

New York 

E-filing & Service of Process Vendor Checklist

15 questions New York law firms should ask before
selecting a litigation support service provider

A Practical Vendor-Evaluation Guide

Choosing a litigation support service vendor is not a minor administrative decision. A rejected filing, delayed serve, incomplete affidavit, or unresolved exception can create rework, compress deadlines, interrupt case progression, and force your staff to manage work they believed they had outsourced.

Use this guide to answer four practical questions:

- Can the vendor do the work correctly?
- What happens when something goes wrong?
- Can the vendor document and defend the work?
- Will the workflow make your team's job easier?

For each of the 15 questions, note what the vendor says, listen for evidence of a disciplined process, and watch for answers that create more uncertainty than confidence.

Why the Wrong Vendor Gets Expensive Fast

COST	WHAT IT LOOKS LIKE
Rejected filings	Staff correct documents, resubmit them, monitor compressed deadlines, and explain delays internally.
Failed or delayed service	Matters stall while the firm searches for addresses, requests new attempts, or evaluates another method.
Poor visibility	Staff repeatedly ask whether a filing was accepted, an attempt occurred, or an affidavit was returned.
Weak escalation	Address problems, access restrictions, and missing documents remain unresolved until deadlines become urgent.
Administrative drag	The firm re-enters information, transfers documents manually, reconciles separate systems, and retrieves records from scattered locations.

[**The takeaway**] The best vendor is not merely the one that completes routine orders. It is the one that prevents avoidable errors and makes exceptions visible early.

Can They Do the Work Correctly?

QUESTION 1: What measurable filing and service results can you provide?

Ask

What performance metrics do you track, and can you provide results relevant to the courts, counties, case types, and service volume our firm handles?

Listen For

- ▶ Filing-acceptance rates
- ▶ Filing turnaround by court or case type
- ▶ Time from filing acceptance to service dispatch
- ▶ Time to first attempt
- ▶ Successful-service and address-failure rates
- ▶ Time from completed service to returned affidavit
- ▶ Frequency and causes of corrected affidavits
- ▶ Clearly defined calculation methods

Red Flag

“We have a very high success rate,” without data, definitions, or results relevant to New York.

Evidence to request

- ▶ Sample performance report
- ▶ Court- or county-level metrics
- ▶ Client references involving comparable work

QUESTION 2: What quality-control steps occur before submission or dispatch?

Ask

What does your team validate before a filing reaches the court or a service assignment reaches the field?

For electronic filing (e-filing):

- ▶ Court, county, and case type
- ▶ Caption and party information
- ▶ Index or docket number
- ▶ Document type
- ▶ Required signatures, exhibits, and fees
- ▶ PDF formatting and file limits
- ▶ Applicable NYSCEF notices

For service of process:

- ▶ Exact defendant name
- ▶ Individual or entity type
- ▶ Correct documents and address
- ▶ Service deadline
- ▶ Requested or authorized method
- ▶ Mailing or proof-filing requirements
- ▶ Known access or prior-attempt information

+ Strong answer

Before dispatch, we verify the defendant type, documents, address, deadline, requested method, and any mailing or affidavit requirements. Exceptions are routed to an experienced reviewer.

- Weak answer

The client enters the information, and the system sends it through.

QUESTION 3: How do you manage rush and deadline-sensitive?

? Ask

How do you determine whether a deadline can be met, and what happens when an assignment becomes urgent?

» Listen for

- ▶ Defined standard, priority, rush, and same-day service levels
- ▶ Named escalation personnel
- ▶ Deadline review before order acceptance
- ▶ After-hours filing capability
- ▶ Early warning when a requested turnaround is unrealistic
- ▶ Documented same-day attempt results

The vendor should also maintain visibility into the general 120-day service period under Civil Practice Law & Rules (CPLR) [306-b](#)

🚩 Red Flag

“Just mark the order urgent and we’ll do our best.”

QUESTION 4: How do you manage New York court-specific filing requirements?

? Ask

How do you account for differences among New York courts, case types, counties, and e-filing programs?

» Listen for

- | | |
|-----------------------------|-------------------------------------|
| ▶ Supreme and County Courts | ▶ Court of Claims |
| ▶ New York City Civil Court | ▶ Mandatory and consensual e-filing |
| ▶ District and City Courts | ▶ NYSCEF and non-electronic matters |
| ▶ Surrogate’s Court | ▶ Local clerk procedures |

The vendor should explain how it determines whether [New York State Courts Electronic Filing](#) (NYSCEF) applies, monitors current requirements, handles returned filings, and communicates court responses.

