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Statewide Coordinator for Electronic Filing
NYS Unified Court System
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60 Centre Street, Room 119 M
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Dear Mr. Carucci,

We are writing on behalf of the Environmental Law Committee of the New York City Bar Association in response to your December 15, 2017, letter seeking comments on the proposal to expand mandatory electronic filing (“e-filing”). While we do not express any opinion on the legal questions raised in the notice, we would like to express our strong support for the efforts to expand e-filing because of the substantial environmental benefits.

E-filing provides a wide range of significant environmental benefits, including reducing wood use, energy use, and greenhouse gas emissions. Indeed, in an e-filed case, the court and all parties to the action are provided with the same documents as they would receive in a non e-filed case. The difference between an e-filed case and a non-e-filed case is that the documents are provided electronically and thus the e-filed case avoids the environmental costs associated with printing documents to be filed with the court, copying documents to be served on other parties to

the action,¹ and physically delivering documents to court for filing. Attorneys may choose to print e-filed documents, but typically only do that as needed.

The e-filing data provided in the December 15 letter help illustrate the immediate benefits that would result from the proposed expansion of e-filing. According to the letter, 7700 matrimonial cases have been e-filed to date. Under an extremely conservative assumption that each of the 7,700 matrimonial cases would have required printing 25 total pages of paper,² e-filing in those cases saved 192,500 pages of paper.³

Assuming that the pages of paper are standard copy paper (and using the Environmental Defense Fund's paper calculator),⁴ e-filing in those cases produced the following environmental benefits:

- 14 tons of wood used to create the paper were saved;
- 125 million BTU's of energy needed for paper production were saved; and
- 21,565 pounds of carbon dioxide equivalent emissions were avoided.

Those numbers do not account for the additional savings from avoiding copying the documents for opposing counsel and avoiding thousands of trips needed to transport the paper filings to court and opposing counsel. By avoiding having to make those copies and take those trips, e-filing helps avoid additional greenhouse gas emissions and reduces the use of toner and ink cartridges that contain hazardous materials and could adversely affect the environment when discarded.

The 7700 matrimonial cases that have been e-filed to date is only a tiny fraction of the total number of cases filed each year in the state, but these numbers are illustrative of the fact that further expansion of e-filing would greatly benefit the environment. In 2016, a total of 45,150 uncontested matrimonial cases were filed in Supreme Court. A total of 3,435,146 cases were filed statewide in the trial courts and 9,359 records on appeal were filed in the appellate divisions.⁵ As former Chief Justice of the New York Court of Appeals, the Honorable Judith Kaye, explained in the *Environmental Action Plan for the New York State Court System*, the cost of producing and transporting the "mountain of paper" for that caseload takes a "substantial toll

¹ Pursuant to 22 N.Y.C.R.R. 202.5-b(b)(2), at the consent of opposition parties, service of documents in e-filed cases may be accomplished by e-filing.

² See Judith S. Kaye and Ann Pfau, *GreenJustice, An Environmental Action Plan for the New York State Court System* at 7 (2008) ("Assuming, conservatively, that the average court file consists of only 25 pages, the four million new cases initiated in New York each year result in the filing of 100 million pieces of paper in the courts, with the same amount of paper being sent around the State for service on each of the opposing parties."), available at <https://www.nycourts.gov/whatsnew/pdf/NYCourts-GreenJustice11.2008.pdf> (last visited Jan. 10, 2018).

³ This estimate does not account for the pages of paper that would be used by attorneys who chose to print e-filed documents. But given that the estimate of pages is extremely conservative, the fact that some parties may choose to print certain documents on an as-needed basis, should not cause a measurable change in the environmental savings.

⁴ See Environmental Paper Network, <http://c.environmentalpaper.org/baseline> (last visited Jan. 10, 2018). One ream of paper contains 500 sheets. To get 192,500 sheets of paper, 385 reams are needed. Each ream is 20 pounds. 385 reams times 20 pounds is 7700 pounds total.


⁵ New York State, Unified Court System, 2016 Annual Report at 25-26, available at http://nycourts.gov/reports/annual/pdfs/16_UCS-Annual_Report.pdf (last visited Jan. 10, 2018)

on the environment.”⁶ Because of the substantial environmental benefits, we strongly support any efforts to increase e-filing in New York State.

Respectfully submitted,



J. Kevin Healy



Amy E. Turner

Environmental Law Committee
New York City Bar Association

⁶ See Kaye and Pfau, *GreenJustice* at 7-8, *supra*.