



# NYSCEF NEWS

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

## Statewide Coordinator's Message

*Every day more lawyers and paralegals throughout New York State discover that NYSCEF is easy, fast and secure. Through October of this year alone the Resource Center has trained nearly 450 attorneys and legal staff persons, and the Court of Claims E-filing Unit in Albany regularly trains Users as well. As NYSCEF expands, cases that were commenced in paper are frequently converted to e-filings. Users whose matters were converted report that e-filing brings significant benefits. Still, some Users hesitate to commence a case using NYSCEF because they are not convinced that it will be just as simple and convenient as the conversion process was. In June, presumptive e-filing was instituted in the Commercial Division of New York County. Pages two and three of the current NEWS contain a chart comparing e-filing commencement of a*

*case in New York County to paper commencement. Among the many advantages of e-filing are saved trips to the courthouse and 24/7 availability. Although the comparison in our chart focuses on New York County, similar advantages and more are available in all counties where e-filing is authorized. Why not initiate your next case with e-filing and experience the full gamut of NYSCEF benefits? We hope that the features in this and upcoming issues, updating you on system enhancements and availability, will encourage you to use NYSCEF more widely in your practice. And as always, we welcome your questions and comments.*

**Jeffrey Carucci**

Statewide Coordinator for E-Filing  
New York State Unified Court System

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## CURRENTS – Some Recent Developments

**Erie County Surrogate's Court.** As reported in the last issue, on May 20<sup>th</sup>, under the direction of Erie Surrogate Hon. Barbara Howe, NYSCEF went live in Erie County Surrogate's Court. The NYSCEF system allows complete e-filing of Surrogate's proceedings and has been acclaimed by both attorneys bringing proceedings and by court personnel. To date over 300 proceedings including over 100 new estates, numbering more than 4,000 documents, have been filed. Thirty-seven attorneys have e-filed documents and recently members of the court staff and Bar gave informal training to another 100 attorneys, paralegals and legal assistants. E-filing in Erie Surrogate's Court is now open to all registered Users. Plans are currently being made to expand the Program to Surrogate's Courts in Chautauqua, Monroe, Queens and Suffolk Counties beginning in 2009.

# *Compare Filing in Hard Copy*

Commencing in paper: Bring initiating papers to the County Clerk's Office and file between the hours of 9 AM and 5 PM. Pay Index Number fee (\$210).

Commencing with NYSCEF: E-file initiating documents using NYSCEF *any time of day or night*. Pay the \$210 Index Number fee online with Visa or Mastercard. Papers are deemed filed when received by the NYSCEF system.



***NYSCEF ADVANTAGE:***

*Eliminate trip to the courthouse. Commence action/proceeding any time of day or night if paying the Index Number fee online. Receive confirmation of your filing immediately, Index Number issued within 24 hours.*

Service in hard copy: Serve initiating papers on the other side via personal delivery or other method prescribed by statute. If filing proof of service is required, deliver paper to the County Clerk's Office.

Service with NYSCEF: Serve initiating papers on the other side in paper form with Notice Regarding Availability of E-filing via personal delivery or other method prescribed by statute. Other side consents to e-filing through the NYSCEF system.



***NYSCEF ADVANTAGE:***

*File proof of service electronically, if required, from convenience of your office, avoiding another trip to the County Clerk's Office. Get immediate access to "official record."*

# *to E-filing with NYSCEF.*

Hard copy filing of RJI and subsequent motions: Serve papers on opposing party or parties. Bring copy of RJI and supporting papers to applicable support office. After approval of papers as to form, go to County Clerk's cashier's office to pay appropriate fees. Return to support office with proof of payment to submit papers. All steps must be completed between 9 AM and 5 PM.

Filing of RJI and subsequent motions in NYSCEF: E-file RJI and supporting papers anytime of day or night and pay fees online. Service can be automatic upon filing of papers with NYSCEF.



***NYSCEF ADVANTAGE:***

*Eliminate trip to courthouse. Incur no expense for serving motion papers on all adversaries who have consented to e-filing. Filing proof of service is not necessary.*

*Question about initiating a case?* Contact the Resource Center at 646-386-3033 or [efile@courts.state.ny.us](mailto:efile@courts.state.ny.us). Or, view the User Manual and FAQs on our website, [www.nycourts.gov/efile](http://www.nycourts.gov/efile).

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**ERRATUM:** The previous issue of the NEWS reported that e-filing training sessions offered by the Albany District Court of Claims award participants 2 CLE credits. No CLE credits are awarded at this time.

## *De Novo* – Some Reminders about NYSCEF

PAYING AT THE COURTHOUSE. Please come in and pay promptly if you select “Pay at the County Clerk’s Office” as your option. Remember that your document is not filed until your payment is received! And be sure to tell the cashier that your case is an e-filed matter.

***When you come to the courthouse to pay for a fee-document, make sure to tell the cashier that your matter is e-filed!***

MARK COURTESY COPIES. On a similar note, remember to mark courtesy copies as such. Please be sure to indicate the document number as it appears on the electronic document.

FREE CLE CREDITS IN NEW YORK COUNTY. NYSCEF training is available each week in New York County at 60 Centre Street. Attorneys who attend will receive two CLE credits at no charge. Paralegals and support staff are also welcome. Contact the Resource Center for details.

## Resource Center Mailbox

### *You’re Asking Us...*

***I e-filed a motion and paid online by credit card. The document was returned for correction by the County Clerk. When I re-submit it do I click the radio button that indicates that the fee has been paid?*** No. You provided your credit card information but you did not actually pay a fee because the County Clerk’s Office takes a fee only when it accepts a document for filing—although because you submitted payment information, your document was deemed filed on the date you originally e-filed it. When you resubmit your motion, indicate again the payment option you elect and enter your credit card information if the system does not have it.

***When do I use the “Fee Already Paid” option?*** If your document was accepted by the County Clerk’s Office but returned for correction by the applicable support office, you would click the “Fee Already Paid” radio button when you re-submit your document to the support office. This tells the clerk there that the County Clerk’s Office has already taken the fee.

*\*Note: To verify that payment of a document was taken, view the “Payment Info” column on the list of documents.*

### *You’re Telling Us...*

***Registered E-filing User Howard Burns, Esq., wrote,*** “E-filing saves me from having to run back and forth to the courthouse, which makes my life as solo practitioner so much easier. Plus, I save money on service and paper. E-filing is as good for the solo practitioner as it is for the big firm.”

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), Steve Kubinec (County Clerk Staff), and Loren Schwartz (Court Staff). Contributing Editor is Kevin Egan, Esq. (Court Staff).