


ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and upon consultation with the Administrative Board of the Courts, I hereby authorize a pilot program for the consensual/voluntary filing and service of documents by electronic means (“e-filing”) in criminal proceedings in the superior criminal courts pursuant to the schedule of counties indicated on the NYSCEF website in the manner authorized pursuant to section 10.40(2) of the Criminal Procedure Law. Such information on the NYSCEF website will only be updated with the authorization of the Chief Administrative Judge or their designee.

Additionally, I adopt, effective as of the date of this Order, rules relating to this pilot program for the consensual e-filing of criminal proceedings in the criminal superior courts attached hereto as Exhibit A.

  
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Chief Administrative Judge of the Courts

Dated: June 2, 2025

AO/131/25

## Exhibit A

Electronic Filing in a superior criminal court. (These rules shall be in accordance with an Administrative Order authorizing the pilot program)

(a) Application.

- (1) By order of the Chief Administrator of the Courts, a consensual (voluntary) program in the use of electronic means ("e-filing") may be authorized in a superior criminal court for the filing and service of documents in the manner provided in these rules.  
  
However, the Chief Administrator may not require a court to e-file without the consent of the district attorney, the consent of the criminal defense bar, (as defined in CPL 10.40 3(a)), and the consent of the county clerk of the county in which the court presides.
- (2) No paper or document that is filed by electronic means in a criminal proceeding in supreme court or county court shall be available for remote public inspection on-line via NYSCEF, outside of the Court/Clerk's Office.
- (3) Except as otherwise provided in these rules, 22 NYCRR sections 202.5-b and 202.5-bb where applicable, shall apply to all actions in which electronic filing is authorized in the superior criminal court.
- (4) Definitions. For purposes of all electronic filing matters authorized in a superior criminal court, the following terms shall have the following meanings:
  - (i) "electronic means" shall mean any method of transmission of information between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression;
  - (ii) "NYSCEF" shall mean the New York State Courts Electronic Filing System and the "NYSCEF site" shall mean the New York State Courts Electronic Filing System website located at [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

- established by the Chief Administrator to permit the electronic transmission of documents to courts and parties in authorized cases;
- (iii) Chief Administrator of the Courts shall include the designee of the Chief Administrator;
  - (iv) Clerk shall mean the County Clerk, chief clerk, or the appropriate clerk of the trial court, unless the context otherwise requires;
  - (v) Criminal action and criminal proceeding in the superior criminal court shall have the same meanings as they have under provisions of the Criminal Procedure Law, (CPL 1.20 (16), (18)).
  - (vi) "e-filing", "electronic filing" and "electronically filing" shall mean the filing and service of documents in a superior criminal action or proceeding by electronic means through the NYSCEF site;
  - (vii) an "authorized e-filing user" shall mean a person who has registered to use e-filing as specified in subdivision (b) of these rules;
  - (viii) "hard copy" shall mean information set forth in paper form;
  - (ix) "working copy" shall mean a hard copy that is an exact copy of a document that has been electronically filed in accordance with these rules;
  - (x) "party" or "parties" shall mean the party or parties to a criminal matter in the Superior Criminal Court or counsel;
  - (xi) "participating party" shall mean the prosecutor (as defined in CPL 1.20(31)) who has recorded their consent upon commencement of the superior criminal action/proceeding and/or the prosecutor who has recorded their consent upon the assignment of a pending superior criminal action/proceeding; an attorney representing the subject of the accusatory instrument (defendant) who has recorded their consent and filed a Notice of Appearance; and a self-represented defendant who has consented to electronic filing;
  - (xii) "participating non-party" shall mean officers/representatives of court authorized agencies/organizations that may submit documents electronically for filing with the court in a criminal action or proceeding, and/or have access to view the electronic file, including, but not limited to, the Office of Probation and Correctional Alternatives, the NYS Department of Corrections and Community Supervision, the New York City Department of Probation, the New York City Department of Corrections, treatment and other alternative to incarceration programs, the Office of Mental Health, medical providers, other court designated/appointed service providers, and court permitted amicus curiae.
  - (xiii) "self-represented defendant" shall mean a party to an action who is not represented by counsel;
  - (xiv) "Resource Center" shall mean the NYSCEF Resource Center, the e-filing help center available at 646-386-3033 or [NYSCEF@nycourts.gov](mailto:NYSCEF@nycourts.gov) and through the NYSCEF site.

