

State of New York
Unified Court System



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
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December 23, 2019

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

Re: New York State Courts Electronic Filing Program

As you may know, the Office of Court Administration submits a report each February 1 to the Legislature, the Governor, and the Chief Judge evaluating the State's experience with the Unified Court System's electronic filing system. I write to invite your comments on electronic filing for inclusion in that annual report in 2020.

I write as well to solicit your observations, for inclusion in the February report, on proposed amendments to CPLR Article 21A and other relevant statutes to do the following:

1. Authorize the introduction of mandatory e-filing in matrimonial actions. (Such e-filing is now barred by statute.)

Currently, e-filing in matrimonial cases on a consensual basis is authorized in 42 counties throughout New York State. Across these counties almost 19,000 matrimonial cases have been e-filed to date, and we have received requests from judges and practitioners to seek statutory authorization to make such e-filing mandatory. Comments from members of the bar with experience in consensual e-filing in matrimonial cases are particularly welcome.

Should the bar to mandatory e-filing in matrimonial cases be lifted, a mandatory program could be implemented by order of the Chief Administrative Judge issued only after consultation with the Bar, legal services providers and other groups. Moreover, the consent of the County Clerk of an affected county outside New York City would be required.

2. Extend the time to develop and test e-filing programs in Family Court and Criminal Court (currently due to expire on September 1, 2020).
3. Lift the current restraints upon the discretion of the Chief Administrative Judge to introduce mandatory e-filing programs in residential foreclosure actions and consumer credit actions.

These proposals would not alter requirements of consultation with the Bar, legal services providers and other groups (as well as the need for consent of the County Clerk in affected counties outside New York City in Supreme Court matters) in advance of any future expansion or affect other existing provisions in the e-filing legislation. Further, unrepresented persons in cases in which e-filing would otherwise be mandatory would continue to be exempt from e-filing unless they affirmatively choose to participate. Moreover, attorneys in such cases would continue to be able to opt out of e-filing if they lack the equipment or knowledge to participate. Finally, the proposal would not alter current requirements of confidentiality in the treatment of matrimonial actions.

In order that we may have the time needed to prepare the report, I ask that you as a group or any of your individual members submit any comments by January 17, 2020. All comments received will be included in the Annual Report. Comments should be sent by e-mail or regular mail to either of the following addresses:

Jeffrey Carucci
Statewide Coordinator for
Electronic Filing
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25 Beaver Street, Rm 823
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efilingcomments@nycourts.gov

We look forward to your comments on this program and these proposals.

Very truly yours,



cc: John W. McConnell
Nancy Barry
Eileen D. Millett
Marc C. Bloustein
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