP
13 Columbia Circle
Albany, NY 12203
Tel No. (518) 464-1300, ext. 419
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NEW YORK STATE

Unified Court System

OFFICE OF COURT ADMINISTRATION

JUSTIN BARRY, ESQ.
EXECUTIVE DIRECTOR

CHRISTOPHER GIBSON
DIRECTOR, OCA DIVISION OF E-FILE

To: Bar Associations, Legal Service Providers, Attorneys, and Other Interested Persons and Organizations

From: Christopher Gibson, Director, OCA Division of E-Filing 

Date: December 16, 2024

Re: New York State Courts Electronic Filing Program

The NYS Office of Court Administration will be submitting its annual electronic filing report on February 1, 2025, to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the New York State Courts Electronic Filing System (NYSCEF). OCA's Division of E-Filing has in years past invited your comments on electronic filing and the NYSCEF system, and once again your invaluable comments for inclusion in this year's report is sought.

For those that might not be aware, I am excited to inform you that Governor Hochul has recently signed the long-sought e-filing expansion bill, which amends CPLR Article 21-A and other relevant statutes permitting the Chief Administrative Judge (CAJ) to institute e-filing in all of the State's trial courts. This legislation, supported by many of you including the New York State Bar Association, The Legal Aid Society, and *The Commission to Reimagine the Future of New York's Courts* and its *Working Groups*,¹ creates a more efficient and effective court system in New York State, and does not alter the requirements of the CAJ to consult in advance of any expansion with the Bar, legal service providers, County Clerks in Supreme Court matters, District Attorneys, and other groups who would be affected by such electronic filing. Further, unrepresented persons continue to be exempt from e-filing unless they affirmatively choose to participate. Moreover, attorneys in cases in which e-filing is otherwise required continue to be able to opt out of e-filing if they lack the equipment or knowledge to participate. Finally, the enacted measure does not alter current requirements of confidentiality in the treatment of actions that require it.

In order that we may have the time needed to prepare the report due February 1, 2025, I ask that as a group, an individual member of a group, or any interested person and/or attorney, submit your comments by January 17, 2025.

¹ Created in June 2020 and charged with making recommendations to improve the delivery and quality of justice services, facilitate access to justice, and to examine technological and other innovations and to make recommendations to better equip the UCS to keep up with society's rapid evolving challenges/changes. Further information about the Commission and its work is available at: <https://www.nycourts.gov/reimagine-the-future/mission.shtml>

Comments from Other Stakeholders

From: DC
To: [eFiling Comments](#)
Subject: NY Courts eFiling system
Sent: 12/30/2024 9:38:05 AM

The NY system is among the better ones I have worked with. The NYSCEF layout presents a decent balance between providing information about system components and functions in a coherent manner, without loading so much data on each screen as to be confusing. That is a difficult balance to achieve, in particular on a budget that is limited compared to those of large, general application software publishers. (Over time, I've become experienced enough with the system that I seldom have to use the manual and help features, so I can't address them.)

NYSCEF has a number of convenient features that are not available on Pacer and systems in several other states. Particularly useful is the ability to view subsets of filings in a case, for example, by motion, by document type, by date or by filer.

The ability to remove and replace an erroneously filed document is also a helpful feature that seems to be available only in some counties (New York, for one) but not others. Extending that ability to all counties would be good. The related return for correction feature available to the clerks' offices is also helpful and generally messages given to a user in the event of a return are understandable.

Comments from eFiling staff and clerks even when documents are not returned are also generally useful, but could be more useful if the ability to engage in dialog with staff through the system was available. Generally, the help line for NYSCEF has put me in contact with people who know the system well enough to be of assistance, but at times the line seems to be understaffed.

Internet access and the fact the system is available without charge are also, from the view of serving the public, valuable features. For non-lawyers, one recurrent issue seems to be confusion about the NY court system components themselves. That translates, for example, to problems executing searches by members of the public in the right database, for example when trying to find cases by index numbers.

Douglas Capuder
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Comments from Other Stakeholders

From: [Louise Dembeck](#)
To: [eFiling Comments](#)
Subject: Mandatory Online Biennial Registration
Sent: 1/3/2025 8:20:28 PM

It's not clear if the comments sought intend to include Attorney Biennial Registration but when I filed online, I was unable to get a copy of my Registration. I don't understand why there was no provision for making or getting a copy of our Registration forms -- it is an important record. Moreover, I had to pay with a credit card because there was no explanation or instruction on how to submit an "echeck". If "echecks" are acceptable, than we deserve to know how to submit payment that way.

Louise #1357714
Louise E. Dembeck

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From: [Mike Halpo](#)
To: [eFiling Comments](#)
Subject: Public Commens - Christopher Gibbsob
Sent: 1/7/2025 9:55:48 AM

Hello I am commenting on the e-filing program:

When a Supreme Court case is disposed of and in the Pre-RJI stage - the case status maintains a Pre-RJI status - rather than "disposed".

Yes a stipulation of discontinuance does indicate a resolution and disposal, but at the top of each case above the document list / case detail section, in the portal, at first glance, it gives the impression that the case is ongoing.

Please consider a software tweak that clearly indicates Case Status - DISPOSED (rather than staying in Pre-RJi in perpetuity)

thank you very much

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Comments from Other Stakeholders

From: [Dillon, Philip](#)
To: [eFiling Comments](#)
Subject: NYSCEF suggestion
Sent: 1/17/2025 10:04:58 AM

My suggestion for NYSCEF: There should be a mechanism to remove a case from your list of cases once the party you represent is dismissed from the case. For instance, in Stahl v R.P. Brennan etal, Supreme Kings Index # 517595/2022, the parties I represent (the State of New York and related state agencies) were dismissed from the case for lack of jurisdiction. We filed the order with notice of entry granting the dismissal in Nov 2023. But there is no mechanism allowing us to remove our office from the case. The options for withdrawal pertain to change of attorney or court order withdrawal of an attorney from representing a party. There should be some way to avoid getting the regular emails we have unnecessarily received on a matter for which we are no longer involved with. Thank you.

Philip J. Dillon, Esq.

Assistant Attorney General

Office of the New York State Attorney General

State Counsel | Claims Bureau

28 Liberty Street, 18th Floor

New York NY 10005

(212) 416-6066

From: [Marielena Reyes](#)
To: [eFiling Comments](#)
Subject: phone assistance
Sent: 1/7/2025 3:24:00 PM

Hello there and HAPPY NEW YEAR!!!

ECF is fantastic

But the only complain I have about it is the phone assistance.

Every time I call to the number listed, there is no answer, just recordings telling us to send emails, which I have done it, but there is nothing like talking to someone when you have questions.

It is REALLY frustrated not to get someone on the phone when you have simple questions re ECF

Otherwise, as I said above, ECF is fantastic.

Regards

Marielena Reyes

Paralegal

Comments from Other Stakeholders

From: [Katherine Parsons](#)
To: [eFiling Comments](#)
Cc: [Katherine Parsons](#)
Subject: NYSCEF, e-filing: CPLR Article 21-A
Sent: 1/17/2025 10:14:15 AM

Good day,

I am a pro se plaintiff in a medical malpractice case in Onondaga County Supreme Court and am participating in the electronic filing system.

After receiving a motion to withdraw counsel in 2023, I was informed that I did not need to respond but was required to attend the hearing. When I attempted to submit a response, the NYSCEF system was unable to accommodate my materials, which included my response, exhibits, and an audio recording. Despite notifying the court's chambers, my submissions were not accepted during the hearing, and the judge stated, "I do not want to hear from you" (Court transcript).

After several months, I was still unable to log in. After multiple communications with NYSCEF representatives, we discovered that Judge Lamendola's order had not been properly entered, which prevented NYSCEF from granting me access to their system.

As a result, I had to make a 178-mile round trip to submit a physical copy of my materials. While my exhibits were well organized and labeled, the upload quality was poor, and I was instructed to bring the remaining documents to the hearing. Unfortunately, the court declined to accept those additional exhibits again. It is also noteworthy that after the clerk's office received the hard copy submission, it was not uploaded to NYSCEF for five days, which led to allegations of untimely document submissions.

I am planning to appeal to the 4th Department; however, because I am pro se, I have yet to be assigned a docket number and am currently denied access to the 4th Department Appellate NYSCEF system. An attorney would not face such limitations, but as a pro se litigant, I continue to wait for a docket number despite impending motions from the defense.

