

Memorandum in Support

March 18, 2024

S. 7524

By: Senator Hoylman-Sigal
Senate Committee: Judiciary
Effective Date: Immediately

AN ACT to amend the judiciary law, the civil practice law and rules, the court of claims act, the New York city criminal court act, the uniform district court act, the uniform city court act, the uniform justice court act, the criminal procedure law and the family court act, in relation to filing by electronic means; to amend chapter 237 of the laws of 2015 amending the judiciary law, the civil practice law and rules and other laws relating to the use of electronic means for the commencement and filing of papers in certain actions and proceedings, in relation to the effectiveness thereof; and to repeal certain provisions of the civil practice law and rules, the criminal procedure law and the family court act, relating to court filings.

LAW AND SECTIONS REFERRED TO: Section 1. Clause (A) of subparagraph (i) and subparagraphs (iv),(v)and (vi) of paragraph (u) of subdivision 2 of section 212 of the judiciary law

This legislation would expand the current authority for the use of e-filing in the courts. Under this measure, the Chief Administrative Judge would be permitted to institute e-filing, on either a voluntary or mandatory basis, in any or all the State's trial courts and in any class of cases, while maintaining the current exemptions from mandatory e-filing for unrepresented persons and for lawyers without the technical skills or equipment.

The New York State Bar Association's Task Force Report on E-Filing of Court Documents assesses the impact and benefits e-filing may have on different types of courts: supreme and county, specialized, appellate and federal.¹ This report along with a subsequent report published in 2012 were adopted as policy by NYSBA's House of Delegates.² NYSBA's Task force on the Modernization of Criminal Practice 2023 Report also details the benefits of a state-wide e-filing system.³ All three reports stress the importance of uniform, mandatory e-filing across the NYS court system, and the efficiency and equity such a method could provide.

While NYSBA's policy on e-filing does stress the importance of it being a state-wide mandatory measure, the reports agree with this legislation that certain exemptions should be preserved,

¹ [Image10 \(nysba.org\)](#)

² [Progress Toward Implementing Statewide Electronic Filing in New York Courts.indd \(nysba.org\)](#)

³ [final-report-Task-Force-on-Modernization-of-Criminal-Practice-June-2023.pdf \(nysba.org\)](#)

specifically for *pro se* litigants and those lawyers who do not have the technical skills or equipment to implement the practice.

This legislation would permit the Chief Administrative Judge to implement the practice of e-filing in the lower courts of the state, another step toward state-wide implementation. It will streamline the process of accessing court files, reducing travel time for lawyers and their clients, along with costs for the bench, County Clerks, and local Governments, particularly in connection with the storage and retrieval of court documents.

A key mission of NYSBA's advocacy efforts is access to justice for all. Many areas of New York are very rural, with attorneys and clients possibly far removed from their town or village courts. By expanding the practice of electronic filing, this legislation would provide easier access to the court system for remote New Yorkers and would allow attorneys who may not be physically present in rural communities to serve those rural communities remotely. This legislation will ultimately allow for greater access to justice, particularly for New York Communities that are historically underrepresented.

For the above reasons and the attached reports, the New York State Bar Association **SUPPORTS** this legislation.