



NOTICE TO THE BAR

Fourth Department to Expand Mandatory E-Filing Categories

The Appellate Division, Fourth Department is expanding the categories of appeals that will be subject to mandatory e-filing in the coming months.

In matters in which a notice of appeal is filed on or after October 1, 2019, e-filing at the Appellate Division, Fourth Department will become mandatory in all non-Family Court civil matters. E-filing in non-Family Court civil matters has been voluntary/consensual since January 1, 2019.

Beginning on October 1, 2019, appeals in criminal matters and appeals from Family Court will become subject to e-filing. In matters in which a notice of appeal is filed on or after October 1, 2019, e-filing in all criminal appeals and in all appeals from Family Court will be voluntary/consensual. A party who has voluntarily e-filed an appeal shall serve upon the other parties a notice of e-filing together with the Entry of Initial Information for Electronic Filing pursuant to 22 NYCRR 1245.3. Any other party may voluntarily participate in e-filing in the same manner as an unrepresented litigant pursuant to 22 NYCRR 1245.4 (d). No party shall be compelled, directly or indirectly, to participate in e-filing, but e-filing is encouraged in all matters in which it is allowed.

Finally, e-filing will become mandatory in all criminal appeals and in all appeals from Family Court in all matters in which a notice of appeal is filed on or after January 1, 2020.

E-filing is currently mandatory in the Fourth Department in all appeals from the Commercial Division of Supreme Court, all appeals in matters originating in, or transferred to, Surrogate's Court, and all matters that were e-filed in Supreme Court. With the expansion of e-filing on October 1, 2019 and January 1, 2020, e-filing will be required in almost all categories of appeals in the Fourth Department not subject to the exemptions listed in 22 NYCRR Part 1245. It is

anticipated that the Court will expand mandatory e-filing to all remaining categories of matters within its jurisdiction, including original and transferred proceedings and appeals from the Court of Claims, early in 2020.

For updates and rules regarding e-filing in the Fourth Department, please visit <https://ad4.nycourts.gov/efile>.