 Red flag

“New York is statewide, so the process is basically the same everywhere.”

QUESTION 5: How do you distinguish NYSCEF filing from initial service of process?

 Ask

What happens after initiating papers are accepted for filing?



Electronic filing generally does not replace initial service under [Article 3 of the CPLR](#). A strong vendor should distinguish service that establishes personal jurisdiction from later electronic filing and service in an e-filed matter.

 Red flag

The vendor describes uploading documents to NYSCEF as though that alone serves the defendant.

QUESTION 6: How do you ensure service complies with New York requirements?

 Ask

How do you identify the correct workflow for the defendant and service circumstances?

The vendor should distinguish among:

- ▶ Individuals under [CPLR 308](#)
- ▶ Corporations under [CPLR 311](#)
- ▶ LLCs under [CPLR 311-a](#)
- ▶ Partnerships and public entities
- ▶ Out-of-state parties
- ▶ Service by mail
- ▶ Court-directed alternative service

It should also explain how it tracks required mailings, documents due-diligence attempts, identifies authorized recipients, and escalates matters requiring attorney direction.

+ Strong answer

The defendant type determines the intake questions, service instructions, authorized-recipient review, and affidavit format.

- Weak answer

Our servers know how to serve everyone.

QUESTION 7: How do you manage New York City process-serving requirements?

? Ask

How do you verify licensing, server identity, and required records for assignments in New York City?

» Listen for

- Verification of Process Server Individual Licenses
- Verification of Process Serving Agency Licenses
- Visibility into who performed each attempt
- Controls over subcontractors
- Retention of required attempt and location records
- Procedures for assignments crossing city and county boundaries

New York City generally requires a license for individuals who serve process five or more times in a calendar year, subject to limited exceptions. Review the official [New York City process-server requirements](#).

🚩 Red flag

The vendor cannot identify who actually performs the attempts or whether the individual and agency are properly licensed.

What You Should Know Before Moving On: By this point, you should understand whether the vendor has the New York knowledge, quality controls, licensing procedures, and operational discipline needed to handle your work accurately. Do not move forward based only on broad assurances. The vendor should be able to explain how its process changes according to the court, case type, defendant, service method, and location involved.

What Happens When Something Goes Wrong?

QUESTION 8: Are filings and service instructions reviewed by experienced specialists?

Ask

Which matters receive human review, and what qualifications do the reviewers have?

Listen for

- ▶ Self-service orders
- ▶ Automated validation
- ▶ Expert review
- ▶ Concierge or end-to-end service

Experienced review should be available for:

- ▶ Complex captions
- ▶ Entity defendants
- ▶ Difficult service instructions
- ▶ Rush matters
- ▶ Repeated filing returns
- ▶ Affix-and-mail assignments
- ▶ Alternative or out-of-state service
- ▶ Affidavit corrections

Red flag

“The platform handles everything automatically.” Automation should support judgment, not eliminate access to it.

QUESTION 9: Who owns escalation when a filing or serve encounters a problem?

Ask

Who becomes responsible when an order cannot proceed as expected?

Listen for

- | | |
|--|-------------------------------------|
| ▶ A defined escalation path for NYSCEF returns | ▶ Restricted building access |
| ▶ Clerk correction requests | ▶ Unavailable authorized recipients |
| ▶ Missing documents | ▶ Possible avoidance |
| ▶ Inconsistent party names | ▶ Approaching deadlines |
| ▶ Invalid addresses | ▶ Affidavit errors |

The vendor should specify who contacts the firm, how quickly, what information is supplied, and how the matter remains visible until resolved.

+ Strong answer

The order is assigned to a named escalation specialist, and your team receives the attempt details, the identified problem, and the information or direction needed to proceed.

- Weak answer

Customer support will look into it.

QUESTION 10: How will we receive status updates?

? Ask whether their system shows

- | | |
|----------------------------------|------------------------------|
| ▶ Filing submitted | ▶ Required mailing completed |
| ▶ Filing accepted or returned | ▶ Service completed |
| ▶ Documents released for service | ▶ Affidavit prepared |
| ▶ Assignment dispatched | ▶ Affidavit returned |
| ▶ Attempt dates and outcomes | ▶ Proof filed |
| ▶ Address or access problems | ▶ Order closed |

Determine whether updates are available through a client portal, email alerts, platform integrations, scheduled reports, downloadable matter histories, or APIs.

🚩 Red flag

The portal shows only “open,” “in progress,” or “completed.”

QUESTION 11: Will your team alert us before a matter becomes urgent?