(b) Authorized e-filing users.

- (1) Registration required. Documents may be filed or served electronically only by a person who has registered as an authorized e-filing user or as otherwise provided in this subdivision.
- (2) Registering as an authorized e-filing user.
  - (i) Who may register:
    - (a) an attorney admitted to practice in the State of New York.
    - (b) a person seeking to serve as an authorized e-filing agent on behalf of attorneys of record in an e-filed action or actions (hereinafter "filing agent");
    - (c) an attorney admitted pro hac vice in an action, solely for purposes of such action;
    - (d) a self-represented defendant may register as an authorized e-filing user as permitted by the court/clerk, but solely for purposes of such action where they are a defendant;
    - (e) a participating non-party.
  - (ii) How to register.
    - (a) Attorney admitted in New York – requires creation of attorney on-line services account, see, [www.nycourts.gov/attorneys](http://www.nycourts.gov/attorneys),
    - (b) Attorneys admitted pro hac vice in an action, and non-attorneys, including, self-represented defendants, filing agents, and other authorized filers as provided in subparagraph (2)(i)(e) of this subdivision: registration requests shall be in a form prescribed by the Chief Administrator of the Courts.  
  
Registration as an e-filing user shall not be complete until the request/form has been reviewed/processed by the Division of E-filing. It is the responsibility of each user to monitor the email account which was recorded for

service; changes to the e-mail service address can be made on the NYSCEF website.

(iii) Statement of Authorization for Authorized Agent

A filing agent shall e-file a statement of authorization from the attorney of record in an action in a form approved by the Chief Administrator of the Courts prior to or together with the first e-filing in that action by the agent on behalf of that attorney.

- (3) Identification and password. Upon registration, an authorized e-filing user shall be issued a confidential User Identification Designation ("User ID") and a password by the Unified Court System ("UCS"). An authorized e-filing user shall maintain his or her User ID and password as confidential. Upon learning that the confidentiality of either the User ID or password has been compromised, an authorized e-filing user shall immediately notify the Resource Center. At its initiative or upon request, the UCS may at any time issue a new User ID or password to any authorized e-filing user.

(c) When documents are Electronically filed.

All e-filed documents shall comply with the technical requirements set forth at the NYSCEF site.

Documents may be transmitted at any time of the day or night to the NYSCEF site. Documents that are electronically filed in compliance with this subdivision shall be deemed filed with the clerk of the superior criminal court in the county in which the action is brought upon the date of receipt of those documents by the NYSCEF site.

(1) Electronic filing of an indictment or superior court information.

Where e-filing has been authorized in a county, an indictment or superior court information may be electronically filed in a superior court through the NYSCEF site. A district attorney's consent to participate in e-filing is recorded upon the electronic filing

of the indictment or superior court information. Once the indictment or superior court information has been received by the NYSCEF site for filing, a notification confirming receipt of

said document(s) will be transmitted to the prosecutor filing the action.

- (i) No later than the close of business on the business day following the date on which an indictment or superior court information is electronically filed, or as soon as practicable thereafter, pursuant to subparagraph (1) of this subdivision, a subsequent notification shall be transmitted electronically by the NYSCEF site to the prosecutor filing such document(s), and notification to the defense attorney/counsel as determined by the clerk. The notification shall provide the title of the document and the assigned indictment or SCI number, as applicable.
  - (ii) The appropriate clerk of the superior court may use NYSCEF to send notice to the parties of a scheduled appearance before the superior criminal court on a specified date for arraignment and a notice to the defendant and defense attorney/counsel of their options to participate in e- filing.
  - (iii) At the defendant's arraignment, upon the prosecutor furnishing a copy of the indictment or unsigned superior court information, the defendant and defense attorney/counsel must also be provided with a copy of the *notice of electronic filing* – a form approved by the Chief Administrator – which shall include sufficient information in plain language explaining a party's option to participate in e-filing.
- (2) Notice of electronic filing; consent/declination to e-file and notice of appearance.