Additionally, there are significant inconsistencies in the forms and "how-to" instructions on the court's website, which has been recognized as a goal for improvement by the New York State Supreme Court.

Please let me know if I can assist further in supporting the court's goals of consistency and process improvement.

Sincerely,

Katherine Parsons, RN
210 Alpine Lake Rd.
Sidney Center, NY 13839
315-877-1518

Index No. 002925/2020
Parsons v. Bianco, SOS et. al

Comments from Other Stakeholders

From: [Kathleen Lortie](#)
To: [eFiling Comments](#)
Subject: NYSCEF E-Filing Comments
Sent: 1/6/2025 11:28:08 AM

Dear Sir or Madam:

I would like to say that my experiences with NYSCEF for Supreme Court matters has been wonderful. The system is set up well and user friendly. I am a registered user – non-attorney- filer. I am a paralegal. Having our cases set up so that everything is in one place and notifications regarding new filings going out immediately to all counsel involved is a plus. Now, regarding Family Court: It is difficult as a paralegal to not be able to assist the attorneys I work with on our Family Court cases that are E-filed. For some reason, registered users such as myself cannot upload documents to Family Court via NYSCEF. We were able to when using the previous EDDS systems. I can walk into Family Court and file in person, but not on NYSCEF. Making attorneys stop what they're doing to do menial tasks such as uploading, and charging our clients attorney rates to perform these tasks adds to client expenses unnecessarily. Also, when the attorneys print out the case lists from NYSCEF I see that each Petition has its own NYSCEF case, rather than stream-lining the matters into one unit on NYSCEF. Visually it is overwhelming and attorneys must stop and think, 'which filing am I responding to?'

Why are there different rules between NYSCEF Family Court and NYSCEF Supreme? Exhibits attached to Pleadings in Supreme cannot be filed in one PDF with the pleading. Exhibits in Family Court should be filed in one PDF.

NYSCEF Supreme works marvelously, I hope that NYSCEF Family Court follows suit.

Thank you for your time and attention, it is greatly appreciated.

Yours truly,

Kathleen M. Lortie

Kathleen Lortie – Legal Assistant

Donnellan Law, PLLC

658 Malta Ave., Suite 201

Ballston Spa, NY 12020

Ph. 518-884-0200

Fax 518-884-0343

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Comments from Other Stakeholders

From: [Sara Diamond](#)
To: [eFiling Comments](#)
Subject: Please open the NYC Civil Courts to eFiling
Sent: 1/8/2025 4:25:29 PM

Please open the NYC Civil Courts to eFiling.
To Whom it May Concern,

The NYC Civil Courts have been open to eFiling in a limited capacity, and it's been working wonderfully for those areas thus far.

But the other aspects of Court, non-no-fault and non-Landlord/Tenant law, have been relegated to the antiquated EDDS system, which does not allow visibility of filings and requires parties to provide a 6 character code for the Court to view documents. We understand that the Governor has opened eFiling to the rest of the Courts, for all areas, and we hereby request that the NYC Civil Courts join eFiling for all cases.

Joining eFiling will streamline processes, decrease adjournments, reduce paper and costs and bring us closer to where we should be!

Thank You Very Much,
Sara Diamond

--

Sara Diamond, Esq.
Sara Diamond Law Group, PC
Queens Law Firm, PC
189 Sunrise Highway, Suite 204
Rockville Centre, NY 11570

c: 347 528 1958
f: 347 321 7867
sara.diamond.esq@gmail.com
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Comments from Other Stakeholders

Court.

5. Centralize or make uniform all e-filing rules for all judges statewide.
6. Allow parties to fix filing errors on consent. And allow a simple application to the clerk then to a judge, if denied by the clerk, for fixing filing errors. Errors are sometimes missed in busier courts. Whether a document is returned for correction should not be based on the Court you are practicing before.

Thank you for your time and consideration.

Sincerely,

Matthew W. Lizotte

Law Offices of Matthew W. Lizotte

1 Blue Hill Plaza - Lobby Level

Suite 1509

Pearl River, NY 10965

(845) 414-3331

Lizotte-Law.com

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From: [Joseph Lee Matalon](#)
To: [eFiling Comments](#)
Subject: Word Count Certificate
Sent: 1/3/2025 10:20:33 AM

Since counsel are required to certify that certain documents meet the word count limitations, **(22 NYCRR 202.8b)**, how about adding a “check the box” certification to the filing platform? When uploading a document, the filing attorney would check a box which constitutes the certification, and fill in the number of words.

Good idea, no?

Joseph Lee Matalon

MATALON Esquires PC

1602 Lawrence Avenue

Suite 110

Ocean, New Jersey 07712

(212) 244-9000

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Comments from Other Stakeholders

From: [Matthew Lizotte](#)
To: [eFiling Comments](#)
Subject: Re: Comments on Electronic Filing Program - Matthew W. Lizotte, Esq.
Sent: 1/9/2025 9:27:35 PM

I would like to add to my initial comments:

1. Consolidate e-courts and NYSCEF like Connecticut.
2. Expand e-filing to all civil matters statewide. It promotes transparency and fairness.
3. Save progress for filing when NYSCEF is unable to process the requested filing rather than requiring the user to start the filing from the beginning like New Jersey.
4. Remove the requirement of the notice of electronic filing. Instead include a QR code on filed documents, a link, or a sentence explaining that the documents are available online.
5. Allow attorneys to select dates that are convenient for their petition return dates in civil court. Remove the computer assignment of dates in New York Civil Court.
6. Centralize or make uniform all e-filing rules for all judges statewide.
7. Allow parties to fix filing errors on consent. And allow a simple application to the clerk then to a judge, if denied by the clerk, for fixing filing errors. Errors are sometimes missed in busier courts. Whether a document is returned for correction should not be based on the Court you are practicing before.
8. Create a simpler UI including drag and drop for pdf filing and the order that documents are filed.

Sincerely,
Matthew W. Lizotte
Law Offices of Matthew W. Lizotte
1 Blue Hill Plaza - Lobby Level
Suite 1509
Pearl River, NY 10965
(845) 414-3331
[Lizotte-Law.com](#)

From: Matthew Lizotte
Sent: Sunday, December 29, 2024 9:55 PM
To: efilingcomments@nycourts.gov
Subject: Comments on Electronic Filing Program - Matthew W. Lizotte, Esq.
To Whom It May Concern,
I have been using the NYSCEF System since I was admitted to the bar. I regularly use the NJ ECourts e-filing system as well. I am familiar with the e-filing systems in other states and my comments are informed by that knowledge.

1. Consolidate e-courts and NYSCEF like Connecticut.
2. Expand e-filing to all civil matters statewide. It promotes transparency and fairness.
3. Remove the requirement of the notice of electronic filing. Instead include a QR code on filed documents, a link, or a sentence explaining that the documents are available online.
4. Allow attorneys to select dates that are convenient for their petition return dates in civil court. Remove the computer assignment of dates in New York Civil

Comments from Other Stakeholders

From: [Independent Process, Inc. Servers](#)
To: [eFiling Comments](#)
Subject: SUGGESTIONS FOR EFILING PROGRAM
Sent: 1/3/2025 10:34:24 AM

Hello,

I would like to suggest a way to have all courts accept documents the way they are provided when one goes onto E-courts. For example the RJJ addendum is in landscape mode on the site BUT Suffolk County rejects them, this causes the preparer to have to edit the doc to put it in portrait and the space for info entry is greatly reduced.

Also, a way to have ALL courts work with the filer if there is a mistake to remove an attorney and/or misfiled document.

Regards,

Victoria

Victoria Acevedo

Senior Office Manager

INDEPENDENT PROCESS SERVICE
2545 HEMPSTEAD TPK. SUITE 300
EAST MEADOW NY 11554
P: (516) 233-2180 Ext. 1
F: (516)280-5740

From: Knapp, Albert G.
To: [eFiling Comments](#)
Subject: Suggested Changes to NYSCEF
Sent: 1/2/2025 11:54:13 AM

Mr. Gibson:

I suggest you (1) adjust OCR processing so that it does not remove hyperlinks from electronically-filed pdfs, and (2) allow a filer to file on behalf of multiple parties and non-parties in the same transaction.