? Ask

Which events generate proactive alerts rather than ordinary status updates?

🔊 Listen for

- | | |
|---|---------------------------------------|
| ▶ Filing rejection | ▶ Restricted access |
| ▶ Missing documents | ▶ Missing mailing |
| ▶ No attempt within the expected period | ▶ Delayed affidavit |
| ▶ Repeated unsuccessful attempts | ▶ Approaching deadline |
| ▶ Invalid address | ▶ Unresolved request for instructions |

👁 Watch for

A vendor that reports what already happened but does not identify what now requires action.

QUESTION 12: How quickly can we reach a knowledgeable person?

Ask

What support is available when a routine order becomes a procedural or deadline problem?

Listen for

- ▶ Published support hours
- ▶ Telephone and email access
- ▶ After-hours procedures
- ▶ Emergency escalation
- ▶ Dedicated account management
- ▶ New York operational expertise
- ▶ Response-time commitments
- ▶ Coverage across time zones

Red flag

The vendor offers broad national coverage but cannot connect the firm with someone who understands the New York issue.

Scenario: Accepted Filing, Missing Handoff

The filing is accepted Friday afternoon. On Monday, the firm discovers that no service order was created because the provider's filing and service teams use separate systems.

What this reveals

- ▶ No automated or controlled handoff
- ▶ No alert when accepted documents remain undispached
- ▶ No single owner for the full workflow
- ▶ Status measured by task completion rather than case progression

What a strong provider would do

Acceptance would trigger document release, service-order creation, deadline transfer, and an exception alert if dispatch did not occur as expected.

What You Should Know Before Moving On: You should know exactly who takes ownership of a problem, how quickly your firm will hear about it, and what information you will receive. A strong provider does not merely report exceptions. It keeps them visible, identifies what is needed, and helps prevent routine problems from becoming deadline emergencies.

Can They Document and Defend the Work?

QUESTION 13: What information appears in the affidavit of service?

Ask

Can we review sample affidavits for each method and defendant type we commonly use?

Listen for

- ▶ Papers served
- ▶ Defendant or recipient
- ▶ Date and time
- ▶ Address or location
- ▶ Manner of service
- ▶ Server authorization
- ▶ Recipient description
- ▶ Recipient position or representative capacity
- ▶ Required mailing details
- ▶ Prior attempts for affix-and-mail service

Under [CPLR 306](#)

Those supporting materials may strengthen the record, but they do not replace the information required in the affidavit.

Red flag

The vendor relies on GPS, photographs, or portal notes as a substitute for a complete statutory affidavit.

Evidence to request

- ▶ Personal delivery affidavit
- ▶ Suitable-age-and-discretion affidavit
- ▶ Affix-and-mail affidavit
- ▶ Corporation and LLC service affidavit
- ▶ Out-of-state service affidavit
- ▶ Unsuccessful-attempt record

QUESTION 14: Can we retrieve the complete record later?

? Ask

What remains available after the assignment closes, and how quickly can we retrieve it?

The complete matter record should include:

- ▶ Filed or conformed documents
- ▶ Service instructions
- ▶ Every attempt
- ▶ Dates, times, and locations
- ▶ Server notes
- ▶ Recipient information
- ▶ Mailing records
- ▶ Affidavits
- ▶ Filing confirmations
- ▶ Supporting photographs or GPS records, when collected
- ▶ Client and vendor communications
- ▶ Corrected versions
- ▶ Invoices

? Also ask:

- ▶ How long are records retained?
- ▶ Can the firm export a complete matter or portfolio?
- ▶ Are closed records available without contacting support?
- ▶ Do audit logs identify later changes?
- ▶ What happens to records if the firm changes vendors?

+ Strong answer

Your team can download the entire matter history, including documents, attempts, communications, affidavits, and filing confirmations.

- Weak answer

Contact us and we'll see what we can find.

What You Should Know Before Moving On: You should be confident that the vendor can produce a complete and accessible record if service is questioned months or years later. The firm should not have to reconstruct the history from emails, invoices, disconnected portals, and individual recollections.

Will Their Workflow Make Your Team's Job Easier?

QUESTION 15: Can your workflow support our actual volume, geography, and urgency?

