



NEW YORK STATE

Unified Court System

OFFICE OF COURT ADMINISTRATION

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CHIEF OF OPERATIONS

JUSTIN BARRY, ESQ.
CHIEF OF ADMINISTRATION

JEFFREY CARUCCI
DIRECTOR, OCA DIVISION OF E-FILING

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

Re: New York State Courts Electronic Filing Program

Date: October 28, 2022

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 (NYSCEF). I write again as in past years, to invite your comments on electronic filing for inclusion in the 2023 annual.

I write as well to solicit your observations, for inclusion in the February report, on a proposed amendment to CPLR Article 21-A and other relevant statutes to expand current authority for the use of e-filing in the courts and permit the Chief Administrative Judge (CAJ) to institute e-filing – on either a consensual or mandatory basis – in all of the State's trial courts and in any class of cases.

The proposed legislative amendments to expand e-filing, (also included in last year's report), are aimed at promoting the creation of a more efficient and effective court system in New York State. In January 2021, *The Commission to Reimagine the Future of New York's Courts*¹ filed a report: *The Expansion of Electronic Filing: A Report and Recommendations of the Structural Innovations Working Group*, supporting the proposed legislation and highlighting that the bench, bar, and the public are ready to further expand e-filing as it is an essential tool for improving access to justice to all litigants across the State. The report further recommended that "the existing restrictions on the CAJ's discretion to establish mandatory e-filing in case types which are currently excluded be repealed."

¹ The Commission to Reimagine the Future of New York's Courts was created in June 2020 by then Chief Judge Janet Difiore 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 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>

The current proposal would not alter requirements of consultation with the Bar, legal services providers, County Clerks outside New York City in Supreme Court matters, and other groups in advance of any future expansion or affect other existing provisions in the e-filing legislation. Further, unrepresented persons would continue to be exempt from e-filing unless they affirmatively choose to participate. Moreover, attorneys in cases in which e-filing would otherwise be mandatory 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 actions that require it.

In order that we may have the time needed to prepare the report due February 1, 2023, I ask that as a group, an individual member of a group, or any interested person and/or attorney, submit any **comments by November 30, 2022**. 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:

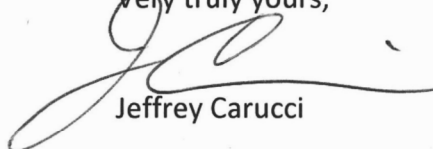
[Deadline to submit comments extended to December 15, 2022](#)

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We look forward to your comments regarding NYSCEF and the immediate proposal.

Very truly yours,



Jeffrey Carucci

cc: Hon. Lawrence K. Marks, *Chief Administrative Judge*
Nancy Barry, *UCS Chief of Operations*
Justin Barry, *UCS Chief of Administration*
Anthony R. Perri, *Esq., Acting UCS Counsel*
Marc C. Bloustein, *UCS First Deputy Counsel & Legislative Counsel*
Christopher Gibson, *Court Clerk Specialist, OCA Division of E-Filing*