



PRESS RELEASE

**New York State
Unified Court System**

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Commission to Reimagine the Future of New York's Courts Issues Recommendations to Expand E-Filing, Enhance Remote Court Operations

NEW YORK—The Commission to Reimagine the Future of New York's Courts today released two separate reports, one that includes recommendations for expanding the use of e-filing and a second report containing proposals for enhancing remote court operations amid the COVID pandemic and beyond. The Commission, led by former New York State Bar Association President Henry M. Greenberg, was appointed last year by Chief Judge Janet DiFiore to examine regulatory, technological, structural and other innovations and propose practical short- and long-range reforms.

The Commission comprises six working groups: trials, appellate practice; online courts; regulatory innovations; structural innovations; and technology. Today's reports were produced, respectively, by the Commission's Structural Innovations Working Group, chaired by New York Court of Appeals Associate Judge Leslie E. Stein and Westchester County Clerk Timothy C. Itoni; and its Technology Working Group, led by Mark A. Berman, a partner at Ganfer Shore Leeds & Zauderer LLP, and Sharon M. Porcellio, a member of Bond, Schoeneck & Kings, PLLC.

First authorized by the Legislature in 1999 on a consensual, pilot basis, the New York State Courts Electronic Filing System (NYSCEF) has gradually expanded to most counties and additional case types, with today's report noting its many benefits and underscoring the importance of further expanding NYSCEF to better serve the justice needs of New Yorkers, especially in today's challenging times.

Currently, the Chief Administrative Judge is permitted to institute e-filing in all classes of cases and venues in Supreme Court on a voluntary basis, as well as e-filing on a mandatory basis in many (but not all) classes of cases. To institute e-filing on a mandatory basis in these excluded types of cases, the Chief Administration Judge must seek permission through an act of the Legislature. As such, the Structural Innovations Working Group's report is calling for current law to be amended to:

- Extend the Chief Administrative Judge's ability to institute e-filing in all the State's trial courts in civil matters.
- Permit the Chief Administrative Judge to implement voluntary or mandatory e-filing, without limitation as to court or case type, upon approval of the local county clerk and in consultation with various bar associations, institutional service providers, assigned counsel, unaffiliated attorneys, as well as various other participants and stakeholders in the legal process, as appropriate. (If the Chief Administrative Judge implements mandatory e-filing in a particular court or case type, it will be mandatory for attorneys only. Attorneys who lack necessary technical skills or equipment may opt out of e-filing. Self-represented litigants will continue to be automatically exempt from mandatory e-filing.)
- Remove the limitation on the Chief Administrative Judge's discretion regarding mandatory e-filing in currently excluded case types, among them matrimonial matters, residential foreclosures, consumer credit actions, Election Law proceedings, Mental Hygiene Law proceedings, Article 70 and Article 78 proceedings.
- Institute e-filing provisions in the civil courts of lesser jurisdiction and in all courts of criminal jurisdiction.

The Commission's Technology Working Group, in producing its report, examined how the Court System can improve its transition to remote operations, with the group designing a survey of judges, including Town & Village justices, and their staffs to inquire about their use of technology to perform their work remotely. Over 1,900 respondents completed the survey, with the data aggregated and analyzed. Among the survey findings, far too many respondents reported using their own personal mobile devices rather than court-issued ones to conduct court business. Based on this and other responses, the Technology Working Group put forth the following recommendations:

- The use of personal devices should be limited for court business. Judges and court attorneys should be provided with Court System-issued laptops, tablets or other mobile devices and required to use those devices to work remotely, effectively and securely.
- Scanning functionality should be provided for remote judging, as well as printers for those judges who must work with paper.
- To the degree possible, judges and non-judicial staff should use email to communicate, and avoid the practice of faxing, to increase efficiency and reduce the use of paper.
- The Court System's Division of Technology should develop statewide training to educate Court System personnel on the efficient and secure use of mobile devices, as well as case and data management features and platforms that have been or will be implemented by the Court System.

"E-filing has proven a reliable, efficient way to expand access to justice, also serving to promote public health and safety throughout the pandemic by reducing courthouse traffic. The report issued today by the Commission's Structural Innovations Working

Group highlights e-filing's integral role in building a better, more accessible justice system, offering thoughtful proposals that serve to accelerate the expansion of the courts' e-filing system. Similarly, the Technology Working Group's report contains important insights and recommendations, based on feedback from our judges and professional staff, that will guide us forward as we continue to enhance our remote operations," said Chief Judge DiFiore. "I am indebted to Hank Greenberg for his extraordinary stewardship of the Commission. I especially want to thank the Structural Innovations Working Group, led by Judge Leslie Stein and County Clerk Idoni; and the Technology Working Group and its co-chairs, Mark Berman and Sharon Porcellio, for their diligent efforts in bringing us today's reports."

"The recommendations in these two reports are necessary steps for the further development and enhancement of New York's virtual court system. I am grateful beyond measure to the hard and inspired work of the Commission's working groups on Structural Innovations led by Judge Leslie Stein and County Clerk Idoni, and Technology led by Mark Berman and Sharon Porcellio," said Henry Greenberg.

The reports are available online at:

<https://www.nycourts.gov/LegacyPDFS/publications/pdfs/CommitteeReport-eFiling.pdf>

and

<https://www.nycourts.gov/LegacyPDFS/publications/pdfs/RemoteJudgingSurvey-FirstReport.pdf>

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