

As you know, during the COVID-19 pandemic, in courts and case types approved for electronic filing through the New York State Courts Electronic Filing System (NYSCEF), represented parties must commence new matters or proceed in pending matters exclusively by electronic filing through NYSCEF (see, Administrative Order AO/121/20 [June 9, 2020]). As a result of this requirement, more than 14,000 matters have been converted from paper to electronic format by stipulation of the parties over the last several months. This process has allowed the continuation of legal proceedings in a manner that minimizes foot traffic in our courts and County Clerks' offices throughout the State during the health emergency.

Where parties cannot stipulate to convert a case from paper to electronic format, a party may apply directly to the court to order such conversion (202.5b[b][2][iv]). To simplify and facilitate this application process, we have developed a simple no fee letter application form (Exh. A). Once completed, this form must be served on all other parties by mail and sent to the court via the NYS Courts Electronic Document Delivery System (EDDS), together with proof of service, in a single PDF document. A new document type has been added to the EDDS drop-down menu for this purpose. Upon receipt, the application will be routed to a Supreme Court EDDS intake User Group and sent to the appropriate Judge for review. (Further suggested routing practices are attached as Exh. B.)

If the court approves the application, it will notify the appropriate County Clerk to convert the matter; the County Clerk will notify the applicant via email or other method once the conversion process is completed. Thereafter, the applicant must serve all parties with a form notice (Exh. C; "Notice of Conversion to Electronic Filing") advising them of their available filing and service options and must e-file proof of service of this notice in the newly converted matter.

If the court does Not Approve the application, the Supreme Court Clerk shall notify the applicant of that determination via email or other method and the Not Approved application should be sent to the County Clerk's office to be placed into the court file.

Please note although a Court may approve an application and direct conversion of a matter to e-filing, it may not compel other parties to e-file in the matter; those parties may, where permitted by court rule, file by mail. (AO/121/20; 22 NYCRR §§202.5b, 202.5bb).

Questions about these new forms and this process may be directed to the NYSCEF Resource Center at NYSCEF@NYCourts.gov

Thank you for your assistance as we implement this new initiative.

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----x

Plaintiff(s)/Petitioner(s)

- against -

Index No. _____

Assigned Judge _____

Defendant/Respondent(s).

Letter Application to Convert
Pending Action to E-Filing

-----x

I, _____, a party in this matter, counsel in good standing representing a party in this matter, and/or counsel admitted pro hac vice, hereby respectfully request that the Court authorize the use of the New York State Courts Electronic Filing System ("NYSCEF") in this case and direct the County Clerk to convert this matter to electronic form pursuant to 202.5-b(b)(2)(iv) of the Uniform Rules of the Trial Courts.

Pursuant to 202.5-b(b)(2)(iv), I have attached proof of service of this letter application to all parties. Upon receipt of notification of the conversion of this matter to electronic form by the County Clerk, I will serve all parties with a *notice of conversion to e-filing form* and will file proof of that service via NYSCEF.

Dated: _____

Attorney Pro Hac Party (unrepresented)

Signature: _____ Print Name: _____

Attorney Representing - (Identify Party): _____

Firm Name: _____ Address: _____

E-mail: _____ Phone#: _____

-----x
FOR COURT USE:

application is **APPROVED**; and the County Clerk is directed to convert this matter to electronic form.

application is **NOT APPROVED**; _____ is directed to notify the applicant.

Dated: _____

Hon.

Exhibit B

Suggested Routing Options

Although the initial step in submitting the conversion letter application - via EDDS to the Supreme Court intake group - will be uniform statewide, the subsequent workflow can vary to suit the needs and practices of individual courts. The options below are mere suggestions. Courts should choose or develop a method, to transmit received applications to and from the court and their various offices, that works best for them.

The NYSCEF Resource Center can assist in updating or creating a new Supreme Court User group if necessary and can also assist with other options to complete the workflow if assistance is needed.

