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

Dear Mr. Carucci,

On behalf of the New York County Lawyers Association's Committee on the Supreme Court (the "Committee")<sup>1</sup>, we write to express our enthusiastic support for the initiatives set forth in Justice Marks's letter to the Bar dated July 5, 2016. In fact, this Committee has been advocating for all the Courts of the State of New York (with limited exceptions) to adopt mandatory e-filing.

Although participation in e-filing was initially slow when the notion was first embraced by New York Courts in 1999, more than one million cases have now been electronically filed in New York State Courts, reflecting a dramatic shift in the mindset of the legal community in accepting this technology. As society as a whole becomes more digital, it is incumbent upon the legal community to keep pace, particularly as it may serve to further the interests of justice. Aside from the obvious environmental benefits of e-filing, the system has been more efficient for practitioners, cost effective for parties, and has improved the productivity of the court systems by, *inter alia*, reducing the need to maintain archives of paper documents. And this is just the tip of the iceberg.

We submit that the benefits of the e-filing system far outweigh its shortcomings, with the overriding concern being that attorneys and litigants may lack the technical competency or

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<sup>1</sup> This comment letter is submitted with the approval and support of the Executive Committee of the New York County Lawyers Association.

capability to file electronically. Through the free CLE training courses being offered and the resources outlined in Justice Marks's letter, we believe that the Bar is taking the proper steps to address this issue. Indeed, the NYSCEF office regularly fields calls from anxious practitioners and "once someone gets off the phone [after being walked through with the process], they are more likely to file than to opt out." Joel Stashenko, *OCA Bill Seeks to Accelerate Mandatory E-Filing Statewide*, NYLJ, April 16, 2015.

Mindful of the fact that mandatory e-filing may nonetheless still prove an unreasonable burden for some, the Committee supports the "opt-out mechanism" described in Justice Marks's letter for attorneys "who certify in good faith that they lack the requisite hardware, electronic connection or technical knowledge" and commends the change in the law to Chapter 237 "so that unrepresented litigants are now automatically exempt from participating in e-filing and are no longer required to opt out."

We all recognize that issues with mandatory e-filing will still exist and adaptation will take some time, but we submit that the courts are moving in the right direction by implementing this system in the Richmond County Supreme Court and applaud this initiative. We look forward to a time when it will be possible to implement mandatory e-filing in all courts across all cases.