

## “NYSCEF” New York State Courts Electronic Filing

New York State Unified Court System

### NYSCEF Program Highlights

- Web Based System
- Access 24/7 remote access
- No additional fees
- Payment of court fees online or at court
- Credit card payment advantages
- All documents filed in PDF/ a format
- All documents must be e-filed, with limited exceptions

### NYSCEF

#### LEGISLATIVE AUTHORIZATION AND CHANGES

CPLR articles 304 - 2101(g) - 2103(b)(7) - 8023

Uniform Rule 202.5-b (Consensual Program)

Uniform Rule 202.5-bb (Mandatory Program)

All relevant Rules, Legislation and Administrative Orders can be found in the “Rules and Legislation” section of the NYSCEF homepage.

## **SUPREME COURT**

### **COMMERCIAL - TORT - TAX CERTIORARI**

- ALBANY - BRONX - BROOME
- ERIE - ESSEX - KINGS
- LIVINGSTON - MONROE - NASSAU
- NEW YORK - NIAGARA - ONONDAGA
- QUEENS - RICHMOND - ROCKLAND - SUFFOLK
- SULLIVAN - WESTCHESTER

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## **NYSCEF**

### **ALSO AVAILABLE IN**

- COURT OF CLAIMS - ALBANY DISTRICT
- BROOME and ERIE COUNTIES for all action types
- SURROGATE COURT PROCEEDINGS in  
CHAUTAUQUA – ERIE – MONROE - QUEENS and  
SUFFOLK COUNTIES

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## **OBTAINING A NYSCEF ACCOUNT**

- Submit form EF-1
- New York attorney/Pro Hac Vice/ Self  
Represented/Authorized agent
- To use the Practice system, complete practice ID  
application

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### SERVICE

- Simplified service - once consented  
FILING = SERVICE
- Parties who have not registered their consent must  
be served traditionally
- NYSCEF service is deemed personal service. Filing  
may be done 24/7
- Document deemed filed same day if transmitted by  
11:59PM

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### ***MANDATORY COMPONENT***

authorized through August 2012

UNIFORM RULE 202.5-bb

- Commercial cases - New York county  
(Uniform Rule 202.70 Commercial Division  
Definition [except amount in controversy])
- Tort cases and commercial cases - Westchester  
county
- All authorized case types - Rockland county

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### UNIFORM RULE 202.5-bb New York County Commercial Mandatory Cases

- Uses the Uniform Rule 202.70 Commercial Division Definition  
(except amount in controversy): UCC Transactions, breach of  
contract/fiduciary duty, shareholder derivative actions, class  
actions, commercial real estate, etc.
- Prohibited from mandatory designation: Suit for professional  
fees, residential real estate disputes, judgment enforcement  
action, etc.
- Minimum \$100,000 in controversy

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UNIFORM RULE 202.5-b  
Consensual Cases

- A party may opt out of a consensual case, however the case will continue if NYSCEF for the remaining parties.
- The party who opts out will have to serve/be served by traditional means and will have to file papers at the courthouse.

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OPTING OUT OF A MANDATORY CASE

- Pro se may opt out as of right
- Attorney must certify that they do not possess a computer, do not have an internet connection, do not have a scanner, or that they do not have the knowledge to operate a computer

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PUBLIC ACCESS TO DOCUMENTS

- Any individual can search via the “search as guest” function, no NYSCEF account required
- “Sensitive” documents: can be viewed by attorneys consented in that particular case and by the public at the county clerk computer
- Sealed documents: at the order of the judge, the county clerk will seal particular documents or the entire case

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### COMMENCING by E- FILING

- Always serve:
  - “NOTICE REGARDING AVAILABILITY of ELECTRONIC FILING”  
*or*
  - “NOTICE of COMMENCEMENT OF MANDATORY E-FILED CASE”
- If paying by credit card, case is deemed commenced up transmission of payment data

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### Emergency Exceptions to Commencing a Mandatory Case Electronically

- Affirmation/affidavit required
- 202.5bb(b)(2) Statute of Limitations will expire on the day of filing, or
- 202.5bb(b)(2)(c)(3), technical problems
- The commencement papers must be filed electronically within three days

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### HARD COPY FILING TO AN EXISTING E-FILED CASE

#### Sealing Application

- Sensitive documents
- Provide a disc with the PDFs in addition to paper
- Refer to local protocol

#### Proposed OSC With TRO

- Affirmation/Affidavit demonstrating significant prejudice by giving notice as per Uniform Rule 202.7(f)

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- “Working copies” may be required (check judge’s individual rules)
- If paying at court, confirmation notice must be presented to cashier

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### SIGNATURES

- If the signer is logged in and filing use a digital signature: “s/”
- If the signer is not the filer, the document must be filed with a scanned image of the signature

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### TECH TIPS

- BROWSERS: IE7+, Firefox 3+  
(Safari/Chrome not compatible)
- **ALWAYS TURN OFF POP-UP BLOCKER**
- Documents: Save as PDF/a, do not encrypt, 100mb limit

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**NYSCEF**

HELP / TRAINING / SUPPORT

- Refer to E-Filing “Protocol”
- Contact NYSCEF Resource Center  
646-386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov)

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