Thank you,



Comments from Other Stakeholders

From: [Robert Mizrahi, Esq.](#)
To: [eFiling Comments](#)
Subject: Re: Notice Seeking Comments on Electronic Filing Program
Sent: 12/24/2024 3:53:53 PM

Hello,
Hope all is well.
For Landlord-Tenant matters there is no regular marking when a Warrant is "Issued" (the Warrant Requisition filing on NYSCEF would merely say "processed," yet if the warrant is rejected, it also says "processed").
So, if you came across this "processed" marking, you would then need to check notes to see if there is more information there (as to whether the warrant was issued or rejected), and MOST time there are no notes on whether a warrant is issued or rejected.
Thus, one would then need to bother the court and/or marshal to find out, instead the information being generally available.
Please feel free to reach out to me with any questions or if any clarification is needed.
Thank you,
Robert Mizrahi, Esq.*
Mizrahi Law Offices
160 Broadway, Suite 710
New York, New York 10038
Main: 855-384-2869
Fax: 917-595-5371

* Admitted to Practice Law in: New York; U.S. Court of Appeals, 2nd Circuit; U.S. District Court, Southern District of New York; U.S. District Court, Eastern District of New York; U.S. District Court, District of New Jersey; U.S. District Court, District of Connecticut; New Jersey; Connecticut; and Pennsylvania.



Comments from Other Stakeholders

From: [Ronald Francis](#)
To: [eFiling Comments](#)
Subject: REQUEST
Sent: 12/24/2024 1:28:54 PM

Please make EDDS: E-Document Delivery available for Manhattan (NY County) for filing mechanic's liens.

Thank you,

Ronald Francis, Esq.

30 Broad Street, 37th Floor

New York, NY 10004

Tel (212) 279-6536

rf@ronaldfrancislaw.com

www.ronaldfrancislaw.com



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Comments from Other Stakeholders

From: [Gregory Goodman](#)
To: [eFiling Comments](#)
Subject: Support for Efiling
Sent: 1/17/2025 9:50:56 AM

Good morning,

My law firm strongly support the implementation for efilng in the local courts and specifically e-filing civil matters in the Suffolk District courts
Thank you for your time and consideration

Respectfully yours,

Gregory Goodman, Esq.

The Law Office of Gregory A. Goodman, P.C.

380 North Broadway, Suite 305

Jericho, New York 11753

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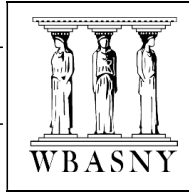
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EXECUTIVE DIRECTOR

Linda A. Chiaverini

January 20, 2025

VIA EMAIL

efilingcomments@nycourts.gov

Mr. Christopher Gibson
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Re: Request for Public Comments on the E-Filing Expansion Bill, amending CPLR
Article 21-A

Dear Mr. Gibson:

On behalf of the Women's Bar Association of the State of New York ("WBASNY"), I respectfully submit our comments regarding the recently signed law amending CPLR Article 21-A permitting the Chief Administrative Judge to expand e-filing to all the trial courts in New York State. This expansion will significantly enhance the efficiency for court users and improve access to justice, marking a significant step forward in our legal system. Accordingly, WBASNY approves the expansion of the e-filing system to all trial courts in the State.

WBASNY also supports the expansion and retention of current e-filing provisions, including (a) the exemption of unrepresented parties and those attorneys without the technical ability to comply; (b) preserving proper protocols for confidential information; and (c) monitoring by the Clerk of each Court to ensure documents are appropriately uploaded and the assigned Judge and staff receive proper notification. Additional recommendations from WBASNY include offering search capability within NYSCEF drop-down menus and eliminating the \$45.00 fee of a court-appointed guardian or temporary for a short form or *ex parte* order, as similar fees do not apply to court examiners.

Our members appreciate the hard work of your committee and your consideration in reviewing these comments.

Respectfully submitted,

Marea L. Wachsmann
President, WBASNY



January 17, 2025

By Email

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver St, Room 926
New York, New York 10004
efilingcomments@nycourts.gov

Re: New York State Courts Electronic Filing Program

Dear Mr. Gibson:

Advocates for Trans Equality (A4TE) submits these comments on electronic filing and the New York State Courts Electronic Filing System (NYSCEF) in support of the NYS Office of Court Administration's 2025 annual e-filing report.

A4TE, formed in 2024 through the merger of the Transgender Legal Defense & Education Fund and the National Center for Transgender Equality, is the nation's largest trans-led advocacy organization. Our Name Change Project, established in 2007, has assisted over 7,000 transgender, gender-nonconforming, and non-binary people seeking name and gender changes nationwide. In New York, our partnerships with 70 law firms have resulted in 2,700 completed name changes across NYC and five counties, while our advocacy efforts helped secure passage of the Gender Recognition Act.

We write to urge the adoption of e-filing for name changes in New York City Civil Court and for greater e-filing privacy protections overall.

Advocates for Transgender Equality
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Importance of legal name and gender changes

For many trans people, securing a legal name and gender change is an important step toward making their legal identities match their lived experience. A lack of appropriate identity documents can deter people from applying for jobs, school, immigration status adjustments, public benefits, and can lead to discrimination.

Data from the 2022 U.S. Transgender Survey reveals significant barriers to accurate identification:

- 48% of respondents have no IDs matching their chosen name
- 59% have no IDs matching their gender
- 22% report discrimination, harassment, or denial of services when showing non-matching IDs.¹

A delay in the name change process can have serious consequences for a population that experiences disproportionately high rates of poverty, unemployment and homelessness.² On a happier note, time is also of the essence for people who want name changes completed prior to starting school, graduating, traveling, or getting married so that their documents are in the correct name.

¹ Public Life, 2022 U.S. Transgender Survey, ADVOCATES FOR TRANS EQUALITY EDUCATION FUND, <https://ustranssurvey.org/report/public-life> (last updated Aug. 13, 2024).

² S. E. James, J.L. Herman, S. Rankin, M. Keisling, L. Mottet & M. Anafi, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY 3 (2016), <http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf> (“Nearly one-third (29%) of respondents were living in poverty, compared to 14% in the U.S. population. A major contributor to the high rate of poverty is likely respondents’ 15% unemployment rate—three times higher than the unemployment rate in the U.S. population at the time of the survey (5%).... [N]early one-third (30%) of respondents have experienced homelessness at some point in their lifetime”); *National Transgender Discrimination Survey—New York Results*, National Center for Transgender Equality and the National Gay and Lesbian Task Force, 2011 http://www.endtransdiscrimination.org/PDFs/ntds_state_ny.pdf (“19% of respondents had a household income of \$10,000 or less, 12% were unemployed at the time of the survey, 18% had become homeless because of their gender identity/expression”).

Recommendations

Recommendation #1 **Allow e-filing of name changes in NYC Civil Court**

We recommend adopting optional e-filing for name and sex designation changes in New York City Civil Court. Currently, it is not possible to e-file name and sex designation changes in NYC Civil Court, where virtually all our New York Name Change Project clients are served. NYC Civil Court allows e-filing only in no-fault cases and in the Landlord and Tenant Division. Although e-filing of name changes is mandatory in Supreme Court, all our NYC participants file in NYC Civil Court because of the vastly lower filing fee (\$65 vs. \$210).

As detailed below, the lack of e-filing creates administrative hurdles and delays in the filing process and creates unnecessary barriers for all name-change petitioners, especially the low-income clients served by the Name Change Project.

1. Administrative burden on pro bono attorneys and pro-se filers

Paper filing is an unnecessary administrative burden on our pro bono attorneys and pro-se filers. The law firms that we work with typically do not have other matters pending in NYC Civil Court and clerks or the attorneys themselves must make time-consuming special trips to court to file the matter and obtain certified copies. It is also a burden on pro-se filers who may need to miss work, school, or arrange for childcare in order to travel to court.

Additionally, all our participant's petitions are filed in New York County Civil Court, which uses a paper judicial worksheet (redacted version attached). The worksheet requires the petitioner to verify that the information is correct and must be signed by the petitioner or attorney of record. This verification is needed to confirm that the information from the paper petition was correctly typed into the computer system by the clerk, but errors can still be

overlooked.

