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July 9, 2024

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Re: NYSBA Support for S7524(Hoylman-Sigal)/A10350(Shimsky)

Dear Governor Hochul:

The New York State Bar Association supports this bill which 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, specifically for *pro se* litigants and those lawyers who do not have the technical skills or equipment to implement the practice.

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 \(nysba.org\)](#)

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.

Based on the foregoing, as well as an attached reports, the New York State Bar Association **SUPPORTS** this legislation and urges that it be signed into law. We welcome the opportunity to meet with the Chamber to discuss S7524/A10350 and address any questions your office may have regarding this legislation or the attached report. Please do not hesitate to contact me, or NYSBA's General Counsel, David Miranda, who can be reached at dmiranda@nysba.org, 518-487-5524.

Respectfully,

A handwritten signature in cursive script, appearing to read "Domenick Napoletano".

Domenick Napoletano
President, NYSBA

Cc: Liz Fine, Esq.