

Appellate Division of the Supreme Court First Judicial Department

NOTICE TO THE BAR AND THE PUBLIC

May 27, 2020

Expansion of Mandatory E-filing in NYSCEF

Effective June 1, 2020, the First Department is expanding the categories of appeals that will be subject to mandatory e-filing to include **ALL civil matters** originating in the Supreme Court, Bronx and New York Counties (regardless of whether the matters were e-filed at the trial level). This expansion will be effective in civil appeals where (1) the notice of appeal is dated on or after June 1, 2020, or (2) the notice of appeal is dated prior to June 1, 2020 and the appeal will be perfected on or after July 1, 2020. Appeals in civil matters which have already been perfected are exempt from the mandatory e-filing requirement. Attorneys for appellants are encouraged to initialize immediately in NYSCEF as required under 22 NYCRR § 1245.3. Compliance with the time limitations contained in Section 1245.3 shall be measured from June 1, 2020.

Use of “Digital Submission” Portal for the Electronic Delivery of Documents

The Appellate Division, First Department has a new portal, accessible through the New York State Courts Electronic Filing System (NYSCEF), for the secure transmission of digital documents to the Court. The portal, which is available June 1, 2020, is titled “Digital Submission” and is intended to replace the email requirements of Rule 600.9(a)(1). Digital Submission is a document delivery portal that complements e-filing through NYSCEF, and allows remote and immediate delivery of digitized

documents to the Court in all matters that are not subject to mandatory e-filing. Filers should note the following important points when using the portal:

1. Digital Submission is Not a Substitute for E-filing in NYSCEF. To use the portal, the user must currently have or create an account with NYSCEF. However, Digital Submission does not replace and may not substitute for e-filing through NYSCEF where e-filing is mandated by Court directive.
2. Digital Submission Available for All Case Types Not Subject to Mandatory E-filing. Digital Submission may be used to file documents in all case types not subject to mandatory e-filing, including motions, briefs, records, appendices and other documents that would, in the ordinary course of business, be filed with the clerk's office.
3. Digital Submission is Not "Service" on Other Parties. Unlike NYSCEF e-filing, delivery of a document through Digital Submission does not constitute service of the document on any other party. If service is required, the filer must serve by some other means.
4. Acknowledgement of Acceptance for Filing. Once the clerk's office reviews a document and accepts it for filing, the document will appear as "processed" on the Digital Submission portal. If a document does not meet the filing requirements, it will be returned, via the portal, to the filer for correction and re-filing of the corrected document.