Previously, an authorized representative of an organization or law firm was permitted to sign the judicial worksheet at the time of filing. In 2024, however, the clerks instituted a new policy such that now only the petitioner or an attorney of record may sign the judicial worksheet. Requiring the attorney to sign adds a significant barrier to access to name changes by either requiring the attorney themselves to physically file the petition or by requiring the filing clerk to take the unsigned worksheet back to the office, thus requiring two trips to the court to simply file a name change petition.

Clerks in NYC Civil also have a history of imposing burdensome and ever-changing filing requirements for name-change petitioners, which resulted in an Article 78 action and subsequent settlement.³ Unwarranted denials by clerks can result in multiple trips to court just to get a petition filed, which impacts both attorneys and pro-se filers.

A4TE and other legal services organizations in NYC rely on pro bono attorneys to meet the high demand for name-change assistance, and some organizations have had to move away from relying on pro bono attorneys because of on-going challenges with having petitions accepted for filing. This is a loss to the individuals who need legal assistance as well as to the attorneys who want to serve in this way. E-filing would eliminate these barriers and make it easier for both pro bono attorneys assisting with name changes and for individuals to file pro se.

2. Challenges in determining case status

Lack of e-filing means that attorneys and pro-se filers cannot check on the status of the case online. Pending name change matters do not appear in WebCivil Local because pursuant to Section 208.4(5) of the Uniform Rules for the New York City Civil Court, all name changes are sealed at the time of

³ Samantha Max, *NYC just made it easier for people to change their name in court*, GOTHAMIST (July 5, 2024), <https://gothamist.com/news/nyc-just-made-it-easier-for-people-to-change-their-name-in-court>.

filing. Nor will a name change that has been granted permanent sealing appear on WebCivil Local. The court does not notify attorneys or pro-se filers when a name change has been granted or denied, and our pro bono attorneys have reported difficulty reaching a clerk on the phone to find out the case status. There has also been confusion about the court's ability to provide information over the phone due to the matter's sealed status. These unnecessary hurdles would be eliminated by allowing e-filing.

3. Introduction of errors in name-change orders

Ordering certified copies must be done in person and cannot simply be done by mail because of the need to inspect the order for accuracy. NYC Civil Court uses court-generated template orders for name/sex-designation change orders rather than proposed orders. That is useful for pro se petitioners, but errors are frequently introduced because the paper petition must be typed by the clerk into the computer and because the computer system cannot accept accent marks. The accent marks must be handwritten onto the judicial worksheet, and then the judge must notice them and handwrite them onto the order before signing it. All of this could be avoided by e-filing and the use of proposed orders.

Additionally, when it comes to sex-designation change orders, other states may require specific language in the orders in order to correct a birth certificate, and judges currently handwrite the language onto the template order. This could be obviated through e-filing and the submission of proposed orders.

Modernizing the filing of name changes in NYC Civil Court through e-filing would increase access to court-ordered name changes by substantially reducing the burden on the many pro bono attorneys and legal services organizations that assist with hundreds of trans name and gender changes each year. Pro se filers might also find it less burdensome and opt for e-filing.

Recommendation #2
Protect digital privacy of e-filing petitioners

Although we support increased use of e-filing, e-filing raises significant privacy concerns due to third-party court-aggregating websites that use artificial intelligence to rapidly collect and publish court documents. These sites, such as Trellis and UniCourt, can expose sensitive personal information within hours of filing. Courts and the legislature have long recognized the safety concerns with publicizing one's transgender status,⁴ but these concerns extend beyond transgender name-change filings to all e-filed matters.

Aggregators index the documents immediately, potentially making private information permanently discoverable online. Entering person's name in a Google search will often lead directly to case dockets and papers that can be easily opened and downloaded. We have found that sensitive documents have been pulled from numerous name and gender change filings and posted to aggregating websites, even in cases where sealing was ultimately granted.

⁴ New York courts have acknowledged "...risk to one's safety is always present upon public disclosure of one's status as transgender or otherwise gender nonconforming." *Matter of Cody VV. (Brandi VV.)*, 226 A.D.3d 24, 27-28 (3d Dep't 2024). New York's legislature has recognized this safety threat by specifically amending New York's name change statute, Civil Rights Law §64-a, in 2015 to support the holding in *Matter of E.P.L.*, 26 Misc. 3d 336, 339 (Sup. Ct. Westchester Cnty. 2009) (A transgender person "has a right to feel threatened for his personal safety in the event his transgender status is made public."). See N.Y.S. Assembly Bill A02242, signed Chap. 241 (Sept. 22, 2015), https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A02242&term=2015&Summary=Y&Actions=Y&Memo=Y&Text=Y. See also *Matter of J.A.L.*, No. 10138/2016, 2016 WL 7234140 (Sup. Ct. Suffolk Cnty. Nov. 21, 2016) (granting publication waiver based on the totality of the circumstances even without a particular threat against a transgender name change applicant). These privacy and safety concerns were also sufficient to grant an exception to a policy that would normally require a transgender individual's previous name to be publicly linked to their new name on the New York State Education Department Office of the Professions licensing website. *Matter of John Doe*, [Index Number Redacted by Court], NYLJ 1202601879249, at *4 (Sup. Ct. Westchester Cnty. June 3, 2013).

While an individual can use a sealing order to request removal of the documents, (i) removal requests must be made separately to each aggregating website, (ii) the growing number of aggregating sites makes comprehensive removal an on-going challenge, and (iii) even after document removal from an aggregator site, Google search results that indexed that site may still display sensitive information like previous and new names.

While the December 2024 name-change privacy rule addresses pending petitions,⁵ and permanent sealing protects those who successfully request it, these measures don't address previously scraped data. To resolve these issues, we recommend the courts, governor, and the legislature undertake efforts to address the broad-based privacy concerns raised by sensitive court documents showing up in Internet search results. These measures can include the following:

- Requiring court-aggregating companies to provide blanket opt-out mechanisms for individuals
- Creating liability for companies that publish sealed matters
- Reclassifying all name-change matters as confidential by default, similar to family court and matrimonial proceedings,⁶ which New Jersey has done since 2021.⁷
- Require court-aggregator websites to categorically remove name-change and other sensitive categories of proceedings

Such measures are needed to protect the privacy not only of transgender

⁵ Chief Administrative Judge of the Courts, Administrative Order 286 (Oct. 1, 2024), <https://www.nycourts.gov/LegacyPDFS/rules/comments/orders/AO-286.pdf>. The rule further provides that if permanent sealing of a name change is not granted, the matter will become public, although the petitioner is required to resubmit versions of the documents with confidential personal information removed.

⁶ N.Y. Fam. Ct. Act § 166; N.Y. Domestic Relations Law § 235.

⁷ N.J. Court Rule 1:38-3(f)(10); Executive Order by Governor Murphy ordering that all name changes filed in New Jersey will be exempted from public records request and treated as confidential. <https://nj.gov/infobank/eo/056murphy/pdf/EO-311.pdf> (classifying as confidential all copies of name change orders filed with the NJ Department of the Treasury pursuant to the name change statute) (last visited Jan. 17, 2025).

Comments from Other Stakeholders

A4TE comments on electronic filing

Page 8 of 8

name-change petitioners, but all New Yorkers.

Thank you for considering these comments and working to make the e-filing system more effective, efficient, and safe for all users, including transgender name change petitioners.

Sincerely,



Noah E. Lewis
Name Change Project Legal Coordinator



Ezra Cukor
Co-Interim Legal Director

Enclosure

The extensive submission from **Ravi Batra**, including comments and exhibits, is available in its entirety on the NYSCEF Public Comment Section of the UCS website at <http://www.nycourts.gov/rules/efiling/>.

Public Comments: Annual Report

Public comments received for 2025 Annual Report: addressing users' experience with e-filing in preparation of annual report.

Comments from Other Stakeholders

Civil Court of the City of New York
County of New York

Index Number: NC- -24/NY



In the Matter of the Application of
For Leave to Change Their Name To

**Name and/or Sex Designation Change
Judicial Worksheet**

(First) (Middle) (Last) AKA , AKA to (First) (Last)
(DOB:), residing at

Petitioner verifies that the name and/or sex designation change information in the above caption is correct.