I. Sending the Letter Application to a Judge for Determination

Upon receipt of the letter application (with proof of service*) via EDDS, the Supreme Court User Group may:

- a. Forward the application via EDDS to a Judge or Judge Group for determination. (This will require the setting up of a group for each Judge or designated Judge group in EDDS which the NYSCEF Resource Center can assist with.)
- b. Save and email the application to the Judge/chambers or Part Clerk or to a general part/chambers email address for presentation to the Judge for determination.
- c. Print out and deliver the application in hard copy to the Judge for determination.

* If proof of service is not included, the application should be returned to the applicant by the Supreme Court Clerk with a direction to re-send with proof of service via EDDS.

II. Review and Signing of the Letter Application by a Judge

Upon receipt of the Letter Application from the Supreme Court Clerk, the Judge may:

- a. Indicate and sign the determination using any one of the authorized methods in AO/86/20 which authorizes electronic signatures.
- b. Print out, indicate and sign the determination.

III. Sending the Signed Determination of the Court to the County Clerk's Office

If the Application is APPROVED by the Judge – the Judge/Chambers or Part Clerk may:

- a. Email the signed Approved application to the County Clerk's Office.
- b. Send the signed Approved application to a County Clerk user group through the new internal sending option via EDDS. (Please reach out to the NYSCEF Resource Center for set up and training on how to utilize this method.)
- c. Deliver the signed Approved application in hard copy to the County Clerk's Office.

If the Application is NOT APPROVED by the Judge - the Judge/Chambers or Part Clerk may:

- a. Email the signed Not Approved application to the County Clerk's Office for placement in the court file. In addition, notify the Supreme Court Clerk of the determination.
- b. Send the signed Not Approved application to a County Clerk user group through the new internal sending option via EDDS for placement in the court file. (Please reach out to the NYSCEF Resource Center for set up and training on how to utilize this method.) In addition, notify the Supreme Court Clerk of the determination.
- c. Deliver the signed Not Approved application in hard copy to the County Clerk's Office for placement in the court file. In addition, notify the Supreme Court Clerk of the determination.

IV. County Clerk Receipt of the Signed Application from the Court

If the Application received is APPROVED - the County Clerk should follow the steps below:

1. Convert the matter to e-filing using the same procedure that is used to convert a matter submitted upon a Stipulation and consent to e-filing.
2. E-File the Signed Approved Letter Application into the converted matter as document type "***Approved – Letter Application to Convert to E-Filing***"
3. Send an email to the applicant upon the completion of the conversion. See suggested sample language below:

Please be advised, upon the approval of the letter application by the Court, Index Number _____ in _____ County has been converted to an e-filed matter. As a reminder, and as stated in the letter application, you must serve the Notice of Conversion to Electronic Filing (Form EF-28a) on all other parties. Proof of that service must be filed electronically into your case. For further inquiries, please contact the County Clerk at _____.

If the Application received is **NOT APPROVED** - the County Clerk should:

- Place the signed determination into the court file.

V. Supreme Court Clerk Receipt of the Notification from the Court

- Upon receipt of a notification from the Court that the application was Not Approved, the Supreme Court Clerk should notify the applicant - via email or other method they choose - advising the applicant that the letter application was not approved.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

-----X

Plaintiff/Petitioner,
-against-

Index No. _____

Defendant/Respondent.

-----X

**NOTICE OF CONVERSION TO
ELECTRONIC FILING
(Converted Action to E-Filing)
(Uniform Rule § 202.5-b(b)(2)(iv))**

You have received this Notice because:

- 1) The undersigned has made a letter application request pursuant to Uniform Rule §202.5-b(b)(2)(iv), to have this matter converted to electronic form using the New York State Courts E-filing system (“NYSCEF”).
- 2) The application has been approved.
- 3) The matter has been converted, and
- 4) You are a party in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see Information for Attorneys pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk’s Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov.

Information for Attorneys:

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) if exempt from e-filing, file and serve appropriate notice as required by NYSCEF court rules.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: _____

_____	Signature		
_____	Print Name	_____	E-Mail
_____	Firm Name	_____	Address
		_____	Phone

To: _____

