

SUFFOLK COUNTY BAR ASSOCIATION



560 Wheeler Road
Hauppauge, New York 11788-4357
(631) 234-5511 • Fax: (631) 234-5899
Email scba@scba.org
Website: www.scba.org

March 23, 2021

Hon. Janet DiFiore
Chief Judge
New York State Court of Appeals
20 Eagle Street
Albany, New York 12207

President

Hon. Derrick J. Robinson

President Elect

Daniel J. Tambasco

First Vice President

Vincent J. Messina, Jr.

Second Vice President

Cornell V. Bouse

Treasurer

Patrick McCormick

Secretary

Hon. John J. Leo

Executive Director

Sarah Jane LaCova

Directors

Andrea A. Amoa

Jarrett M. Behar

Paul Devlin

Jeffrey S. Horn

Hon. Caren Loguericio

Theresa A. Mari

Peter R. McGreevy

Catherine E. Miller

David R. Okrent

Daniel A. Russo

Peter D. Tamsen

Cynthia S. Vargas

Re: NYSECF Payment Service Fee

Dear Judge DiFiore:

I write to you in my capacity as President of the Suffolk County Bar Association and on behalf of its 2,500 members to express our concerns about the recently enacted NYSECF Payment Service Fee.

Our concerns are twofold. First, it is an inescapable conclusion that since certain matters in Suffolk are mandatory e-file cases, the Payment Service Fee is, in fact, a fee increase. Unlike restaurants, retail stores, and other providers of goods and services, there is no cash payment option. As a result, there is simply no distinction between the Payment Service Fee and a fee increase. This additional cost has a further impact in these difficult economic times brought on by the COVID-19 pandemic.

Second, and equally important, the Payment Service Fee was implemented without prior consultation with the Bar Associations across this state, continuing an alarming trend. The Suffolk County Bar Association has previously expressed its willingness and ability to work with the Office of Court Administration to overcome fiscal challenges. We have respectfully requested to be permitted meaningful input along with other countywide Bar Associations at a valuable time in the decision-making process. (See my correspondence to you dated October 9, 2020). It remains our belief that county Bar Associations can offer important insight that would benefit both the members of the Bar and the public we all serve.

Thank you for the opportunity to express our Bar Association's concerns. I look forward to your response and working with you to achieve a fair and equitable outcome for all stakeholders.

Counsel

John H. Gross

Very truly yours,

Hon. Derrick J. Robinson
President



NOTICE OF CREDIT CARD SERVICE FEE:

Commencing **April 1, 2021**, and due to continuing budgetary concerns, the Unified Court System will no longer pay the service fee for debit or credit card transactions initiated by court users. Consequently, **a service fee of 2.99% of the payment amount will be assessed on all credit card payments through NYSCEF.** Payments for filings fees of documents permitted to be filed in hard copy may continue to be made by check or money order payable to the Suffolk County Clerk without imposition of a service fee.

PLEASE NOTE that this service fee is **NOT** being imposed by the Suffolk County Clerk or the County of Suffolk and that neither the Suffolk County Clerk, the County of Suffolk nor the court receive any portion of the service fee.

If you use a debit or credit card, there will be two transactions generated, one for the court fee and one for the service fee.

The Unified Court System is continuing to explore other technologies for electronic payments that minimize processing fees.