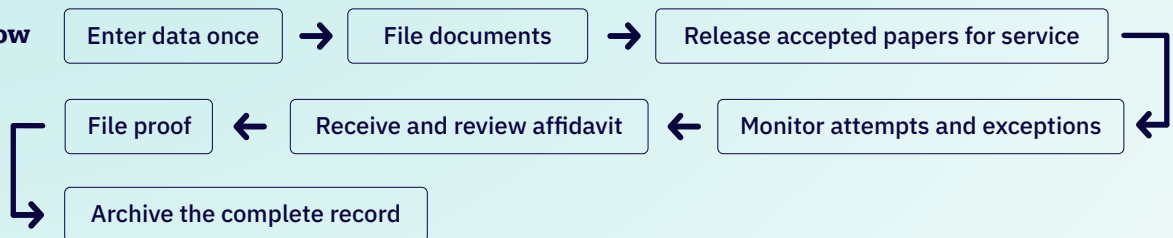
Ask

Can your operation support the work we genuinely perform; not merely the work described in your sales materials?

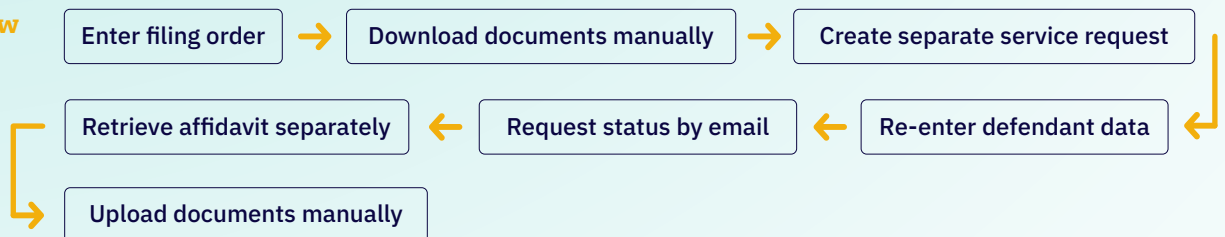
Listen for

- ▶ New York City and counties outside the city
- ▶ Urban, suburban, and rural assignments
- ▶ Multiple courts and case types
- ▶ High-volume portfolios
- ▶ Multi-defendant matters
- ▶ Rush assignments
- ▶ Out-of-state defendants
- ▶ Filing-only and serve-only orders
- ▶ Connected filing-and-service workflows
- ▶ Multiple offices and users
- ▶ Sudden volume increases
- ▶ Firmwide reporting
- ▶ Document management and practice management system integrations
- ▶ Billing and invoice consolidation

Strong workflow



Weak workflow



Red flag

The vendor claims statewide or nationwide coverage but depends on the firm to coordinate local requirements, service providers, and exception follow-up.

What You Should Know Before Making a Decision: The vendor's workflow should remove steps, reduce follow-up, and fit the way your firm actually operates. A provider may be technically capable of completing an order but still be a poor operational fit if its process creates duplicate entry, manual transfers, fragmented status, or additional vendor management.

✓ Final Due-Diligence Checklist

Before selecting a provider, confirm that your team has:

- ▶ Reviewed relevant performance metrics
- ▶ Tested the vendor's portal and status visibility
- ▶ Examined sample New York affidavits
- ▶ Confirmed New York City licensing procedures
- ▶ Reviewed the escalation path and support hours
- ▶ Tested closed-matter record retrieval
- ▶ Discussed NYSCEF and initial-service handoffs
- ▶ Evaluated integrations and reporting
- ▶ Requested comparable client references
- ▶ Compared total administrative impact; not only price

🚩 Vendor Red Flags

- ▶ **No measurable performance.** The vendor relies on broad claims rather than defined results.
- ▶ **Portal-only support.** Human review is unavailable when the matter becomes complex.
- ▶ **Weak documentation.** Affidavits are incomplete, supporting records are fragmented, or retrieval is difficult.
- ▶ **More work for your team.** The vendor creates duplicate entry, manual transfers, repeated status checks, or separate billing processes.
- ▶ **No escalation owner.** Problems move between teams without clear accountability.
- ▶ **Generic New York answers.** The vendor cannot explain court, county, party-type, or New York City differences.
- ▶ **Reactive communication.** The firm learns about problems only after deadlines or next steps are affected.

Next Step

The objective is not simply to find a vendor that can complete an order. It is to select a partner whose process gives the firm greater visibility, consistency, and confidence.

Proceed helps New York law firms evaluate filing and service workflows, identify where operational risk is hiding, and determine what stronger support should look like.

Talk with **Ellen Hains**

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Schedule a time with Ellen →



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This checklist provides general operational information and is not legal advice. Requirements may vary by court, county, case type, party, service method, e-filing program, and individual circumstances. Attorneys should review the governing statutes, rules, court orders, and current filing procedures applicable to each matter.



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