Petitioner signs here: _____

***** JUDGE TO COMPLETE FROM THIS POINT ON *****

[For Name Change] Indicate who should be served a copy of this order with supporting papers:

- ☐ Court that issued the order of spousal support: _____
- ☐ Court that issued the order of child support: _____
- ☐ Child support collection unit: _____
- ☐ Division of Criminal Justice Services
- ☐ Parties: _____
- ☐ Agencies: _____
- ☐ Other: _____

[For Sex Designation Change] Indicate which identity documents should be amended with the new sex designation:

- ☐ The Clerk is directed to seal this proceeding: ☐ at Petitioner's request ☐ sua sponte
- ☐ The Clerk is directed to produce an Order with the above indicated information
- ☐ This application is denied (fully / with leave to renew) for the following reasons: _____

Date: _____

Judge of the Civil Court

Comments from Other Stakeholders

Yvonne Williams
55 Madison Street
Brooklyn NY 11238
January 17, 2025

Christopher Gibson, Director OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Re: Comments on NYSCEF

NYSCEF, while convenient for its ability to facilitate the filing of thousands of cases in a single day without requiring individuals to travel to the relevant jurisdiction, has significant drawbacks that warrant attention. By utilizing NYSCEF, it becomes impossible to determine whether a document is an original, a photocopy, or a composite of various documents amalgamated to appear as a whole.

I am new to NYSCEF and lack any legal background or experience. My introduction to the system occurred in 2024 when I was involuntarily involved in a lawsuit riddled with forgery and false documentation, including a post-dated judge's order. Although I am not attempting to litigate my case here, I believe it is crucial for the court to be aware of the systemic issues I have encountered with NYSCEF. These issues highlight the need for the system to either be improved to match or surpass the thoroughness of traditional filing systems or to be used solely as a supplementary tool rather than a replacement for more robust systems capable of identifying fraudulent practices. The people of New York deserve better.

On February 29, 2024, my former attorney filed an emergency Order to Show Cause seeking to be relieved as my counsel. She requested a 45-day stay to allow me time to secure new representation. Despite the urgency of an Order to Show Cause, her filing remained pending in NYSCEF for 45 days without being addressed. During this time, the judge and plaintiffs' attorneys continued filing motions and orders while her emergency motion remained untouched. This lack of action led to the defendants, which included me being locked out of NYSCEF, which prevented me from defending myself. Consequently, the plaintiffs obtained a judgment for the sale of my property.

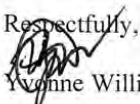
When I attempted to resolve the situation and gain access to NYSCEF, I was informed by a court analyst that my former attorney was still listed as my counsel in NYSCEF. Despite my efforts to explain that she had abandoned my case and been terminated as my attorney, the analyst was unhelpful. Emails to my former attorney, with the analyst copied, went unanswered, and she made no effort to withdraw formally from the case. Only after reaching out to another NYSCEF representative did I receive guidance on how to have her removed. The 45-day delay, which my former attorney warned would prejudice my case, caused irreparable harm.

I later inquired at the court about the prolonged inaction on my former attorney's Order to Show Cause. An ex parte clerk, Antionette, explained that she left the motion pending for 45 days due to understaffing in the ex parte department. Notably, the motion was removed only after I served the plaintiffs' attorneys with my Notice of Appeal, which raises further concerns. Had my former attorney filed the order to show cause in person it would have been handled immediately. I do not know about other jurisdictions but in the Kings County Supreme Civil Court you are nearly forced to file an order to show cause through NYSCEF. If you do so in person the ex parte clerks tell you that you have to file it through NYSCEF especially if you are an attorney. They make you wait all day, I once waited from 10am-4pm just to file an order to show cause. Now even if you do not want to a filing can be forced to be electronic.

Another critical issue with NYSCEF is its inability to detect forged documents. Hard copy filings offer a greater capacity for identifying forgeries. In my case, several forged documents have been submitted to the court, including affidavits containing questionable signatures that appear to be stamps or lifted signatures—a form of forgery. The plaintiffs' attorneys even submitted an affidavit claiming possession of a post-dated judge's order, a deeply troubling assertion. Maintaining hard copies on file with the court could have prevented or exposed such misconduct.

Additionally, NYSCEF permits motions to be decided without in-person appearances before a judge. In my case, it seems the judge has not reviewed my submissions, yet expediently responds to the plaintiffs' letter submissions and emails while ignoring ours. Personal appearances before the judge would have ensured that my position was heard alongside the plaintiffs', rather than being sidelined.

While NYSCEF is undeniably a powerful tool, it should not replace hard copy filings and in-person court interactions. Being a digital system, it remains vulnerable to human manipulation, which can severely undermine the integrity of litigation. Safeguards must be implemented to prevent such outcomes and ensure the system serves its intended purpose without compromising justice.

Respectfully,

Yvonne Williams.

THE LAW FIRM
OF



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January 16, 2025

Via email: efilingcomments@nycourts.gov

Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004

Re: Responding with Comment, as Publicly Requested on NYSCEF Home Page in re
Expanding NYSCEF to all of NY State's Trial Courts.

Dear Director Gibson:

First, let me congratulate Chief Judge Wilson and his Leaders' team running the Unified Court System for securing the legislation to expand NYSCEF to all trial level courts in NYS and having it signed into law by Gov. Hochul. Further to your Notice inviting comment on same o/o/b January 17, 2025, I write this letter due to latent dangers of AI (which can create authentic-looking false documents: be it a check, a video, or a signed affidavit or worse, a signed court order with NYSCEF "markings"), cyber-hacking by nation and non-nation actors who wish to harm America, and the ever-present possibility of corruption within and without.

I. OCA-provided NYSCEF Is a Jewel of Justice that Enhances Democracy

OCA-provided NYSCEF is a democratic jewel of justice, with multifaceted benefits to promote access to justice, while enhancing public confidence in the noble judiciary. In fact, NYSCEF is a valuable asset in NYS as well as a means to achieve even greater integrity in the machinery of justice, which in turn earns greater public confidence in the noble judiciary. This is why NYSCEF is a jewel of Justice and must be protected at all costs from within and without.

NYSCEF assures the public that documents are received with honesty and integrity, and the date

and time stamp on each filed-document is un-alterable, while making such stamped-documents viewable by the public, and comes with an implicit promise - much like contracts come with the implied covenant of good faith and fair dealing - that such stamped-documents will remain un-molested as to their date and time stamp, free of being subjected to playing “musical chairs,” in violation of their spot in the Queue of Justice, or worse, disappear based upon unlawful official acts by “state” actors - motivated to violate NYSCEF’s regular order - so as to corruptly benefit the private economic interests of a favored or powerful few. The absolute dangers of AI and cyberhacking, while as real as Sars-Cov2 causing Covid, are for those better equipped to assist OCA.

So, I limit my comments based upon actual and very disturbing experiences I had with NYSCEF in Queens Surrogate Court - presided over by the Hon. Peter J. Kelly and his appointed-Chief Clerk Janet Tucker - from December 2023 till end of 2024 in the E/O Malik, File No. 2023-990. Even the fact that I had notified the FBI Public Corruption Unit and EDNY USA Peace, and attached a copy of my January 24, 2024 Letter to then-EDNY USA Peace to my Cross-Motion did not serve to stop the misconduct.

I later discovered that Judge Kelly had a policy and practice of keeping a “Secret Court Docket”; such as, Capell Barnett Matalon & Schoenfeld’s (CBMS) December 14, 2023 proposed OSC with TRO, Sweeny, Reich & Bolz’s (SRB) December 15, 2023 Opposition papers, CBMS’s December 18, 2023 Reply papers and even the December 18, 2023 Judge-Kelly-Signed OSC (with TRO-struck) with a “return date” of January 25, 2024, as well as the December 12, 2023 SRB’s proposed Decree Granting Probate in bold violation of Jud. Law 487 and RPC.

This secret court docket prevented CBMS, the OSC-movant, from seeking a CPLR 5704 Review in AD2D, and worse, prevented the undersigned, as counsel for the OSC-Target Client, Brandon Bishunauth, to be able to upload his timely Cross-Motion on NYSCEF. Since there was no Motion (OSC) on NYSCEF, no Cross-Motion could be filed against it (even as NYSCEF was willing to accept my cross-motion only if it was a new fresh motion, not a cross-motion).

