



# NYSCEF NEWS

Information on developments in the Electronic Filing System of the New York State Unified Court System

## Statewide Coordinator's Message

Since our last issue, several developments have occurred that will significantly affect the extent of electronic filing in New York State and the convenience of using NYSCEF itself. New legislation, Chapter 543 of the Laws of 2011, allows for an expansion of mandatory e-filing in Supreme Court, Surrogate's Court, and the Civil Court of the City of New York. By Administrative Order dated January 12, 2012, Chief Administrative Judge A. Gail Prudenti authorized mandatory e-filing in Supreme Court in Westchester County for all actions except Article 78 and election law proceedings and matrimonial and Mental Hygiene Law matters; in New York County for all commercial, contract, and tort actions commenced on or after February 27, 2012; in Kings County for all commercial actions seeking in excess of \$75,000 and commenced after February 27, 2012; in Bronx County for all medical malpractice actions commenced on or after February 27, 2012; and in Surrogate's Court in Chautauqua, Erie, and Monroe Counties for all probate and administration proceedings and related miscellaneous proceedings commenced on or after March 1, 2012. In addition, the consensual program has expanded into Surrogate's Court in the entire 7<sup>th</sup> Judicial District for probate and miscellaneous proceedings, miscellaneous related proceedings, and such other types of proceedings as the court may permit. In Onondaga Supreme Court, consensual e-filing began on February 28, 2012, for commercial, contract, tort, and tax certiorari actions.

Within NYSCEF itself, payment options are changing. Several counties have discontinued the Pay at Court option and many have begun accepting American Express. As an added option, the Westchester County Clerk's Office recently began allowing attorneys to pay filing fees via NYSCEF from previously established debit accounts, with Rockland County soon to follow (see page 2). A new process for rejecting or returning documents for correction is now in place (see page 4).

NYSCEF also has unveiled a streamlined process for New York attorneys and unrepresented parties to register as NYSCEF users. Attorneys with Attorney Online Service (AOS) accounts will be able to log onto NYSCEF with their AOS user ID and password. Unrepresented parties seeking to commence actions electronically can now receive a NYSCEF user ID and password immediately.

Please keep reading these pages for the latest NYSCEF updates, as well as for news of further expansion of both the mandatory and consensual programs. And, as always, we value and encourage your suggestions.

**Jeffrey Carucci**  
*Statewide Coordinator for E-Filing  
NY State Unified Court System*

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## CURRENTS – Recent Developments

### New legislation signed by Governor Cuomo

Chapter 543 of the Laws of 2011, signed by Governor Cuomo on September 23, 2011, allows for a

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## CURRENTS — Recent Developments cont.

substantial expansion of both the mandatory and consensual e-filing programs. Here are some of the highlights:

- The Chief Administrative Judge may, by rule, expand the mandatory program in Supreme Court to include:
  - ⇒ commercial, contract, and tort cases in all counties within the City of New York; and
  - ⇒ one or more classes of cases (excluding Article 78 and election law proceedings and matrimonial and Mental Hygiene Law matters) in Livingston, Monroe, Rockland, Tompkins, Allegany, Essex, Onondaga, and Westchester counties
- The Chief Administrative Judge also may, by rule, expand the mandatory program in the following courts to include:
  - ⇒ one or more classes of proceedings in Surrogate's Courts in designated counties; and
  - ⇒ cases brought under Insurance Law § 5102(a)(1) in the Civil Court of the City of New York
- The legislation takes the first step in developing e-filing programs in both Criminal and Family Courts by requiring the Chief Administrative Judge to create advisory committees for these courts. The committees consist of court personnel, appropriate governmental officials, legal service providers, bar associations, and practicing attorneys.
- The legislation also requires the Chief Administrative Judge to create advisory committees to consult on the implementation of laws affecting existing e-filing programs in the Supreme, Surrogate's, and New York City Civil Courts.

