

State of New York  
Unified Court System



Lawrence K. Marks  
Chief Administrative Judge

25 Beaver Street  
New York, N.Y. 10004  
(212) 428-2100

March 18, 2016

MEMORANDUM

To: All Interested Bar Associations and Persons  
From: Lawrence K. Marks *LM*  
Re: Expansion of Mandatory Electronic Filing in Oneida County Surrogate's Court

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I am pleased to provide the Bar and other interested persons with an update on the progress of the New York State Courts' Electronic Filing System ("NYCSEF"). An expansion of the mandatory e-filing program has been proposed by the District Administrative Judge of the Fifth Judicial District for Surrogate's Court in Oneida County. To date, e-filing programs have been successful in the Supreme Courts of the Fifth Judicial District in Oneida County and Onondaga County. Mandatory e-filing is also presently authorized in all Surrogate's Courts in the Seventh Judicial District; and all of the Surrogate's Courts in the Eighth Judicial District are presently authorized for either mandatory or consensual e-filing. It is expected that this mandatory program in Oneida County Surrogate's Court will be implemented on or about June 20, 2016, for all of their cases, which includes estates, trusts, guardianships and adoptions.

Persons wishing to comment on this proposal should e-mail their submissions to [efilingcomments@nycourts.gov](mailto:efilingcomments@nycourts.gov) by no later than May 15, 2016. A new page has been created on the Unified Court System's website - [www.nycourts.gov/rules/efiling/](http://www.nycourts.gov/rules/efiling/) - for the purpose of providing notice to the public of proposed new or expanded mandatory e-filing programs, and for the posting of any comments received in connection with such proposals. Any person who wishes to comment but lacks access to a computer may forward comments by regular mail to:

Jeffrey Carucci  
Statewide Coordinator for Electronic Filing  
60 Centre Street, Room 119M  
New York, NY 10007

As we move forward with implementation of mandatory e-filing in Surrogate's Court in Oneida County, please be assured that we will continue to work with local bar associations to provide necessary training for attorneys and paralegals both prior to and after June, 2016. The NYSCEF system is intuitive and easy to use, and the training program takes about two hours to complete. Training will be provided by the staff of the E-Filing Resource Center both on-line and on-site. Participants in the on-site sessions

receive two CLE hours free of charge. Information on these training sessions is available on the NYSCEF website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile), or by contacting the Resource Center at 646-386-3033 or [efile@nycourts.gov](mailto:efile@nycourts.gov). Attorneys may go to the NYSCEF website to register on-line for upcoming training sessions at these sites. In addition counties that are new to mandatory e-filing may schedule and advertise their own training sessions.

Please note that Chapter 237 continues to provide an opt-out mechanism in mandatory e-filing cases for those attorneys who certify in good faith that they lack the requisite hardware, electronic connection or technical knowledge to participate in e-filing. However, Chapter 237 has changed the law so that unrepresented litigants are now automatically exempt from participating in e-filing and are no longer required to opt out. Unrepresented litigants may however choose to participate in e-filing. Information on how to do so is available at: <http://www.nycourts.gov/efile-unrepresented>.

A complete listing of currently authorized mandatory and consensual e-filing programs is available on the NYSCEF website "Rules and Legislation" page by clicking on the link for "Administrative Orders." E-filing represents an important advance for the courts and the legal profession in New York State. We thank you for the wonderful support and cooperation you have shown in this effort, and look forward to continuing to work closely with you as the program moves forward.

cc: Hon. Michael V. Coccoma  
Hon. James C. Tormey, III  
Hon. Louis V. Gigliotti  
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