A simple analogue trick - court keeping a secret docket - thwarted digital NYSCEF: Judge Kelly’s unlawful secret court docket. The simplicity of this corruption will tempt others to stray and shame the bench. This must not be allowed to occur. Hence, the institutional interests of justice urgently needs a Grand Jury empaneled by a Special Prosecutor, who has been appointed by Gov. Hochul, to investigate Queens Surrogate Court ASAP! As of now, there is no individual deterrence, let alone general deterrence. Separately, there would be no accounting or turnover of said OSC \$45-motion fee to NYS treasury from Queens Surrogate Court, as the OSC is its secret court docket and does not exist on NYSCEF. Even the ever-capable NYS Comptroller DiNapoli would not be able to discover that NYS’ general fund has been cheated, as that Court was essentially maintaining a “second set of books,” as crooked businesses do.

This singular act - molesting NYSCEF - violates federal separated powers regime and destroys

NYS Constitutional scheme of as-of-right appellate review, by making *nisi prius* trial courts' orders unconstitutionally "final" and unlawfully-free of appellate review. No American judge in 2023 or 2024 can be allowed to act as an imperial king, merely by interfering and blocking NYSCEF, as has repeatedly occurred in Queens Surrogate Court File no. 2023-990 (see, related appeals to AD2D Docket #2024-01452 and #2024-01453; while the legal issues on appeal are for AD2D, but for violating my client's 14A right to Equal Protection of the Law (EPL) and Equal Due Process (EDP) that is for a future lawsuit to be filed in EDNY, to *inter alia* hold NYS and OCA liable for the theft by SRB of the estate-assets using an unlawfully obtained Decree Granting Probate).

Sadly, my client's 14A right to *inter alia* EDP was violated by NYS and OCA as NYSCEF is easy to defeat and sidestep from inside the court system. This case ought to ring a "five-alarm" bell in NYS and OCA, noisily crying out for help to protect the machinery of justice and avoid a federal monitor being requested to put the NYS court system under federal court supervision. After all, federal court's have their companion ECF to NY's NYSCEF, and can well comprehend what occurred is beyond the pale and must not be allowed to ever occur given federal constitutional guarantees vested in Brandon and his family, which includes his uncle, Nicholas "Nick" Galafano (brother of the deceased, and Yasmin Malik's Victim #1 when their Father died in 2006 and Yasmin, with undue influence, poisoned Mohammad Malik against his younger brother, Nicholas Galafano, so as to steal his intestate share in Pakistan from their father's estate and falsely informed the Government of Pakistan that the still-alive Nick Galafano is dead without spouse or issue. Brandon was Yasmin's Victim #2 in 2015 and 2023 deathbed will).

Date & time is critical for honoring court mandates, as it is for statute of limitations to apply. History has shown that on rare occasions, a court clerk may back-date a summons and complaint to fraudulently save a fatally-late case for a corrupting party or counsel. Indeed, decades ago DCAJ Joan B. Carey conducted such an investigation. Indeed, the primary benefit of NYSCEF is that it is mechanized, and hence expected to be incorruptible and always ready to correctly stamp the date & time of filing; and its filed-documents are public, as befits NYS' public courts.

II. NYSCEF is NYS' and OCA's 14A Equal Due Process Obligation

Indeed, NYSCEF is intended to be a rock-solid pedestal - visibly level and straight to the naked eye - upon which the very "Scales of Justice" sit, thereby permitting NYS to better honor it's second of two Fourteenth Amendment's obligation: Equal Protection of the Law. And, if NYSCEF, the pedestal, is tampered with, Justice *ip so facto* becomes a travesty of justice seriously injuring the core institutional interests of justice. Accordingly, it is part of NYS's and Unified Court System's promise to every New Yorker that NYSCEF is part of its Fourteenth Amendment (14A) "Equal Due Process" obligation of equal "access to justice," so NYS and UCS can honor its more difficult 14A obligation-sibling: "Equal Protection of the Law."

Equal Protection of the Law implicates involvement of the appellate courts to over-rule *Nisi Prius* courts, and requires that the self-policing function of the bench and bar to be working properly to ensure the machinery of justice is protected by lawyers, as officers of the court

honoring Rules of Professional Conduct, and the noble judiciary, honoring Code of Judicial Conduct. If either of the two - separate from court clerks - violate the guard rails, Justice becomes a travesty. For there to be proper Appellate review, there is a non-negotiable requirement that the higher appellate court have access to an accurate record-on-appeal on NYSCEF, which is unmolested, to permit the Appellate Court to do justice.

Unlike Equal Due Process, Equal Protection of the Law requires greater consumption of public confidence as reasonable minds can differ as to what the law really means; this, then means, EPL consumes more public confidence the Courts have “banked.” In Equal Due Process, which is simpler, the public has every right to expect that “regular order” will be followed for everybody, rich or poor, Black or White, young and old. And as such, NYS and OCA must maintain NYSCEF honestly and faithfully, in equal measure, for each and every New Yorker - as a legendary Bob Morgenthau would say - without fear or favor. To which, I add: and blindly, befitting Lady Justice.

While cameras in the courts remain largely on the drawing board, filing of documents - from Summons & Complaint to final Judgment - is transparent and public thanks to NYSCEF. So, NYSCEF is a transparent digital doorway for NYS courts: permitting any litigant or counsel to file papers on a 24/7/365 basis, or to see them, no matter who filed them (with rare exceptions, such as in child custody or sexual abuse cases being confidential). NYS has a history of fighting to keep Justice honest and above-board, free of human corruption, be it of a litigant, lawyer, clerk or higher. Indeed, the late great Benjamin Cardozo was so motivated for transparent greatness that he became Chief Judge of NY courts and then a Justice of the Supreme Court of the United States occupying the legendary seat of Mr. Justice Oliver Wendell Holmes Jr. What motivated him was his father’s corruption-based disgrace as a Manhattan Supreme Court Justice. NYS and OCA must embrace Justice Cardozo’s similar motivation, and help free the machinery of justice from political control and make its corruption-proof, as much AI and revised protocols can achieve. Perhaps, automatic loss of state pensions and minimum jail sentences of twenty five years for those who act corruptly as well as those who aid and abet corruption in the courts. Luckily, over 300 years of NYS courts, there have been few who were convicted for corrupting the machinery of justice. But one corrupt clerk or judge is one too many. Recently re-elected President Trump, with 77 Million voters, secured a nationwide “jury nullification” of sorts from “Lawfare,” a term he coined to impeach Justice deemed to be unjust. Hence, public confidence in the courts needs to be restored with all due speed, if “due administration of justice,” as President George Washington wanted from his first department of justice, is to be the firmest pillar of good government.

III. Actual Record of NYSCEF Being Molested to Help a Private Party Rob Over \$330M

I incorporate by reference, the actual papers filed in Queens Surrogate Court via NYSCEF (before they were “moved,” “impounded,” “deleted” or *inter alia* even the signed-OSC of December 18, 2023 which was never uploaded by the court to prevent appellate review or for the target of the OSC to respond via NYSCEF), as well as the now-fully briefed appeals to AD2D. I include actual documents as exhibits, so you and the talented Leaders - of NYS and the Court

System - can better divine solutions to protect the machinery of justice from being so easily compromised, as it was repeatedly in Queens Surrogate's Court, without fear of penal law applying to them as they are intoxicated with a disturbing cocktail of political-hubris and daring chutzpah:

- Ex 1. Appellant's Main Brief
 - Ex. 2. Limited pages from Record on Appeal (which has many printouts of NYSCEF at varying times documenting misconduct), R1 to R52¹ and R 568 - R619²;
 - Ex. 3. Respondent's Opposing Brief;
 - Ex. 4. Appellant's Reply Brief;
 - Ex. 5. "*In Fight Over Fortune, a Young Man Takes on the Kingmakers of Queens*" by Chris Bragg January 6, 2025 (with hyperlinks);
 - Ex. 6. Questions asked by Chris Bragg to Judge Kelly;
 - Ex. 7. J. Kelly's Response - using his official court email id - in excess of the Code of Judicial Conduct and law of *per se* libel applicable to extra-judicial activity;
 - Ex. 8. Ravi Batra's Response to J. Kelly's unbecoming personal attacks, motivated by malice and predicated upon falsity;
 - Ex. 9. Additional Questions by Chris Bragg;
- and
- Ex. 10 "*Five Key Takeaways From Our Investigation Into the Queens Surrogate's Court*" by Chris Bragg January 7, 2025.