*(See the Statewide Coordinator's Message on page 1 for a synopsis of the counties and case types authorized by a January 12, 2012 administrative order. The information also appears in chart form on pages 3—5.)*

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## CHANGING PAYMENT OPTIONS IN BRONX, KINGS, NEW YORK, ROCKLAND, SUFFOLK, AND WESTCHESTER COUNTIES

The e-filing rules promulgated in May 2011 permit a County Clerk to discontinue the Pay at Court option in his or her county. New York County removed the Pay at Court option effective August 1, 2011, Kings County removed it effective September 1, 2011, and Suffolk County removed it as of April 1, 2012. As of May 1, 2012, Bronx and Rockland Counties will remove this option as well. As a practical matter, filers attempting to file fee documents in these counties no longer see the Pay at Court option on the payment screen.

NYSCEF users may pay filing fees by credit card in each of these six counties. County Clerks in Bronx, Kings, New York, Rockland, and Westchester Counties have added American Express as a credit card option. In Suffolk County, as in all the other counties, payment by Visa or Mastercard is acceptable. The Westchester County Clerk allows attorneys to pay filing fees via NYSCEF from previously established debit accounts. Beginning May 1, the Rockland County Clerk will add a debit account option. To set up these accounts, contact the individual County Clerk's Office.

We will continue to review other payment options for filers, including payment by ACH check debit.

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## Rejection and return for correction

A recent enhancement to NYSCEF makes possible an important distinction in the handling of defective

# Consensual/Voluntary Cases

**(Effective January 17, 2012,  
unless otherwise indicated)**

County	Courts	Case Types
Albany, Niagara, and Suffolk	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; and foreclosure actions addressing real property and mechanics' liens.
Bronx, Erie, Kings, Queens, Richmond, and Westchester	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; foreclosure actions addressing real property and mechanics' liens; and Workers' Compensation applications for judgment.
Broome	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions; foreclosure actions addressing real property and mechanics' liens; Workers' Compensation applications for judgment; CPLR Art. 78 proceedings; CPLR Art. 75 proceedings; guardianship, matrimonial, and mental hygiene matters.
Nassau	Supreme Court	Commercial, Contract and Tort actions; proceedings under Section 730 of the Real Property Tax Law; and Workers' Compensation applications for judgment.
New York	Supreme Court	Commercial, Contract, Tort and Tax Certiorari actions, including proceedings under Section 730 of the Real Property Tax Law; foreclosure actions addressing real property and mechanics' liens; Workers' Compensation applications for judgment; and Department of Health applications for judgment.
Onondaga	Supreme Court	Commercial, Contract, Tort, and Tax Certiorari actions. (Effective: 2/28/12)

**> next page**

## Consensual/Voluntary Cases cont.

**(Effective January 17, 2012,  
unless otherwise indicated)**

County	Courts	Case Types
Cayuga, Chautauqua, Erie, Livingston, Monroe, Ontario, Queens, Seneca, Steuben, Wayne, and Yates	Surrogate's Court	Probate and administration proceedings; miscellaneous proceedings related thereto; and such other types of proceedings as the court may permit.
Albany District (Albany, Clinton, Columbia, Essex, Franklin, Greene, Rensselaer, Saratoga, Schenectady, Ulster, Warren, and Washington Counties)	Court of Claims	Claims falling within a category or categories designated by the Presiding Judge of the Court of Claims.
New York City	Civil Court	Actions brought by a provider of health services specified in Insurance Law § 5102 (a) (1) against an insurer for failure to comply with rules and regulations promulgated by the Superintendent pursuant to Section 5108 (b) of such Law.

***Mandatory cases  
> next page***

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## CURRENTS — Recent Developments cont.

documents. Documents with certain types of defects will be rejected while documents with other types of defects will be returned for correction.