- (i) An attorney representing a defendant who receives notice of their options to participate in e-filing, shall promptly record their participation in the manner provided on the NYSCEF site, which shall include the filing of a notice of appearance, or file with the court in hard copy and serve upon all parties of record a declination of consent to e-filing.
- (ii) A self-represented defendant is exempt from having to file and serve documents electronically but may choose to e-file by recording their consent to participate electronically by registering at the NYSCEF site. The appropriate court/clerk will review registration information to verify identification of self-represented defendant.
- (iii) A party's declination to e-file shall not bar any other party to the action from filing documents electronically with the clerk of the court or serving documents upon any other party who has recorded consent to participate. A party who has declined to participate shall file documents in hard copy with the clerk of the court and shall serve and be served with documents in hard copy. When a participating e-filing party serves a document in hard copy on a non-participating party, the document served shall bear full signatures of all signatories and proof of such service shall be filed electronically.
- (iv) An attorney for a party may be permitted to remove their representation of such party in an e-filed action/proceeding from the NYSCEF record in the limited circumstances provided on the NYSCEF website and/or by Court direction.



(3) Post indictment/Superior court information: filing and service of subsequent documents.

- (i) Wherein e-filing is authorized, documents may be electronically filed by and served upon, a party or parties, that have recorded their participation in that matter.
- (ii) A participating e-filing party effects service of a document upon another participating party by filing the document electronically. Upon the electronic filing of a document, a notification in a form prescribed by the Chief Administrator of the Courts shall be transmitted electronically by the NYSCEF site to the person filing such document and to the e-mail service addresses of all other participating parties identified by the filer to receive such notification in such action. The notification shall provide the title of the document received, the date received, and the e-mail service addresses to whom the notification was sent and the party they each represent. Each party receiving the notification shall be responsible for accessing the NYSCEF site to obtain a copy of the filed document. Electronic transmission of the notification to the e-mail service addresses identified therein shall constitute service of the document; proof of such service will be recorded on the NYSCEF site.

(d) Conversion of pending actions; termination or modification of e-filing.

- (1) Where a superior court permits, a pending action may be converted to electronic form upon court direction, a stipulation among the parties, or a letter application by one party to the court. If proceeding by letter application in a form approved by the Chief Administrator, such form must be served upon all parties to the action and filed with proof of service. When an action becomes subject to e-filing, the

clerk of the court may require the parties to furnish previously filed hard copy documents in electronic form and/or the court may direct those documents previously filed in the action in hard copy be filed electronically by the parties.

(2) The court may at any time order discontinuation of e-filing in such action or modification of e-filing procedures therein to prevent prejudice and promote substantial justice.

(e) Hard copy filings: emergency exception, ex-parte filings.

(1) Documents that that are required to be filed and served electronically in accordance with these rules, may nevertheless be filed and served in hard copy by a participating party. Such document shall include, on a separate page firmly affixed thereto, a Notice of Hard Copy Submission, in a form approved by the Chief Administrator, that states one of the following reasons why the document is being filed in hard copy:

- (i) in a consensual case, an attorney on behalf of a defendant, has filed a declination of consent to e-filing pursuant to subparagraph (2)(iii) of subdivision (c) of these rules; or
- (ii) when required by statute or court order; or
- (iii) when the document is an application that may by statute be presented without notice; or
- (iv) when there is an application to restrict or limit access to a document within the application from one or more parties the filer may submit the application in hard copy. The court may direct a party to e-file the application and all or part of any related document after review; or
- (v) when a participating party is unable to file and serve a document electronically due to technical issues with the party's computer equipment or Internet connection, the party may file and serve the document in hard copy, the document shall be accompanied by an affirmation or affidavit of the participating party stating that: (1) a deadline for filing and service fixed by statute, rule or order of the court will expire on the day the document is being filed and served or on the following business day; and

- (2) the attorney, filing agent therefore, or permitted filer is unable to file and serve such document electronically because of the aforementioned technical issues. The party shall file the document with the NYSCEF site within three business days of resolving the technical/internet issues, or as otherwise directed by the court; or
- (vi) if the NYSCEF site is subject to technical failure and e-filing is hindered by this failure pursuant to subdivision (m) of these rules, the filer shall file and serve the document in hard copy and file the document with the NYSCEF site within three business days of restoration of normal operations at the site, or as otherwise directed by the court; or
  - (vii) when a participating party is submitting a document for in camera review – the court may direct a party to e-file all or part of any related document after review; or
  - (viii) when a participating party filing an exhibit that cannot be e-filed because such exhibit is impractical to e-file, pursuant to subdivision (j) of these rules.

(f) Correction.