IV. Policy Recommendations: Need to Build a Firewall so NYSCEF is Corruption-Proof
NYSCEF must be upgraded to prevent judges or clerks from having imperial authority to override NYSCEF's 14A-Protected "regular order." To prevent such bold molestation, as documented in this case, OCA ought establish a "Judicial Knapp Commission" to better document NYSCEF weaknesses, refer for prosecution those who committed crimes, and initiate curative reforms to NYSCEF to make it bullet-proof from such banal corruption (secret docket or willy-nilly deleting, impounding, or making "markings" disappear as if the courts were in the business of assisting crimes and Justice was merely a Kabuki play) as is documented in this case.

In addition, NYS Governor Hochul ought appoint a person - free of political roots or control - capable of being an independent Special Prosecutor to look at Queens Surrogate Court and those who fancy themselves as controlling it. The Courts are the last bastion of democracy, because

¹ R1-R52: Table of Contents, Notices of Appeal from Sealing Order and Decree Granting Probate, Transcript of December 5, 2023 and Emails between J. Kelly's Chambers and lawyers at Cappell, Barnett, Matalon & Schoenfeld and Sweeney, Reich & Bolz (the full record on appeal is available at AD2D, which includes the NYSCEF printouts that document their corrupt molestation.

²R568 - R619: Notice of Settlement of Transcript of January 25, 2024, with some of its exhibits.

they have the last word. The Third Branch must protect itself, before it can provide justice for the yearning public.

What this Letter documents is that NYS' and OCA's NYSCEF in Queens Surrogate Court has violated Deuteronomy 16:20: "Justice, justice you shall pursue." Still, it is a mandate that is core to being my heart and soul, just as it has to be OCA's Mission Statement: to assist justice to be done honestly and with integrity, in equal measure for all. In the case I cited, NYSCEF was disarmed and made useless, so as to empower a *nisi prius* trial court to act as if it's unlawful mandates and NYSCEF-alterations and obstructions were written by the hand of God on Moses' Tablet as a new 11th Commandment. That is how bold the misconduct is - as the checks and balances were politically neutralized - for these powerful "state" actors, who believe and act (*mens rea* and *actus reus*) that they are "above the law" due to the needs of electoral politics. This cannot be tolerated, as no private person or entity can own the court.

It bears noting, that during the gauntlet that I had to traverse just to get a transcript of the January 25, 2024 Court proceeding or to settle its transcript, I put OCA Counsel Nocenti and OCA IG Porter on notice, while seeking out then-DCAJ Deborah Kaplan to protect OCA's NYSCEF from the assault by Chief Clerk Janet Tucker and the Hon. Surrogate Judge Peter J. Kelly, merely acting as an administrator of that Court, and not as a judge on the bench issuing Orders that grant him absolute judicial immunity for "judicial acts." True "regular order" was never restored to Queens Surrogate Court Clerk's office, as it fancies itself free of oversight by anyone. That said, I deeply appreciate OCA's organizational chart, including DCAJs, for the honest oversight provided to protect the institutional interests of justice, even during times of internal strife and breach of protocols.

This Letter-Affirmation is duly submitted under penalty of perjury, as permitted by CPLR 2105.

Respectfully,

Ravi Batra

Encl: 10 Exhibits

C: Brandon Bishunauth, and his non-party family relatives, Nicholas Galafano
Hon. Deborah Kaplan, OCA Counsel Nocenti, OCA IG Porter
FBI Public Corruption Unit, and EDNY USA
NYS AG Tish James, NYS Comptroller DiNaopli
D.A. Alvin Bragg, D.A. Melinda Katz
Chris Bragg, Albany Bureau Chief, of *New York Focus*

\\ec\dc\Public Comment on OCA re NYSCEF.011625

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Christopher Gibson, Director
OCA Division of E-Filing
Office of Court Administration
25 Beaver Street, Room 926
New York, New York 10004
efilingcomments@nycourts.gov

Dear Reviewer,

January 12, 2025

Peter Kijewski NYSCEF personal experience has been documented in response to December 16, 2024, Notice for 2025 Annual Report on Electronic Filing. A printed document will be mailed.

A NYS Court 60606/2015 case review is presented, since multiple NYSCEF deficiencies substantially contributed to attorney violations of "RULE 3.2: DELAY OF LITIGATION: In representing a client, a lawyer shall not use means that have no substantial purpose other than to delay or prolong the proceeding or to cause needless expense." Tracking Justices of the Supreme Court Orders, viewable in NYSCEF content, failed to occur, since NYSCEF automated case issue tracking systems have not been implemented. December 9, 2015, Hon. Paul I. Marx, J.S.C. No. 1 of 7 PENDENTE LITE DECISION AND ORDER NYSCEF No. 59: "The award shall be taxable to Plaintiff, as she does not specify any basis for departing from "the norm envisioned by current Internal Revenue Code provisions."" Internal Revenue Code compliance prevents recurring "Required Minimum Distribution" (RMD) disbursement "hold".

I. June 19, 2015, 60606/2015 NYSCEF No 1 & 2 – July 24, 2023, NYSCEF No. 553 Filings Expose IRS Internal Revenue Code & "Employee Retirement Income Security Act of 1974" (ERISA) Violations

3.8 Years TIAA: March 6, 2018 - December 16, 2021, TIAA Law & Compliance lawyers enforced Peter Kijewski tax-deferred retirement plans and IRA \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and MA-DOR tax withholding and tax payments. The TIAA enforcement action resulted in illegal omitted RMD "Investment Experience" and stiff RMD 50% penalties.

December 16, 2021 - December 27, 2021, TIAA released tax years 2018, 2019, 2020 and 2021 TIAA tax-deferred retirement plans and IRA savings benefits mandatory \$439,826 balloon retirement income disbursement, including in arrears mandatory \$150,376 balloon United States Treasury and MA-DOR tax withholding and tax payments. TIAA also included tax years 2018, 2019, 2020 and 2021 mandatory 457(b) \$57,267 "Wages, salaries, tips, etc. Attach Form(s) W-2". October 26, 2021, Plan Administrator, MSKCC retirement plans sponsor, thwarted Ms. Maureen A. Dunn Injunction/Restraining Order and prevented tax year 2021 additional stiff

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\$93,840 RMD 50% penalty. March 2024 Social Security income due to tax year 2021 TIAA "Required Minimum Distribution" (RMD) balloon disbursement: \$1.00.

5.4 Years Vanguard: January 1, 2018 - May 15, 2023, Vanguard Office of the General Counsel lawyers enforced Peter K. Kijewski tax-deferred Vanguard IRA \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and MA-DOR tax withholding and tax payments. The Vanguard enforcement action resulted in illegal omitted RMD "Investment Experience" and stiff RMD 50% penalties. There was NO need for tax years 2018, 2019, 2021 and 2022 Vanguard \$61,449 RMD 50% penalties and tax years 2018, 2019, 2020, 2021, 2022 and 2023 Vanguard balloon \$188,547 retirement income disbursement. Tax year 2023 total US and MA tax withholding and tax payments due to Vanguard "Required Minimum Distribution" (RMD) balloon disbursement: \$115,229.

2.2 Years BNY Mellon Pershing: June 25, 2015 - September 20, 2017, BNY Mellon Pershing Legal Department lawyers enforced Peter K. Kijewski IRA \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and NYSDTF tax withholding and tax payments, except when divorce lawyer Mitchell Y. Cohen or Maureen A. Dunn, "Required Minimum Distribution" (RMD) disbursement consent received. Opposing Johnson & Cohen lawyers used the AUTOMATIC ORDERS to justify the enforcement action, subverting the tax-deferred retirement savings "in pay status" exception.

0.2 Years TIAA & Vanguard: April 18, 2017 - July 17, 2017, TIAA Law & Compliance lawyers and Vanguard Office of the General Counsel lawyers enforced Peter K. Kijewski tax-deferred retirement plans and IRAs \$0.00 retirement income, inexplicably including \$0.00 "Required Minimum Distribution" (RMD) disbursements and \$0.00 United States Treasury and NYSDTF tax withholding and tax payments. Opposing divorce litigators falsely affirmed Peter K. Kijewski flight risk to Germany, transferring retirement assets to a foreign country. July 1, 2017, Peter Kijewski retirement: TIAA, Vanguard and BNY Mellon Pershing lawyer enforcement \$0.00 retirement plans and IRAs income.