Rejection: An e-filed document will be rejected only for one or more of the reasons set forth in Uniform Rule 202.5(d)(1). These reasons are:

- 1) The document lacks an index number;
- 2) The summons, complaint, petition, or judgment contains “et al” or otherwise does not contain a full caption;
- 3) The document sought to be filed with the County Clerk is filed in the wrong court;
- 4) The document is not signed in accordance with section 130-1.1-a of the Rules of the Chief

# Mandatory Cases

(Effective January 17, 2012,  
unless otherwise indicated)

County	Courts	Case Types and Effective Dates
New York	Supreme Court	<p>Commercial actions where amount in controversy exceeds \$100,000. (Effective through: 2/26/2012)</p> <p>Commercial actions without regard to amount in controversy. (Effective: 2/27/2012)</p> <p>Contract actions. (Effective: 2/27/2012)</p> <p>Tort actions. (Effective: 2/27/2012)</p>
Westchester	Supreme Court	All actions (except CPLR Art. 78 and election law proceedings, and matrimonial and Mental Hygiene Law matters).
Rockland	Supreme Court	All actions (except CPLR Art. 78 and election law proceedings, and matrimonial and Mental Hygiene Law matters).
Kings	Supreme Court	Commercial actions where the amount in controversy equals or exceeds \$75,000 (Commercial Division matters). (Effective: 2/27/2012)
Bronx	Supreme Court	Medical malpractice actions. (Effective: 2/27/2012)
Chautauqua, Erie, and Monroe	Surrogate's Court	Probate and administration proceedings and miscellaneous proceedings related thereto. (Effective: 3/1/2012)

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## CURRENTS — Recent Developments cont.

Administrator.

A rejected document is removed from the case docket. An e-mail notification informs both the filer and all participating users that the document has been removed and the reason for the removal.

Return for Correction: An e-filed document may be returned for correction for many reasons. These reasons may include:

- 1) The document type does not match document submitted;
- 2) Multiple documents must be submitted separately;
- 3) Pages missing/out of order;
- 4) The document is illegible/blank/rotated;
- 5) There is a problem with payment option selected;
- 6) The caption does not match case record;
- 7) Other specified problems with the document.

**Reminder:** When you receive an e-mail stating that a document has been returned for correction, DO NOT file your corrected document as a new document. To file a corrected document, go to the Document List for the case and click the “Re-File” link for the document. The corrected document will retain the document number of the returned document, with a notation that it has been corrected.

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### More training sessions to choose from!

With the expansion of mandatory e-filing in both New York City and Westchester, both the E-Filing Resource Center and the Westchester County Clerk’s Office are increasing their training sessions. Signing up for these sessions is now easier than ever! From the NYSCEF log-in screen, simply click the “Training” button on the left hand side or the [FREE Hands-On Training](#) link at the bottom. A [Register Today](#) link on the ensuing screen will allow you to choose a session to attend either in Manhattan or in White Plains.

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**NYSCEF NEWS** is a publication of the E-Filing Resource Center of the New York State Unified Court System. Editors are Jeffrey Carucci (Resource Center), Loren Schwartz and Kevin Egan (Court Staff).

# DE NOVO—A Reminder about Two Essential E-Filing Forms

 NYSCEF - New York County Supreme Court  
**Confirmation Notice**

If submitting a working copy of this filing to the court, you must include as a cover page firmly fastened thereto a copy of this Confirmation Notice.

THE JONES COMPANY - v. - ABC INC. et al  
 9522012011

Doc #	Document Type	Motion #	Date Received
2	NOTICE OF MOTION	001	05/25/2011 11:38 AM
3	AFFIDAVIT OR AFFIRMATION IN SUPPORT OF MOTION	001	05/25/2011 11:38 AM
4	EXHIBIT(S) A	001	05/25/2011 11:38 AM
5	MEMORANDUM OF LAW IN SUPPORT	001	05/25/2011 11:38 AM

**Filing User**  
 Name: Six Trainee  
 Phone #: E-mail Address: student6@courts.state.ny.us  
 Fax #: Work Address: 125 Jordan Road  
 Troy, NY 12180