If an electronically filed document contains information that is confidential by statute or court rule, or has otherwise been filed in error, the filer or another party may (1) notify the parties of the issue raised by the filing and of the intention to seek judicial relief to correct the filing; (2) following such notification, request that the appropriate clerk of the court, exercising his or her administrative discretion, temporarily place the document in the appropriate "restricted" status on the NYSCEF site as requested, thereby restricting access to the document; and (3) within five business days of notifying the parties, file an application to the court to correct the filing or to limit access to the parties which may include a

request for a protective order staying disclosure of the document at issue.

Unless otherwise directed by the court, any document placed in restricted status shall be restored to its original visibility status upon expiration of the five-day period, in absence of such application. The Chief Administrator of the Courts shall promulgate forms to implement this process.

(g) Official Record; maintenance of files.

When a document has been filed electronically, the official record shall be the electronic recording of the document stored by the clerk of the court. The County Clerk/clerk of the court or a designee shall scan and e-file documents in an action subject to e-filing that were filed in hard copy by a non-participating attorney or self-represented defendant. In such event, the filing date recorded in NYSCEF shall be the date of the hard copy filing. A County Clerk/clerk of the court who maintains documents in hard copy form in a particular action shall so indicate in the NYSCEF record, (with the exception of filings detailed in subparagraph (1) (ii), (iii), (iv), (vii) of subdivision (e) of these rules). All documents separately maintained in an alternative database/application by the County Clerk as the official electronic record shall also be filed in the NYSCEF system.

(h) Working Copies.

Parties participating in e-filing shall not be required to submit working copies of documents filed electronically.

(i) Decisions, Order and Judgments.

Decisions, orders, and judgments. Unless the court directs otherwise, any document that requires a judge's signature, shall be transmitted electronically. Where the Chief Administrator of the Courts authorizes use of electronic signatures, a judge may sign all

decisions, orders, and judgments electronically. Any signed decision, order, or judgment signed in hard copy shall be converted into electronic form and transmitted to the NYSCEF site by the appropriate clerk of the court. Such transmission and notification thereof shall not constitute service of Notice of Entry.

(j) Exhibits.

Exhibits and other documents in hard copy. Notwithstanding any other provision of these rules and in accordance with court procedures set forth by the clerk of the court, and subject to such guidelines as may be established by the Chief Administrator, when electronic filing of an exhibit/document is impractical, (i.e. an oversized map, video/audio recording, or other object), the filing party must e-file a form approved by the Chief Administrator, **Notice of Hard Copy Exhibit Filing**, in its place.

(k) Signatures

- (1) Signing of a document. An electronically filed document shall be deemed signed by and binding upon the person identified as the signatory, if:
  - (i) it bears the physical signature of such person and is scanned into an electronic format that reproduces such signature; or
  - (ii) the signatory has electronically affixed the digital image of their signature to the document; or
  - (iii) it is electronically filed under the User ID and password of that person and displays the signatory's name identifying that person; or
  - (iv) it otherwise bears the electronic signature of the signatory in a format conforming to such standards and requirements as may be established by the Chief Administrator.
- (2) Certification of Signature. A judge, party or attorney may add his or her signature to a stipulation or other filed document by signing and filing, or causing to be filed, a Certification of Signature for such document in a form prescribed by the Chief Administrator.

(l) Notice of Entry

A party shall serve notice of entry of an order or judgment on another party by serving a copy of the order or judgment and written notice of its entry. A party may serve such documents electronically by filing them with the NYSCEF site, pursuant to subdivision (c) of these rules.

(m) Technical Failures

The NYSCEF site shall be considered to be subject to a technical failure on a given day if the site is unable to accept filings or provide access to filed documents continuously or intermittently over the course of any period of time greater than one hour after noon (12:00PM) of that day. When practical, notice of all such technical failures shall be provided on the site. If the NYSCEF site is subject to a technical failure on the date a filing is due, the deadline for such filing shall be extended one day for each successive day on which such technical failure occurs starting from the due date of the filing, unless otherwise ordered by the court. This extension for technical failure does not apply to deadlines that by law cannot be extended. Each document filed and served in hard copy pursuant to this subdivision shall include the notice required by subparagraph (1) (vi) of subdivision (e) of these rules, and the filer shall file those documents with the NYSCEF site within three business days after restoration of normal operations of the site.

(n) Sealing and confidentiality

- (1) Submissions pursuant to e-filing procedures are subject to the same sealing and confidentiality protections as hard copy/paper submissions/filings.