A. Verification

TIAA Law & Compliance lawyers, Vanguard Office of the General Counsel lawyers and BNY Mellon Pershing lawyers are in the possession of documents and financial statements to perform verification unprecedented IRS Internal Revenue Code & "Employee Retirement Income Security Act of 1974" (ERISA) violations occurred.

B. Paul Cowie, TIAA CFP Portfolio Advisor WMA

[PAUL BRIAN COWIE - Broker at TIAA-CREF INDIVIDUAL & INSTITUTIONAL SERVICES, LLC](#) managed Peter Kijewski Portfolio Advisor IRA, Portfolio Advisor

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investment account and tax-deferred 403(b) & 457(b) retirement plans and TIAA Bank account and therefore has comprehensive information about IRS Internal Revenue Code & "Employee Retirement Income Security Act of 1974" (ERISA) violations.

C. Peter Kijewski NYSCEF Filings

EXHIBIT 1 lists Peter Kijewski NYSCEF filings, including "Additional Document Information" about document content. The purpose of the documents was to add information specifically about recurring "Required Minimum Distribution" disbursement "hold". Documents attorneys failed to file are marked.

D. Attorney AUTOMATIC ORDERS

June 24, 2015, Mr. Cohen reviewed Peter Kijewski retirement plans and IRA financial account listing and June 25, 2015, Mr. Cohen wrote letters to TIAA, Vanguard, BNY Mellon Pershing and Lincoln Financial about AUTOMATIC ORDERS restrictions. TIAA, Vanguard and BNY Mellon Pershing consented terminating Peter Kijewski "Required Minimum Distribution" disbursements, violating retirement plans and IRAs AUTOMATIC ORDERS "tax-deferred funds in pay status exception" since May 10, 2011:

| June 25, 2015 - September 20, 2017, AUTOMATIC ORDERS Recurring \$0.00 RMD Disbursements | | | | | | |
|---|------|--------|---|------|---------|--------|
| Date | Days | Charge | Process Notes | Time | Invoice | Peter |
| 4/25/2013 | -791 | MYC | Agreement "Attorney's signature" + "Client's signature" | | | |
| 6/24/2015 | -1 | MYC | Review financial account listing | 0.1 | \$47.50 | Pro Se |
| 6/24/2015 | -1 | MYC | Telephone conference with client | 0.2 | \$95.00 | Pro Se |
| 6/25/2015 | 0 | MYC | Dictation of letter to TIAA-CREF | 0.2 | \$95.00 | Pro Se |
| 6/25/2015 | 0 | MYC | Dictation of letter to Pershing Advisor Solutions LLC | 0.2 | \$95.00 | Pro Se |
| 6/25/2015 | 0 | MYC | Dictation of letter to Vanguard | 0.2 | \$95.00 | Pro Se |
| 6/25/2015 | 0 | MYC | Dictation of letter to Lincoln Financial | 0.2 | \$95.00 | Pro Se |
| 6/25/2015 | 0 | MYC | Telephone conference with client | 0.2 | \$95.00 | Pro Se |
| MYC Cohen, Mitchell Y. Johnson & Cohen, LLP | | | | | | |

EXHIBIT 2 lists attorneys Process Notes and Invoices NYSCEF filings.

E. Lincoln Financial "RMD WITHDRAWAL OF INCOME"

Lincoln Financial disbursed "RMD WITHDRAWAL OF INCOME", since IRS Internal Revenue Code compliance supersedes Mr. Cohen AUTOMATIC ORDERS "Required Minimum Distribution" (RMD) disbursement restrictions:

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| Lincoln Financial: RMD WITHDRAWAL OF INCOME | | | |
|---|-------|--------------------------|---------------|
| Date | Days | Type of Activity | Amount |
| 11/7/2014 | -230 | RMD WITHDRAWAL OF INCOME | (\$1,616.50) |
| 11/6/2015 | 134 | RMD WITHDRAWAL OF INCOME | (\$2,207.60) |
| 11/8/2016 | 502 | RMD WITHDRAWAL OF INCOME | (\$2,277.47) |
| 11/14/2017 | 873 | RMD WITHDRAWAL OF INCOME | (\$2,338.17) |
| 11/13/2018 | 1,237 | RMD WITHDRAWAL OF INCOME | (\$2,411.60) |
| 11/12/2019 | 1,601 | RMD WITHDRAWAL OF INCOME | (\$2,474.18) |
| 5/5/2020 | 1,776 | WITHDRAWAL OF PRINCIPAL | (\$1,089.33) |
| 5/5/2020 | 1,776 | WITHDRAWAL OF INCOME | (\$25,595.13) |
| 8/26/2020 | 1,889 | WITHDRAWAL OF PRINCIPAL | (\$1,891.23) |
| 8/26/2020 | 1,889 | WITHDRAWAL OF INCOME | (\$11,342.71) |
| 8/26/2020 | 1,889 | WITHDRAWAL OF PRINCIPAL | (\$8,233.64) |
| 8/26/2020 | 1,889 | WITHDRAWAL OF INCOME | (\$88.16) |
| Liquidation | | | (\$48,240.20) |

F. June 22, 2022, TIAA Letter to Peter Kijewski

EXHIBIT 3 June 22, 2022, TIAA letter to Peter Kijewski, listing key dates:

"Qualified Domestic Relations Order (QDRO) and Required Minimum Distribution (RMD)

On July 1, 2015, April 18, 2017 and March 22, 2018, TIAA received an order to restrain withdrawals, transfers, and prevent any status changes of your retirement plan accounts until the necessary QDRO had been executed, processed, and funds distributed to the plaintiff. As a result of these orders, TIAA placed a restriction on your retirement accounts."

G. June 19, 2015, No-Fault Action for a Divorce 60606/2015 NYSCEF No. 1 & 2: Justices of the Supreme Court Writing Orders

Justices of the NYS Supreme Court never write Orders causing "tax fraud activity": "failure to withhold", "failure to pay tax", "failure to follow the tax laws" and "a false or altered document":

Comments from Other Stakeholders

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WebCivil Supreme 60606/2015 Appearance Information:

| Appearance Date | Time | Court Date Purpose | Fully Virtual | Court Date Type | Outcome Type | Justice Part | Remarks | Motion Seq |
|-----------------|----------|--|---------------|-----------------|--------------|---|--------------------------------------|--------------------|
| 7/24/2023 | 09:00 AM | Conference-Status | No | None | Held | Hyer, Hon. James L. | In Person Appearances Courtroom 1003 | - |
| 2/24/2023 | 10:00 AM | Motion-Order to Show Cause (Returnable) | No | None | Adjourned | Quinones, Hon. Thomas | TEAMS | 12 |
| 12/14/2021 | 09:30 AM | Motion-Order to Show Cause (Returnable) | No | None | Adjourned | Koba, Hon. Nancy Quinn | | 12 |
| 8/7/2019 | 09:30 AM | Motion-Order to Show Cause (Initial Application) | No | Courtroom | Decided | Trovini, Josephine | CPO 9/4/19 | 8 |
| 5/15/2019 | 09:30 AM | Motion-Order to Show Cause (Returnable) | No | Courtroom | Granted | Lubell, Hon. Lewis Jay | APPEARANCES REQUIRED | 11 |
| 7/18/2017 | 09:45 AM | Motion-Other | No | None | Rescheduled | Malone, Hon. Janet C. Janet C. Malone - Motion Part | | 3 |
| 9/9/2016 | | Conversion-Other | No | None | Settled | Colangelo, Hon. John P. John P. Colangelo | | - |
| 3/29/2016 | | Conversion-Other | No | None | Held | Ratner, Irene Ratner, Irene - Contested Matrimonial Part | | - |
| 12/3/2015 | | Motion-Other | No | None | Decided | Marx, Hon. Paul I. Paul I. Marx | | 1 |

The extensive submission from **Peter Kijewski**, including comments and exhibits, is available in its entirety on the NYSCEF Public Comment Section of the UCS website at <http://www.nycourts.gov/rules/efiling/>.

Public Comments: Annual Report

Public comments received for 2025 Annual Report: addressing users' experience with e-filing in preparation of annual report.