**E-mail Notifications**  
 An e-mail notification regarding this filing has been sent to:  
 Trainee, Six - student6@courts.state.ny.us  
 Training, Training - efrain@courts.state.ny.us

E-mail: EFile@nycourts.gov Phone: (646) 386-3033 Fax: (646) 386-3033  
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All documents in mandatory e-filed cases and e-filed cases in which consent has been given must be filed electronically. However, there are instances where filers will submit hard copy documents, either in addition to or in lieu of the electronic documents. In either case, e-filing rules require that these hard copy submissions bear “firmly affixed thereto” the appropriate notice.

**Confirmation Notice** – The court may require a filer to provide a working copy (i.e., an exact hard copy of an electronically filed document) of any document intended for judicial review. If so, the rules require the filer to affix a copy of the Confirmation Notice received from NYSCEF upon the e-filing of the document to the working copy. The Confirmation Notice allows court personnel to identify the document as a working copy, confirm that the document has been e-filed, and discard the document after judicial review of the document has ended.

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
 Plaintiff/Petitioner,

Index No. \_\_\_\_\_

- against -

\_\_\_\_\_  
 Defendant/Respondent.

**NOTICE OF HARD COPY SUBMISSION - - E-FILED CASE**  
 (This Form Must be Annexed to Hard Copy Submissions in E-Filed Cases)

With limited exceptions, all documents in mandatory e-filed cases and e-filed cases in which consent has been given must be filed electronically. Counsel who seek to submit original hard copy documents in an e-filed case must indicate the reason for hard copy submission by checking the relevant box and signing below.

1. Consensual Cases  
 I am authorized to and do withhold consent to e-filing on behalf of my client, a party to the case, or, if self-represented, myself and therefore submit this document in hard copy form.

2. Mandatory Cases  
 I am exempt from the requirement to e-file because I have filed with the court the exemption form required by the Rules or the court has granted my application upon good cause shown.

3. Consensual or Mandatory Cases  
 As provided by the Protocol on Electronic Filing, I am submitting a prop a TRO, together with the required showing pursuant to Uniform Rule 202.70 significant prejudice to the applicant from the giving of notice. If these documents are to be e-filed, I shall, as required by the Protocol, e-file these documents within 3 business days after service.  
 I am authorized to file this document in hard copy pursuant to an en affirmation/affidavit required by the E-Filing Rules. I shall, as required by the Rules, e-file these documents within 3 business days after service.  
 I am applying for a sealing order and the need to protect sensitive information in hard copy form, as permitted by the Protocol on Electronic Filing.  
 I am authorized to file this document in hard copy because of a technical failure. I shall, as required by the Rules, e-file these documents within 3 business days after service.  
 I am submitting an ex parte application pursuant to statute. I shall, as required by the Protocol, e-file these documents within 3 business days after service.  
 I am submitting documents for in camera review.  
 I am filing an exhibit that cannot be e-filed (Rule 202.5-(d)(6)).

Dated: \_\_\_\_\_  
 \_\_\_\_\_ (Signature)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Firm Name)

4/14/11

These two notices are so important that after covering them in our April 2011 issue we are covering them again.

*In short: No hard copies should be filed or submitted in any NYSCEF case without the appropriate notice “firmly affixed thereto.”*

**Notice of Hard Copy Submission – E-Filed Case** – In limited instances attorneys or litigants may file or submit hard copy original documents in e-filed cases. For example, the filer may be an unrepresented litigant who has opted out of e-filing or an attorney seeking to file commencement papers under the emergency exception. In these and other narrowly defined instances, the hard copy original must bear a Notice of Hard Copy Submission – E-Filed Case. (Forms EF-17 and EFM-3 on the Forms page of the NYSCEF web site.) This Notice alerts court personnel that the document is an original document and determines who is responsible for uploading it to NYSCEF.