

**SUPREME COURT, CIVIL BRANCH
NEW YORK COUNTY
ELECTRONIC FILING OFFICE**



**IMPORTANT NOTICE TO
COMMERCIAL PRACTITIONERS:
MANDATORY ELECTRONIC FILING**

Pursuant to Chapter 416 of the Laws of 2009, mandatory electronic filing will be instituted in this Court soon in certain commercial cases ("mandatory commercial cases"). The target date for commencement of this program is May 24, 2010. A Uniform Rule is being drafted that will set forth the procedures for mandatory e-filing. Although that Rule will, of course, control, the following are the key aspects of mandatory e-filing that the Court at present expects to implement. If upon issuance of the Rule any changes in procedures are required, the Court will provide notice thereof as expeditiously as possible.

Any mandatory commercial case commenced on or after May 24 and any previously-commenced such case in which a Request for Judicial Intervention ("RJ") is filed on or after that date must be electronically filed through the New York State Courts Electronic Filing System ("NYSCEF"), as must subsequent filings therein. Mandatory e-filing also applies to Commercial Division cases commenced since June 15, 2008 in which no party has declined to consent to e-filing. Mandatory commercial cases consist of commercial matters of the types set forth in Uniform Rule 202.70 (b) (excluding those listed in 202.70 (c)), irrespective of whether the cases have been or will be designated as Commercial Division actions, provided that the amount in controversy is over \$ 100,000 (exclusive of interest, costs, disbursements, counsel fees, and punitive damages). However, in two categories of mandatory commercial cases there is no monetary threshold: corporate and other business dissolution proceedings and commercial arbitration matters (see Uniform Rule 202.70 (b) (11) and (12)).

Except to the extent that the Uniform Rule may provide otherwise, on and after May 24, the County Clerk and court clerks will not accept documents filed in mandatory commercial cases in hard copy form. Working copies of motion papers and other documents intended to be reviewed by a Justice must be delivered to the court unless the Justice indicates otherwise. Final procedures regarding submission of working copies will be promulgated soon by amendment to the Protocol on Electronic Filing now posted on the "E-Filing" page of this Court's website at www.nycourts.gov/supctmanh. Attorneys should familiarize themselves with the current version of the Protocol and any revisions that may be posted in the next few weeks. To facilitate identification of mandatory commercial cases, the County Clerk may require the filing of a special cover sheet upon the commencement of new actions and a supplement to the RJ may be required as well.

The NYSCEF system offers many benefits to attorneys and their clients. There is no charge to use the system (usual court fees apply) - that is, there is no charge to file a document, serve a document (which NYSCEF does automatically), consult the NYSCEF case file, or print documents from the system. The NYSCEF system resembles the Federal ECF system. Thus, those familiar with the latter will be able to use the former with no formal training. Because the system is simple and easy to learn, many will find sufficient a brief review of the *User's Manual* and *FAQ's* that are available on the NYSCEF site (www.nycourts.gov/efile), or some practice using the NYSCEF "Practice System." Training, however, is available: those interested are urged to contact the NYSCEF Resource Center at efile@courts.state.ny.us or 646-386-3033. A two-credit CLE course is offered at no charge at the New York County Courthouse every week. The staff of the Resource Center can answer any other questions attorneys may have and are eager to be of assistance.

Please follow our website for additional information on this important new initiative. Thank you.

Dated: March 24, 2010

HON. SHERRY KLEIN HEITLER
Administrative Judge

JEFFREY CARUCCI
Statewide Coordinator for Electronic Filing
Unified Court System