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REPORT BY THE COUNCIL ON JUDICIAL ADMINISTRATION

**COMMENTS ON THE OFFICE OF COURT ADMINISTRATION'S PROPOSED
AMENDMENTS TO THE RULES GOVERNING ELECTRONIC FILING**

The New York City Bar Association Council on Judicial Administration (the "Council") is grateful for the opportunity to provide comments on the recent proposed amendments to the Unified Court System's rules governing electronic filing (22 NYCRR § 202.5-b).¹ The Council supports the objective of clarifying and streamlining electronic filing procedures.

The Council notes that the proposed new section 202.5-b(d)(3)(iii) ("Correction") contemplates judicial correction of a filing only in response to a motion or application by order to show cause. In some instances, however, the need to correct a filing will be apparent to the filer and all other parties to an action. In order to avoid unnecessary motion practice and expenditure of judicial resources, we suggest that the proposed section be modified to allow for the filing of a stipulation, which can be so-ordered by the court, as an alternative means of requesting correction.

The Council also observes that proposed section 202.5-b(d)(3)(iii) does not require that a non-party filer be notified in advance of a party's or other person's application for judicial relief to correct the non-party's filing. While Rule 202.5-b(f)(2)(ii) provides for electronic notification of interlocutory filings to all e-mail service addresses in an action, proposed section 202.5-b(d)(3)(iii) does not require electronic filing of either the advance notification or subsequent request for restriction that it contemplates. In order to ensure that non-party filers are adequately apprised of any request to seek correction of their filings, we suggest that list point (1) of the proposed section be modified to require notification to the filer of the document for which correction is sought.

We hope our comments prove to be helpful.

Council on Judicial Administration
Carolyn E. Demarest, Chair

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¹ The Council consists of practitioners, academics, and judges and includes chairs of other court-related committees of the City Bar.